

State of Iowa

1988

JOURNAL OF THE SENATE

1988

REGULAR SESSION
SEVENTY-SECOND
GENERAL ASSEMBLY

Convened January 11, 1988

Adjourned April 17, 1988

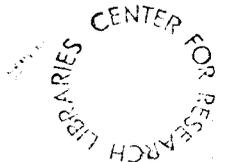
Volume II

April 15 – April 17

JO ANN ZIMMERMAN, President of the Senate

DONALD D. AVENSON, Speaker of the House

Published by the
STATE OF IOWA
Des Moines



JOURNAL OF THE SENATE

NINETY-SIXTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 15, 1988

The Senate met in regular session at 9:08 a.m., President Zimmerman presiding.

Prayer was offered by the Honorable Leonard L. Boswell, member of the Senate from Decatur County, Davis City, Iowa.

The Journal of Thursday, April 14, 1988, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 1988, passed the following bill in which the concurrence of the House was asked:

Senate File 2316, a bill for an act relating to the establishment of a division on the status of blacks within the department of human rights.

ALSO: That the House has on April 13, 1988, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2247, a bill for an act relating to the regulation and reporting of certain pesticides (S—6035).

ALSO: That the House has on April 14, 1988, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2278, a bill for an act relating to implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards (S—6034).

ALSO: That the House has on April 14, 1988, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 650, a bill for an act relating to providing private instruction and this Act is repealed July 1, 1990 (S—6033 to H—4274).

ALSO: That the House has on April 14, 1988, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2452, a bill for an act relating to the receipt and disbursement of support payments by transferring the collection and distribution of child support payment from the department of human services collection services center to the district court clerks, by making an exception, for federal social security payments, to the statutory requirements regarding allowable payees, and by providing effective dates.

QUORUM CALL

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

The vote revealed 35 present, 15 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 2278

Senator Murphy called up for consideration Senate File 2278, a bill for an act relating to implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards, amended by the House, and moved that the Senate concur in House amendment S—6034 filed April 15, 1988.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

Senator Hutchins asked and received unanimous consent that **Senate File 2278 be immediately messaged** to the House.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills be referred from the Unfinished Business Calendar to committee:

H.F.	2054	Judiciary
H.F.	2190	Education

Senator Hutchins asked and received unanimous consent that the following bills be referred from the Ways and Means Calendar to committee:

H.F.	2460	Ways and Means
S.F.	2340	Education

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

The Senate resumed session, President Zimmerman presiding.

SENATE INSISTS

House File 2452

Senator Varn called up for consideration House File 2452, a bill for an act relating to the receipt and disbursement of support payments by transferring the collection and distribution of child support payment from the department of human services collection services center to the district court clerks, by making an exception, for federal social security payments, to the statutory requirements regarding allowable payees, and by providing effective dates, amended by the Senate, and moved that the Senate insists on its amendment.

A non record roll call was requested.

The ayes were 29, nays 4.

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

Senator Hutchins asked and received unanimous consent that **House File 2452** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following appointees on the En Bloc Confirmation Calendar:

M. Sue Warner as a member of the Public Employment Relations Board.

Craig D. Ritland as a member of the Landscape Architectural Examining Board.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Lloyd-Jones
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rensink	Rife	Riordan
Scott	Soorholtz	Taylor	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, none.

Absent or not voting, 2:

Schwengels Sturgeon

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on

House File 2452 on the part of the Senate: Senators Varn, Chair; Lloyd-Jones, Welsh, Holt and Gentleman.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED
(Deferred April 14, 1988)**

House File 649

The Senate resumed consideration of House File 649, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters, and House amendment S—5942 to Senate amendment H—4383, deferred on April 14, 1988.

Senator Priebe moved that the Senate concur in the House amendment to the Senate amendment.

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

Senator Priebe 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. 649) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Lloyd-Jones
Miller, A.V.	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Rensink
Rife	Riordan	Schwengels	Scott
Soorholtz	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, 1:

Mann

Absent or not voting, 2:

Miller, C.P. Sturgeon

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 649** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate Concurrent Resolution 105

Senator Hannon called up for consideration Senate Concurrent Resolution 105, a concurrent resolution relating to the assessment of nursing personnel needs in the state, amended by the House, and moved that the Senate concur in House amendment S—5965 filed April 13, 1988.

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

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

UNFINISHED BUSINESS (Deferred March 31, 1988)

House File 2189

The Senate resumed consideration of House File 2189, a bill for an act relating to child abuse investigation reports made to subjects of reports by the department of human services, deferred March 31, 1988.

Senator Mann withdrew amendment S—5632 filed by him on March 29, 1988, to strike everything after the enacting clause and to the title page of the bill.

With the withdrawal of amendment S—5632, the Chair ruled the following amendments to amendment S—5632 out of order:

S—5641 filed by Senator Mann on March 29, 1988.

S—5969 filed by Senator Mann on April 13, 1988.

Senator Bruner offered amendment S—5436 filed by the committee on Human Resources on March 17, 1988, to page 1 of the bill and moved its adoption.

Amendment S—5436 was adopted by a voice vote.

Senator Bruner offered amendment S—5633 filed by him on March 29, 1988, to page 1 of the bill.

Senator Mann asked and received unanimous consent that further action on amendment S—5633 and **House File 2189** be deferred.

MOTIONS TO RECONSIDER WITHDRAWN

House File 2469

Senator Holden withdrew the motion to reconsider House File 2469, a bill for an act relating to energy development and conservation, making appropriations of the petroleum overcharge funds, and providing an effective date, filed by him on April 14, 1988, and found on page 1613 of the Senate Journal.

Senator Riordan withdrew the motion to reconsider House File 2469, filed by him on April 14, 1988, and found on page 1613 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that **House File 2469** be **immediately messaged** to the House.

HOUSE AMENDMENTS CONSIDERED

Senate File 173

Senator Murphy called up for consideration Senate File 173, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities,

amended by the House, and moved that the Senate concur in House amendment S—5764 filed April 5, 1988.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

Senate File 356

Senator Murphy called up for consideration Senate File 356, a bill for an act relating to the exemptions from regulation of a home used to prepare food for a cafe, amended by the House, and moved that the Senate concur in House amendment S—5834 filed April 7, 1988.

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

Senator Murphy 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. 356) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Priebe	Readinger	Rensink
Rife	Riordan	Schwengels	Scott
Soorholtz	Taylor	Tieden	Vande Hoef
Varn	Wells		

Nays, 2:

Gentleman	Peterson
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Absent or not voting, 2:

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sturgeon for the morning on request of Senator Hutchins.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 173** be **immediately messaged** to the House.

Senator Hutchins asked and received unanimous consent to send an **immediate message** to the House on **Senate File 356** and **Senate Concurrent Resolution 105**.

UNFINISHED BUSINESS

(Deferred March 24, 1988)

House File 2191

On motion of Senator Tieden, House File 2191, a bill for an act relating to commercial concessions operated on certain state-owned lands, was taken up for further consideration (substituted for Senate File 2189 and deferred on March 24, 1988).

Senator Tieden 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. 2191) the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Lloyd-Jones
Mann	Miller, A.V.	Miller, C.P.	Murphy

Nystrom	Palmer	Peterson	Priebe
Readinger	Rensink	Rife	Riordan
Schwengels	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

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

SENATE RECEDES

House File 2016

Senator Tieden called up for consideration House File 2016, a bill for an act relating to the law enforcement authority of the director and other designated employees of a county conservation board, amended by the Senate, and moved that the Senate recedes from its amendment.

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

Senator Tieden 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. 2016) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

Jensen

Rensink

Rife

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

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2336.

Senate File 2336

On motion of Senator Riordan, Senate File 2336, a bill for an act relating to regulation of milk production and marketing by creating a fund for administration and appropriating the moneys in the fund, providing for inspection, raising fees relating to the milk industry, providing for the establishment of milk production and processing standards, was taken up for consideration.

Senator Riordan asked and received unanimous consent that **House File 2471** be substituted for **Senate File 2336**.

House File 2471

On motion of Senator Riordan, House File 2471, a bill for an act relating to regulation of milk production and marketing by creating a fund for administration and appropriating the moneys in the fund, providing for inspection, raising fees relating to the milk industry, providing for the establishment of milk production and processing standards, was taken up for consideration.

Senator Riordan 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. 2471) the vote was:

Ayes, 48:

Boswell
Corning
Drake
Gettings

Bruner
Deluhery
Fraise
Goodwin

Carr
Dieleman
Fuhrman
Gronstal

Coleman
Doyle
Gentleman
Hall

Hannon	Hester	Holden	Holt
Horn	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells

Nays, 2:

Hultman Welsh

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

Senator Riordan asked and received unanimous consent that **Senate File 2336** be **withdrawn** from further consideration of the Senate.

House File 2453

On motion of Senator Riordan, House File 2453, a bill for an act relating to the sale and use of packaging products, providing sales and use tax incentives for the use of degradable packaging products, subjecting violators to a penalty, and providing an effective date, with report of recommending passage, was taken up for consideration.

Senator Riordan offered amendment S—6003 filed by Senators Riordan and Jensen on April 14, 1988, to pages 1 and 2 of the bill.

Senator Hutchins asked and received unanimous consent that further action on amendment S—6003 and **House File 2453** be **deferred**.

The Senate stood at ease until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session, President Zimmerman presiding.

COMMITTEE REPORT

JUDICIARY

Final Bill Action: HOUSE FILE 2470, a bill for an act to legalize and validate the proceedings for the organization and operation of the Resale Power Group of Iowa and declaring it to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by the Resale Power Group of Iowa and by the City of Burt, City of Dike, City of Dysart, City of Long Grove, City of Maquoketa, City of Marathon, City of Panora, City of Preston, City of Sibley, City of Stanhope, City of State Center, City of Tipton, City of West Liberty, City of Whittemore, City of Anita, City of Hopkinton, City of Grand Junction, City of Ogden, City of Story City, City of Traer, City of Vinton, the Amana Society Service Company, Amana, and the Board of Directors of the Farmers Electric Cooperative, Kalona, all in Iowa, in entering into, ratifying and confirming an agreement between the Resale Power Group of Iowa and its members dated November 3, 1987, and a certain joint transmission agreement dated November 3, 1987, to have been legally taken.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Doyle, Holt, Carr, Coleman, Drake, Fraise, Fuhrman, Gentleman, Hester, Horn, Taylor and Varn. Nays, none. Absent or not voting, 2: Mann and Deluhery.

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 2470.

House File 2470

On motion of Senator Drake, House File 2470, a bill for an act to legalize and validate the proceedings for the organization and operation of the Resale Power Group of Iowa and declaring it to be legally established and declaring each and all of its acts to have been legally taken and declaring each and all of the actions taken by the Resale Power Group of Iowa and by the City of Burt, City of Dike, City of Dysart, City of Long Grove, City of Maquoketa, City of Marathon, City of Panora, City of Preston, City of Sibley, City of Stanhope, City of State Center, City of Tipton, City of West Liberty, City of Whittemore, City of Anita, City of Hopkinton,

City of Grand Junction, City of Ogden, City of Story City, City of Traer, City of Vinton, the Amana Society Service Company, Amana, and the Board of Directors of the Farmers Electric Cooperative, Kalona, all in Iowa, in entering into, ratifying and confirming an agreement between the Resale Power Group of Iowa and its members dated November 3, 1987, and a certain joint transmission agreement dated November 3, 1987, to have been legally taken, with report of committee recommending passage, was taken up for consideration.

Senator Drake 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. 2470) the vote was:

Ayes, 48:

Bruner	Carr	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Wells	Welsh

Nays, none.

Absent or not voting, 2:

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

UNFINISHED BUSINESS
(Deferred March 31, 1988)

House File 2258

The Senate resumed consideration of House File 2258, a bill for an act relating to trespass upon the right-of-way of a public road or highway, deferred March 31, 1988.

Senator Scott offered amendment S—5565 filed by the committee on Natural Resources on March 25, 1988, to page 1 and the title page of the bill.

Senator Husak asked and received unanimous consent that further action on amendment S—5565 and **House File 2258** be **deferred**.

BUSINESS PENDING

House File 2453

The Senate resumed consideration of House File 2453, a bill for an act relating to the sale and use of packaging products, providing sales and use tax incentives for the use of degradable packaging products, subjecting violators to a penalty, and providing an effective date, and amendment S—6003 by Senators Riordan and Jensen, previously deferred.

Senator Riordan moved the adoption of amendment S—6003, which motion prevailed by a voice vote.

Senator Riordan 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. 2453) the vote was:

Ayes, 49:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins

Jensen	Kinley	Lind	Lloyd-Jones
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rife	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells
Welsh			

Nays, none.

Absent or not voting, 1:

Rensink

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 2191, 2016, 2471, 2453 and 2470** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2327

Senator Husak called up for consideration Senate File 2327, a bill for an act to provide for a state individual income tax checkoff for the United States olympic committee, a portion of which shall be made available for amateur sports and special olympic programs in Iowa, and providing a retroactive effective date, amended by the House, and moved that the Senate concur in House amendment S—6032 filed April 14, 1988.

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

Senator Husak 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. 2327) the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Readinger	Rensink
Rife	Riordan	Schwengels	Scott
Soorholtz	Sturgeon	Taylor	Vande Hoef
Varn	Wells	Welsh	

Nays, 1:

Hester

Absent or not voting, 1:

Priebe

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)

House File 2285

On motion of Senator Gronstal, House File 2285, a bill for an act relating to the administration of the state's income, franchise, sales, services, use, fuel, and death taxes, providing penalties, and providing retroactive and effective dates; with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gronstal offered amendment S—5288 filed by the committee on Ways and Means on March 9, 1988, to pages 1, 6, 10 and the title page of the bill.

Senator Gronstal offered amendment S—5350 filed by him on March 14, 1988, to amendment S—5288.

Amendment S—5350 was adopted by a voice vote.

Senator Gronstal offered amendment S—5386 filed by him on March 16, 1988, to amendment S—5288 and moved its adoption.

Amendment S—5386 was adopted by a voice vote.

Senator Gronstal moved the adoption of amendment S—5288 as amended, which motion prevailed by a voice vote.

Senator Hutchins offered amendment S—5704 filed by him on March 30, 1988, to pages 1, 3 and 13 of the bill and moved its adoption.

Amendment S—5704 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that further action on **House File 2285** be **deferred**.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on April 15, 1988, **insisted** on its amendment to **Senate File 2278**, a bill for an act relating to implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards, and the members of the **conference committee**, on the part of the House are: The Representative from Clinton, Mr. Ollie, chair; the Representative from Marshall, Mr. Swartz, the Representative from Lee, Mr. Wise, the Representative from Jones, Mr. McKean, and the Representative from Cherokee, Mr. Miller.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2278** on the part of the Senate: Senators Murphy, Chair; Horn, Priebe, Taylor and Corning.

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:44 a.m., until 1:00 p.m.

APPENDIX**GOVERNOR'S ITEM VETO MESSAGES**

April 14, 1988

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

I hereby transmit Senate File 2310, a bill for an act relating to and making appropriations to the Iowa state civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the department of public health and establishing a division of criminal and juvenile justice planning.

Senate File 2310 is approved with the following exception which I hereby disapprove.

I am unable to approve the item designated as Sections 11 and 12 of Senate File 2310.

These sections of this bill authorize counties to levy additional property taxes to fund the training of emergency medical services personnel and the acquisition of emergency medical services equipment. I am unable to approve this authorization for an additional supplemental levy because I do not believe that property taxpayers should be made subject to the additional burden of paying for emergency medical services. This same bill adopts my recommendation to provide state funding of \$1 million for emergency medical services. These state dollars can be well utilized to make certain the rural areas retain access to critical emergency medical services. Thus, adding this additional burden on the property taxpayer is unnecessary and unwise.

For the above reasons, I hereby respectfully disapprove of this item in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in Senate File 2310 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

April 15, 1988

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

I hereby transmit Senate File 2314, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund and abstract fee fund, appropriating moneys to the permanent school fund, providing an increase in the abstract fee, mandating reports of certain agency purchases, mandating adoption of rules governing registration and titling of motor vehicles, renaming the chief executive officer of the department of public safety, changing provisions of the Code relating to application of certain transportation safety regulations, repealing provisions of the Code requiring woodlands, wetlands, public parks, and prime agricultural land to be protected in the design, construction, and reconstruction of highways, and providing effective dates.

Senate File 2314 is approved with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 53 of Senate File 2314.

Section 53 of this bill restricts the use of funds appropriated for new programs. In effect, this provision abrogates administrative transfer authority included in Section 8.39 of the Code.

While I approve of the new programs included in this bill and plan to insure the appropriate administration of them, I cannot accept the language which limits the ability of the executive branch to transfer funds in the event of a budget shortfall. In fact, new programs often have substantial lead times and thus the first full year appropriation often remains partially unspent. In the event of a budget shortfall in the state, utilization of this transfer authority could be essential to avoid the elimination or the drastic cutbacks of other existing programs.

Therefore, the executive branch needs to maintain the flexibility of the current budget transfer authority.

Senate File 2314 also included a provision which authorizes the Department of Public Safety to construct or purchase a facility for a new State Patrol Post with access to Interstates 29, 80, and 680. While I am approving the appropriation for that purpose, I am concerned about the impact of moving the area Post and Communications facility from its present Atlantic headquarters. Therefore, I approve this appropriation with the understanding that the Communications Center will remain in Atlantic. This community has fought back from the farm

crisis and is now rebounding economically. Maintaining this Communications Center will provide Atlantic's recovering economy with additional stability.

For the above reasons, I hereby respectfully disapprove the designated item in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in Senate File 2314 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

STATEMENT BY SENATOR MANN (Senate File 2333)

Senator Mann asked and received unanimous consent that the following statement regarding Senate File 2333 be printed in the Senate Journal:

On April 14, 1988, Senate File 2333 was called up for consideration by Senator Wells. I raised a point of order that Senate File 2333 was illegally before the Senate in violation of Rule 39(12), the Senate Rules, and in violation of Rule 9 of the Joint Rules.

I stated that Senate File 2333 contained substantially the same subject matter as House File 2351, a bill previously killed by the Senate Labor Committee, pursuant to the deadlines contained in Joint Rule 20. For that reason, Senate File 2333 was illegally before the Senate in violation of Senate Rule 39(12) and Joint Rule 9.

President Zimmerman ruled the points not well taken.

TOM MANN

SUBCOMMITTEE ASSIGNMENT

House File 2466

HUMAN RESOURCES: Sturgeon, Chair; Bruner and Lind

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2462, a bill for an act relating to the licensing of dogs, subjecting violators to a penalty, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bruner, Husak, Dieleman, Gronstal, Palmer, Holden, Drake, Hester, Holt, Soorholtz and Riordan. Nays, none. Absent or not voting, 4: Boswell, Mann, Murphy and Readinger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2463, a bill for an act relating to local option taxes by authorizing a city or county to receive tax return information relating to the taxes; changing the number of days notice must be given before a local hotel or motel tax is imposed, repealed, or its rate changed; legalizing the premature collection of a local hotel or motel tax; and providing an effective date.

Recommendation: DO PASS..

Final Vote: Ayes, 10: Bruner, Husak, Dieleman, Gronstal, Palmer, Holden, Drake, Hester, Holt and Soorholtz. Nays, none. Absent or not voting, 5: Boswell, Mann, Murphy, Readinger and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2474, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bruner, Husak, Dieleman, Gronstal, Palmer, Holden, Drake, Hester, Holt, Soorholtz and Riordan. Nays, none. Absent or not voting, 4: Boswell, Mann, Murphy and Readinger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-6033	H.F.	650	House amendment
S-6034	S.F.	2278	House amendment
S-6035	S.F.	2247	House amendment
S-6036	S.F.	2075	Charles Bruner Tom Mann, Jr.
S-6037	H.F.	2189	Julia Gentleman Thomas Mann, Jr.

S—6038	H.F.	2189	Tom Mann, Jr.
S—6039	H.F.	2460	Ray Taylor
S—6040	H.F.	2463	Ray Taylor
S—6041	H.F.	2458	Ray Taylor
S—6042	H.F.	2189	Tom Mann, Jr.
S—6043	S.F.	2247	Alvin V. Miller Patrick J. Deluhery
S—6044	S.F.	2341	Edgar H. Holden George R. Kinley Julia Gentleman John Jensen Forrest V. Schwengels Richard F. Drake Wilmer Rensink Jack W. Hester Richard Vande Hoef Lee W. Holt Hurley W. Hall Jim Lind Linn Fuhrman John Peterson David Readinger Calvin O. Hultman Dale L. Tieden Ray Taylor C. Joseph Coleman William W. Dieleman Bill Palmer Eugene Fraise Pat Deluhery Don Gettings Berl E. Priebe James Wells Norman Goodwin Jack Rife Leonard L. Boswell Joy Corning

AFTERNOON SESSION

The Senate reconvened at 1:07 p.m., Senator Fraise presiding.

QUORUM CALL

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

The vote revealed 37 present, 13 absent and a quorum present.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the members of the **conference committee**, appointed April 15, 1988, on **House File 2452**, a bill for an act relating to the receipt and disbursement of support payments by transferring the collection and distribution of child support payment from the department of human services collection services center to the district court clerks, by making an exception, for federal social security payments, to the statutory requirements regarding allowable payees, and by providing effective dates, on the part of the House, are: The Representative from Appanoose, Mr. Jay, Chair; the Representative from Dallas, Mr. McKinney, the Representative from Carroll, Mr. Peterson, the Representative from Pottawattamie, Ms. Hester, and the Representative from Linn, Ms. Lundby.

ALSO: That the House has on April 15, 1988, concurred in the Senate amendments and passed the following bills in which the concurrence of the House was asked:

House File 2170, a bill for an act relating to foster care review, providing for the continued existence of the state and local foster care review boards, providing for the establishment of local foster care review boards throughout the state, providing for review in cases of children involuntarily hospitalized for mental illness, revising provisions relating to confidentiality and access to certain information, providing additional requirements for case permanency plans, providing other procedural revisions, and providing properly related matters.

House File 2352, a bill for an act relating to right-of-way and relocation assistance provided to persons displaced by highway projects.

INTRODUCTION OF BILL

Senate File 2342, by Hutchins and Hultman, a bill for an act relating to the regulation of proprietary schools and certain licensees who are graduates of proprietary schools, providing for reciprocal licensing of electrolysisists, imposing requirements with respect to refunds and other financial arrangements, and requiring disclosure of certain information to students and prospective students.

Read first time and assigned to the committee on **State Government**.

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

The Senate resumed session, President Zimmerman presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Mann called up the appointment of David Linquist as Industrial Commissioner, placed on the Individual Confirmation Calendar on March 9, 1988, and found on page 704 of the Senate Journal.

Senator Mann moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Hall	Hannon	Hester
Holden	Holt	Horn	Husak
Jensen	Kinley	Lind	Lloyd-Jones
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells

Nays, 1:

Welsh

Absent or not voting, 5:

Drake	Gronstal	Hultman	Hutchins
Palmer			

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

Senator Rife called up the appointment of Julie J. Bulkeley as a member of the Iowa Economic Development Board, placed on the Individual Confirmation Calendar on March 7, 1988, and found on page 657 of the Senate Journal.

Senator Rife moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 36:

Boswell	Coleman	Corning	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Miller, C.P.
Nystrom	Peterson	Priebe	Readinger
Rensink	Rife	Schwengels	Scott
Soorholtz	Taylor	Tieden	Vande Hoef

Nays, 11:

Bruner	Carr	Deluhery	Dieleman
Horn	Mann	Murphy	Sturgeon
Varn	Wells	Welsh	

Absent or not voting, 3:

Miller, A.V.	Palmer	Riordan
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The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **Senate File 2327** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Dieleman called up the appointment of John B. Walters as Director of the Department of General Services, placed on the Individual Confirmation Calendar on April 5, 1988, and found on page 1250 of the Senate Journal.

Senator Dieleman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 50:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Lloyd-Jones
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rensink	Rife	Riordan
Schwengels	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

Senator Carr called up the appointment of Sally Prickett as a member of the State Racing Commission, placed on the Individual Confirmation Calendar on April 5, 1988, and found on page 1267 of the Senate Journal.

Senator Carr moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Rensink
Riordan	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, 2:

Dieleman Mann

Absent or not voting, 2:

Rife Schwengels

The appointee having received a two-thirds vote were declared to have been confirmed by the Senate.

BUSINESS PENDING

House File 2189

The Senate resumed consideration of House File 2189, a bill for an act relating to child abuse investigation reports made to subjects of reports by the department of human services, and amendment S—5633 by Senator Bruner, previously deferred.

Senator Gentleman asked and received unanimous consent that action on amendment S—6037 filed by Senators Gentleman and Mann from the floor to amendment S—5633 be deferred.

Senator Mann offered amendment S—6045 filed by Senators Mann, Bruner and Gentleman from the floor to amendment S—5633 and moved its adoption.

Amendment S—6045 was adopted by a voice vote.

With the adoption of amendment S—6045 to amendment S—5633, the Chair ruled amendment S—6037 by Senators Gentleman and Mann from the floor to amendment S—5633 previously deferred, out of order.

Senator Bruner moved the adoption of amendment S—5633 as amended, which motion prevailed by a voice vote.

Senator Mann withdrew amendment S—6038 filed by him from the floor to page 1 of the bill.

Senator Mann offered amendment S—6042 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—6042 was adopted by a voice vote.

Senator Murphy 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. 2189) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Lloyd-Jones
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Peterson	Priebe	Readinger
Rensink	Riordan	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

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

MOTION TO RECONSIDER WITHDRAWN

Senate File 2250

Senator Deluhery withdrew the motion to reconsider Senate File 2250, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste, filed by him on April 14, 1988, and found on page 1613 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **House File 2189** and **Senate File 2250** be immediately messaged to the House.

MOTION TO RECONSIDER ADOPTED

Senate File 2075

Senator Husak called up the motion to reconsider the vote by which the Senate refused to concur in House amendment S—5740 to Senate File 2075 on April 6, 1988, filed by him on April 6, 1988, found on page 1292 of the Senate Journal and moved its adoption.

A non record roll call was requested.

The ayes were 25, nays 19.

The motion prevailed and House amendment S—5740 was taken up for reconsideration.

Senator Bruner offered amendment S—6036 filed by Senators Bruner and Mann from the floor to House amendment S—5740 and moved its adoption.

Amendment S—6036 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. 2075) the vote was:

Ayes, 37:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Gettings	Goodwin	Gronstal
Hall	Hannon	Hester	Holden
Horn	Husak	Hutchins	Jensen
Kinley	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Priebe
Readinger	Rensink	Riordan	Scott
Soorholtz	Sturgeon	Varn	Wells
Welsh			

Nays, 9:

Drake	Fuhrman	Gentleman	Holt
Hultman	Lind	Rife	Tieden
Vande Hoef			

Absent or not voting, 4:

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Husak asked and received unanimous consent to take up for consideration House File 2463.

House File 2463

On motion of Senator Bruner, House File 2463, a bill for an act relating to local option taxes by authorizing a city or county to receive tax return information relating to the taxes; changing the number of days notice must be given before a local hotel or motel tax is imposed, repealed, or its rate changed; legalizing the premature collection of a local hotel or motel tax; and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Taylor offered amendment S—6040 filed by him from the floor to page 1 of the bill.

Senator Husak raised the point of order that amendment S—6040 was not germane to the bill.

Senator Taylor withdrew amendment S—6040.

Senator Coleman took the chair at 3:12 p.m.

Senator Gronstal offered amendment S—6047 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—6047 was adopted by a voice vote.

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. 2463) the vote was:

Ayes, 40:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Gentleman	Gettings
Goodwin	Gronstal	Hannon	Hester
Holden	Holt	Horn	Husak
Hutchins	Jensen	Kinley	Lind

Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Peterson	Priebe	Readinger
Rensink	Riordan	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Welsh

Nays, 4:

Fuhrman	Hall	Rife	Vande Hoef
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Absent or not voting, 6:

Hultman	Murphy	Palmer	Schwengels
Varn	Wells		

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

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **Senate File 2075** and **House File 2463** be **immediately messaged** to the House.

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

The Senate resumed session, Senator Coleman presiding.

QUORUM CALL

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

President Zimmerman took the chair at 4:22 p.m.

The vote revealed 35 present, 15 absent and a quorum present.

HOUSE AMENDMENTS CONSIDERED

Senate File 2055

Senator Priebe called up for consideration Senate File 2055, a bill for an act relating to the registration and use of certain pesticides, amended by the House, and moved that the Senate concur in House amendment S—5996 filed April 14, 1988.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

Senate File 2247

Senator Miller of Cerro Gordo called up for consideration Senate File 2247, a bill for an act relating to the regulation and reporting of certain pesticides, amended by the House in House amendment S—6035 filed April 15, 1988.

Senator Miller of Cerro Gordo offered amendment S—6043 filed by Senators Miller of Cerro Gordo and Deluhery from the floor to pages 1 and 2 of House amendment S—6035 and moved its adoption.

Amendment S—6043 was adopted by a voice vote.

Senator Miller of Cerro Gordo 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 Miller of Cerro Gordo 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. 2247) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holden	Holt	Horn
Husak	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Rensink
Rife	Riordan	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

Drake

Hultman

Schwengels

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

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **Senate Files 2247 and 2055** be **immediately messaged** to the House.

ADOPTION OF RESOLUTION (Appropriations Calendar)

Senator Husak asked and received unanimous consent to take up out of order Senate Concurrent Resolution 122.

Senate Concurrent Resolution 122

On motion of Senator Welsh, Senate Concurrent Resolution 122, a concurrent resolution directing the department of general services to allow the use of certain parking spaces without charge, was taken up for consideration.

Senator Welsh moved the adoption of Senate Concurrent Resolution 122, which motion prevailed by a voice vote and the resolution was adopted.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Husak asked and received unanimous consent to take up for consideration House File 2474.

House File 2474

On motion of Senator Gronstal, House File 2474, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an

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

Senator Holden asked and received unanimous consent that further action on **House File 2474** be deferred.

Senator Husak asked and received unanimous consent to take up out of order House File 2458.

House File 2458

On motion of Senator Gronstal, House File 2458, a bill for an act relating to the exemption from the state sales, services, and use taxes of the gross receipts from the sales of modular homes which are not attributable to the cost of the tangible personal property used in the processing of the modular homes, with report of committee recommending passage, was taken up for consideration.

Senator Taylor withdrew amendment S—6041 filed by him from the floor to page 1 of the bill.

Senator Gronstal 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. 2458) the vote was:

Ayes, 39:

Bruner	Carr	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Goodwin	Gronstal
Hall	Hannon	Hester	Holden
Holt	Horn	Hultman	Husak
Kinley	Lind	Lloyd-Jones	Mann
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Rensink
Riordan	Scott	Soorholtz	Sturgeon
Varn	Wells	Welsh	

Nays, 6:

Fuhrman	Gentleman	Jensen	Taylor
Tieden	Vande Hoef		

Absent or not voting, 5:

Boswell

Hutchins

Miller, A.V.

Rife

Schwengels

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

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **Senate Concurrent Resolution 122** and **House File 2458** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2285

The Senate resumed consideration of House File 2285, a bill for an act relating to the administration of the state's income, franchise, sales, services, use, fuel, and death taxes, providing penalties, and providing retroactive and effective dates, previously deferred.

Senator Gronstal withdrew amendment S—5794 filed by him on April 6, 1988, to page 1 of the bill.

Senator Holden offered amendment S—5574 filed by Senators Holden and Lind on March 25, 1988, to page 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 16.

Amendment S—5574 was adopted.

Senator Taylor offered amendment S—5464 filed by Senators Taylor and Bruner on March 18, 1988, to page 3 of the bill and moved its adoption.

Amendment S—5464 was adopted by a voice vote.

Senator Husak offered amendment S—5601 filed by Senators Husak, et al., on March 28, 1988, to pages 3 and 13 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5601 be adopted?” (H.F. 2285) the vote was:

Ayes, 34:

Boswell	Coleman	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Goodwin	Hall	Hester
Holden	Holt	Horn	Husak
Jensen	Kinley	Lind	Miller, A.V.
Murphy	Nystrom	Palmer	Priebe
Readinger	Rensink	Rife	Riordan
Scott	Soorholtz	Taylor	Tieden
Vande Hoef	Wells		

Nays, 12:

Bruner	Carr	Fuhrman	Gentleman
Gronstal	Hannon	Lloyd-Jones	Mann
Peterson	Sturgeon	Varn	Welsh

Absent or not voting, 4:

Hultman	Hutchins	Miller, C.P.	Schwengels
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Amendment S—5601 was adopted.

Senator Welsh offered amendment S—5758 filed by Senators Welsh, et al., on April 4, 1988, to pages 5 through 7 of the bill.

Senator Welsh offered amendment S—5787 filed by him on April 5, 1988, to amendment S—5758 and moved its adoption.

Amendment S—5787 was adopted by a voice vote.

Senator Welsh moved the adoption of amendment S—5758 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5758 as amended, the Chair ruled amendment S—5999 filed by Senator Gronstal on April 14, 1988, to page 5 of the bill, out of order.

Senator Gronstal withdrew amendment S—5352 filed by him on March 14, 1988, to page 6 and the title page of the bill.

Senator Gronstal withdrew amendment S—5366 filed by him on March 15, 1988, to page 6 and the title page of the bill.

Senator Welsh offered amendment S—5785 filed by him on April 5, 1988, to page 11 of the bill and moved its adoption.

Amendment S—5785 was adopted by a voice vote.

Senator Gronstal offered amendment S—5895 filed by him on April 11, 1988, to pages 11 and 13 of the bill and moved its adoption.

Amendment S—5895 was adopted by a voice vote.

Senator Holden offered amendment S—6046 filed by him from the floor to page 10 of the bill and moved its adoption.

Amendment S—6046 was adopted by a voice vote.

Senator Lind asked and received unanimous consent that further action on **House File 2285** be **deferred**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1988, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2188, a bill for an act relating to the mobile home annual tax, the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of the annual tax, credit and reimbursement and providing effective dates (S—6052).

ALSO: That the House has on April 15, 1988, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 683, a bill for an act relating to energy assistance to low income households by requiring budget billing for certain utility bills for individuals receiving assistance under the low

income home energy assistance program, by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier (S—6051 to H—6492).

ALSO: That the House has on April 15, 1988, 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 2107, a bill for an act relating to the creation of a foster home insurance fund.

ALSO: That the House has on April 15, 1988, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2339, a bill for an act relating to grievances and discipline resolution for certain employees of the state.

ALSO: That the House has on April 15, 1988, passed the following bill in which the concurrence of the House was asked:

Senate File 2335, a bill for an act relating to the formula used in valuing agricultural property.

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **House File 2458** be **immediately messaged** to the House.

COMMITTEE REPORT

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 2466, a bill for an act relating to the extension of the exclusion of a residential care facility from certificate of need requirements.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—6048.

Final Vote: Ayes, 7: Hannon, Bruner, Coleman, Corning, Lind, C. Miller and Sturgeon. Nays, 1: Gentleman. Absent or not voting, 4: Carr, Murphy, Readinger and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**CONSIDERATION OF BILL
(Regular Calendar)**

Senator Husak asked and received unanimous consent to take up for consideration House File 2466.

House File 2466

On motion of Senator Sturgeon, House File 2466, a bill for an act relating to the extension of the exclusion of a residential care facility from certificate of need requirements, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Sturgeon offered amendment S—6048 filed by the committee on Human Resources from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—6048 was adopted by a voice vote.

Senator Sturgeon 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. 2466) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, 1:

Readerger

Absent or not voting, 2:

Deluhery Schwengels

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

Senator Husak asked and received unanimous consent that **House File 2466** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Substituted for Senate File 2025)

Senator Husak asked and received unanimous consent to take up out of order House File 2046.

House File 2046

On motion of Senator Horn, House File 2046, a bill for an act relating to student membership on the state board of regents, was taken up for further consideration (substituted for Senate File 2025, referred to the committee on State Government on March 24, 1988, and returned to the Senate Calendar on March 25, 1988, without committee recommendation for passage).

Senator Holden offered amendment S—5573 filed by him on March 25, 1988, on page 1 of the bill and moved its adoption.

Amendment S—5573 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that action on **House File 2046** be **deferred**.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2312)

A conference committee report signed by the following Senate and House members was filed April 15, 1988, on Senate File 2312, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state and providing an effective date:

On the Part of the Senate:

RICHARD VARN, Chair
WALLY HORN
LARRY MURPHY
WILMER RENSINK
DALE L. TIEDEN

On the Part of the House:

CHARLES PONCY, Chair
HORACE DAGGETT
THOMAS J. JOCHUM
RUHL MAULSBY
MARY C. NEUHAUSER

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2312

Senator Varn called up the conference committee report on Senate File 2312, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state and providing an effective date, filed on April 15, 1988, 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 Varn 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. 2312) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Corning
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Goodwin	Gronstal
Hall	Hannon	Hester	Holden
Holt	Horn	Hultman	Husak
Hutchins	Jensen	Kinley	Lind
Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rensink	Rife
Riordan	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, 1:

Gentleman

Absent or not voting, 3:

Coleman Deluhery Schwengels

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

Senator Husak asked and received unanimous consent that **Senate File 2312** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2046

The Senate resumed consideration of House File 2046, a bill for an act relating to student membership on the state board of regents, previously deferred.

President pro tempore Kinley took the chair at 6:24 p.m.

Senator Horn 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. 2046) the vote was:

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

Ayes, 28:

Boswell	Bruner	Corning	Dieleman
Doyle	Fraise	Fuhrman	Gettings
Gronstal	Hall	Hannon	Horn
Husak	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Priebe	Riordan	Scott
Sturgeon	Varn	Wells	Welsh

Nays, 20:

Carr	Deluhery	Drake	Gentleman
Goodwin	Hester	Holden	Holt
Hultman	Hutchins	Jensen	Kinley
Peterson	Readinger	Rensink	Rife
Soorholtz	Taylor	Tieden	Vande Hoef

Absent or not voting, 2:

Coleman

Schwengels

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

Senator Husak asked and received unanimous consent that **House File 2046** be **immediately messaged** to the House.

WITHDRAWN

Senator Horn asked and received unanimous consent that **Senate File 2025** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS

(Deferred April 12, 1988)

House File 2432

The Senate resumed consideration of House File 2432, a bill for an act relating to the registration and regulation of persons seeking to represent a student athlete for compensation in negotiations intended to result in employment with a professional sports team, prohibiting certain actions relating to student athletes and their families, and providing penalties, and amendment S—5816 by Senator Varn, deferred on April 12, 1988.

Senator Varn withdrew amendment S—5816 to page 8 and the title page of the bill of the bill.

Senator Mann offered amendment S—5765 filed by him on April 5, 1988, to page 9 of the bill.

Senator Varn raised the point of order that amendment S—5765 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5765 out of order.

Senator Mann asked and received unanimous consent that further action on **House File 2432** be **deferred**.

BUSINESS PENDING**House File 2474**

The Senate resumed consideration of House File 2474, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date, previously deferred.

Senator Holden offered amendment S—6055 filed by Senators Holden and Gronstal from the floor to page 1 of the bill and moved its adoption.

Amendment S—6055 was adopted by a voice vote.

Senator Readinger asked and received unanimous consent that further action on **House File 2474** be deferred.

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

The Senate resumed session, President pro tempore Kinley presiding.

BUSINESS PENDING**House File 2258**

The Senate resumed consideration of House File 2258, a bill for an act relating to trespass upon the right-of-way of a public road or highway, and amendment S—5565 by the committee on Natural Resources, previously deferred.

Senator Scott asked and received unanimous consent to withdraw amendment S—5565 to page 1 and the title page of the bill.

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. 2258) the vote was:

Ayes, 33:

Bruner

Carr

Deluhery

Dieleman

Doyle	Drake	Fraise	Gettings
Gronstal	Hall	Hannon	Holt
Horn	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller, C.P.
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rife	Riordan
Scott	Vande Hoef	Varn	Wells
Welsh			

Nays, 14:

Boswell	Corning	Fuhrman	Gentleman
Goodwin	Hester	Holden	Hultman
Husak	Miller, A. V.	Rensink	Soorholtz
Taylor	Tieden		

Absent or not voting, 3:

Coleman	Schwengels	Sturgeon
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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 Husak asked and received unanimous consent that **House File 2258** be **immediately messaged** to the House.

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

The Senate resumed session, President Zimmerman presiding.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2321)

A conference committee report signed by the following Senate and House members was filed April 15, 1988, on Senate File 2321, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability, and dental insurance, by making coordinating amendments to the Code, and by providing applicability dates:

On the Part of the Senate:

MICHAEL GRONSTAL, Chair
BILL HUTCHINS

On the Part of the House:

THOMAS J. JOCHUM, Chair
TONY BISIGNANO

BOB CARR
 CALVIN O. HULTMAN
 JOHN W. JENSEN

TOM SWARTZ
 ROGER A. HALVORSON
 WILLIAM H. HARBOR

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2321

Senator Gronstal called up the conference committee report on Senate File 2321, a bill for an act a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability, and dental insurance, by making coordinating amendments to the Code, and by providing applicability dates, filed on April 15, 1988, and moved its adoption.

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

Senator Gronstal 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. 2321) the vote was:

Ayes, 30:

Boswell	Bruner	Carr	Dieleman
Doyle	Drake	Fraise	Gettings
Gronstal	Hester	Horn	Hultman
Hutchins	Jensen	Kinley	Lloyd-Jones
Mann	Miller, A.V.	Miller, C.P.	Murphy
Nystrom	Palmer	Priebe	Readinger
Rensink	Riordan	Soorholtz	Sturgeon
Varn	Wells		

Nays, 15:

Coleman	Corning	Fuhrman	Gentleman
Goodwin	Hall	Hannon	Holden
Lind	Peterson	Scott	Taylor
Tieden	Vande Hoef	Welsh	

Absent or not voting, 5:

Deluhery
Schwengels

Holt

Husak

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 **Senate File 2321** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 376

Senator Holden called up for consideration Senate File 376, a bill for an act relating to state banks by permitting a state bank to engage in securities activities and to organize, acquire, or invest in a subsidiary to engage in nondepository activities permitted by state or federal law, and to invest in certain financial contracts and mutual funds for its own account, amended by the House in House amendment S—6010 filed April 14, 1988.

Senator Holden raised the point of order that House amendment S—6010 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—6010 in order.

Senator Holden withdrew amendment S—6059 filed by him from the floor to House amendment S—6010.

Senator Holden asked and received unanimous consent that action on amendments S—6067 and S—6066 filed by him from the floor to House amendment S—6010 be deferred.

Senator Holden offered amendment S—6061 filed by him from the floor to House amendment S—6010 and moved its adoption.

Amendment S—6061 was adopted by a voice vote.

Senator Holden withdrew amendments S—6066 and S—6067 to House amendment S—6010, previously deferred.

Senator Holden withdrew amendment S—6060 filed by him from the floor to House amendment S—6010.

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

A non record roll call was requested.

The ayes were 26, nays 18.

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

Senator Holden 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. 376) the vote was:

Ayes, 37:

Boswell	Bruner	Carr	Corning
Deluhery	Doyle	Fraise	Fuhrman
Gentleman	Gettings	Goodwin	Gronstal
Hall	Hannon	Holden	Holt
Horn	Husak	Hutchins	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Palmer	Priebe
Readinger	Rensink	Rife	Soorholtz
Sturgeon	Vande Hoef	Varn	Wells
Welsh			

Nays, 10:

Dieleman	Drake	Hester	Jensen
Nystrom	Peterson	Riordan	Scott
Taylor	Tieden		

Absent or not voting, 3:

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

INTRODUCTION OF RESOLUTION

Senate Resolution 112, by committee on Rules and Administration, a resolution deferring action on the confirmation of an appointment submitted by the Governor.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 112, a resolution deferring action on the confirmation of an appointment submitted by the Governor.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Hultman, Gronstal, Kinley, Gettings and Jensen.
Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 140, a resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gronstal, Hultman, Kinley, Jensen and Gettings.
Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTIONS (Regular Calendar)

Senate Resolution 112

On motion of Senator Hutchins, Senate Resolution 112, a resolution deferring action on the confirmation of an appointment submitted by the Governor, was taken up for consideration.

Senator Hutchins moved the adoption of Senate Resolution 112, which motion prevailed by a voice vote.

Senate Resolution 104

On motion of Senator Mann, Senate Resolution 104, a resolution to amend the senate rules governing lobbyists, was taken up for consideration.

Senator Mann offered amendment S—6068 filed by him from the floor to pages 1 and 2 of the resolution.

Senator Welsh called for a division of amendment S—6068: lines 2 and 3 as division S—6068A and lines 4 through 6 as division S—6068B.

Senator Mann moved the adoption of division S—6068A, which motion prevailed by a voice vote.

Senator Holden asked and received unanimous consent that action on division S—6068B be deferred.

Senator Holden offered amendment S—5984 filed by him on April 13, 1988, to page 1 of the resolution and moved its adoption.

A non record roll call was requested.

The ayes were 28, nays 19.

Amendment S—5984 was adopted.

With the adoption of amendment S—5984, the Chair ruled division S—6068B by Senator Mann to pages 1 and 2 of the resolution, previously deferred, out of order.

Senator Bruner offered amendment S—5982 filed by him on April 13, 1988, to page 2 of the resolution and moved its adoption.

Amendment S—5982 was adopted by a voice vote.

Senator Mann moved the adoption of Senate Resolution 104 as amended.

A non record roll call was requested.

The ayes were 31, nays 5.

The motion prevailed and Senate Resolution 104 as amended was adopted.

Senate Resolution 105

On motion of Senator Mann, Senate Resolution 105, a resolution to amend the Senate Code of Ethics and the Rules of the Senate adopted by the Seventy-second General Assembly, with report of committee on Rules and Administration, recommending amendment and passage, was taken up for consideration.

Senator Hutchins offered amendment S—5985 filed by the committee on Rules and Administration on April 13, 1988, to pages 1, 7 and 8 of the resolution and moved its adoption.

Amendment S—5985 was adopted by a voice vote.

Senator Lind offered amendment S—5975 filed by him on April 13, 1988, to page 2 of the resolution.

Senator Mann offered amendment S—6069 filed by him from the floor to amendment S—5975 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—6069 to amendment S—5975 be adopted?" (S.R. 105) the vote was:

Ayes, 28:

Carr	Coleman	Dieleman	Doyle
Drake	Fraise	Fuhrman	Hall
Hannon	Holden	Holt	Horn
Jensen	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Rensink	Riordan
Scott	Taylor	Tieden	Vande Hoef

Nays, 20:

Boswell	Bruner	Corning	Deluhery
Gentleman	Gettings	Goodwin	Gronstal
Hester	Hultman	Husak	Hutchins
Lind	Readinger	Rife	Soorholtz
Sturgeon	Varn	Wells	Welsh

Absent or not voting, 2:

Kinley	Schwengels
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Amendment S—6069 was adopted.

Senator Lind asked and received unanimous consent that action on amendment S—5975 as amended be deferred.

Senator Hutchins asked and received unanimous consent that further action on **Senate Resolution 105** be deferred.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1988, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2469, a bill for an act relating to energy development and conservation, making appropriations of the petroleum overcharge funds, and providing an effective date (S—6072 to H—6505).

ALSO: That the House has, on April 15, 1988, **insisted on** its amendment to **Senate File 173**, a bill for an Act establishing priorities for deductions from the earnings of residents of community-based correctional facilities, and the members of the **conference committee**, on the part of the House are: The Representative from Polk, Mr. Bisignano, Chair; the Representative from Polk, Ms. Buhr, the Representative from Des Moines, Mr. Spear, the Representative from Louisa, Mr. Corey, and the Representative from Sioux, Mr. Plasier.

ALSO: That the House has, on April 15, 1988, adopted the **second conference committee report** and passed **House File 395**, a bill for an act relating to the taking of animals and subjecting violators to penalties.

ALSO: That the House has on April 15, 1988, **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 2250, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural

resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste.

ALSO: That the House has on April 15, 1988, passed the following bill in which the concurrence of the House was asked:

Senate File 2333, a bill for an act relating to a conflict between civil service laws and the terms and conditions of a collective bargaining agreement pertaining to the mandatory bargaining subject of seniority as it affects promotions and transfers.

ALSO: That the House has on April 15, 1988, concurred in the Senate amendment to the House amendment, and passed the following bills in which the concurrence of the House was asked:

Senate File 2075, a bill for an act relating to child abuse by providing for examination of a child, by providing for filing complaints of alleged child sexual abuse, by requiring departmental coordination in cases of child abuse, and by expanding the definition of indecent contact with a child.

Senate File 2247, a bill for an act relating to the regulation and reporting of certain pesticides.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 15, 1988

Mr. John Dwyer
Secretary of the Senate
State Capitol Building
L O C A L

Dear Mr. Dwyer:

It is my pleasure to submit to the Senate for their consideration, the name of William Lepley, Des Moines, Polk County, for appointment as Director of the

Department of Education, pursuant to Iowa Code Section 256.8 (1987), for a term beginning immediately to serve at the pleasure of the Governor, and to be reconfirmed every four years.

Sincerely,
TERRY E. BRANSTAD
Governor

Communication was read and referred to the committee on **Rules and Administration**.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 140, by the committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

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

HOUSE AMENDMENT CONSIDERED

Senate File 2322

Senator Welsh called up for consideration Senate File 2322, a bill for an act relating to and making appropriations for the compensation and benefits for public officials and employees, amended by the House in House amendment S—5964 filed April 13, 1988.

Senator Welsh withdrew amendment S—6053 filed by him from the floor to House amendment S—5964.

Senator Welsh offered amendment S—6063 filed by him from the floor to House amendment S—5964 and moved its adoption.

Amendment S—6063 was adopted by a voice vote.

Senator Welsh 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 Welsh 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. 2322) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Rensink
Rife	Riordan	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Varn
Wells	Welsh		

Nays, 2:

Lind	Vande Hoef
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Absent or not voting, 2:

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

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 376

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

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 376 passed the Senate on April 15, 1988.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2322** be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

House File 382

Senator Husak withdrew the motion to reconsider House File 382, a bill for an act to reserve a specific amount of a claim payable on an insurance policy on property located within the corporate limits of a city for the cost of demolition of the property by the city, filed by him on April 12, 1988, and found on page 1485 of the Senate Journal.

Senator Husak asked and received unanimous consent that **House File 382** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Carr called up the appointment of Charles H. Sweeney as Director of Inspections and Appeals, placed on the Individual Confirmation Calendar on April 4, 1988, and found on page 1216 of the Senate Journal.

Senator Carr moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Scott

Soorholtz
Vande Hoef

Sturgeon
Varn

Taylor
Wells

Tieden
Welsh

Nays, none.

Absent or not voting, 2:

Kinley

Schwengels

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2341, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council and city development board, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that a certain position is excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—6065.

Final Vote: Ayes, 13: Carr, Nystrom, Dieleman, Bruner, Drake, Gronstal, Horn, Lloyd-Jones, C. Miller, Soorholtz, Rife, Coleman and Welsh. Nays, 1: Gentleman. Absent or not voting, 1: Schwengels.

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 Senate File 2341.

Senate File 2341

On motion of Senator Carr, Senate File 2341, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council and city development board, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that a certain position is excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the

phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Carr offered amendment S—6065 filed by the committee on State Government from the floor to pages 1, 4, 5, 8, 9, 12, 13, 15, 17 through 19 and the title page of the bill.

Senator Gronstal offered amendment S—6074 filed by him from the floor to amendment S—6065 and moved its adoption.

Amendment S—6074 lost.

Senator Carr moved the adoption of amendment S—6065, which motion prevailed by a voice vote.

Senator Holden offered amendment S—6044 filed by Senators Holden, et al., from the floor to page 3 of the bill and moved its adoption.

Amendment S—6044 was adopted by a voice vote.

Senator Carr offered amendment S—6070 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—6070 was adopted by a voice vote.

Senator Lloyd-Jones offered amendment S—6058 filed by her from the floor to page 12 of the bill and moved its adoption.

Amendment S—6058 was adopted by a voice vote.

Senator Dieleman offered amendment S—6057 filed by him from the floor to page 21 of the bill and moved its adoption.

Amendment S—6057 was adopted by a voice vote.

Senator Rife offered amendment S—6064 filed by him from the floor to page 21 of the bill.

Senator Gronstal raised the point of order that amendment S—6064 was not germane to the bill.

The Chair ruled the point well taken and amendment S—6064 out of order.

Senator Hutchins asked and received unanimous consent that further action on **Senate File 2341** be **deferred**.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 173** on the part of the Senate: Senators Murphy, Chair; Doyle, Mann, Hester and Fuhrman.

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

The Senate resumed session, Senator Priebe presiding.

Senator Coleman took the chair at 10:03 p.m.

President Zimmerman took the chair at 10:05 p.m.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2469

Senator Riordan called up for consideration House File 2469, a bill for an act relating to energy development and conservation, making appropriations of the petroleum overcharge funds, and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—6072 to Senate amendment H—6505 filed April 15, 1988.

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

Senator Riordan 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. 2469) the vote was:

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

Ayes, 45:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holden	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Lind	Lloyd-Jones	Mann
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rensink	Rife
Riordan	Scott	Soorholtz	Taylor
Tieden	Vande Hoef	Varn	Wells
Welsh			

Nays, none.

Absent or not voting, 5:

Kinley	Miller, A.V.	Miller, C.P.	Schwengels
Sturgeon			

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

Senator Riordan asked and received unanimous consent that **House File 2469** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2341

The Senate resumed consideration of Senate File 2341, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council and city development board, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway

planning commission, providing for distribution of publications of the Code editor, specifying that a certain position is excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date, previously deferred.

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

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—6057 to Senate File 2341 was adopted by the Senate on April 15, 1988.

The motion prevailed by a voice vote and amendment S—6057 by Senator Dieleman to page 21 of the bill, was taken up for reconsideration.

Senator Dieleman called for a division of amendment S—6057: lines 2 through 10 as division S—6057A and line 11 as division S—6057B.

Senator Dieleman withdrew division S—6057A.

Senator Dieleman moved the adoption of division S—6057B, which motion prevailed by a voice vote.

Senator Taylor offered amendment S—6078 filed by him from the floor to page 21 of the bill.

Senator Coleman raised the point of order that amendment S—6078 was not germane to the bill.

The Chair ruled the point well taken and amendment S—6078 out of order.

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. 2341) the vote was:

Ayes, 35:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Gettings	Gronstal
Hall	Hannon	Holden	Horn
Husak	Hutchins	Jensen	Lloyd-Jones
Mann	Miller, A.V.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Riordan	Scott	Sturgeon	Tieden
Varn	Wells	Welsh	

Nays, 10:

Fuhrman	Gentleman	Goodwin	Hester
Holt	Hultman	Lind	Rensink
Taylor	Vande Hoef		

Absent or not voting, 5:

Kinley	Miller, C.P.	Rife	Schwengels
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 **Senate File 2341** be **immediately messaged** to the House.

REPORT OF THE COMMITTEE ON
ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointee to a standing committee as indicated for investigation on April 15, 1988:

EDUCATION

William Lepley — Director of the Department of Education.

BILL HUTCHINS, Chair

SUBCOMMITTEE ASSIGNMENT FOR
GOVERNOR'S APPOINTMENT

In accordance with Senate Rule 59, the following senators were appointed to a subcommittee of a standing committee on April 15, 1988, to investigate the appointment of the following Governor's appointee:

EDUCATION

As Director of the Department of Education:

WILLIAM LEPLEY: Murphy, Chair; Horn and Taylor

REPORT OF STANDING COMMITTEE
(Place nominee on Individual Confirmation Calendar)

EDUCATION

Pursuant to Senate Rule 59, the committee on Education assigned to investigate the appointment of William Lepley as Director of the Department of Education, completed its investigation on April 15, 1988, and recommended the appointee be confirmed.

**CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)**

Senator Murphy called up the appointment of William Lepley as Director of the Department of Education, placed on the Individual Confirmation Calendar on April 15, 1988.

Senator Murphy moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Lind	Lloyd-Jones	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Priebe
Readinger	Rensink	Riordan	Sturgeon
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Absent or not voting, 8:

Hannon	Kinley	Miller, C.P.	Peterson
Rife	Schwengels	Scott	Soorholtz

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on April 15, 1988, **insisted on** its amendment to **Senate File 2055**, a bill for an act relating to the registration and use of certain pesticides, and the members of the **conference committee**, on the part of the House are: The Representative from Story, Mr. Rosenberg, chair; the Representative from Winneshiek, Mr. Johnson, the Representative from Black Hawk, Mr. Shultz, the Representative from Kossuth, Ms. Mullins, the Representative from Jones, Mr. McKean.

APPENDIX

PRESENTATION OF VISITORS

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

Forty-two sixth grade students from Keota Elementary School, Keota, Iowa, accompanied by Mr. Hill and Miss Winter. Senator Schwengels.

Twenty students from Grundy Center Foreign Student Club, Grundy Center, Iowa, accompanied by Keith Hall. Senator Jensen.

Fifty-two eighth grade students from Pella Christian School, Pella, Iowa, accompanied by Jim DeBoeff. Senator Dieleman.

Seventeen senior students from Urbana High School, Urbana, Iowa, accompanied by Principal Harlan Bell and Teacher Sharyl Stulken. Senator Husak.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: April 15, 1988, 1:25 p.m.

Members Present: Hannon, Chair; Gentleman, Ranking Member; Bruner, Coleman, Corning, Lind, C. Miller and Sturgeon.

Members Absent: Carr, Vice Chair; Murphy, Readinger and Taylor.

Committee Business: Assigned a bill to subcommittee; recommended passage of House File 2466 as amended.

Adjourned: 1:30 p.m.

JUDICIARY

Convened: April 15, 1988, 9:30 a.m.

Members Present: Doyle, Chair; Holt, Ranking Member; Carr, Coleman, Drake, Fraise, Fuhrman, Gentleman, Hester, Horn, Taylor and Varn.

Members Absent: Mann, Vice Chair and Deluhery (both excused).

Committee Business: Recommended passage of House File 2470.

Adjourned: 9:35 a.m.

WAYS AND MEANS

Convened: April 15, 1988, 11:50 a.m.

Members Present: Bruner, Chair; Husak, Vice Chair; Holden, Ranking Member; Dieleman, Gronstal, Palmer, Drake, Hester, Holt, Soorholtz and Riordan.

Members Absent: Boswell, Mann, Murphy and Readinger.

Committee Business: Recommended passage of House Files 2462, 2463 and 2474.

Adjourned: 11:57 a.m.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 14 and 15, 1988, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2070 — Relating to the application of certain transportation safety regulations (4-14-88).

SENATE FILE 2201 — To remove the bond required for Class "A", "B", "C", and "D" liquor control licenses and retail wine and beer permits (4-15-88).

SENATE FILE 2234 — Relating to the starting date and the calendar for schools and providing a penalty (4-14-88).

SENATE FILE 2285 — Relating to the enforcement of laws concerning motor vehicle fraud, salvage, and theft, certificates of title, and transfer of ownership of foreign, wrecked, and salvage vehicles and making penalties applicable and providing effective dates (4-15-88).

SECOND CONFERENCE COMMITTEE REPORT RECEIVED (House File 395)

A second conference committee report signed by the following Senate and House members was filed April 15, 1988, on House File 395, a bill for an act relating to the taking of animals and subjecting violators to penalties:

On the Part of the Senate:

EMIL J. HUSAK, Chair
 JACK HESTER
 ALVIN V. MILLER
 WILMER RENSINK
 KENNETH D. SCOTT

On the Part of the House:

PAUL W. JOHNSON, Chair
 DENNIS H. BLACK
 MARVIN E. DIEMER
 JOSEPHINE GRUHN
 VICTOR STUELAND

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 376 passed the Senate on April 15, 1988.

EDGAR H. HOLDEN

AMENDMENTS FILED

S-6045	H.F.	2189	Tom Mann, Jr. Charles Bruner Julia Gentleman
S-6046	H.F.	2285	Edgar H. Holden
S-6047	H.F.	2463	Michael E. Gronstal
S-6048	H.F.	2466	Human Resources
S-6049	H.F.	2257	Jim Lind
S-6050	H.F.	2456	Julia Gentleman
S-6051	H.F.	683	House amendment
S-6052	S.F.	2188	House amendment
S-6053	S.F.	2322	Joe J. Welsh
S-6054	H.F.	2285	Jim Lind Jack Rife Joy Corning Patrick J. Deluhery Charles Bruner
S-6055	H.F.	2474	Edgar H. Holden Michael E. Gronstal
S-6056	H.F.	2285	Joe Welsh
S-6057	S.F.	2341	William W. Dieleman
S-6058	S.F.	2341	Jean Lloyd-Jones
S-6059	S.F.	376	Edgar Holden
S-6060	S.F.	376	Edgar Holden
S-6061	S.F.	376	Edgar H. Holden

S-6062	H.F.	2432	Thomas Mann, Jr.
S-6063	S.F.	2322	Joe Welsh
S-6064	S.F.	2341	Jack Rife
S-6065	S.F.	2341	State Government
S-6066	S.F.	376	Edgar H. Holden
S-6067	S.F.	376	Edgar H. Holden
S-6068	S.R.	104	Tom Mann, Jr.
S-6069	S.R.	105	Tom Mann, Jr.
S-6070	S.F.	2341	Bob Carr
S-6071	S.R.	105	Charles Bruner
S-6072	H.F.	2469	House amendment
S-6073	H.F.	2474	David Readinger
S-6074	S.F.	2341	Michael Gronstal
S-6075	S.R.	105	Jim Lind
S-6076	H.F.	566	Donald V. Doyle
S-6077	S.R.	105	Jim Lind
S-6078	S.F.	2341	Ray Taylor
S-6079	H.F.	2474	Michael E. Gronstal Edgar H. Holden

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 10:30 p.m., until 9:00 a.m., Saturday, April 16, 1988.

JOURNAL OF THE SENATE

NINETY-SEVENTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, April 16, 1988

The Senate met in regular session at 9:15 a.m., President Zimmerman presiding.

Prayer was offered by the Honorable William W. Dieleman, member of the Senate from Marion County, Pella, Iowa.

The Journal of Friday, April 15, 1988, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1988, passed the following bill in which the concurrence of the Senate is asked:

House File 2476, a bill for an act relating to administrative procedures to challenge the identification, classification, and exemption of property for taxation purposes.

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

ALSO: That the House has on April 15, 1988, adopted the conference committee report and passed **Senate File 2312**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state and providing an effective date.

ALSO: That the House has on April 15, 1988, adopted the conference committee report and passed **Senate File 2321**, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability, and dental insurance, by making coordinating amendments to the Code, and by providing applicability dates.

SENATE INSISTS

Senate File 2250

Senator Deluhery called up for consideration Senate File 2250, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste, amended by the House, further amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on **Senate File 2055** on the part of the Senate: Senators Priebe, Chair; Miller of Cerro Gordo, Deluhery, Hester and Hall.

The Chair announced the following conference committee on **Senate File 2250** on the part of the Senate: Senators Deluhery, Chair; Miller of Cerro Gordo, Priebe, Hester and Hall.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 2250** be **immediately messaged** to the House.

Senator Coleman took the chair at 9:26 a.m.

UNFINISHED BUSINESS
(Deferred April 15, 1988)

Senate Resolution 105

The Senate resumed consideration of Senate Resolution 105, a resolution to amend the Senate Code of Ethics and the Rules of the Senate adopted by the Seventy-second General Assembly, and amendment S—5975 as amended, by Senator Lind, deferred on April 15, 1988.

Senator Bruner asked and received unanimous consent that action on amendment S—6071 filed by him on April 15, 1988, to page 1 of the resolution be deferred for consideration of amendment S—5975.

The Senate resumed consideration of amendment S—5975 by Senator Lind to page 2 of the resolution.

Senator Mann raised the point of order that amendment S—5975 was not germane to the resolution.

The Chair ruled the point not well taken and amendment S—5975 in order.

Senator Lind moved the adoption of amendment S—5975 as amended, which motion lost by a voice vote.

Senator Bruner withdrew amendment S—6071 filed by him on April 15, 1988, to page 1 of the resolution, previously deferred.

Senator Lind withdrew amendment S—6075 filed by him on April 15, 1988, to page 1 of the resolution.

Senator Lind offered amendment S—6077 filed by him on April 15, 1988, to page 1 of the resolution.

Senator Mann raised the point of order that amendment S—6077 was not germane to the resolution.

The Chair ruled the point well taken and amendment S—6077 out of order.

President Zimmerman took the chair at 9:49 a.m.

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

UNFINISHED BUSINESS
(Deferred April 15, 1988)

House File 2285

The Senate resumed consideration of House File 2285, a bill for an act relating to the administration of the state's income, franchise, sales, services, use, fuel, and death taxes, providing penalties, and providing retroactive and effective dates, deferred April 15, 1988.

Senator Lind offered amendment S—6054 filed by Senators Lind, et al., on April 15, 1988, to pages 6 and 13 of the bill and moved its adoption.

Amendment S—6054 was adopted by a voice vote.

Senator Welsh offered amendment S—6056 filed by him on April 15, 1988, to page 11 of the bill and moved its adoption.

Amendment S—6056 was adopted by a voice vote.

Senator Gronstal 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. 2285) the vote was:

Ayes, 33:

Boswell	Carr	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Hall	Horn	Hultman
Husak	Hutchins	Kinley	Lind
Lloyd-Jones	Miller, A.V.	Nystrom	Peterson
Priebe	Readinger	Rife	Scott
Taylor	Tieden	Varn	Wells
Welsh			

Nays, 14:

Bruner	Gronstal	Hannon	Hester
Holt	Jensen	Mann	Murphy

Palmer
Sturgeon

Rensink
Vande Hoef

Riordan

Soorholtz

Absent or not voting, 3:

Holden

Miller, C.P.

Schwengels

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 683

Senator Gronstal called up for consideration House File 683, a bill for an act relating to energy assistance to low income households by requiring budget billing for certain utility bills for individuals receiving assistance under the low income home energy assistance program, by requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions, by providing for the implementation of pilot projects of an affordable utility payment plan and affordable heating payment plan, making civil penalties applicable, providing a penalty, and providing for a sales tax refund for certain participating gas and electric public utilities and heating fuel supplier, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—6051 to Senate amendment H—6492 filed April 15, 1988.

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

Senator Gronstal 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. 683) the vote was:

Ayes, 46:

Boswell
Corning

Bruner
Deluhery

Carr
Dieleman

Coleman
Doyle

Drake	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rensink	Rife
Riordan	Scott	Soorholtz	Sturgeon
Taylor	Tieden	Vande Hoef	Varn
Wells	Welsh		

Nays, 1:

Gentleman

Absent or not voting, 3:

Holden

Miller, C.P.

Schwengels

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

UNFINISHED BUSINESS (Deferred April 15, 1988)

House File 2474

The Senate resumed consideration of House File 2474, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date, deferred on April 15, 1988.

Senator Gronstal offered amendment S—6079 filed by Senators Gronstal and Holden on April 15, 1988, to page 1 of the bill and moved its adoption.

Amendment S—6079 was adopted by a voice vote.

Senator Readinger offered amendment S—6073 filed by him on April 15, 1988, to page 1 of the bill.

Senator Gronstal raised the point of order that amendment S—6073 was not germane to the bill.

The Chair ruled the point well taken and amendment S—6073 out of order.

Senator Gronstal 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. 2474) the vote was:

Ayes, 38:

Boswell	Bruner	Carr	Coleman
Corning	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Gronstal	Hall	Hannon	Holt
Horn	Husak	Hutchins	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Peterson
Readinger	Rife	Riordan	Soorholtz
Sturgeon	Taylor	Vande Hoef	Varn
Wells	Welsh		

Nays, 6:

Goodwin	Hultman	Jensen	Rensink
Scott	Tieden		

Absent or not voting, 6:

Deluhery	Hester	Holden	Miller, C.P.
Priebe	Schwengels		

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

HOUSE AMENDMENT CONSIDERED

Senate File 2188

Senator Boswell called up for consideration Senate File 2188, a bill for an act relating to the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of credit and reimbursement and providing effective dates, amended by the House, and moved that the Senate concur in House amendment S—6052 filed April 15, 1988.

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

Senator Boswell 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. 2188) the vote was:

Ayes, 45:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holt	Horn
Hultman	Husak	Hutchins	Kinley
Lind	Lloyd-Jones	Mann	Miller, A. V.
Murphy	Nystrom	Palmer	Peterson
Readinger	Rensink	Rife	Riordan
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells
Welsh			

Nays, none.

Absent or not voting, 5:

Holden	Jensen	Miller, C.P.	Priebe
Schwengels			

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

MOTIONS TO RECONSIDER WITHDRAWN

House File 2269

Senator Hultman withdrew the motion to reconsider House File 2269, a bill for an act relating to funds in the special railroad facility fund and the rail assistance fund and providing an effective date, filed by him on April 14, 1988, and found on page 1613 of the Senate Journal.

Senator Husak withdrew the motion to reconsider House File 2269 filed by him on April 14, 1988, and found on page 1613 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 2285, 683, 2269 and 2474** be **immediately messaged** to the House.

Senator Hutchins asked and received unanimous consent to send an **immediate message** to the House on **Senate File 2188**.

BILLS INDEFINITELY POSTPONED

Senator Hutchins asked and received unanimous consent that **Senate Files 2310 and 2314** be indefinitely postponed and that the bills be removed from the Veto Messages from the Governor Calendar.

SENATE INSISTS**House File 2339**

Senator Coleman called up for consideration of House File 2339, a bill for an act relating to grievances and discipline resolution for certain employees of the state, amended by the Senate and moved that the Senate recedes from its amendment.

A non record roll call was requested.

The ayes were 21, nays 27.

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

Senator Hutchins asked and received unanimous consent that **House File 2339** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1988, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2456, a bill for an act relating to programs for which appropriations to the department of human services are required, and providing penalties (S—6081 to H—6497).

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2456

Senator Bruner called up for consideration House File 2456, a bill for an act relating to programs for which appropriations to the department of human services are required, and providing penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—6081 to Senate amendment H—6497 filed April 16, 1988.

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

Senator Bruner 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. 2456) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rensink	Rife
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

Hester

Holden

Miller, C.P.

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 2456** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1988, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 38, a bill for an act relating to conservation easements (S—6082).

Senate File 2133, a bill for an act relating to the registration date for agricultural drainage wells and providing an effective date (S—6083).

ALSO: That the House has on April 14, 1988, adopted the following resolutions in which the concurrence of the House was asked:

Senate Concurrent Resolution 111, a concurrent resolution directing the Department of Education to develop criteria for the establishment of an internship program.

Senate Concurrent Resolution 112, a concurrent resolution directing the Department of Education to develop criteria for enhancing the clinical experiences of prospective teachers.

INTRODUCTION OF RESOLUTION

Senate Resolution 113, by committee on Rules and Administration, a resolution relating to daily operations of the Senate.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 113, a resolution relating to daily operations of the Senate.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gronstal, Hultman, Gettings, Kinley and Jensen. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)**Senate Resolution 113**

On motion of Senator Hultman, Senate Resolution 113, a senate resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Hultman moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2339** on the part of the Senate: Senators Mann, Chair; Welsh, Horn, Fuhrman and Vande Hoef.

SECOND CONFERENCE COMMITTEE
REPORT CONSIDERED
(House File 395)**House File 395**

Senator Husak called up the second conference committee report on House File 395, a bill for an act relating to the taking of animals and subjecting violators to penalties, filed April 15, 1988.

Senator Coleman raised the point of order that the conference committee report violated Rule 9 of the Joint Rules.

The Chair ruled the point not well taken.

Senator Husak moved the adoption of the Second Conference Committee report.

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 25, nays 21.

The motion prevailed and the second conference committee report and the recommendations and amendments contained therein was adopted.

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. 395) the vote was:

Ayes, 36:

Bruner	Carr	Corning	Deluhery
Dieleman	Doyle	Drake	Fuhrman
Gentleman	Goodwin	Hall	Hannon
Hester	Holt	Horn	Husak
Jensen	Kinley	Lind	Lloyd-Jones
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Peterson	Priebe	Readinger	Rensink
Rife	Schwengels	Scott	Soorholtz
Taylor	Tieden	Vande Hoef	Welsh

Nays, 11:

Boswell	Coleman	Fraise	Gettings
Gronstal	Mann	Murphy	Riordan
Sturgeon	Varn	Wells	

Absent or not voting, 3:

Holden	Hultman	Hutchins
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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 Horn asked and received unanimous consent that **House File 395** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2462.

House File 2462

On motion of Senator Dieleman, House File 2462, a bill for and act relating to the regulation of dogs, by providing for rabies control and licensing, subjecting violators to a penalty, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Gentleman asked and received unanimous consent that action on **House File 2462** be **deferred**.

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

The Senate resumed session, President Zimmerman presiding.

The Senate stood at ease until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session, Senator Priebe presiding.

QUORUM CALL

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

President Zimmerman took the chair at 1:37 p.m.

The vote revealed 42 present, 8 absent and a quorum present.

INTRODUCTION OF RESOLUTION

Senate Resolution 111, by the committee on Rules and Administration, a resolution honoring James Sullivan for his many years of service to the Senate.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 111, a resolution honoring James Sullivan for his many years of service to the Senate.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gronstal, Hultman, Kinley, Gettings and Jensen. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION

Senate Resolution 111

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

1 SENATE RESOLUTION 111
2 BY: Committee on Rules and Administration
3 A Resolution honoring James Sullivan for his many
4 years of service to the Senate.
5 WHEREAS, James "Shorty" Sullivan is retiring from
6 legislative service as the Porter in the Senate; and
7 WHEREAS, Shorty and his "end of the session pool"
8 are institutions in the Senate; and
9 WHEREAS, Shorty's many years of service to the
10 Senate have earned him the recognition as the Senate's
11 "Fifty-first Senator"; NOW THEREFORE,
12 BE IT RESOLVED BY THE SENATE, That the Senate pay
13 tribute to Shorty Sullivan for his devoted service to
14 the Senate and wish him the very best in his
15 retirement; and
16 BE IT FURTHER RESOLVED, That an official copy of
17 this resolution be prepared and presented to Shorty
18 Sullivan.

Senators Hutchins and Hultman escorted James "Shorty" Sullivan, honorary 51st Senator, to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 111.

The Senate rose and expressed its tribute to Shorty Sullivan.

Shorty addressed the Senate with brief remarks.

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

UNFINISHED BUSINESS
(Deferred March 31, 1988)

House File 2405

The Senate resumed consideration of House File 2405, a bill for an act relating to the administration and benefits for certain public retirement systems, deferred March 31, 1988.

Senator Carr offered amendment S—6084 filed by Senators Carr and Nystrom from the floor to strike everything after the enacting clause of the bill.

Senator Carr offered amendment S—6087 filed by him from the floor to pages 17, 21 and 22 of amendment S—6084 and moved its adoption.

Amendment S—6087 was adopted by a voice vote.

Senator Doyle offered amendment S—6086 filed by him from the floor to page 20 of amendment S—6084.

Senator Nystrom raised the point of order that amendment S—6086 to amendment S—6084 was not germane.

The Chair ruled the point not well taken and amendment S—6086 in order.

Senator Doyle moved the adoption of amendment S—6086 to amendment S—6084.

A non record roll call was requested.

The ayes were 17, nays 28.

Amendment S—6086 lost.

Senator Rensink offered amendment S—6089 filed by him from the floor to page 23 of amendment S—6084 and moved its adoption.

Amendment S—6089 lost by a voice vote.

Senator Gronstal offered amendment S—6085 filed by him from the floor to page 27 of amendment S—6084.

Senator Nystrom raised the point of order that amendment S—6085 to amendment S—6084 was not germane.

Senator Nystrom withdrew his point of order.

Senator Gronstal moved the adoption of amendment S—6085 to amendment S—6084.

A non record roll call was requested.

The ayes were 12, nays 25.

Amendment S—6085 lost.

Senator Kinley offered amendment S—6090 filed by him from the floor to pages 1 through 3 and 23 through 25 of amendment S—6084 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 24, nays 25.

Amendment S—6090 lost.

Senator Horn offered amendment S—6091 filed by him from the floor to page 9 of amendment S—6084 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—6091 to amendment S—6084 be adopted?" (H.F. 2405) the vote was:

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

Ayes, 23:

Boswell	Corning	Deluhery	Doyle
Gettings	Hannon	Hester	Holt
Horn	Kinley	Lind	Mann
Miller, A.V.	Miller, C.P.	Palmer	Priebe

Reader
Sturgeon

Rensink
Vande Hoef

Riordan
Wells

Soorholtz

Nays, 25:

Bruner
Fraise
Gronstal
Hutchins
Nystrom
Scott
Welsh

Carr
Fuhrman
Hall
Jensen
Peterson
Taylor

Coleman
Gentleman
Hultman
Lloyd-Jones
Rife
Tieden

Drake
Goodwin
Husak
Murphy
Schwengels
Varn

Absent or not voting, 2:

Dieleman Holden

Amendment S—6091 lost.

Senator Riordan withdrew amendment S—6092 filed by Senators Riordan and Boswell from the floor to pages 26 and 27 of amendment S—6084.

Senator Vande Hoef asked and received unanimous consent that further action on amendment S—6084 and **House File 2405** be **deferred**.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 650

Senator Dieleman called up for consideration House File 650, a bill for an act relating to providing private instruction and this Act is repealed July 1, 1990, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—6033 to Senate amendment H—4274 filed April 15, 1988.

A record roll call was requested.

On the question “Shall the motion to concur be adopted?” (H.F. 650) the vote was:

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

Ayes, 26:

Boswell	Coleman	Dieleman	Doyle
Drake	Fraise	Gettings	Goodwin
Hall	Hester	Holt	Hultman
Husak	Hutchins	Jensen	Miller, A.V.
Miller, C.P.	Nystrom	Priebe	Rensink
Riordan	Scott	Soorholtz	Taylor
Tieden	Vande Hoef		

Nays, 23:

Bruner	Carr	Corning	Deluhery
Fuhrman	Gentleman	Gronstal	Hannon
Horn	Kinley	Lind	Lloyd-Jones
Mann	Murphy	Palmer	Peterson
Readinger	Rife	Schwengels	Sturgeon
Varn	Wells	Welsh	

Absent or not voting, 1:

Holden

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

Senator Dieleman 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. 650) the vote was:

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

Ayes, 29:

Boswell	Coleman	Dieleman	Doyle
Drake	Fraise	Gettings	Goodwin
Hall	Hester	Holt	Hultman
Husak	Hutchins	Jensen	Kinley
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Rensink	Riordan	Scott
Soorholtz	Taylor	Tieden	Vande Hoef
Welsh			

Nays, 20:

Bruner	Carr	Corning	Deluhery
Fuhrman	Gentleman	Gronstal	Hannon
Horn	Lind	Lloyd-Jones	Mann
Murphy	Peterson	Readinger	Rife
Schwengels	Sturgeon	Varn	Wells

Absent or not voting, 1:

Holden

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 650** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2405

The Senate resumed consideration of House File 2405, a bill for an act relating to the administration and benefits for certain public retirement systems, and amendment S—6084 as amended, by Senators Carr and Nystrom, previously deferred.

Senator Mann offered amendment S—6094 filed by Senators Mann, Murphy and Riordan from the floor to page 23 of amendment S—6084.

Senator Hultman raised the point of order that amendment S—6094 to amendment S—6084 was not germane.

The Chair ruled the point well taken and amendment S—6094 out of order.

Senator Gentleman withdrew amendment S—6095 filed by her from the floor to page 26 of amendment S—6084.

Senator Gentleman offered amendment S—6096 filed by her from the floor to page 26 of amendment S—6084 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—6096 to amendment S—6084 be adopted?" (H.F. 2405) the vote was:

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

Ayes, 20:

Coleman	Corning	Doyle	Drake
Fuhrman	Gentleman	Gettings	Holt
Horn	Kinley	Lind	Lloyd-Jones
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Sturgeon	Vande Hoef

Nays, 28:

Boswell	Bruner	Carr	Deluhery
Dieleman	Fraise	Goodwin	Gronstal
Hall	Hannon	Hester	Hultman
Husak	Hutchins	Jensen	Mann
Miller, A.V.	Murphy	Nystrom	Riordan
Schwengels	Scott	Soorholtz	Taylor
Tieden	Varn	Wells	Welsh

Absent or not voting, 2:

Holden	Miller, C.P.
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Amendment S—6096 lost.

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

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—6090 to amendment S—6084 to House File 2405 failed to be adopted by the Senate on April 16, 1988.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2405) the vote was:

Ayes, 23:

Bruner	Coleman	Corning	Fuhrman
Gentleman	Hall	Hannon	Hester
Holt	Horn	Kinley	Lind
Lloyd-Jones	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Readinger	Rensink	Rife
Riordan	Soorholtz	Vande Hoef	

Nays, 23:

Carr	Deluhery	Dieleman	Doyle
Drake	Fraise	Gettings	Goodwin
Gronstal	Hultman	Husak	Hutchins
Jensen	Mann	Nystrom	Peterson
Scott	Sturgeon	Taylor	Tieden
Varn	Wells	Welsh	

Absent or not voting, 4:

Boswell	Holden	Murphy	Schwengels
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The motion lost.

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

MADAM PRESIDENT: I move to reconsider the vote by which amendment S—6085 to amendment S—6084 to House File 2405 failed to be adopted by the Senate on April 16, 1988.

The motion prevailed by a voice vote and amendment S—6085 by Senator Gronstal to amendment S—6084, was taken up for reconsideration.

Senator Gronstal moved the adoption of amendment S—6085 to amendment S—6084, which motion prevailed by a voice vote.

Senator Vande Hoef offered amendment S—6099 filed by him from the floor to pages 23 through 25 of amendment S—6084, moved its adoption and requested a non record roll call.

The ayes were 4, nays 32.

Amendment S—6099 lost.

Senator Carr moved the adoption of amendment S—6084 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—6084 as amended, the Chair ruled the following amendments out of order:

S—5431 filed by Senator Holden on March 17, 1988, to page 23 of the bill.

S—5585 filed by Senator Horn on March 28, 1988, to page 10 of the bill.

Senator Gentleman raised the point of order that a fiscal note should be required on the bill under Joint Rule 16.

The Chair ruled the rules specify that a revised fiscal note need not be developed unless the chair or amendment sponsor makes a request, and, in the last three days of the session, revised fiscal notes are not required. A fiscal note is already on the bill.

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. 2405) the vote was:

Ayes, 43:

Boswell	Bruner	Carr	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Goodwin	Gronstal
Hall	Hannon	Hester	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Peterson	Priebe	Readinger	Rensink
Rife	Riordan	Scott	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells	Welsh	

Nays, 4:

Fuhrman	Gentleman	Kinley	Palmer
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Absent or not voting, 3:

Coleman	Holden	Schwengels
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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 2405** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1988, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 2046, a bill for an act relating to student membership on the state board of regents.

House File 2453, a bill for an act relating to the sale and use of packaging products, providing sales and use tax incentives for the use of degradable packaging products, subjecting violators to a penalty, and providing an effective date.

House File 2463, a bill for an act relating to local option taxes by authorizing a city or county to receive tax return information relating to the taxes; changing the number of days notice must be given before a local hotel or motel tax is imposed, repealed, or its rate changed; legalizing the premature collection of a local hotel or motel tax; and providing an effective date.

ALSO: That the House has on April 16, 1988, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 382, a bill for an act to reserve a specific amount of a claim payable on an insurance policy on property located within the corporate limits of a city for the cost of demolition of the property by the city.

House File 2269, a bill for an act relating to funds in the special railroad facility fund and the rail assistance fund and providing an effective date.

House File 2466, a bill for an act relating to the extension of the exclusion of a residential care facility from certificate of need requirements.

ALSO: That the House has on April 16, 1988, 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 2322, a bill for an act relating to and making appropriations for the compensation and benefits for public officials and employees.

ALSO: That the members of the **conference committee**, appointed April 16, 1988, on **Senate File 2250**, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the

center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste, on the part of the House, are: The Representative from Story, Mr. Rosenberg, chair; the Representative from Winneshiek, Mr. Johnson, the Representative from Black Hawk, Mr. Shoultz, the Representative from Kossuth, Ms. Mullins, and the Representative from Jones, Mr. McKean.

ALSO: That the House has, on April 16, 1988, adopted the **conference committee report** and passed **House File 2452**, a bill for an act relating to the receipt and disbursement of support payments by transferring the collection and distribution of child support payment from the department of human services collection services center to the district court clerks, by making an exception, for federal social security payments, to the statutory requirements regarding allowable payees, and by providing effective dates.

ALSO: That the House has on April 16, 1988, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2474, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date (S—6101 to H—6531).

ALSO: That the members of the conference committee, appointed April 16, 1988, on House File 2339, a bill for an act relating to grievances and discipline resolution for certain employees of the state, on the part of the House, are: The Representative from Polk, Mr. Connors, chair; the Representative from Story, Ms. Hammond, the Representative from Polk, Mr. Sherzan, the Representative from Polk, Ms Carpenter, and the Representative from Scott, Mr. Hermann.

UNFINISHED BUSINESS (Deferred April 14, 1988)

House File 2464

The Senate resumed consideration of House File 2464, a bill for an act relating to the lease-purchase and disposal of real or personal property by the department of general services and providing a standing appropriation of proceeds previously deposited, deferred April 14, 1988.

Senator Taylor withdrew the motion to reconsider the vote by which amendment S—6008 to House File 2464 was adopted by the Senate on April 14, 1988, filed by him on April 14, 1988, and found on page 1613 of the Senate Journal.

Senator Tieden 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. 2464) the vote was:

Ayes, 44:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller, A. V.
Nystrom	Palmer	Peterson	Priebe
Readinger	Rensink	Rife	Riordan
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells

Nays, 3:

Carr	Murphy	Welsh
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Absent or not voting, 3:

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

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2473, a bill for an act relating to and making appropriations directly from the state general fund for purposes of the military service tax credit and payment of the franchise tax to local governments, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—6088.

Final Vote: Ayes, 17: Welsh, Husak, Tieden, Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lind, Lloyd-Jones, Peterson, Readinger, Riordan, Sturgeon and Varn. Nays, none. Absent or not voting, 1: Schwengels.

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 2473.

House File 2473

On motion of Senator Welsh, House File 2473, a bill for an act relating to and making appropriations directly from the state general fund for purposes of the military service tax credit and payment of the franchise tax to local governments, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Welsh offered amendment S—6088 filed by the committee on Appropriations from the floor to pages 1, 5 and the title page of the bill.

Senator Sturgeon offered amendment S—6097 filed by him from the floor to amendment S—6088.

Senator Bruner raised the point of order that amendment S—6097 to amendment S—6088 was not germane.

The Chair ruled the point well taken and amendment S—6097 out of order.

Senator Bruner raised the point of order that amendment S—6088 was not germane to the bill.

The Chair ruled the point well taken and amendment S—6088 out of order.

Senator Husak asked and received unanimous consent that further action on **House File 2473** be **deferred**.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 173)

A conference committee report signed by the following Senate and House members was filed April 16, 1988, on Senate File 173, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities:

On the Part of the Senate:

LARRY MURPHY, Chair
DONALD V. DOYLE
LINN FUHRMAN
JACK W. HESTER
TOM MANN, Jr.

On the Part of the House:

TONY BISIGNANO, Chair
FLORENCE D. BUHR
VIRGIL E. COREY
LEE J. PLASIER
CLAY SPEAR

Senator Coleman took the chair at 5:14 p.m.

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 173

Senator Murphy called up the conference committee report on Senate File 173, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities, filed on April 16, 1988, 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 Murphy 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. 173) the vote was:

Ayes, 45:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holt	Horn	Hultman

Husak	Hutchins	Jensen	Kinley
Lloyd-Jones	Mann	Miller, A.V.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rensink	Rife	Riordan
Scott	Soorholtz	Sturgeon	Taylor
Tieden	Vande Hoef	Varn	Wells
Welsh			

Nays, 1:

Lind

Absent or not voting, 4:

Carr	Holden	Miller, C.P.	Schwengels
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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 173** and **House File 2464** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2452)

A conference committee report signed by the following Senate and House members was filed on April 16, 1988, on House File 2452, a bill for an act relating to the receipt and disbursement of support payments by transferring the collection and distribution of child support payment from the department of human services collection services center to the district court clerks, by making an exception, for federal social security payments, to the statutory requirements regarding allowable payees, and by providing effective dates:

On the part of the Senate:

RICHARD VARN, Chair
LEE HOLT
JEAN LLOYD-JONES
JOE WELSH

On the part of the House:

DANIEL JAY, Chair
JOAN HESTER
MARY LUNDBY
WAYNE MCKINNEY
MICHAEL PETERSON

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2452

Senator Varn called up the conference committee report on House File 2452, a bill for an act relating to the receipt and disbursement of support payments by transferring the collection and distribution of child support payment from the department of human services collection services center to the district court clerks, by making an exception, for federal social security payments, to the statutory requirements regarding allowable payees, and by providing effective dates, filed on April 16, 1988, 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 Holt took the chair at 5:35 p.m.

Senator Varn 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. 2452) the vote was:

Ayes, 34:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Goodwin
Hall	Hester	Holt	Horn
Husak	Jensen	Lind	Lloyd-Jones
Mann	Miller, A.V.	Palmer	Priebe
Rensink	Rife	Riordan	Soorholtz
Sturgeon	Taylor	Tieden	Vande Hoef
Varn	Wells		

Nays, 10:

Carr	Gentleman	Gronstal	Hannon
Hultman	Murphy	Nystrom	Peterson
Readinger	Scott		

Absent or not voting, 6:

Holden
Schwengels

Hutchins
Welsh

Kinley

Miller, C.P.

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

Senator Horn asked and received unanimous consent that **House File 2452** be **immediately messaged** to the House.

INTRODUCTION OF RESOLUTION

Senate Resolution 106, by Hutchins and Hultman, a resolution honoring Senator Berl E. Priebe for his years of legislative service.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 106, a resolution honoring Senator Berl E. Priebe for his years of legislative service.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hutchins, Gronstal, Hultman, Kinley, Gettings and Jensen. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 106

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

- 1 SENATE RESOLUTION 106
- 2 By: Hutchins and Hultman
- 3 A Resolution honoring Senator Berl E. Priebe for his years

4 of legislative service.
5 WHEREAS, Senator Berl E. Priebe will this year
6 complete twenty years of service to the state of Iowa
7 as a member of the General Assembly; and
8 WHEREAS, Senator Priebe has served honorably and
9 has unselfishly given of his time and efforts to
10 further the interests of the state of Iowa and to
11 provide beneficial programs for the citizens of Iowa;
12 and
13 WHEREAS, it is proper that Senator Priebe be
14 honored for his many years of service to the state of
15 Iowa; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator Priebe and express its gratitude
18 for the service rendered by him; and
19 BE IT FURTHER RESOLVED, That the Senate present to
20 Senator Priebe his Senate chair in appreciation for
21 his service.

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

Senator Priebe was presented with his Senate chair and an enrolled copy of Senate Resolution 106.

The Senate rose and expressed its tribute to Senator Priebe.

Senator Priebe addressed the Senate with brief remarks.

Senator Murphy took the chair at 5:42 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 107, by Hutchins and Hultman, a resolution honoring Senator James D. Wells for his years of legislative service.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 107, a resolution honoring Senator James D. Wells for his years of legislative service.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hutchins, Gronstal, Hultman, Gettings, Kinley and Jensen.
Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**ADOPTION OF RESOLUTION
(Regular Calendar)**

Senate Resolution 107

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

1 SENATE RESOLUTION NO. 107
2 BY HUTCHINS and HULTMAN
3 A Resolution honoring Senator James D. Wells for his
4 years of legislative service.
5 WHEREAS, Senator James D. Wells will this year
6 complete twenty years of service to the state of Iowa
7 as a member of the General Assembly; and
8 WHEREAS, Senator Wells has served honorably and has
9 unselfishly given of his time and efforts to further
10 the interests of the state of Iowa and to provide
11 beneficial programs for the citizens of Iowa; and
12 WHEREAS, it is proper that Senator Wells be honored
13 for his many years of service to the state of Iowa;
14 NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, That the Senate pay
16 tribute to Senator Wells and express its gratitude for
17 the service rendered by him; and
18 BE IT FURTHER RESOLVED, That the Senate present to
19 Senator Wells his Senate chair in appreciation for his
20 service.

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

Senator Wells was presented with his Senate chair and an enrolled copy of Senate Resolution 107.

The Senate rose and expressed its tribute to Senator Wells.

Senator Wells addressed the Senate with brief remarks.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 1988, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2263, a bill for an act relating to horse and dog racing by allowing the application of cold with ice, cold packs, or similar treatments to the limbs of a horse or a dog prior to the start of a race and by allowing the use of certain drugs on racing horses under rules adopted by the state racing commission, and providing an effective date (S—6104).

ALSO: that the House has on April 16, 1988, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2405, a bill for an act relating to the administration and benefits for certain public retirement systems.

President Zimmerman took the chair at 6:10 p.m.

BUSINESS PENDING

House File 2473

The Senate resumed consideration of House File 2473, a bill for an act relating to and making appropriations directly from the state general fund for purposes of the military service tax credit and payment of the franchise tax to local governments, and providing an effective date, previously deferred.

Senator Lind offered amendment S—6098 filed by Senators Lind, Corning and Rife from the floor to page 1 of the bill.

Senator Bruner raised the point of order that amendment S—6098 was not germane to the bill.

The Chair ruled the point well taken and amendment S—6098 out of order.

Senator Welsh offered amendment S—6102 filed by him from the floor to page 5 and the title page of the bill and moved its adoption.

Amendment S—6102 was adopted by a voice vote.

Senator Riordan offered amendment S—6103 filed by Senators Riordan and Boswell from the floor to pages 1, 5 and the title page of the bill.

Senator Bruner raised the point of order that amendment S—6103 was not germane to the bill.

The Chair ruled the point well taken and amendment S—6103 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. 2473) the vote was:

Ayes, 42:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Gronstal	Hall	Hannon
Hester	Holt	Horn	Husak
Jensen	Kinley	Lind	Lloyd-Jones
Mann	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Rensink
Rife	Riordan	Scott	Soorholtz
Sturgeon	Taylor	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Absent or not voting, 8:

Goodwin	Holden	Hultman	Hutchins
Miller, A.V.	Miller, C.P.	Schwengels	Tieden

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

Senator Husak asked and received unanimous consent that **House File 2473** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 38

Senator Fuhrman called up for consideration Senate File 38, a bill for an act relating to conservation easements, amended by the House in House amendment S—6082 filed April 16, 1988.

Senator Fuhrman offered amendment S—6100 filed by Senators Fuhrman, et al., from the floor to pages 1 through 5 of House amendment S—6082.

Senator Fuhrman offered amendment S—6105 filed by him from the floor to amendment S—6100 to House amendment S—6082 and moved its adoption.

Amendment S—6105 was adopted by a voice vote.

Senator Fuhrman moved the adoption of amendment S—6100 as amended to House amendment S—6082, which motion prevailed by a voice vote.

Senator Fuhrman 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 Fuhrman 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. 38) the vote was:

Ayes, 44:

Boswell	Bruner	Carr	Corning
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Holt	Horn	Husak
Jensen	Kinley	Lind	Lloyd-Jones
Mann	Miller, A. V.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Scott

Soorholtz	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, none.

Absent or not voting, 6:

Coleman	Holden	Hultman	Hutchins
Miller, C.P.	Schwengels		

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

BUSINESS PENDING

House File 2462

The Senate resumed consideration of House File 2462, a bill for an act relating to the regulation of dogs, by providing for rabies control and licensing, subjecting violators to a penalty, and providing an effective date, previously deferred.

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. 2462) the vote was:

Ayes, 40:

Bruner	Carr	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Gronstal	Hall	Hester	Holt
Horn	Husak	Jensen	Kinley
Lind	Lloyd-Jones	Miller, A.V.	Murphy
Nystrom	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Scott
Soorholtz	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, none.

Absent or not voting, 10:

Boswell	Coleman	Hannon	Holden
Hultman	Hutchins	Mann	Miller, C.P.
Palmer	Schwengels		

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

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **Senate File 38** and **House File 2462** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred April 15, 1988)

House File 2432

The Senate resumed consideration of House File 2432, a bill for an act relating to the registration and regulation of persons seeking to represent a student athlete for compensation in negotiations intended to result in employment with a professional sports team, prohibiting certain actions relating to student athletes and their families, and providing penalties, deferred on April 15, 1988.

Senator Mann offered amendment S—6062 filed by him on April 15, 1988, to page 8 and the title page of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 26, nays 11.

Amendment S—6062 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the remainder of the day on request of Senator Jensen.

BUSINESS PENDING

House File 2432

The Senate resumed consideration of House File 2432.

Senator Varn 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. 2432) the vote was:

Ayes, 32:

Bruner	Carr	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Goodwin	Gronstal	Hall
Hannon	Horn	Husak	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Priebe
Rensink	Rife	Riordan	Soorholtz
Sturgeon	Varn	Wells	Welsh

Nays, 8:

Fuhrman	Gentleman	Hester	Jensen
Peterson	Readinger	Scott	Vande Hoef

Absent or not voting, 10:

Boswell	Coleman	Holden	Holt
Hultman	Hutchins	Miller, C.P.	Schwengels
Taylor	Tieden		

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

WITHDRAWN

Senator Varn asked and received unanimous consent that **Senate File 2191** be **withdrawn** from further consideration of the Senate.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 2474

Senator Gronstal called up for consideration House File 2474, a bill for an act relating to the imposition of the franchise tax on financial institutions doing business within the state and providing an effective date, amended by the Senate and further amended by the House in House amendment S—6101 to Senate amendment H—6531 filed April 16, 1988.

Senator Deluhery raised the point of order that House amendment S—6101 was not germane to the bill.

The Chair ruled the point not well taken and House amendment S—6101 in order.

Senator Gronstal moved that the Senate concur in the House amendment to the Senate amendment.

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

Senator Gronstal 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. 2474) the vote was:

Ayes, 38:

Bruner	Carr	Corning	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gentleman	Gettings	Goodwin	Gronstal
Hall	Hannon	Hester	Holt
Horn	Husak	Jensen	Kinley
Lind	Lloyd-Jones	Miller, A.V.	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Scott
Soorholtz	Sturgeon	Vande Hoef	Varn
Wells	Welsh		

Nays, 2:

Deluhery Mann

Absent or not voting, 10:

Boswell	Coleman	Holden	Hultman
Hutchins	Miller, C.P.	Murphy	Schwengels
Taylor	Tieden		

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

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **House Files 2432 and 2474** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Husak asked and received unanimous consent to take up out of order Senate File 2040.

Senate File 2040

On motion of Senator Priebe, Senate File 2040, a bill for an act to appropriate moneys to the state board of regents to be used by Iowa State University for the development of the technology necessary to develop competitive plastics manufactured from corn-based products, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 2040) the vote was:

Ayes, 38:

Bruner	Carr	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gentleman	Goodwin	Gronstal
Hall	Hannon	Hester	Holt
Horn	Husak	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Scott
Soorholtz	Sturgeon	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Absent or not voting, 12:

Boswell	Coleman	Gettings	Holden
Hultman	Hutchins	Miller, A.V.	Miller, C.P.
Murphy	Schwengels	Taylor	Tieden

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

Senator Husak asked and received unanimous consent that **Senate File 2040** be **immediately messaged** to the House.

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

The Senate resumed session, President Zimmerman presiding.

HOUSE AMENDMENTS CONSIDERED

Senate File 201

Senator Welsh called up for consideration Senate File 201, a bill for an act related to the senate's review and confirmation of gubernatorial appointments, amended by the House, and moved that the Senate concur in House amendment S—4113 filed May 10, 1987.

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. 201) the vote was:

Ayes, 33:

Carr	Coleman	Corning	Deluhery
Dieleman	Drake	Fraise	Gettings
Goodwin	Gronstal	Hannon	Hester
Holt	Horn	Husak	Jensen
Kinley	Lloyd-Jones	Mann	Miller, A.V.
Murphy	Palmer	Peterson	Priebe
Readinger	Rensink	Riordan	Scott
Soorholtz	Sturgeon	Varn	Wells
Welsh			

Nays, 4:

Fuhrman	Lind	Rife	Vande Hoef
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Absent or not voting, 13:

Boswell	Bruner	Doyle	Gentleman
Hall	Holden	Hultman	Hutchins
Miller, C.P.	Nystrom	Schwengels	Taylor
Tieden			

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

Senator Husak asked and received unanimous consent to send an **immediate message** to the House on **Senate File 201**.

Senate File 2263

Senator Peterson called up for consideration Senate File 2263, a bill for an act relating to horse and dog racing by allowing the application of cold with ice, cold packs, or similar treatments to the limbs of a horse or a dog prior to the start of a race and by allowing the use of certain drugs on racing horses under rules adopted by the state racing commission, and providing an effective date, amended by the House in House amendment S—6104 filed April 16, 1988.

Senator Peterson asked and received unanimous consent that further action on House amendment S—6104 and **Senate File 2263** be **deferred**.

INTRODUCTION OF RESOLUTION

Senate Resolution 108, by committee on Rules and Administration, a resolution honoring Senator James D. Wells.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 108, a resolution honoring Senator James Wells.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gronstal, Hultman, Gettings, Kinley and Jensen. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 108

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

1 SENATE RESOLUTION 108
2 By: Committee on Rules and Administration
3 A Resolution honoring Senator James D. Wells.
4 WHEREAS, Senator James "Jim" Wells is retiring from
5 legislative office after completing two terms in
6 office as a state Senator and six terms as a member of
7 the House of Representatives; and
8 WHEREAS, Senator Wells' distinguished career as a
9 state legislator has included service as an Assistant
10 Majority Leader in the House of Representatives during
11 the Sixty-sixth General Assembly and as the President
12 Pro Tempore in the Senate during the Seventy-first
13 General Assembly, 1986 Session; and

14 WHEREAS, Senator Wells' service as chairperson of
15 the Business and Labor Relations and Human Resources
16 Committees and as Chairperson of the Regulation and
17 Finance Appropriations Subcommittee is well
18 recognized; and

19 WHEREAS, Senator Wells has served on many standing
20 committees and appropriations subcommittees throughout
21 his twenty years of legislative service and has been a
22 devoted legislator; and

23 WHEREAS, Senator Wells is distinguished by his many
24 years of work in the labor and human resources areas
25 and for his unfaltering support of university
26 athletics; NOW THEREFORE,

27 BE IT RESOLVED BY THE SENATE, That the Senate pay
28 tribute to Senator James D. Wells for his devoted
29 service to the Iowa General Assembly and the citizens
30 of this state and wish him the very best in the years

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1 ahead; and

2 BE IT FURTHER RESOLVED, That an official copy of
3 this Resolution be prepared and presented to Senator
4 James D. Wells.

Senators Horn and Vande Hoef escorted Senator Wells to the well of the Senate and he was presented with an engraved plaque by President Zimmerman and an enrolled copy of Senate Resolution 108.

The Senate rose and expressed its tribute to Senator Wells.

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

Senator Wells addressed the Senate with brief remarks.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 1988, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2464, a bill for an act relating to the lease-purchase and disposal of real or personal property by the department of general services and providing a standing appropriation of proceeds previously deposited.

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

The Senate resumed session, Senator Coleman presiding.

President Zimmerman took the chair at 8:02 p.m.

QUORUM CALL

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

The vote revealed 37 present, 13 absent and a quorum present.

SENATE INSISTS

House File 2405

Senator Carr called up for consideration House File 2405, a bill for an act relating to the administration and benefits for certain public retirement systems, amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

SPECIAL PRESENTATION

Senator Hultman presented an engraved plaque on behalf of the Senate to Senator Schwengels who is retiring from legislative office.

Senator Schwengels addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Schwengels.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2405** on the part of the Senate: Senators Carr, Chair; Horn, Gettings, Nystrom and Vande Hoef.

INTRODUCTION OF BILL

Senate File 2343, by the committee on Ways and Means, a bill for an act relating to tax administration matters in section 99D.8 and section 421.17, subsection 23, paragraphs “e” and “g”.

Read first time and **placed on the Ways and Means Calendar**.

INTRODUCTION OF RESOLUTION

Senate Resolution 110, by the committee on Rules and Administration, a resolution honoring Senator Charles P. Miller.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 110, a resolution honoring Senator Charles Miller.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gronstal, Hultman, Kinley, Gettings and Jensen.
Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 110

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

1 SENATE RESOLUTION 110
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator Charles P. Miller.
4 WHEREAS, Senator Charles "Doc" Miller is retiring
5 from legislative office after completing five terms in
6 office as a state Senator and four terms as a member
7 of the House of Representatives; and
8 WHEREAS, Senator Miller's distinguished career as a
9 state legislator has included service as the Speaker
10 Pro Tempore in the House of Representatives during the
11 Sixty-first General Assembly and as the President Pro
12 Tempore in the Senate during the Seventieth General
13 Assembly; and
14 WHEREAS, Senator Miller's service as both
15 chairperson and ranking member of the Human Resources
16 and County Government Committees, as chairperson of
17 the Government Affairs Committee, and as chairperson
18 of the Justice System and Claims Appropriations
19 Subcommittees is well recognized; and
20 WHEREAS, Senator Miller has served on many standing
21 committees and appropriations subcommittees throughout
22 his twenty-six years of legislative service and has
23 been a devoted legislator; and
24 WHEREAS, Senator Miller is distinguished by his
25 expertise and working knowledge in the areas of health
26 care and the practice of chiropractic, and for his
27 strong commitment over many years to the development
28 and improvement of Iowa's mental health system; and
29 WHEREAS, Senator Miller and his wife Virginia have
30 dedicated a tremendous amount of their time and energy

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1 over twenty-six years in faithful service to the
2 legislature; NOW THEREFORE,
3 BE IT RESOLVED BY THE SENATE, That the Senate pay
4 tribute to Senator Charles P. Miller for his devoted
5 service to the Iowa General Assembly and the citizens
6 of this State and wish him the very best in the years
7 ahead; and
8 BE IT FURTHER RESOLVED, That an official copy of
9 this Resolution be prepared and presented to Senator
10 Charles P. Miller and his wife Virginia.

Senators Kinley and Drake presented Senator Charles Miller with an engraved plaque and an enrolled copy of Senate Resolution 110.

The Senate rose and expressed its tribute to Senator Miller.

Senator Hester vocally performed "May The Lord Bless And Keep You."

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

Senator Miller addressed and Senate with brief remarks.

The Senate again rose and expressed its appreciation to Senator Miller.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on April 16, 1988, adopted the **conference committee report** and passed **Senate File 173**, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 2405** be **immediately messaged** to the House.

The Senate stood at ease until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session, President Zimmerman presiding.

CONFERENCE COMMITTEE REPORT RECEIVED

(Senate File 2328)

(Committee Unable to Agree)

A conference committee report signed by the following Senate and House members was filed April 16, 1988, on Senate File 2328, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used:

On the Part of the Senate:

LEONARD L. BOSWELL, Chair
ALVIN V. MILLER

On the Part of the House:

RICHARD V. RUNNING, Chair
MIKE CONNOLLY

JOE J. WELSH
DALE L. TIEDEN
DAVID M. READINGER

EDWARD G. PARKER
CLIFFORD O. BRANSTAD
WAYNE BENNETT

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on April 16, 1988, appointed the **second conference committee** to **Senate File 2328**, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, and the members of the second conference committee on the part of the House are: The Representative from Jasper, Mr. Parker, chair; the Representative from Dubuque, Mr. Connolly, the Representative from Linn, Mr. Running, the Representative from Ida, Mr. Bennett, and the Representative from Winnebago, Mr. Branstad.

ALSO: That the members of the **conference committee**, appointed April 16, 1988, on **House File 2405**, a bill for an act relating to the administration and benefits for certain public retirement systems, on the part of the House, are: The Representative from Greene, Mr. Blanshan, chair; the Representative from Johnson, Ms. Doderer, the Representative from Story, Ms. Hammond, the Representative from Polk, Ms. Carpenter, and the Representative from Keokuk, Mr. Swearingen.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on **Senate File 2328** on the part of the Senate: Senators Boswell, Chair; Miller of Cerro Gordo, Welsh, Readinger and Tieden.

QUORUM CALL

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

The vote revealed 30 present, 20 absent and a quorum present.

INTRODUCTION OF RESOLUTION

Senate Resolution 109, by the committee on Rules and Administration, a resolution honoring Senator Lee Holt.

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

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 109, a resolution honoring Senator Lee Holt.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gronstal, Hultman, Kinley, Gettings and Jensen.
Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 109

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

1 SENATE RESOLUTION 109
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Resolution honoring Senator Lee Holt.
4 WHEREAS, Senator Lee Holt is retiring from
5 legislative office after completing two terms in
6 office as a state Senator and two terms as a member of
7 the House of Representatives; and
8 WHEREAS, Senator Holt's service as both chairperson
9 and ranking member of the Transportation
10 Appropriations Subcommittee, as well as ranking member
11 of the Judiciary Committee is well recognized; and
12 WHEREAS, Senator Holt has served on many standing
13 committees and appropriations subcommittees throughout
14 his ten years of legislative service and has been a
15 devoted legislator; and
16 WHEREAS, Senator Holt is distinguished by his
17 oratorical skills in holding the attention of an
18 audience, and for his business acumen in providing

19 certain means of transportation to his fellow
20 legislators; NOW THEREFORE,
21 BE IT RESOLVED BY THE SENATE, That the Senate pay
22 tribute to Senator Lee Holt for his devoted service to
23 the Iowa General Assembly and the citizens of this
24 State and wish him the very best in the years ahead;
25 and
26 BE IT FURTHER RESOLVED, That an official copy of
27 this Resolution be prepared and presented to Senator
28 Lee Holt.

Senators Drake and Scott escorted Senator Holt to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 109.

Senator Holt addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Holt.

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 1988, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2341, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council and city development board, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that a certain position is excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the

board of chiropractic examiners, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date (S—6111).

ALSO: That the House has on April 16, 1988, **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 38, a bill for an act relating to conservation easements.

ALSO: That the House has on April 16, 1988, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2432, a bill for an act relating to the registration and regulation of persons seeking to represent a student athlete for compensation in negotiations intended to result in employment with a professional sports team, prohibiting certain actions relating to student athletes and their families, and providing penalties.

**CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2278)**

A conference committee report signed by the following Senate and House members was filed April 16, 1988, on Senate File 2278, a bill for an act relating to the implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards:

On the Part of the Senate:

LARRY MURPHY, Chair
JOY CORNING
WALLY E. HORN
BERL E. PRIEBE

On the Part of the House:

C. ARTHUR OLLIE, Chair
ANDY McKEAN
TOM H. MILLER
TOM SWARTZ
PHILLIP WISE

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2278

Senator Murphy called up the conference committee report on Senate File 2278, a bill for an act relating to the implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards, filed on April 16, 1988, 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 Murphy 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. 2278) the vote was:

Ayes, 41:

Bruner
Doyle
Gentleman

Coleman
Drake
Gettings

Corning
Fraise
Goodwin

Dieleman
Fuhrman
Gronstal

Hall	Hannon	Hester	Holt
Horn	Husak	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Palmer	Peterson
Priebe	Readinger	Rensink	Rife
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Tieden	Varn	Wells
Welsh			

Nays, none.

Absent or not voting, 9:

Boswell	Carr	Deluhery	Holden
Hultman	Hutchins	Nystrom	Taylor
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 Husak asked and received unanimous consent that **Senate File 2278** be **immediately messaged** to the House.

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: SENATE FILE 2343, a bill for an act relating to tax administration matters in section 99D.8 and section 421.17, subsection 23, paragraphs “e” and “g”.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bruner, Husak, Dieleman, Gronstal, Mann, Palmer, Riordan, Drake, Hester, Holt and Readinger. Nays, none. Absent or not voting, 4: Boswell, Soorholtz, Murphy and Holden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Husak asked and received unanimous consent to take up for consideration Senate File 2343.

Senate File 2343

On motion of Senator Boswell, Senate File 2343, a bill for an act relating to tax administration matters in section 99D.8 and section 421.17, subsection 23, paragraphs "e" and "g", was taken up for consideration.

Senator Peterson offered amendment S—6110 filed by Senators Boswell and Peterson from the floor to page 2 and the title page of the bill.

Senator Gronstal raised the point of order that amendment S—6110 was not germane to be the bill.

The Chair ruled the point well taken and amendment S—6110 out of order.

Senator Gronstal 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. 2343) the vote was:

Ayes, 34:

Boswell	Bruner	Coleman	Corning
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hall
Hannon	Hester	Holt	Horn
Husak	Hutchins	Lind	Lloyd-Jones
Mann	Miller, A.V.	Murphy	Palmer
Priebe	Readinger	Schwengels	Scott
Soorholtz	Sturgeon	Tieden	Varn
Wells	Welsh		

Nays, 8:

Deluhery	Gentleman	Goodwin	Jensen
Kinley	Peterson	Riordan	Vande Hoef

Absent or not voting, 8:

Carr	Holden	Hultman	Miller, C.P.
Nystrom	Rensink	Rife	Taylor

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

Senator Husak asked and received unanimous consent that **Senate File 2343** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2341

Senator Dieleman called up for consideration Senate File 2341, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council and city development board, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that certain positions are excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing peace officer status for certain nursing board investigators, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, relating to the investment of certain cemetery funds, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups

related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—6111 filed April 16, 1988.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

Senator Husak asked and received unanimous consent that **Senate File 2341** be **immediately messaged** to the House.

SENATE INSISTS

Senate File 38

Senator Priebe called up for consideration Senate File 38, a bill for an act relating to conservation easements, amended by the House, further amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 38** on the part of the Senate: Senators Priebe, Chair; Scott, Wells, Hester and Fuhrman.

IMMEDIATELY MESSAGED

Senator Husak asked and received unanimous consent that **Senate File 38** be **immediately messaged** to the House.

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2476, a bill for an act relating to administrative procedures to challenge the identification, classification, and exemption of property for taxation purposes.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bruner, Husak, Dieleman, Gronstal, Mann, Palmer, Riordan, Drake, Hester, Holt and Readinger. Nays, none. Absent or not voting, 4: Boswell, Soorholtz, Holden and Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Husak asked and received unanimous consent to take up for consideration House File 2476.

House File 2476

On motion of Senator Bruner, House File 2476, a bill for an act relating to administrative procedures to challenge the identification, classification, and exemption of property for taxation purposes, with report of committee recommending passage, was taken up for consideration.

Senator Riordan offered amendment S—6106 filed by him from the floor to page 1 of the bill.

Senator Bruner raised the point of order that amendment S—6106 was not germane to the bill.

The Chair ruled the point well taken and amendment S—6106 out of order.

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. 2476) the vote was:

Ayes, 45:

Boswell	Bruner	Coleman	Corning
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Gronstal	Hall	Hannon	Hester
Holt	Horn	Hultman	Husak
Hutchins	Jensen	Kinley	Lind
Lloyd-Jones	Mann	Miller, A.V.	Miller, C.P.
Murphy	Nystrom	Palmer	Peterson

Priebe	Readinger	Rensink	Rife
Riordan	Scott	Soorholtz	Sturgeon
Tieden	Vande Hoef	Varn	Wells
Welsh			

Nays, none.

Absent or not voting, 5:

Carr	Deluhery	Holden	Schwengels
Taylor			

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

Senator Husak asked and received unanimous consent that **House File 2476** be **immediately messaged** to the House.

SENATE RECEDES

House File 2432

Senator Varn called up for consideration House File 2432, a bill for an act relating to the registration and regulation of persons seeking to represent a student athlete for compensation in negotiations intended to result in employment with a professional sports team, prohibiting certain actions relating to student athletes and their families, and providing penalties, 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 Varn 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. 2432) the vote was:

Ayes, 40:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Goodwin	Gronstal	Hall	Hannon
Hester	Horn	Husak	Hutchins
Kinley	Lind	Lloyd-Jones	Miller, A.V.

Murphy	Nystrom	Palmer	Peterson
Priebe	Rensink	Rife	Riordan
Scott	Soorholtz	Sturgeon	Tieden
Vande Hoef	Varn	Wells	Welsh

Nays, 4:

Gentleman	Jensen	Mann	Readinger
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Absent or not voting, 6:

Holden	Holt	Hultman	Miller, C.P.
Schwengels	Taylor		

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

Senator Husak asked and received unanimous consent that **House File 2432** be **immediately messaged** to the House.

Senator Varn took the chair at 10:45 p.m.

LEADERSHIP RECOGNITION

President Zimmerman, President pro tempore Kinley, Majority Leader Hutchins and Minority Leader Hultman were invited to the well and Senators Husak and Gronstal presented each with an engraved Cross pen and pencil set on behalf of the members of the Senate in recognition of their leadership service during the Seventy-second General Assembly.

Each of the honored leaders addressed the Senate with brief remarks.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 1988, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2473, a bill for an act relating to and making appropriations directly from the state general fund for purposes of the military service tax credit and payment of the franchise tax to local governments, and providing an effective date.

ALSO: That the House has on April 15, 1988, adopted the **conference committee report** and passed **Senate File 2278**, a bill for an act relating to implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards.

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

The Senate resumed session, Senator Sturgeon presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 1988, passed the following bill in which the concurrence of the Senate is asked:

House File 2477, a bill for an act relating to certain state taxes by providing for the statute of limitations for state individual and corporate tax purposes, the definition of investment counseling for state sales, services, and use tax purposes, the allowance of the military service tax credit for mobile homes, for the exemption from or the refund of state sales, services, and use taxes on the gross receipts from sales or rentals of replacement parts for farm machinery, equipment, and implements and to the issuance of fuel exemption certificates for state sales, services and use tax purposes for the purchase of fuel used in farm implements, and providing a retroactive applicability and effective dates.

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

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 141, by Bruner and Boswell, a concurrent resolution to establish a study to consider the impact of state sales, services, and use tax policy.

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

QUORUM CALL

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

President Zimmerman took the chair at 11:30 p.m.

The vote revealed 45 present, 5 absent and a quorum present.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the members of the **conference committee**, appointed April 16, 1988, on **Senate File 38**, a bill for an act relating to conservation easements, on the part of the House, are: The Representative from Story, Mr. Rosenberg, chair; the Representative from Palo Alto, Mr. Fogarty, the Representative from Winneshiek, Mr. Johnson, the Representative from Jones, Mr. McKean, and the Representative from Muscatine, Mr. Petersen.

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

The Senate resumed session at 12:20 a.m., President Zimmerman presiding.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2441)

A conference committee report signed by the following Senate and House members was filed April 16, 1988, on House File 2441, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date:

On the Part of the Senate:

MICHAEL GRONSTAL, Chair
PATRICK J. DELUHERY
EMIL J. HUSAK
JIM LIND

On the Part of the House:

JACK HATCH, Chair
DAVID OSTERBERG
DONALD PAULIN
DAVID SCHRADER

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on April 16, 1988, **insisted on** its amendment to **Senate File 2341**, a bill for an act relating to the preparation of revenue estimates, relating to the submission of reports, requests, and data by the executive branch to the legislative branch, relating to changes in status of the high technology council and city development board, allowing the Code editor to delete obsolete administrative rules, providing for the provision of operating assistance to the Mississippi parkway planning commission, providing for distribution of publications of the Code editor, specifying that a certain position is excluded from the state merit system, relating to the designation of legal holidays for alcoholic beverage operations, providing for certain rulemaking authority in certain state agencies, requiring certain meetings by the county finance committee and city finance committee, correcting an obsolete reference, relating to staff support for the board of chiropractic examiners, providing for a certain certification of state taxes, relating to reimbursement for certain empty alcoholic beverage containers, deleting certain regulatory responsibilities of the department of agriculture and land stewardship, deleting certain requirements relating to certain reports by superintendents of correctional institutions, modifying the structure and procedures relating to city historical preservation commissions, recognizing certain interlibrary loan standards, relating to the acquisition and disposition of abandoned property held by any governmental entity, correcting the title of the superintendent of savings and loan associations, relating to the making of recovery-of-property agreements, relating to the phase-in of generally accepted accounting principles, repealing the termination of the division of children, youth, and families, concerning the tax liability of liquor bailment corporations, striking the repeal of water resource districts, deleting certain authority of the department of public health relating to mental health facilities, concerning the organization of certain nonstatutory committees and groups related to the department of economic development, making conforming changes for the above-specified changes in the organization and procedures of state government being made as a follow-up to the comprehensive government reorganization of 1986, and providing an effective date, and the members of the **conference committee**, on the part of the House are: The Representative from Webster, Mr. Halvorson, chair; the Representative from Jasper, Mr. Parker, the Representative from Polk, Ms. Buhr, the Representative from Polk, Ms. Carpenter, and the Representative from Woodbury, Mr. Shoning.

ALSO: That the House has, on April 16, 1988, adopted the **conference committee report** and passed **House File 2441**, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2441

Senator Gronstal called up the conference committee report on House File 2441, a bill for an act relating to underground storage tanks, establishing certain fees, providing penalties, and providing an effective date, filed on April 16, 1988, 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 Gronstal 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. 2441) the vote was:

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

Ayes, 28:

Boswell	Bruner	Carr	Deluhery
Dieleman	Doyle	Gettings	Goodwin
Gronstal	Hannon	Husak	Hutchins
Jensen	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Priebe
Readinger	Rensink	Riordan	Scott
Sturgeon	Vande Hoef	Varn	Wells

Nays, 19:

Coleman	Corning	Drake	Fraise
Fuhrman	Gentleman	Hall	Hester
Holt	Horn	Hultman	Kinley
Lind	Palmer	Peterson	Rife
Schwengels	Soorholtz	Welsh	

Absent or not voting, 3:

Holden	Taylor	Tieden
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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 2441** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2055)

A conference committee report signed by the following Senate and House members was filed April 16, 1988, on Senate File 2055, a bill for an act relating to the registration and use of certain pesticides:

On the Part of the Senate:

On the Part of the House:

BERL E. PRIEBE, Chair
ALVIN V. MILLER
PATRICK J. DELUHERY
HURLEY W. HALL
JACK HESTER

RALPH ROSENBERG, Chair
PAUL JOHNSON
ANDY McKEAN
SUE MULLINS
DON SHOULTZ

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2055

Senator Priebe called up the conference committee report on Senate File 2055, a bill for an act relating to the registration and use of certain pesticides, filed on April 16, 1988, 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?" (S.F. 2055) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holt	Horn

Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Vande Hoef
Varn	Wells		

Nays, none.

Absent or not voting, 4:

Holden	Taylor	Tieden	Welsh
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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 2055** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the members of the **conference committee**, appointed April 16, 1988, on **House File 2339**, a bill for an act relating to grievances and discipline resolution for certain employees of the state, on the part of the House, are: The Representative from Polk, Mr. Connors, chair; the Representative from Story, Ms. Hammond, the Representative from Polk, Mr. Sherzan, the Representative from Polk, Ms. Carpenter, and the Representative from Scott, Mr. Hermann.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2250)

A conference committee report signed by the following Senate and House members was filed April 16, 1988, on Senate File 2250, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture

management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste:

On the Part of the Senate:

PATRICK J. DELUHERY
HURLEY HALL
JACK HESTER
ALVIN V. MILLER
BERL E. PRIEBE

On the Part of the House:

RALPH ROSENBERG, Chair
PAUL JOHNSON
ANDY McKEAN
SUE MULLINS
DON SHOULTZ

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2250

Senator Deluhery called up the conference committee report on Senate File 2250, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste, filed on April 16, 1988, 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 Deluhery 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. 2250) the vote was:

Ayes, 47:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Rife	Riordan	Schwengels
Scott	Soorholtz	Sturgeon	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

Holden	Taylor	Tieden
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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 2250** be immediately messaged to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2339)

A conference committee report signed by the following Senate and House members was filed April 16, 1988, on House File 2339, a bill for an act relating to grievances and discipline resolution for certain employees of the state:

On the Part of the Senate:

TOM MANN, JR., Chair
LINN FUHRMAN
WALLY E. HORN
RICHARD VANDE HOEF

On the Part of the House:

JOHN H. CONNORS, Chair
DOROTHY F. CARPENTER
JOHNIE HAMMOND
DONALD F. HERMANN
GARY SHERZAN

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on April 16, 1988, adopted the **conference committee report** and passed **House File 2339**, a bill for an act relating to grievances and discipline resolution for certain employees of the state.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2339

Senator Mann called up the conference committee report on House File 2339, a bill for an act relating to grievances and discipline resolution for certain employees of the state, filed on April 16, 1988, 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 Mann 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. 2339) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Kinley	Lind	Lloyd-Jones	Mann
Miller, A.V.	Miller, C.P.	Murphy	Nystrom
Palmer	Peterson	Priebe	Readinger
Rensink	Riordan	Schwengels	Scott
Soorholtz	Sturgeon	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

Holden

Rife

Taylor

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 2339** be **immediately messaged** to the House.

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2460, a bill for an act relating to the treatment of rebates given on the sales of motor vehicles subject to registration for purposes of the state sales, services, and use taxes.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Bruner, Husak, Boswell, Dieleman, Gronstal, Mann, Murphy, Palmer, Drake, Hester, Readinger and Soorholtz. Nays, none. Absent or not voting, 3: Riordan, Holden and Holt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2477, a bill for an act relating to certain state taxes by providing for the statute of limitations for state individual and corporate tax purposes, the definition of investment counseling for state sales, services, and use tax purposes, the allowance of the military service tax credit for mobile homes, for the exemption from or the refund of state sales, services, and use taxes on the gross receipts from sales or rentals of replacement parts for farm machinery, equipment, and implements and to the issuance of fuel exemption certificates for state sales, services and use tax purposes for the purchase of fuel used in farm implements, and providing a retroactive applicability and effective dates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—6115.

Final Vote: Ayes, 14: Bruner, Husak, Boswell, Dieleman, Gronstal, Mann, Murphy, Palmer, Riordan, Drake, Hester, Holt, Readinger and Soorholtz. Nays, none. Absent or not voting, 1: Holden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2460.

House File 2460

On motion of Senator Hultman, House File 2460, a bill for an act relating to the treatment of rebates given on the sales of motor vehicles subject to registration for purposes of the state sales, services, and use taxes, with report of committee recommending passage, was taken up for consideration.

Senator Hultman offered amendment S—6039 filed by Senator Taylor on April 15, 1988, to page 1 of the bill.

Senator Bruner raised the point of order that amendment S—6039 was not germane to the bill.

The Chair ruled the point well taken amendment S—6039 out of order.

Senator Hultman 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. 2460) the vote was:

Ayes, 46:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hannon	Hester	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Miller, C.P.	Murphy	Nystrom	Palmer
Peterson	Priebe	Readinger	Rensink
Rife	Riordan	Schwengels	Scott
Soorholtz	Sturgeon	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Voting present, 1:

Holt

Absent or not voting, 3:

Holden

Taylor

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 2460** be **immediately messaged** to the House.

House File 2477

On motion of Senator Bruner, House File 2477, a bill for an act relating to certain state taxes by providing for the statute of limitations for state individual and corporate tax purposes, the definition of investment counseling for state sales, services, and use tax purposes, the allowance of the military service tax credit for mobile homes, for the exemption from or the refund of state sales, services, and use taxes on the gross receipts from sales or rentals of replacement parts for farm machinery, equipment, and implements and to the issuance of fuel exemption certificates for state sales, services and use tax purposes for the purchase of fuel used in farm implements, and providing a retroactive applicability and effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bruner offered amendment S—6115 filed by the committee on Ways and Means from the floor to page 3 of the bill.

Senator Bruner asked and received unanimous consent that further action on amendment S—6115 be deferred.

Senator Palmer withdrew amendment S—6112 filed by him from the floor to pages 2, 3 and 5 through 7 of the bill.

Senator Palmer offered amendment S—6116 filed by him from the floor to pages 2, 3 and 5 through 7 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 31, nays 8.

Amendment S—6116 was adopted.

With the adoption of amendment S—6116, the Chair ruled amendment S—6115 by the committee on Ways and Means to page 3 of the bill, previously deferred, out of order.

Senator Lind offered amendment S—6114 filed by him from the floor to page 3 of the bill.

Senator Gronstal raised the point of order that amendment S—6114 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—6114 in order.

Senator Lind moved the adoption of amendment S—6114, which motion prevailed by a voice vote.

Senator Welsh offered amendment S—6117 filed by him from the floor to pages 6, 7 and the title page of the bill.

Senator Gronstal raised the point of order that amendment S—6117 was not germane to the bill.

The Chair ruled the point well taken and amendment S—6117 out of order.

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. 2477) the vote was:

Ayes, 37:

Boswell	Bruner	Corning	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gentleman	Gettings	Goodwin
Gronstal	Hall	Hester	Holt
Horn	Hultman	Husak	Hutchins
Jensen	Lind	Lloyd-Jones	Murphy
Nystrom	Priebe	Readerger	Rensink
Riordan	Schwengels	Scott	Soorholtz
Sturgeon	Vande Hoef	Varn	Wells
Welsh			

Nays, 6:

Carr	Coleman	Mann	Miller, C.P.
Palmer	Peterson		

Absent or not voting, 7:

Hannon	Holden	Kinley	Miller, A.V.
Rife	Taylor	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 2477 be immediately messaged** to the House.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well for a special presentation and were thanked by Senators Hutchins and Hultman and President Zimmerman for their service to the Senate.

Certificates of excellence for serving with honor and distinction as a Senate Page during the 1988 Regular Session of the Seventy-second General Assembly and a Page group picture were presented to the following Pages by Senators Hutchins and Hultman:

Matthew Gibbs, Anna Grandinetti, Katrina Hennies, Kate Hoffey, Sheridee Jorgenson, Katherine Kennedy, Murray Leith, Andrea Pedersen, Lloyd Quesenberry, Lori Reeder, Tracey Shell, Sara Timmerman, Eric Tschetter, Brenda Welte, Dean Wilson and Kristin Winchell.

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

The Senate resumed session, Senator Husak presiding.

BUSINESS PENDING

Senate File 2263

The Senate resumed consideration of Senate File 2263, a bill for an act relating to horse and dog racing by allowing the application of cold with ice, cold packs, or similar treatments to the limbs of a horse or a dog prior to the start of a race and

by allowing the use of certain drugs on racing horses under rules adopted by the state racing commission, and providing an effective date, and House amendment S—6104, previously deferred.

President Zimmerman took the chair at 2:07 a.m.

Senator Dieleman asked and received unanimous consent that further action on House amendment S—6104 and **Senate File 2263** be **deferred**.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 1988, **adopted the conference committee report** and passed **Senate File 2250**, a bill for an act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste.

ALSO: That the House has on April 17, 1988, **adopted the conference committee report** and passed **Senate File 2055**, a bill for an act relating to the registration and use of certain pesticides.

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

The Senate resumed session, President Zimmerman presiding.

QUORUM CALL

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

The vote revealed 35 present, 15 absent and a quorum present.

INTRODUCTION OF BILL

Senate File 2344, by the committee on Appropriations, a bill for an act appropriating funds to the office of the attorney general for the fiscal year beginning July 1, 1988, and ending June 30, 1989.

Read first time and **placed on the Appropriations Calendar.**

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 2344, a bill for an act appropriating funds to the office of the attorney general for the fiscal year beginning July 1, 1988, and ending June 30, 1989.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Welsh, Husak, Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lloyd-Jones, Peterson, Riordan and Sturgeon. Nays, none. Absent or not voting, 5: Tieden, Lind, Readinger, Schwengels and Varn.

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 Senate File 2344.

Senate File 2344

On motion of Senator Welsh, Senate File 2344, a bill for act appropriating funds to the office of the attorney general for the fiscal year beginning July 1, 1988, and ending June 30, 1989, was taken up for consideration.

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?" (S.F. 2344) the vote was:

Ayes, 38:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lloyd-Jones	Mann	Miller, A.V.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Riordan	Scott	Varn
Wells	Welsh		

Nays, 4:

Lind	Rensink	Soorholtz	Vande Hoef
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Absent or not voting, 8:

Hannon	Holden	Miller, C.P.	Rife
Schwengels	Sturgeon	Taylor	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 **Senate File 2344** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2263

The Senate resumed consideration of Senate File 2263, a bill for an act relating to horse and dog racing by allowing the application of cold with ice, cold packs, or similar treatments to the limbs of a horse or a dog prior to the start of a race and by allowing the use of certain drugs on racing horses under rules adopted by the state racing commission, and providing an effective date, and House amendment S—6104, previously deferred.

Senator Peterson withdrew the following amendments filed by him on April 16, 1988, to House amendment S—6104:

S—6107 to page 1; S—6108 to page 5 and S—6109 to pages 2 and 5.

Senator Dieleman asked and received unanimous consent that further action on House amendment S—6104 and **Senate File 2263** be deferred.

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 2405)

A conference committee report signed by the following Senate and House members was filed April 17, 1988, on House File 2405, a bill for an act relating to the administration and benefits for certain public retirement systems:

On the Part of the Senate:

BOB CARR, Chair
DON GETTINGS
WALLY E. HORN
JACK NYSTROM
RICHARD VANDE HOEF

On the Part of the House:

GENE BLANSHAN, Chair
DOROTHY F. CARPENTER
MINNETTE F. DODERER
JOHNIE HAMMOND
GEORGE SWEARINGEN

HOUSE MESSAGE RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on April 17, 1988, adopted the **conference committee report** and passed **House File 2405**, a bill for an act relating to the administration and benefits for certain public retirement systems.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2405

Senator Carr called up the conference committee report on House File 2405, a bill for an act relating to the administration and benefits for certain public retirement systems, filed on April 17, 1988, 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?" (H.F. 2405) the vote was:

Ayes, 42:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gentleman
Gettings	Goodwin	Gronstal	Hall
Hester	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lind	Lloyd-Jones	Mann	Miller, A.V.
Murphy	Nystrom	Palmer	Peterson
Priebe	Readinger	Rensink	Riordan
Scott	Soorholtz	Vande Hoef	Varn
Wells	Welsh		

Nays, none.

Absent or not voting, 8:

Hannon	Holden	Miller, C.P.	Rife
Schwengels	Sturgeon	Taylor	Tieden

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 2405** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 38)

A conference committee report signed by the following Senate and House members was filed April 17, 1988, on Senate File 38, a bill for an act relating to conservation easements:

On the Part of the Senate:

BERL E. PRIEBE, Chair
 LINN FUHRMAN
 JACK W. HESTER
 KENNETH D. SCOTT
 JAMES D. WELLS

On the Part of the House:

DANIEL P. FOGARTY
 PAUL W. JOHNSON
 ANDY McKEAN
 DAN PETERSEN

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 38

Senator Priebe called up the conference committee report on Senate File 38, a bill for an act relating to conservation easements, filed on April 17, 1988, 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?" (S.F. 38) the vote was:

Ayes, 39:

Boswell	Bruner	Carr	Coleman
Corning	Deluhery	Doyle	Drake
Fraise	Fuhrman	Gentleman	Gettings
Goodwin	Gronstal	Hall	Hester
Horn	Hultman	Husak	Hutchins
Jensen	Kinley	Lind	Lloyd-Jones
Mann	Miller, A.V.	Murphy	Nystrom
Palmer	Peterson	Priebe	Rensink
Riordan	Scott	Soorholtz	Vande Hoef
Varn	Wells	Welsh	

Nays, none.

Absent or not voting, 11:

Dieleman	Hannon	Holden	Holt
Miller, C.P.	Readinger	Rife	Schwengels
Sturgeon	Taylor	Tieden	

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 38** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senate Concurrent Resolution 140

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

Senator Hutchins offered amendment S—6113 filed by Senators Hutchins and Hultman on April 16, 1988, to page 1 of the resolution and moved its adoption.

Amendment S—6113 was adopted by a voice vote.

Senator Kinley rose on a point of parliamentary inquiry to question that if Senate Concurrent Resolution 140, as amended, was adopted by the Senate, could further business be considered by the Senate.

Senator Hutchins raised the point of order that he had not moved the adoption of Senate Concurrent Resolution 140 as amended, and requested a ruling from the Chair that the Senate was still in session and able to conduct business.

The Chair ruled the Senate was properly in session and further business could be considered.

Senator Hutchins asked and received unanimous consent that further action on **Senate Concurrent Resolution 140** as amended be **deferred**.

SECOND CONFERENCE COMMITTEE
REPORT RECEIVED
(Senate File 2328)

A second conference committee report signed by the following Senate and House members was filed April 17, 1988, on Senate

File 2328, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used:

On the Part of the Senate:

LEONARD L. BOSWELL, Chair
ALVIN V. MILLER
JOE J. WELSH
DALE L. TIEDEN
DAVID M. READINGER

On the Part of the House:

EDWARD G. PARKER, Chair
MIKE CONNOLLY
RICHARD V. RUNNING
CLIFFORD O. BRANSTAD
WAYNE BENNETT

SECOND CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2328

Senator Boswell called up the second conference committee report on Senate File 2328, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, filed on April 17, 1988, and moved its adoption.

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

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?" (S.F. 2328) the vote was:

Ayes, 33:

Boswell	Bruner	Coleman	Corning
Deluhery	Dieleman	Gettings	Hall
Hester	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Kinley
Lloyd-Jones	Mann	Miller, A. V.	Murphy
Nystrom	Palmer	Peterson	Priebe
Readinger	Rensink	Riordan	Scott
Soorholtz	Vande Hoef	Varn	Wells
Welsh			

Nays, 8:

Doyle
Gentleman

Drake
Goodwin

Fraise
Gronstal

Fuhrman
Lind

Absent or not voting, 9:

Carr
Rife
Tieden

Hannon
Schwengels

Holden
Sturgeon

Miller, C.P.
Taylor

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 2328** be **immediately messaged** to the House.

QUORUM CALL

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

The vote revealed 33 present, 17 absent and a quorum present.

BUSINESS PENDING

Senate File 2263

The Senate resumed consideration of Senate File 2263, a bill for an act relating to horse and dog racing by allowing the application of cold with ice, cold packs, or similar treatments to the limbs of a horse or a dog prior to the start of a race and by allowing the use of certain drugs on racing horses under rules adopted by the state racing commission, and providing an effective date, and House amendment S—6104, previously deferred.

Senator Dieleman offered amendment S—6119 filed by him on April 17, 1988, to pages 1 through 6 of House amendment S—6104 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—6119 to House amendment S—6104 be adopted?" (S.F. 2263) the vote was:

Ayes, 4:

Bruner	Dieleman	Murphy	Varn
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Nays, 26:

Boswell	Deluhery	Doyle	Fraise
Gentleman	Gettings	Gronstal	Hall
Hester	Horn	Husak	Hutchins
Jensen	Kinley	Lind	Mann
Miller, A.V.	Palmer	Peterson	Priebe
Readinger	Riordan	Scott	Soorholtz
Wells	Welsh		

Absent or not voting, 20:

Carr	Coleman	Corning	Drake
Fuhrman	Goodwin	Hannon	Holden
Holt	Hultman	Lloyd-Jones	Miller, C.P.
Nystrom	Rensink	Rife	Schwengels
Sturgeon	Taylor	Tieden	Vande Hoef

Amendment S—6119 lost.

Senator Dieleman offered amendment S—6118 filed by him on April 17, 1988, to page 1 of House amendment S—6104 and moved its adoption.

Senator Varn took the chair at 5:45 a.m.

A record roll call was requested.

On the question "Shall amendment S—6118 to House amendment S—6104 be adopted?" (S.F. 2263) the vote was:

Ayes, 4:

Bruner	Dieleman	Gronstal	Varn
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Nays, 26:

Boswell	Coleman	Deluhery	Doyle
Fraise	Gentleman	Gettings	Hall
Hester	Holt	Horn	Husak
Hutchins	Jensen	Kinley	Lind
Mann	Miller, A.V.	Palmer	Peterson
Priebe	Readinger	Riordan	Scott
Soorholtz	Wells		

Absent or not voting, 20:

Carr	Corning	Drake	Fuhrman
Goodwin	Hannon	Holden	Hultman
Lloyd-Jones	Miller, C.P.	Murphy	Nystrom
Rensink	Rife	Schwengels	Sturgeon
Taylor	Tieden	Vande Hoef	Welsh

Amendment S—6118 lost.

President Zimmerman took the chair at 5:50 a.m.

Senator Peterson moved that the Senate concur in the House amendment.

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

Senator Peterson 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. 2263) the vote was:

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

Ayes, 26:

Boswell	Coleman	Deluhery	Doyle
Fraise	Gentleman	Gettings	Gronstal
Hall	Hester	Holt	Husak
Hutchins	Jensen	Kinley	Lind
Mann	Miller, A.V.	Palmer	Peterson
Priebe	Readinger	Riordan	Soorholtz
Wells	Welsh		

Nays, 5:

Bruner	Dieleman	Horn	Murphy
Varn			

Absent or not voting, 19:

Carr	Corning	Drake	Fuhrman
Goodwin	Hannon	Holden	Hultman
Lloyd-Jones	Miller, C.P.	Nystrom	Rensink
Rife	Schwengels	Scott	Sturgeon
Taylor	Tieden	Vande Hoef	

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

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 1988, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 134, a concurrent resolution to provide for adjournment sine die.

This resolution was read first time and **passed on file**.

ALSO: That the House has on April 17, 1988, passed the following bill in which the concurrence of the House was asked:

Senate File 2344, a bill for an act appropriating funds to the office of the attorney general for the fiscal year beginning July 1, 1988, and ending June 30, 1989.

CONSIDERATION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 134.

House Concurrent Resolution 134

On motion of Senator Hutchins, House Concurrent Resolution 134, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Hutchins moved the adoption of House Concurrent Resolution 134, which motion prevailed by a voice vote.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 16, 1988, 11:25 a.m.

Members Present: Welsh, Chair; Husak, Vice Chair; Tieden, Ranking Member; Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lind, Lloyd-Jones, Peterson, Readinger, Riordan, Sturgeon and Varn.

Members Absent: Schwengels.

Committee Business: Recommended passage of House File 2473 as amended.

Adjourned: 11:40 a.m.

APPROPRIATIONS

Convened: April 17, 1988, 1:52 a.m.

Members Present: Welsh, Chair; Husak, Vice Chair; Boswell, Corning, Dieleman, Fraise, Gettings, Holt, Jensen, Lloyd-Jones, Peterson, Riordan and Sturgeon.

Members Absent: Tieden, Ranking Member; Lind, Readinger, Schwengels and Varn.

Committee Business: Approved LSB 8516 as a committee bill.

Adjourned: 1:57 a.m.

RULES AND ADMINISTRATION

Convened: April 15, 1988, 7:00 p.m.

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

Members Absent: none.

Committee Business: Approved proposed Senate resolution deferring action on the confirmation of an appointment submitted by the Governor and approved a proposed concurrent resolution to provide for adjournment sine die.

Adjourned: 7:05 p.m.

RULES AND ADMINISTRATION

Convened: April 16, 1988, 8:55 a.m.

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

Members Absent: none.

Committee Business: Approved proposed Senate resolutions honoring Senators Priebe, Holt, Wells and C. Miller; approved proposed Senate resolution honoring James "Shorty" Sullivan; approved proposed Senate resolution relating to daily operations of the Senate; approved salary adjustments.

Adjourned: 9:05 a.m.

STATE GOVERNMENT

Convened: April 15, 1988, 3:50 p.m.

Members Present: Carr, Chair; Dieleman, Vice Chair; Nystrom, Ranking Member; Drake, Gronstal, Gentleman, Horn, Bruner, Coleman, Welsh, Soorholtz, Rife, Lloyd-Jones.

Members Absent: Schwengels (excused).

Committee Business: Recommended passage of Senate File 2341.

Adjourned: 4:25 p.m.

WAYS AND MEANS

Convened: April 16, 1988, 7:10 p.m.

Members Present: Bruner, Chair; Husak, Vice Chair; Dieleman, Gronstal, Mann, Palmer, Riordan, Drake, Hester, Holt and Readinger.

Members Absent: Boswell, Soorholtz, Murphy and Holden, Ranking Member.

Committee Business: Recommended passage of House File 2476; approved SSB 2279 as a committee bill.

Adjourned: 7:15 p.m.

WAYS AND MEANS

Convened: April 17, 1988, 12:05 a.m.

Members Present: Bruner, Chair; Husak, Vice Chair; Boswell, Dieleman, Gronstal, Mann, Murphy, Palmer, Riordan, Drake, Hester, Holt, Readinger and Soorholtz.

Members Absent: Holden, Ranking Member.

Committee Business: Recommended passage of House File 2477 as amended; recommended passage of House File 2460.

Adjourned: 12:15 a.m.

SUBCOMMITTEE ASSIGNMENT

House File 2476

WAYS AND MEANS: Dieleman, Chair; Bruner and Drake.

COMMUNICATIONS

The following communications were received and placed on file in the office of the Secretary of the Senate:

DEPARTMENT OF EDUCATION

Iowa Two-Year State Plan for Vocational Education for Fiscal Years 1989-90 under the Vocational Education Act of 1963, P.L. 98-524, and Chapters 258 and 280A, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Out-of-state Placement Final Report, pursuant to Chapter 234.203(9)(f)(g)(i), Acts of the Seventy-second General Assembly, 1987 Session.

DEPARTMENT OF NATURAL RESOURCES

A report on the feasibility of limiting wastes accepted at a hazardous waste facility in Iowa, pursuant to Chapter 180.6(10), Acts of the Seventy-second General Assembly, 1987 Session.

The findings and conclusions resulting from a one-time testing of public drinking water supplies of this state, pursuant to Chapter 1181.1, Acts of the Seventy-first General Assembly, 1986 Session.

DEPARTMENT OF TRANSPORTATION

A progress report on projects to collect and dispose of used motor oil from residences and farms in one urban and one rural county.

IOWA CITIZENS'S AIDE/OMBUDSMAN

The 1987 Annual Report, pursuant to Chapter 601G.18, Code of Iowa.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued a certificate of recognition as follows:

Theodore A. Breuker, Rock Rapids, Iowa — For attaining the rank of Eagle Scout. Senator Vande Hoef (for April 24, 1988).

STUDY BILL RECEIVED
(April 15, 1988)

SSB 2279 Ways and Means

Relating to tax administration matters in section 99D.8 and section 421.17, subsection 23, paragraphs "e" and "g".

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 370, the following correction was made:

1. Page 8, lines 16 and 17, the word "RECORD KEEPING" were changed to the word "RECORD-KEEPING".

ALSO: That in enrolling Senate File 2157, the following corrections were made:

1. Page 4, line 33, the words "subsection 1, 2, 3, 4, 5, or 6" were changed to the words "subsection 1, 2, 3, 4, or 5".

2. Page 8, line 32, the number "135H.11" was changed to the number "135H.10".

3. Page 9, line 25, the number "135H.9" was changed to the number "135H.8".

ALSO: That in enrolling Senate File 2232, the following correction was made:

1. Page 1, line 3, the words "By appointment" were changed to the words "BY APPOINTMENT".

ALSO: That in enrolling Senate File 2312, the following corrections were made:

1. Page 11, line 20, the words "parttime" were changed to the words "part-time".

2. Page 28, line 18, the words "cross country" were changed to the words "cross-country".

3. Page 39, line 15, the words "thousand dollars (61,700,000)" were changed to the words "thousand (61,700,000) dollars".

ALSO: That in enrolling Senate File 2321, the following corrections were made:

1. Page 15, line 12, the words "subsection 7" was changed to the words "subsection 8".

2. Page 12, line 12, the underlining of "1989." was changed to "1989."

ALSO: That in enrolling Senate File 2323, the following corrections were made:

1. Page 3, line 7, the words "university of Iowa" were changed to the words "University of Iowa".

2. Page 3, line 10, the words "university of Iowa" were changed to the words "University of Iowa".

3. Page 3, line 23, the words "university of Iowa" were changed to the words "University of Iowa".

4. Page 3, line 35, the words "university of Iowa's" were changed to the words "University of Iowa's".

JOHN F. DWYER
Secretary of the Senate

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 the 16th day of April, 1988:

SENATE FILES 2312 and 2321.

JOHN F. DWYER
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 16, 1988, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2321, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability, and dental insurance, by making coordinating amendments to the Code, and by providing applicability dates.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MADAM PRESIDENT: The Committee on Rules and Administration submits the following report in regard to personnel:

Three positions are authorized in the existing classification of Assistant Secretary of the Senate, rather than the previous authorization of one position in this classification. One of these positions is currently filled and two are vacant. These are high ranking administrative positions, directly assisting the Secretary of the Senate in the administration of the Senate. For the three positions which are authorized at this classification, the intent for implementation would be that one of them would specialize in legal matters, one in financial matters, and one in publication matters, as determined by the Secretary of the Senate.

In regard to the two vacancies, Ms. C.J. Kelly is appointed to one at a salary level of grade 33, step 1, and Ms. Mary Ann Abbott is appointed to the other at a salary level of grade 33, step 3. These appointments are effective on a retroactive basis to July 1, 1987.

BILL HUTCHINS, Chair

AMENDMENTS FILED (April 16, 1988)

S-6080	H.F.	221	Jim Riordan
S-6081	H.F.	2456	House amendment
S-6082	S.F.	38	House amendment
S-6083	S.F.	2133	House amendment
S-6084	H.F.	2405	Bob Carr Jack Nystrom
S-6085	H.F.	2405	Michael E. Gronstal
S-6086	H.F.	2405	Donald V. Doyle

S-6087	H.F.	2405	Bob Carr
S-6088	H.F.	2473	Appropriations
S-6089	H.F.	2405	Wilmer Rensink
S-6090	H.F.	2405	George Kinley
S-6091	H.F.	2405	Wally Horn
S-6092	H.F.	2405	Jim Riordan
			Leonard L. Boswell
S-6093	H.F.	221	Jim Riordan
S-6094	H.F.	2405	Tom Mann, Jr.
			Larry Murphy
			Jim Riordan
S-6095	H.F.	2405	Julia Gentleman
S-6096	H.F.	2405	Julia Gentleman
S-6097	H.F.	2473	Al Sturgeon
S-6098	H.F.	2473	Jim Lind
			Joy Corning
			Jack Rife
S-6099	H.F.	2405	Richard Vande Hoef
S-6100	S.F.	38	Linn Fuhrman
			Berl E. Priebe
			John A. Peterson
			Jack W. Hester
			Wilmer Rensink
			Kenneth Scott
			John Soorholtz
			Hurley W. Hall
			Richard Vande Hoef
			Alvin V. Miller
			Eugene Fraise
			Jim Riordan
			Leonard Boswell
			Emil J. Husak
S-6101	H.F.	2474	House amendment
S-6102	H.F.	2473	Joe Welsh
S-6103	H.F.	2473	Jim Riordan
			Leonard L. Boswell
S-6104	S.F.	2263	House amendment
S-6105	S.F.	38	Linn Fuhrman
S-6106	H.F.	2476	Jim Riordan
S-6107	S.F.	2263	John A. Peterson
S-6108	S.F.	2263	John A. Peterson
S-6109	S.F.	2263	John A. Peterson

S—6110	S. F.	2343	Leonard Boswell John A. Peterson
S—6111	S. F.	2341	House amendment
S—6112	H. F.	2477	William D. Palmer
S—6113	S. C. R.	140	Bill Hutchins Calvin O. Hultman
S—6114	H. F.	2477	Jim Lind
S—6115	H. F.	2477	Ways and Means
S—6116	H. F.	2477	William D. Palmer
S—6117	H. F.	2477	Joe Welsh

AMENDMENTS FILED

(April 17, 1988)

S—6118	S. F.	2263	William W. Dieleman
S—6119	S. F.	2263	William W. Dieleman

On motion of Senator Hutchins, the Senate stood at ease until the fall of the gavel at 6:21 a.m.

The Senate resumed session, President Zimmerman presiding.

HOUSE MESSAGES RECEIVED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has, on April 12, 1988, 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 484, a bill for an act relating to health care providers and patients and providing for the creation of an excess liability fund for health care providers, establishing a surcharge to be deposited in the fund, establishing a special surcharge, establishing qualifications for a health care provider or a patient to be protected by the fund, establishing a maximum limitation on the liability of the fund, creation of a compensation review board, authorization of the fund to procure reinsurance to protect the fund, authorization of the fund to provide primary insurance coverage to health care providers and providing for structured settlements.

ALSO: That the House has on April 17, 1988, adopted the **conference committee report and passed Senate File 38**, a bill for an act relating to conservation easements.

ALSO: That the House has on April 17, 1988, adopted the **second conference committee report** and passed **Senate File 2328**, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

ALSO: That the House has on April 16, 1988, passed the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 122, a resolution directing the department of general services to allow the use of certain parking spaces without charge.

ALSO: That the House has on April 17, 1988, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2477, a bill for an act relating to certain state taxes by providing for the statute of limitations for state individual and corporate tax purposes, the definition of investment counseling for state sales, services, and use tax purposes, the allowance of the military service tax credit for mobile homes, for the exemption from or the refund of state sales, services, and use taxes on the gross receipts from sales or rentals of replacement parts for farm machinery, equipment, and implements and to the issuance of fuel exemption certificates for state sales, services and use tax purposes for the purchase of fuel used in farm implements, and providing a retroactive applicability and effective dates.

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 1988 Regular Session of the Seventy-second General Assembly, will be considered to have **failed**:

SENATE FILE 187, a bill for an act relating to the purchase of sacramental wine (Senate concurred in House amendment as amended and passed February 29, 1988). Motion filed by Senator Kinley on February 29, 1988.

SENATE FILE 376, a bill for an act relating to state banks by permitting a state bank to engage in securities activities and to organize, acquire, or invest in a subsidiary to engage in nondepository activities permitted by state or federal law, and to invest in certain financial contracts and mutual funds for its own account (Senate concurred in House amendment as amended and passed April 15, 1988). Motion filed by Senator Holden on April 15, 1988.

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling the following Senate bills, the following corrections were made:

Senate File 323

1. Page 1, line 1, the number "282.19" was changed to the number "282.18".

Senate File 464

1. Page 1, line 22, the words "self defense" were changed to the words "self-defense".
2. Page 7, line 34, the letter "f." was changed to the letter "e."

Senate File 484

1. The new sections of Chapter 147B have been renumbered in ascending numerical order and internal references corrected accordingly.
2. Page 22, line 17, the word "chapters" was changed to the word "chapter".
3. Page 27, line 2, the words "one hundred twentyfive thousand" were changed to the words "one hundred twenty-five thousand".
4. Page 27, line 16, the word "paragraphs" was changed to the word "paragraph".

Senate File 2017

1. Page 5, line 22, the words "Section 4 and section 6" were changed to the words "Section 3 and section 6".

Senate File 2055

1. Title page, line 2, a comma was added after the word pesticides.

2. Page 4, line 10, the words "Examination for commercial applicator license" were changed to the words "EXAMINATION FOR COMMERCIAL APPLICATOR LICENSE".

3. Page 4, line 22, the words "Renewal of applicant's license" were changed to the words "RENEWAL OF APPLICANT'S LICENSE".

Senate File 2075

1. Page 1, line 27, the words "paragraphs "c"," were changed to the words "paragraph "c)".

Senate File 2092

1. Page 11, line 20, the words "paragraph c" were changed to the words "paragraph "c)".

Senate File 2107

1. Page 1, line 34, the number "6" was changed to the number "7".

2. Page 3, line 31, the number "8" was changed to the number "9".

Senate File 2135

1. Page 2, line 14, the words "Section 100" were changed to the words "Section 3".

Senate File 2169

1. Page 5, line 12, the words "the following new subsection after section 4" were changed to the words "the following new subsection after subsection 4".

Senate File 2188

1. Page 4, line 15, the words "Section 3" were changed to the words "Section 2".

2. Page 4, line 17, the words "Section 15" were changed to the words "Section 3".

Senate File 2248

1. Page 1, line 29, the words "sections 658.1" was changed to the words "section 658.1".

Senate File 2262

1. Page 4, line 9, the words "sections 190B.2" were changed to the words "section 190B.2".

Senate File 2296

1. Page 3, lines 3, 4, 16, 18, 19, 23, 24, the word "title" was changed to the word "Title".

Senate File 2304

1. Page 9, line 10, the words "Section 15" were changed to the words "Section 18".

2. Page 9, line 12, the words "Sections 1 through 14 and section 16" were changed to the words "Sections 1 through 10, 12 through 14, and section 19".

Senate File 2322

1. Page 7, line 33, the words "section 707, and section 711" were changed to the words "section 11, and section 12".

Senate File 2328

1. Page 10, line 29, the words "for purposes" were changed to the words "For purposes".

2. Page 19, line 15, the word "capitols" was changed to the word "capitals".

JOHN F. DWYER
Secretary of the Senate

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 17th day of April, 1988:

Senate Files 38, 69, 149, 173, 201, 299, 302, 323, 356, 370, 394, 443, 452, 464, 484, 2017, 2018, 2039, 2051, 2055, 2058, 2063, 2075, 2086, 2091, 2092, 2106, 2107, 2117, 2126, 2135, 2157, 2169, 2170, 2171, 2188, 2192, 2193, 2203, 2225, 2230, 2232, 2233, 2238, 2245, 2247, 2248, 2250, 2253, 2257, 2259, 2262, 2263, 2274, 2278, 2284, 2289, 2291, 2295, 2296, 2301, 2303, 2304, 2306, 2307, 2313, 2315, 2316, 2318, 2322, 2323, 2327, 2328, 2330, 2331, 2333, 2335, 2338 and 2344.

JOHN F. DWYER
Secretary of the Senate

RESOLUTIONS ENROLLED, SIGNED AND SENT TO THE SECRETARY OF STATE

The Secretary of the Senate submitted the following report:

MADAM 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 17th day of April, 1988:

Senate Joint Resolutions 1 and 2006.

JOHN F. DWYER
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 House Concurrent Resolution 134.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Coleman and Holt.

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 House Concurrent Resolution 134.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Husak and Tieden.

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 Husak 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 Coleman 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 House Concurrent Resolution 134, duly adopted, the day of April 17, 1988, having arrived, President Zimmerman declared the 1988 Regular Session of the Seventy-second General Assembly adjourned sine die.

COMMUNICATION FROM THE GOVERNOR

May 11, 1988

The Honorable Jo Ann Zimmerman
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

During the 1988 session of the General Assembly, we faced important choices. For the most part, the Legislature made the right choices. However, some opportunities were missed. We made the choices to move this state forward, to focus our resources, to market our assets and improve our business climate, to diversify our economy and to build on our strengths. We worked together to pass an honest and balanced budget. There is no need to increase either the sales or income tax next year.

We enacted the best welfare reform program in the country to help welfare recipients move from dependence to self-sufficiency. Child care and medical care support, education, on-the-job training, job placement and employers' incentives will help people move from welfare into the workforce.

Transportation 2000 will focus our transportation resources to build a commercial highway network within reach of communities all over the state, to improve airports and rail lines and to construct recreational trails throughout our state.

Iowa's investment in economic development continues to provide economic diversity. This year we will be able to start effectively marketing our assets, telling the story of Iowa's opportunities and showing the nation why Iowa is a great place to visit, to invest, to build and to expand. We will continue our incentives to help new and growing businesses prosper.

Our economic development programs are planting seeds of opportunity. Some investments yield jobs today. Iowa is demonstrating a commitment to become the nation's leader in insurance industry by removing barriers. We plan to double the number of insurance jobs in Iowa by the year 2000. Other investments we are making, such as funding for agricultural research, provide opportunities for our young people to establish a home and a career here.

Iowa must continue to improve its business climate. Last year, Iowa led the nation in the percentage increase of new business starts and expansions. We must continue to foster that growth. We continued to cut unemployment compensation taxes on employers. This year's budget avoids the kind of budget gimmickry that can cause tax increases in future years.

Unfortunately, this year we missed a chance to help new businesses attract capital for growth when the Legislature failed to pass my recommendation that Iowa should conform to federal security regulations.

Efficient management of government is crucial to keep taxes down and this year the Legislature gave the Executive Branch another means to control costs through the voluntary early retirement program. Through careful management, we have cut 1,500 state government jobs over the past two years without massive layoffs and without cutting necessary services to Iowans.

We insured that Iowa will continue to build on our strength in education, providing pilot projects to keep Iowa first in education reform. Action this year provided improved salaries for faculty at our regents universities. And the Legislature funded my recommendation to provide more tuition grants to help over 2,000 Iowa students get an education at our independent colleges and universities.

Public safety requires additional space to keep dangerous prisoners secure in our corrections system. Any time a person who has exhibited dangerous behavior is released, we take a risk. There is a clear need for additional space. We received authority for design, site selection, bidding and construction -- but we cannot commence construction until the Legislature approves the site next year. I urge the Legislature to make that its first order of business when it reconvenes next January.

The best can be before us in Iowa. We offer a top education system, productive people who take pride in their work, a wholesome and attractive quality of life for young and old alike. And we are ready to tell the country about those assets.

Our sights are set on a new vision of Iowa. This year, we made choices to help our small towns grow, our cities thrive and our young people find the opportunities for their future.

Very truly yours,
TERRY E. BRANSTAD
Governor

**SUPPLEMENT
TO THE
SENATE JOURNAL**

**Seventy-second General Assembly
1988 Regular Session**

SENATE BILLS APPROVED, ITEM VETOED,
OR VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of action on Senate Files by the Governor and transmitted to the Secretary of State after the close of the 1988 Regular Session:

- 38 — Relating to agricultural drainage wells. Approved 5-07-88.
- 69 — Relating to the investment of idle public funds by authorizing investment in drainage district warrants or improvement certificates. Approved 5-07-88.
- 149 — Relating to dentist's services under accident and sickness insurance policies. Approved 4-28-88.
- 173 — Establishing priorities for deductions from the earnings of residents of community-based correctional facilities. Approved 5-05-88.
- 201 — Related to the senate's review and confirmation of gubernatorial appointments, and providing an effective date. Approved 4-28-88.
- 299 — Relating to podiatry by broadening the scope of practice of podiatry, by including podiatrists in the definition of "physician" for certain purposes, by providing for data collection and utilization review, and by providing for other properly related matters. Approved 5-10-88.
- 302 — Relating to the disability of brain injury. Approved 5-12-88.
- 323 — Providing a procedure for parents or guardians to enroll their children in the public schools of contiguous school districts and providing for the implementation of administrative rules and an effective date. Approved 4-27-88.
- 356 — Relating to the regulation of home prepared foods and foods sold at farmers markets, and providing penalties. Approved 5-12-88.
- 370 — Relating to museums, providing for the disposition of loaned or undocumented property in the possession of a museum, notice, reclamation of loaned or undocumented property and statutes of limitations for actions against museums; prescribing museum obligations; prescribing lender and claimant obligations to museums; and providing for the retroactive applicability of certain sections of the Act. Approved 4-27-88.
- 394 — Relating to care of animals in commercial establishments. Approved 5-07-88.
- 443 — Defining and establishing redemption centers, dealer agents, and territory of service between dealer agents and distributors, and subjecting violators to a penalty. Approved 5-10-88.

- 452 — To cancel all personal property taxes not collected by July 1, 1988, including the removal of tax liens against personal property. Approved 5-13-88.
- 464 — Relating to the regulation of physical exercise clubs, providing penalties and providing effective dates. Approved 5-12-88.
- 484 — Relating to health care providers, hospitals, and patients by providing for the creation of a patient catastrophic injury fund for health care providers and hospitals, establishing a surcharge to be deposited in the fund, providing for an assessment on hospital charges, establishing qualifications for a health care provider, hospital, or patient to be protected by the fund, establishing a limitation on the liability of the fund, establishing a study and certain other powers and duties of the commissioner of insurance, providing for indemnification agreements between a hospital and a health care provider, providing that the act does not apply to certain contracts guaranteeing results, establishing certain reporting requirements regarding claims, providing for the appointment of a fund administrator and for administration of the fund, providing that an advance payment or a settlement is not an admission of liability, providing for liability of defense costs in certain actions, authorizing the fund to procure reinsurance, providing for structured settlements, establishing a mediation system to assist in the resolution of disputes, establishing certain mandatory reporting requirements for health care providers regarding acts which may constitute malpractice, providing for regional pricing of insurance, establishing a system for the reimbursement of certain amounts paid for medical liability insurance to ensure the availability of physicians to all citizens of this state, establishing a study to determine where the state is experiencing a shortage of needed medical services, establishing an effective date, providing for applicability and establishing penalties. Vetoed 5-13-88. See Governor's Veto Message.
- 2017 — Relating to handicapped parking and the use, issuance, and display of handicapped identification devices, sticker, signs, and plates, providing a penalty and making penalties applicable; and providing an effective date. Approved 5-12-88.
- 2018 — Creating a family support subsidy program. Approved 4-27-88.
- 2039 — Allowing certain personalized vehicle registration plates to contain up to seven characters, relating to the issuance of registration plates by equalizing penalties for late renewals, relating to the issuance of registration plates by providing for the issuance of collegiate registration plates, relating to the issuance of registration plates by providing for the issuance of congressional medal of honor plates, relating to the titling and registration of motor vehicles, and by including an appropriation, and providing an effective date. Approved 5-11-88.

- 2051 — Relating to the development of soil and water resource conservation plans by soil and water conservation districts and the division of soil conservation of the department of agriculture and land stewardship. Approved 5-09-88.
- 2055 — Relating to the registration and use of certain pesticides, authorizing a departmental study, and providing an effective date. Approved 5-09-88.
- 2058 — Exempting the withholding agent from the requirement to withhold state income taxes from payments made to a nonresident, if the payments are from the sale of federal commodity certificates or agricultural commodities or products and the withholding agent submits needed information and providing for retroactive applicability and an effective date. Approved 5-04-88.
- 2063 — Relating to the jurisdiction of magistrates, and providing an effective date. Approved 4-26-88.
- 2075 — Relating to child abuse by providing for examination of a child, by providing for filing complaints of alleged child sexual abuse, by requiring departmental coordination in cases of child abuse, by providing for the application of a penalty to persons who improperly use criminal history information obtained in the course of an investigation, by allowing the department of public safety the use of certain revenues generated by fees, and by expanding the definition of indecent contact with a child. Approved 5-15-88.
- 2086 — Relating to the procurement of starch-based plastics and soybean-based inks by the department of general services, the state board of regents, the commission for the blind, and the state department of transportation. Approved 5-07-88.
- 2091 — Relating to the offense of disorderly conduct and making a penalty applicable. Approved 4-26-88.
- 2092 — Establishing a community and rural development loan program and a sewage treatment works financing program to assist communities in financing sewage treatment projects and in financing traditional and new infrastructure and housing for needy and elderly, authorizing the Iowa Finance Authority to issue bonds and notes for the program, and providing an appropriation from a revolving fund to be used for each program, and providing effective dates. Item Vetoed 5-11-88. See Governor's Item Veto Message.
- 2106 — Relating to the prohibition of the sale, offering for sale, purchase, application, or use of chlordane in this state, and making a penalty applicable. Approved 4-27-88.
- 2107 — Relating to the creation of a foster home insurance fund. Approved 5-12-88.

- 2117 — Relating to certain motor vehicle violations and providing an effective date. Approved 5-11-88.
- 2126 — Restricting the time period for the initiating of administrative or judicial actions to remove or eliminate certain structures, dams, obstructions, deposits, excavations, or stream straightenings to a flood way and providing for the act's applicability. Approved 5-09-88.
- 2135 — Relating to the issuance of grain bargaining permits and limiting the assets of the grain depositors and sellers indemnity fund, providing for penalties for certain delinquent payments, and providing for an early effective date and date of applicability. Approved 5-03-88.
- 2157 — Relating to a comprehensive acquired immune deficiency syndrome (AIDS) prevention and intervention plan. Approved 5-12-88.
- 2169 — Relating to physician assistants, establishing a board of physician assistant examiners, providing for the registration and licensure of physician assistants, making penalties applicable, providing properly related matters, and providing an effective date. Approved 5-12-88.
- 2170 — Relating to the membership of the commission on the status of women and other boards, commissions, committees, and councils. Approved 5-03-88.
- 2171 — Making nonsubstantive, noncontroversial statutory corrections to comply with reorganization changes, improve clarity, remove conflicts and inconsistencies, correct references, and correct grammar and syntax. Approved 4-28-88.
- 2188 — Relating to the mobile home annual tax, the property tax credit and rent reimbursement for elderly and disabled individuals by changing the formula used for determining the amount of the annual tax, credit and reimbursement and providing effective dates. Approved 5-02-88.
- 2192 — To establish a child development coordinating council for the promotion of child development services to certain at-risk children and to prescribe its duties. Approved April 28, 1988.
- 2193 — Relating to requirements for approved teacher education programs and the establishment of a teacher certification advisory committee. Approved 5-17-88.
- 2203 — Relating to the composition of the engineering and land surveying examination board and providing an effective date. Approved 4-27-88.
- 2225 — Relating to the establishment of a family development and self-sufficiency council and the council's duties. Approved 5-15-88.
- 2230 — Relating to the sale of part of a gravel pit owned by a county. Approved 5-15-88.

- 2232 — Relating to elections and election procedures and providing an effective date. Approved 4-27-88.
- 2233 — Relating to the registration of voters in state offices. Approved 5-06-88.
- 2238 — Relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, remove ambiguities and providing effective dates. Approved 5-04-88.
- 2245 — Relating to the certification of laboratories which perform analyses of specimens for the department of natural resources. Approved 4-27-88.
- 2247 — Relating to the regulation and reporting of certain pesticides. Approved 5-04-88.
- 2248 — Relating to indemnification and limitation of liability of directors and officers and to liability of persons who serve rural water districts, volunteer as guardians or conservators, or who provide child foster care. Approved 5-06-88.
- 2250 — Relating to environmental protection by exempting certain persons from pesticide application certification requirements, by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste. Approved 5-06-88.
- 2253 — To require that students in grades nine through twelve take history and government classes. Approved 4-28-88.
- 2257 — Relating to expenses for the state judicial nominating commission. Approved 4-26-88.
- 2259 — Relating to the disposal of abandoned mobile homes and abandoned personal property of the abandoned mobile home owners. Approved 5-02-88.
- 2262 — Relating to organically produced food by providing for the establishment of standards, enforcement measures, penalties and an effective date. Approved 5-09-88.

- 2263 — Relating to horse and dog racing by allowing the application of cold with ice, cold packs, or similar treatments to the limbs of a horse or a dog prior to the start of a race and by allowing the use of certain drugs on racing horses under rules adopted by the state racing commission, and providing an effective date. Approved 5-02-88.
- 2274 — To allow the board of dental examiners to revoke or suspend a license of a licensee where the licensee has been disciplined in another state, territory, or country, and revising other provisions relating to the suspension and revocation of licenses by the board. Approved 4-27-88.
- 2278 — Relating to school standards, providing for implementation of educational standards developed and adopted by the state board of education, enactment of educational standards, providing a waiver procedure, providing for additional study of certain standards, and providing delayed effective dates for certain standards. Approved 5-16-88.
- 2284 — Relating to the disclosure of mental health information and providing a penalty. Approved 5-12-88.
- 2289 — Relating to the sale of certificates of deposit, issued by foreign associations, within the state. Approved 5-03-88.
- 2291 — To provide that certain appropriations for retirement allowances be paid from the Iowa public employees' retirement fund rather than from the general fund of the state retroactive to July 1, 1987, and providing an effective date. Approved 4-27-88.
- 2295 — Relating to the development of programs for the identification, educational methods, and staff qualifications for at-risk children. Approved 4-27-88.
- 2296 — Requiring the area education agencies to utilize federally funded health care programs to share in the costs of services provided to certain children requiring special education and providing an effective date. Approved 5-04-88.
- 2301 — Relating to the maintenance of local financial support by governmental subdivisions for operating expenses of local libraries. Approved 4-28-88.
- 2303 — Relating to the Iowa small business new jobs training act by providing for repayments to the permanent school fund, establishing a revolving loan account, and providing for departmental approval of certain projects by rule, and providing an effective date. Approved 4-28-88.
- 2304 — Relating to the administration of legal representation of indigent persons in criminal cases and proceedings under chapter 232 by local public defenders, and the state public defender's office, and providing an effective date. Approved 5-05-88.

- 2306 — Relating to the review by a juvenile court judge of a juvenile court referee's decision by providing that review is on the record only and striking language providing that the juvenile judge may allow a rehearing at any time. Approved 4-26-88.
- 2307 — Providing for a study by the department of public safety concerning the establishment of physical criminal evidence registry. Approved 4-27-88.
- 2312 — Relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational, cultural, and rehabilitational programs of this state and providing an effective date. Item Vetoed 5-17-88. See Governor's Item Veto Message.
- 2313 — Imposing additional hazardous waste fees with civil penalties applicable. Approved 4-27-88.
- 2315 — Making an appropriation from the road use tax fund of the state to a certain person in settlement of claims made against the state of Iowa. Approved 4-27-88.
- 2316 — Relating to the establishment of a division on the status of blacks within the department of human rights. Approved 5-10-88.
- 2318 — Relating to the registration of construction contractors; providing for administration and enforcement of a system of registration by the labor commissioner; providing for administrative penalties; providing an effective date; and providing other properly related matters. Approved 5-05-88.
- 2322 — Relating to and making appropriations for the compensation, training, and benefits for public officials and employees, and providing effective dates. Item Vetoed 5-15-88. See Governor's Item Veto Message.
- 2323 — 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. Approved 4-28-88.
- 2327 — To provide for a state individual income tax checkoff for the United States Olympic committee, a portion of which shall be made available for amateur sports and special Olympic programs in Iowa, and providing a retroactive effective date. Approved 5-10-88.
- 2328 — Relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used. Approved 5-15-88.
- 2330 — Relating to the provision of certain services to persons with mental retardation, a developmental disability, or mental illness. Approved 5-14-88.

- 2331 — Relating to the collection of fees for and the rights and duties of the sheriff regarding service of legal process and levy of execution. Approved 4-28-88.
- 2333 — Relating to a conflict between civil service laws and the terms and conditions of a collective bargaining agreement pertaining to the mandatory bargaining subject of seniority as it affects promotions and transfers. Vetoed 5-15-88. See Governor's Veto Message.
- 2335 — Relating to the formula used in valuing agricultural property. Approved 4-27-88.
- 2338 — Relating to the deduction of premiums received in connection with annuity contracts in computing the gross amount of premiums for purpose of the state gross premiums tax, requiring related reports by the commissioner of insurance, and providing applicable and effective dates. Approved 5-05-88.
- 2344 — Appropriating funds to the office of the attorney general for the fiscal year beginning July 1, 1988, and ending June 30, 1989. Approved 5-17-88.

GOVERNOR'S ITEM VETO MESSAGES

May 11, 1988

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2092, an act establishing a community and rural development loan program and a sewage treatment works financing program to assist communities in financing sewage treatment projects and in financing traditional and new infrastructure and housing for needy and elderly, authorizing the Iowa Finance Authority to issue bonds and notes for the program, and providing an appropriation from a revolving fund to be used for each program, and providing effective dates.

Senate File 2092, the so-called rural development financing bill contains many positive features which I am approving. Specifically, this bill would allow the Department of Economic Development to establish a low interest loan revolving fund to aid small communities in rural development projects. The Governor's Rural Development Task Force report of last summer indicated the need for the state to provide targeted financial assistance to small communities in the area of traditional infrastructure, new infrastructure, and housing. Clearly, the maintenance of sewers, water, road, bridges and airports is critical to the economic

vitality of small communities. In addition, I understand the need for so-called new infrastructure services -- communications systems, day care, and technology transfer -- in order to support economic diversity in our smaller communities. And, in many small communities the availability of housing is a critical component of economic development efforts.

I believe state financial assistance to communities in these areas will do much to assist us to implement our rural development strategy.

However, Senate File 2092 also contains two fiscally unsound and unworkable provisions which are not approved.

I am unable to approve the item designated as Section 9 in its entirety.

This section of the bill diverts one and one-half cents of the state's cigarette tax to the community development revolving loan fund. Apparently, this \$4 million is to be used by the Iowa Finance Authority to back up to \$15 million worth of bonds to be issued per year for the purposes specified in the act.

I cannot approve this item because it sets a bad precedent by diverting general fund dollars for debt service. While I understand that these funds will not be utilized unless the legislature does not make a specific appropriation to provide for the debt service, I believe this provision could put the state in a fiscal straitjacket by tying up portions of state general fund revenue sources to pay off bonds. It is fiscally unwise in the long term to be dedicating a portion of our general fund tax revenues for bonding.

The general fund is just now beginning to be restored to reasonable fiscal health and diverting significant revenue sources from the general fund into debt service would restrict the state's ability to respond to financial emergencies in the future and limit our ability to return the state to a sound fiscal condition.

Moreover, the use of general funds dollars for debt service raises serious constitutional questions, given the constitutional prohibition on state indebtedness.

I am unable to approve the Section designated as Section 23 in its entirety.

This section of Senate File 2092 authorizes the Iowa Finance Authority to issue bonds to capitalize the community and rural development loan program. The Iowa Finance Authority is authorized to issue up to \$15 million of bonds under this provision in any one calendar year. This provision is simply unworkable and could jeopardize the entire community and rural development loan program. It would put the state too far in debt at too high a cost.

First, sufficient funds are not provided to service up to \$15 million per year of debt. In fact, due to the fact that loans are required to be made from these funds at a zero to five percent interest rate, it is anticipated that up to \$14 million may have to be used over the life of each \$15 million bond issue just to buy-down the interest rate. And, it is anticipated that one-third to one-half of each

year's available appropriations would have to be used to buy-down the interest rate to the five percent maximum allowed.

Secondly, this provision would put the state too far in debt. Indeed, each \$15 million of debt would require up to \$43 million worth of debt service. This could financially hamstring the state and prevent us from having the financial flexibility to react to changing needs in the future.

And finally, this item in Senate File 2092 does not put an overall limit on the amount of bonds that could be issued under this section. The \$15 million limit is for each calendar year. Conceivably IFA would be authorized to issue \$15 million each and every subsequent year. Clearly, if that were to be done, the one and one-half cent cigarette tax diversion which is to be used to service these bonds would be woefully inadequate. As a result, the state would be forced to dedicate a larger and larger portion of its cigarette tax revenues for debt service.

In short, I believe that the community and rural development loan program can work effectively to provide essential infrastructure and housing services to small communities through a zero to five percent revolving loan fund. This approach was successfully achieved in the community revolving loan program established in 1983. However, it is simply unworkable and fiscally unwise to require the authority to issue bonds to capitalize the fund. Moreover, given the dubious financial feasibility of these bonds the authority had not planned on making use of the bonding authority included in Senate File 2092 in the near term in any event.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in Senate File 2092 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 15, 1988

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2322, an act relating to and making appropriations for the compensation, training, and benefits for public officials and employees, and providing effective dates.

Senate File 2322 is approved with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 3 in its entirety. This section of Senate File 2322 makes line item appropriations of salary adjustments amounts to state departments and local agencies or programs. The specific allocations included in the bill are made on the basis of a snapshot of the personnel system that was taken in September of 1987.

The state and local personnel system is dynamic, thus, these specific allocations do not take account of substantial numbers of positions which were added or deleted or significant changes in pay classifications which have occurred since that time. As a result, it is anticipated that some of the allocations to individual departments in this bill are in error by as much as \$200,000.

The most glaring error is the failure to take account of the centralization of the personnel adopted by the General Assembly which resulted in the deletion of a number of positions in Corrections and the Department of Human Services and in the addition of some positions in the Department of Personnel. The Department of Personnel would be unable to carry out these functions with the allocation provided in Section 3.

Section 2 of this bill makes the traditional lump sum appropriation of the salary adjustment funds to the Department of Management under Section 8.43 of the Iowa Code. This section of the Code provides the Department of Management with the authority to distribute salary adjustment funds to individual departments, local agencies, and programs. Providing the department with this allocation authority will ensure that funds are distributed equitably and consistent with the personnel structure authorized by the General Assembly for fiscal year 1989. The Department of Management will provide appropriate reports to the Legislative Fiscal Bureau and interested legislators regarding the allocations that are made and the rationale for those allocations. The department will also, of course, respond to any additional requests for information.

In short, the specific allocations of salary adjustment funds made in Section 3 of the bill do not reflect significant personnel changes which have occurred since September of 1987. This legislation also provides a lump sum allocation to the Department of Management for distribution. Utilization of that authority will allow a more accurate allocation of these salary adjustment funds, with full reporting provided to the General Assembly.

I am unable to approve the item designated as Section 11 of Senate File 2322 in its entirety.

This section of the bill, in effect, reduces appropriations available to the Department of Public Safety for undercover drug buy money. A separate bill provided \$200,000 from the Law Enforcement Training Reimbursement Fund to the Department of Public Safety for drug buy money which is critical to the success of our efforts to crack down on drug dealers. This bill, however, provides that other appropriations from that reimbursement fund be fully credited prior to providing funds for undercover purchases.

It is estimated that the legislature has over-appropriated funds from the Law Enforcement Training Reimbursement Fund by at least \$70,000. Thus, the state's narcotics enforcement effort would be hamstrung by this significant reduction in money needed to pursue investigations into illicit drug trafficking in Iowa. In addition, the state's eligibility for federal crime control act funds for drug law enforcement would also be jeopardized.

Apparently, the legislature at one time intended to short the drug buy money account in order to provide additional salary money to the Attorney General's Office. However, the appropriation from the reimbursement fund for that purpose was never made. In addition, since Section 3 of this act was item vetoed, the Department of Management has the flexibility to provide appropriate salary adjustments to the Attorney General's Office to fund authorized staff.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in Senate File 2322 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

May 17, 1988

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2312, an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational, cultural, and rehabilitational programs of this state and providing an effective date.

Senate File 2312 is approved with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 5 in its entirety.

This item in Senate File 2312 provides the Public Broadcasting Division of the Department of Cultural Affairs with the authority to use the financing of the State of Iowa Facilities Improvement Corporation (SIFC) to purchase portions of needed ultra high frequency transmitter packages. Moreover, the legislation exempted IPTV from the requirement that these packages meet the six year energy pay back requirement that is applied to financing. It is anticipated that the total cost of replacing these transmitters at IPTV is approximately \$860,000.

I am concerned about legislation which authorizes additional bonding or lease/purchases by SIFC. The principle and interest on this financing must be paid out of the operating budgets of the individual entities. In this case, it would, in effect, require a diversion of operating funds from the IPTV budget for debt service.

In addition, I am concerned about the exemption from the six-year energy payback requirement that is included in this item. Energy conservation projects with longer than six-year paybacks are generally deemed to be poor investments. Issuing bonds for that purpose is especially unwise financial strategy.

I am cognizant of the need by IPTV to replace some of their transmitters which are well past their useful lives. However, I would prefer direct appropriations to fund the purchase of these replacement transmitters. I have approved provisions in the oil overcharge bill which potentially will provide direct general fund appropriations for the purchase of these transmitters. If the intent of that appropriation is not realized, the General Assembly may need to consider a direct appropriation to replace the transmitters in future years.

I am unable to approve the item designated as Section 61 in its entirety.

This provision in Senate File 2312 requires the Board of Regents to issue bonds to finance energy conservation projects with a payback of an average of six years. Certainly, energy conservation should be an important priority of the capital program of the State Board of Regents and the Regents have allocated funds for that purpose in the past.

However, I object to requiring the State Board of Regents to issue debt financing for this purpose. Debt financing limits our financial flexibility in future years as we struggle to pay back the principle and interest on the debt. Moreover, debt financing runs the risk of tying up the operating budgets of the Regent institutions.

I am in support of and have signed legislation to require the Board of Regents to carefully review energy conservation projects which can be undertaken with reasonable payback periods. However, I cannot approve legislation which stipulates that the only method of financing those projects be bonding. Instead, the Board of Regents institutions have attempted to finance as many energy conservation projects as possible from the building repairs portion of their operating budgets. Extraordinary needs for energy conservation funds can be requested for consideration by the Governor and the General Assembly through the normal appropriation process and pay-as-you-go-basis.

I am unable to approve the item designated as Section 63 in its entirety.

This section of Senate File 2312 strikes the statutory provision which requires that the Department of Ophthalmology of the School of Medicine at the State University of Iowa to provide continuing education for therapeutically certified optometrists.

In effect, this provision reopens an issue that the last General Assembly resolved by allowing optometrists to offer therapeutic services.

In order to be therapeutically certified, optometrists must meet strict education and certification requirements. Legislation passed last session by the General Assembly required the Department of Ophthalmology at the University of Iowa Hospitals and Clinics to provide some of this continuing education.

I believe that the legislation was correct last year in requiring that optometrists receive some of their continuing education at the Department of Ophthalmology at the University of Iowa. The state of Iowa does not have an optometry school and therefore it is somewhat difficult for optometrists to receive appropriate continuing education in the state of Iowa. Optometrists who do provide therapeutic services can benefit greatly from the instruction and expertise which is available at the Department of Ophthalmology. Moreover, I believe that continuing delivery of quality eye care in Iowa requires the Department of Ophthalmology to be involved in the continuing education of therapeutically certified optometrists. In order to ensure that will occur, I am item vetoing this section of Senate File 2312.

Section 65 of Senate File 2312 provides legislative authorization for the postsecondary education task force. I am not item vetoing this from the bill since I respect the prerogative of the General Assembly to conduct studies that are deemed appropriate.

However, I have some serious concerns about the structure of the study which is included in Section 65. This study does not include representation from the executive branch of state government. Such representation is critical to a complete, effective, and realistic plan for postsecondary higher education for the future. I am strongly in support of efforts to develop strategic plans for the greater coordination and focusing of our higher education resources in the state. As a result, I am working closely with the presidents and chief executive officers of each of the three major education governance boards in the state. We are planning a joint meeting of those boards to develop a process for strategic planning and coordination. I would hope that the General Assembly would work closely with the executive branch group to jointly develop plans for the future of higher education in Iowa.

I am unable to approve the items designated as Sections 67 and 68 in their entirety.

These items in Senate File 2312 provide for the accretion of the classroom teachers at the Iowa Braille and Sightsaving School and the Iowa School for the Deaf to the faculty bargaining unit at the University of Northern Iowa or another approved classroom teacher bargaining unit established under Chapter 20.

Under current law, the Public Employment Relations Board has the responsibility to establish units for collective bargaining purposes. That provision in Chapter 20 has worked quite well and the legislature should not, by statute, tinker with it. I believe that the statutory responsibilities of Public Employment Relations Board should be respected and therefore I cannot approve of this accretion language.

I am unable to approve the item designated as Section 69 in its entirety.

This provision in Senate File 2312 specifically restricts the self-liquidating financing authority for utilities, telecommunications, sewers and research equipment at the Regents institutions. The Board of Regents has used this authority over the years to meet critical needs of the Regent institutions at the lowest financing possible cost. Moreover, this self-liquidating method of financing has no impact on the state's general fund and is financed by the university's ability to generate revenues to make the payments. In addition, the Board of Regents has prudently used this mechanism to help finance important economic development projects including research equipment and the human resources biology facility at the University of Iowa. Therefore, I believe the Regents should retain this ability to obtain low cost financing to meet emergency and other important academic and economic needs for the state at no cost to our general fund.

As a matter of course, the Board of Regents have consulted with my office and the legislature prior to making use of this financing mechanism. I have been assured that such prior consultation will continue to occur.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of the 1968 Constitution of the State of Iowa. All other items in Senate File 2312 are hereby approved as of this date.

Sincerely
TERRY E. BRANSTAD
Governor

GOVERNOR'S VETO MESSAGES

May 13, 1988

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 484, an act relating to health care providers, hospitals, and patients by providing for the creation of a patient catastrophic injury fund for health care providers and hospitals, establishing a surcharge to be deposited in the fund, providing for an assessment on hospital charges, establishing qualifications for a health care provider, hospital, or patient to be protected by the fund, establishing a limitation on the liability of the fund, establishing a study and certain other powers and duties of the commissioner of insurance, providing for indemnification agreements between a hospital and a health care provider, providing that the act does not apply to certain contracts guaranteeing results, establishing certain reporting requirements regarding claims, providing for the appointment of a fund administrator and for administration of the fund, providing that an advance payment or a settlement is not an admission of liability, providing for liability of defense costs in certain actions, authorizing the fund to procure reinsurance,

providing for structured settlements, establishing a mediation system to assist in the resolution of disputes, establishing certain mandatory reporting requirements for health care providers regarding acts which may constitute malpractice, providing for regional pricing of insurance, establishing a system for the reimbursement of certain amounts paid for medical liability insurance to ensure the availability of physicians to all citizens of this state, establishing a study to determine where the state is experiencing a shortage of needed medical services, establishing an effective date, providing for applicability and establishing penalties, is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 484 puts the state in the medical malpractice insurance business by establishing a patient compensation fund for recoveries of up to \$5 million. The first \$1 million worth of coverage is effectively paid for by the doctor or hospital with the remaining \$4 million worth of coverage supplied by a one percent tax on hospital billings and, if needed, the state's general fund.

Senate File 484 is a so-called tort reform bill. However, even some of the strongest proponents of this bill admit that the bill does not reform our tort liability system. Instead, proponents argue that it will provide a reduction in the cost of reinsurance for some doctors and hospitals in our state and will maintain and possibly even enhance the ability of plaintiffs in medical malpractice actions to receive recoveries. However, in this effort to provide reassurance to some physicians and hospitals and to protect the plaintiffs in malpractice cases, the legislature apparently forgot about one important player in this process -- the taxpayer. Indeed, Senate File 484 is simply bad public policy. It is fiscally unsound; its potential long term impacts are frightening; and it forfeits the chance to obtain meaningful tort liability reform at this time and for the foreseeable future. For those reasons, I cannot approve Senate File 484.

It is no understatement to say that the medical malpractice system in the state of Iowa is in a state of crisis. Consider, for example, that malpractice premiums in Iowa have risen by 366 percent since 1981. And, an Iowa Supreme Court's study found that the number of medical malpractice cases filed in Iowa doubled from 1981 to 1986. The size of the awards also increased significantly.

This medical malpractice crisis has resulted in a loss of access to and an increase in cost of quality medical care. For example, a 1987 survey of physicians in Iowa found that 57 percent of them were less likely to provide services to high risk patients than in 1981. Moreover, between 1981 and 1987 the state lost one-third of its practicing obstetric physicians and one-half of those who quit practiced in rural areas. In fact, today in some parts of Iowa, a mother must travel up to 60 miles to give birth to her baby.

This malpractice crisis also has added to health care cost inflation. The same survey found that two-thirds of the doctors were more likely to require additional laboratory tests in order to practice defensive medicine. And, there can be little doubt that the additional malpractice insurance premiums required to be paid by doctors, at least in part, have been passed on in higher costs to health care consumers.

Now, there are some who say that the medical malpractice crisis is simply an insurance company conspiracy. However, the facts do not bear that out. In fact, approximately 600 companies have the ability to write medical malpractice insurance in Iowa. However, in 1987, only six insurers wrote 90 percent of the market. The reason for the small number of insurers is clear: medical malpractice insurance has not been significantly profitable in the past few years. Moreover, the loss ratio for companies insuring medical malpractice in Iowa has gotten significantly worse with Iowa's largest medical malpractice insurer's loss ratio exceeding 120 percent in one year.

What is needed to resolve this serious problem? It is clear there must be some cap placed on medical malpractice recoveries. I recommended a \$250,000 cap on non-economic losses -- similar caps are presently in place in 21 other states. In addition, the medical profession itself must do an even better job of policing its profession to ensure that physicians who are not up to standard are not allowed to practice.

But Senate File 484 does not significantly address the issue of improving the quality of physicians and hospitals and does not put in place reasonable limitations on recoveries. Instead, this bill simply shifts the cost from doctors, plaintiffs and their attorneys to the public. I acknowledge that Senate File 484 does provide reinsurance for the 40 percent of doctors who need greater than a million dollars worth of coverage. However, the reduction in malpractice costs for those individuals comes at too high a price.

First, I have deep philosophical concerns about the state being involved in this type of insurance business. Five of the ten states that are involved in the medical malpractice insurance business have funds that are actuarially insolvent. The reason is simple. The political process resists efforts to put funds away for potential losses in the future. Instead, the temptation among state governments is to provide funds on a cash flow basis only. That temptation may look good in the short run, but in the long term, it can cause a severe financial crisis for the state.

Second, Senate File 484 is fiscally unwise. It puts in place a \$7 million tax on health care on hospital consumers to help pay for medical malpractice claims. This is, in effect, a general tax increase in order to fund the problem we have not taken action to solve. Moreover, careful actuarial reviews of the bill have been conducted for the Insurance Division for the Department of Commerce and the Iowa Medical Society. Review was difficult to do since the bill contains significant ambiguous language, i.e., the determination of whether coverage is per occurrence or per defendant is not clear. Moreover, the actuarial firm has indicated that state taxpayers could eventually be forced to pay excess liability costs of between \$426,000 to \$4 million per year. Given the tight fiscal conditions existing in the state, it would be difficult for the state to absorb these additional costs. Regardless of the actual size of the state liability, I believe that it is unwise for the state fiscal policy to have the taxpayers exposed to significant liability resulting from medical malpractice claims.

Third, I believe the bill could, in the long term, make the medical malpractice crisis even worse. This bill could actually result in increased medical malpractice claims above present levels. Senate File 484 provides for up to \$5 million of coverage for all doctors and hospitals in the state. Currently, 60 to 70 percent of doctors have coverage of only \$1 million. The additional availability of \$4 million of insurance would certainly be an attractive target for plaintiff attorneys in malpractice cases to shoot at. And higher claims will only make the current malpractice crisis even worse.

Fourth, I believe Senate File 484, if signed, would significantly reduce the changes for meaningful tort reform for the future. In effect, this bill relieves some of the pressure for medical malpractice reform. Since health care consumers and taxpayers would be paying for higher levels of coverage, there may be reduced interest among the affected physicians and hospitals to push for meaningful malpractice reform for the future. As a result, the likelihood of reform in future is significantly diminished.

In summary, I am aware that the proponents of this legislation indicate that it protects medical malpractice plaintiffs and will provide some reinsurance for some medical practitioners. However, these marginal benefits are clearly outweighed by the fact that the legislature, in passing this bill, forgot about the taxpayer. The health care consumer and the state's general fund would be forced to absorb the probable increase in medical malpractice awards. I believe that is bad public policy and fiscally unwise. And it significantly reduces our chance to obtain meaningful tort reform in the future.

Moreover, I have deep philosophical reservations about having the state enter into the insurance business and believe it should only be done on rare occasions when the potential exposure to the state is slim and public policy reasons for offering of such insurance are overwhelming. In addition, I believe it is inappropriate for the state to enter that type of business when the result is to mask the root cause of the medical malpractice crisis. Indeed, we should not push this problem on to the public. As public policymakers, our role is to protect the public, not to make them the ultimate absorbers of excess risk.

I pledge to work with the legislature, the affected interests, and representatives of public to develop a meaningful medical malpractice and tort liability reform in the future. It will require compromise from all parties and commitment to protect the public interest in available and affordable health care.

For the above reasons, I hereby respectfully disapprove Senate File 484.

Sincerely,
TERRY E. BRANSTAD
Governor

May 15, 1988

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2333, an act relating to a conflict between civil service laws and the terms and conditions of a collective bargaining agreement pertaining to the mandatory bargaining subject of seniority as it affects promotions and transfers, is hereby transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2333 permits selected provisions of collective bargaining agreements to supersede Iowa civil service law. It also affects mandatory subjects of collective bargaining. This bill would apply to certain city employees under collective bargaining contracts.

The bill makes two significant changes in current law. First, it changes city civil service law to require that seniority as it affects promotions and transfers be a mandatory subject of collective bargaining. Secondly, Senate File 2333 provides that collective bargaining agreements supersede the current civil service law.

If a collectively bargained agreement arrived at either through voluntary settlement or arbitration includes a term or condition related to seniority as it affects promotion and transfer, the collectively bargained agreement would automatically supersede the provisions of the civil service law.

If for example, an agreement stated that seniority would be the only factor considered in promotions, that provision would override the existing civil service law and the length of service would be the sole criteria. This could have an adverse impact on cities in Iowa trying to implement affirmative action programs for minorities and protective classes and performance related pay. I find this objectionable.

It is a much wiser policy to bargain contracts within the confines of the existing law. Iowa's collective bargaining and civil service law established a delicate balance between management and labor. This balance should not be upset by allowing bargaining agreements to roam outside the law. Furthermore, it is a bad precedent to allow collective bargaining agreements to override existing law.

For the reasons above, I hereby respectfully disapprove Senate File 2333.

Sincerely,
TERRY E. BRANSTAD
Governor

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition subsequent to adjournment of the 1988 Regular Session:

The City of Soldier, Iowa — For celebrating their centennial. Senator Doyle (April 29, 1988).

Skien Lutheran Church, Sloan, Iowa — For celebrating their 120th anniversary. Senator Doyle (June 26, 1988).

Cumming, Iowa — For celebrating their centennial. Senator Peterson (July 2, 1988).

ANNOUNCEMENT OF STATUTORY APPOINTMENTS BY SENATE MAJORITY LEADER (July 1, 1988)

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Senator Alvin V. Miller, Ventura — term expires 6-30-89.

Senator Richard Vande Hoef, Harris — term expires 6-30-90.

DEPARTMENT OF ECONOMIC DEVELOPMENT BOARD (exofficio)

Senator Bill Hutchins, Audubon — term expires 6-30-90.

Senator Jack Nystrom, Boone — term expires 6-30-90.

FUNCTIONAL CLASSIFICATION REVIEW BOARD

Senator Ken Scott, Clear Lake — serves at pleasure of Majority Leader.

IOWA BOUNDARY COMMISSION

Senator Donald V. Doyle, Sioux City — term expires 6-30-92.

AGRICULTURAL ENERGY MANAGEMENT ADVISORY COUNCIL

Senator Jim Riordan, Waukee — term expires 6-30-90.

Senator John Soorholtz, Melbourne — term expires 6-30-90.

ENERGY ASSISTANCE PILOT PROJECT ADVISORY BOARD (exofficio)

Senator Mike Gronstal, Council Bluffs — term expires 6-30-90.

Senator Jack Rife, Moscow — term expires 6-30-90.

AMENDMENTS FILED

During The

Seventy-second General Assembly

1988 Regular Session

S-5001

1 Amend Senate File 2023 as follows:

2 1. Page 20, by striking lines 27 and 28 and
3 inserting the following: "the vehicle or snowmobile.
4 A person who, on or after the effective date of this
5 Act, purchases a vehicle or snowmobile which was
6 registered with a valid certificate of number issued
7 by this state before the effective date of this Act,
8 shall obtain a certificate of title for the vehicle or
9 snowmobile."

10 2. Page 24, by striking line 3 and inserting the
11 following:

12 "1. A".

13 3. Page 24, by inserting after line 7 the
14 following:

15 "a. To perfect the security interest, an
16 application for security interest must be presented
17 along with the original title. The county recorder
18 shall note the security interest on the face of the
19 title and on the copy in the recorder's office.

20 b. The application fee for a security interest is
21 five dollars. The fees shall be credited to the
22 county general fund."

23 4. Page 24, by striking lines 8 through 10 and
24 inserting the following:

25 "2. The certificate of title shall be presented to
26 the county recorder when the application for the
27 security interest or for assignment of the security
28 interest is presented and a new".

29 5. Page 24, by striking lines 14 and 15 and
30 inserting the following:

31 "3. The secured party shall present the
32 certificate of title to the county recorder when a
33 release state".

34 6. Page 24, lines 21 and 22, by striking the
35 words " , other than those provided under chapter
36 554,".

DONALD V. DOYLE

S-5002

1 Amend Senate File 2031 as follows:

2 1. Page 1, line 26, by striking the words
3 "provides incomplete information" and inserting the
4 following: "omits information required to be reported
5 under section 43.4".

6 2. Renumber sections and correct internal

7 references as necessary in accordance with this
8 amendment.

DONALD V. DOYLE

S-5003

1 Amend Senate File 2037 as follows:
2 1. Page 1, by striking lines 9 through 11, and
3 inserting the following: "Eligibility of a student
4 for receipt of a scholarship during the student's
5 first year of eligibility shall be based upon academic
6 achievement and completion of advanced level courses
7 prescribed by the commission. Continuation of the
8 scholarship in subsequent years shall be based upon
9 the student's financial need and the maintenance by
10 the student of a cumulative grade point average of at
11 least a three point zero on a four point zero grading
12 scale or its equivalent."

RICHARD J. VARN

S-5004

1 Amend Senate File 2035 as follows:
2 1. Page 1, by striking lines 13 and 14 and
3 inserting the following:
4 "Sec. 3. Notwithstanding 1987 Iowa Acts, chapter
5 227, section 6, subsection 7, the director of the
6 department of".
7 2. Page 1, line 15, by striking the figure "4"
8 and inserting the following: "9".
9 3. Page 1, line 16, by striking the figure "4"
10 and inserting the following: "9".
11 4. Page 1, line 18, by striking the figure "4"
12 and inserting the following: "9".
13 5. Page 1, line 20, by striking the figure "4"
14 and inserting the following: "9".
15 6. Page 1, line 21, by striking the figure "1986"
16 and inserting the following: "1987".
17 7. Page 1, by striking line 22 and inserting the
18 following: "chapter 227, section 6, subsection 7."

WALLY HORN

S-5005

1 Amend Senate File 2035 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. Notwithstanding 1987 Iowa Acts,
 5 chapter 227, section 6, subsection 7, the director of
 6 the department of education shall be paid a salary
 7 within salary range 9. Salary range 9 is established.
 8 It has a minimum annual salary of sixty-five thousand
 9 dollars and a maximum annual salary of eighty thousand
 10 dollars. Salary range 9 takes effect upon the
 11 enactment of this section and remains in effect until
 12 otherwise provided by law. Salary range 9 is in
 13 addition to the salary ranges specified in 1987 Iowa
 14 Acts, chapter 227, section 6, subsection 7.
 15 Sec. 2. This Act, being deemed of immediate
 16 importance, takes effect upon its enactment."
 17 2. Title, by striking lines 1 through 3 and
 18 inserting in lieu thereof the following: "An Act
 19 relating to the salary of the director of the
 20 department of education, and providing an effective
 21 date."

EDGAR H. HOLDEN

S-5006

1 Amend amendment S-5004 to Senate File 2035 as
 2 follows:
 3 1. Page 1, by inserting after line 10 the
 4 following:
 5 ____ . Page 1, line 18, by striking the words "one
 6 hundred five thousand" and inserting in lieu thereof
 7 the following: "eighty".

EDGAR H. HOLDEN

S-5007

1 Amend Senate File 2037 as follows:
 2 1. Page 1, by striking lines 12 through 16.
 3 2. Page 1, by inserting before line 17 the
 4 following:
 5 "Sec. ____ . Section 261.45, unnumbered paragraph 3,
 6 Code Supplement 1987, is amended by striking the
 7 unnumbered paragraph."
 8 3. Page 1, by inserting after line 30 the
 9 following:
 10 "Sec. ____ . Section 261.85, Code Supplement 1987,

11 is amended by striking the section and inserting in
12 lieu thereof the following:
13 261.85 ALLOCATION OF MONEYS.
14 One-half of the moneys appropriated for the work-
15 study program shall be allocated to institutions of
16 higher education under the state board of regents and
17 merged area schools and the remainder shall be
18 allocated by the commission on the basis of need as
19 determined by the portion of the federal formula for
20 distribution of work-study funds that relates to the
21 current need of institutions.”
22 4. Page 1, by inserting after line 30 the
23 following:
24 “Sec. ____ . NEW SECTION. 261.90 INTENT.
25 It is the intent of the general assembly that
26 moneys be appropriated annually by the general
27 assembly to fund the programs established in this
28 chapter.”
29 5. Page 1, by striking line 31 and inserting the
30 following:
31 “Sec. ____ . Sections 261.25 and 261.63, Code
32 Supplement 1987, and section 261.53, Code 1987, are
33 repealed.”

EDGAR H. HOLDEN

S-5008

1 Amend Senate File 2055 as follows:
2 1. Page 2, by inserting after line 7 the follow-
3 ing:
4 “An employee of a food processing and distribution
5 establishment is exempt from the certification
6 requirements of this section provided that at least
7 one person holding a supervisory position is certified
8 and provided that the employer provides a program,
9 approved by the department, for training and
10 certification of additional personnel who apply, as an
11 incidental part of their duties, any pesticide on
12 property owned or rented by the employer. The
13 secretary shall adopt rules to administer the
14 provisions of this paragraph.”

JAMES D. WELLS
KEN SCOTT
JOHN W. JENSEN

S-5009

1 Amend Senate File 2037 as follows:
2 1. Page 1, by striking lines 12 through 16 and
3 inserting the following:
4 "Sec. ____ . Section 261.25, subsection 2, Code
5 Supplement 1987, is amended by striking the
6 subsection."
7 2. Page 1, by inserting after line 30 the
8 following:
9 "Sec. ____ . Section 261.62, Code 1987, is
10 repealed."
11 3. Page 1, by striking line 33 and inserting the
12 following: "of this Act, Code 1987, is repealed".
13 4. By striking page 1, line 35 through page 2,
14 line 5, and inserting the following:
15 "Sec. ____ . NEW SECTION. 261.90 INTENT.
16 It is the intent of the general assembly that
17 moneys be appropriated to fund the supplemental grant
18 program for the fiscal year beginning July 1, 1988,
19 and that moneys be appropriated annually to fund the
20 state scholarship program."

EDGAR H. HOLDEN
RICHARD J. VARN

S-5010

1 Amend Senate File 2037 as follows:
2 1. Page 1, line 32, by striking the figure "2"
3 and inserting the following: "3".

RICHARD VARN

S-5011

1 Amend Senate File 2035 as follows:
2 1. Page 1, by striking lines 1 through 12.
3 2. Page 1, by striking lines 13 through 22 and
4 inserting the following:
5 "Sec. ____ . Notwithstanding 1987 Iowa Acts, chapter
6 227, section 6, subsection 10, the director of the
7 department of education shall be paid a salary within
8 salary range 9. Salary range 9 is established. It
9 has a minimum annual salary of sixty-five thousand
10 dollars and a maximum annual salary of eight-five
11 thousand dollars. Salary range 9 takes effect upon

12 the enactment of this section and remains in effect
 13 until otherwise provided by law. Salary range 9 is in
 14 addition to the salary ranges specified in 1987 Iowa
 15 Acts, chapter 227, section 6, subsection 7.”

16 3. Page 1, by striking lines 23 and 24 and
 17 inserting the following:

18 “Sec. ____ . This Act takes effect upon its
 19 enactment.”

20 4. Title page, line 2, by striking the words “and
 21 appointment”.

EDGAR H. HOLDEN

S-5012

1 Amend Senate File 402 as follows:

2 1. Page 1, by striking lines 1 through 22 and
 3 inserting the following:

4 “Section 1. Section 99E.31, subsection 2,
 5 paragraph b, Code Supplement 1987, is amended to read
 6 as follows:

7 b. Only a political subdivision of the state may
 8 apply to receive funds for any of the above purposes.
 9 The political subdivision shall make application to
 10 the department of economic development specifying the
 11 purpose for which the funds will be used. In ranking
 12 applications for funds, the department shall ~~consider~~
 13 ~~a variety of factors including, but not limited to~~
 14 give equal consideration to the following factors.”

15 2. Page 1, line 23, by inserting after the word
 16 “Code” the following: “Supplement”.

17 3. Page 1, line 27, by inserting after the word
 18 “Code” the following: “Supplement”.

19 4. Page 1, line 29, by striking the word “h.” and
 20 inserting the following: “i.”

COMMITTEE ON LOCAL GOVERNMENT
 ALVIN V. MILLER, Chairperson

S-5013

1 Amend Senate File 2035 as follows:

2 1. Page 1, by striking lines 13 and 14 and
 3 inserting the following:

4 “Sec. 3. Notwithstanding 1987 Iowa Acts, chapter
 5 227, section 6, subsection 10, the director of the
 6 department of”.

- 7 2. Page 1, line 15, by striking the figure "4"
 8 and inserting the following: "9".
 9 3. Page 1, line 16, by striking the figure "4"
 10 and inserting the following: "9".
 11 4. Page 1, line 18, by striking the figure "4"
 12 and inserting the following: "9".
 13 5. Page 1, line 20, by striking the figure "4"
 14 and inserting the following: "9".
 15 6. Page 1, line 21, by striking the figure "1986"
 16 and inserting the following: "1987".
 17 7. Page 1, by striking line 22 and inserting the
 18 following: "chapter 227, section 6, subsection 7."

WALLY HORN

S-5014

- 1 Amend Senate File 2055 as follows:
 2 1. Page 1, line 28, by striking the words
 3 "commercial or public" and inserting the following:
 4 "commercial, public, or private".
 5 2. Page 2, line 4, by striking the words "duties
 6 or" and inserting the following: "duties, ~~or~~".
 7 3. Page 2, line 5, by striking the word
 8 "operation" and inserting the following: "operation,
 9 or a person who applies a restricted use pesticide
 10 under the direct supervision of a certified
 11 commercial, public, or private applicator".

BERL E. PRIEBE

S-5015

- 1 Amend Senate File 2074 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 422.3, subsection 5, Code
 5 1987, is amended to read as follows:
 6 5. "Internal Revenue Code of ~~1954~~" means the
 7 Internal Revenue Code of ~~1954~~ 1986, as amended to and
 8 including January 1, ~~1986~~ 1988.
 9 Sec. 2. Section 422.4, subsections 1, 4, 10, 11,
 10 14, 17, 18, 19, and 20, Code Supplement 1987, are
 11 amended to read as follows:
 12 1. The words "taxable income" mean the net income
 13 as defined in section 422.7 minus the deductions
 14 allowed by section 422.9, in the case of individuals;
 15 in the case of estates or trusts, the words "taxable

16 income" mean the taxable income (without a deduction
17 for personal exemption) as computed for federal income
18 tax purposes under the Internal Revenue Code of 1954,
19 but with the adjustments specified in section 422.7
20 plus the Iowa income tax deducted in computing said
21 the federal taxable income and minus federal income
22 taxes as provided in section 422.9.

23 4. The words "tax year" mean the calendar year, or
24 the fiscal year ending during such calendar year, upon
25 the basis of which the net income is computed under
26 this division.

27 a. If a taxpayer has made the election provided by
28 section 441, subsection "f", of the Internal Revenue
29 Code of 1954, "tax year" means the annual period so
30 elected, varying from fifty-two to fifty-three weeks.

31 b. If the effective date or the applicability of a
32 provision of this division is expressed in terms of a
33 tax year beginning, including, or ending with
34 reference to a specified date which is the first or
35 last day of a month, a tax year described in paragraph
36 "a" of this subsection shall be treated as beginning
37 with the first day of the calendar month beginning
38 nearest to the first day of the tax year or as ending
39 with the last day of the calendar month ending nearest
40 to the last day of the tax year.

41 c. This subsection is effective for tax years
42 ending on or after December 14, 1975.

43 10. The word "individual" means a natural person;
44 and where if an individual is permitted to file as a
45 corporation, under the provisions of the Internal
46 Revenue Code of 1954, such that fictional status shall
47 is not be recognized for purposes of this chapter, and
48 such the individual's taxable income shall be computed
49 as required under the provisions of the Internal
50 Revenue Code of 1954 relating to individuals not

Page 2

1 filing as a corporation, with the adjustments allowed
2 by this chapter.

3 11. The term word "head of household" shall have
4 has the same meaning as provided by the Internal
5 Revenue Code of 1954.

6 14. The term word "wages" shall have has the same
7 meaning as provided by the Internal Revenue Code of
8 1954.

9 17. a. "Annual inflation factor" means an index,
10 expressed as a percentage, determined by the
11 department each year to reflect the purchasing power
12 of the dollar as a result of inflation during the

13 preceding calendar year. For the 1981 and subsequent
14 calendar years, "annual inflation factor" means an
15 index, expressed as a percentage, determined by the
16 department by October 15 of the calendar year
17 preceding the calendar year for which the factor is
18 determined, ~~to reflect~~ which reflects the purchasing
19 power of the dollar as a result of inflation during
20 the fiscal year ending in the calendar year preceding
21 the calendar year for which the factor is determined.
22 In determining the annual inflation factor, the
23 department shall use the annual percent change, but
24 not less than zero percent, in the implicit price
25 deflator for the gross national product computed ~~for~~
26 ~~the whole calendar year or~~ for the second quarter of
27 the calendar year; ~~in the case of the annual inflation~~
28 ~~factor for the 1981 and subsequent calendar years,~~ by
29 the bureau of economic analysis of the United States
30 department of commerce and shall add ~~two-fourths for~~
31 ~~the 1980 and subsequent calendar years~~ one-half of
32 that percent change to one hundred percent. The
33 ~~annual inflation factor for the 1979 calendar year is~~
34 ~~one hundred two point three percent.~~ The annual
35 inflation factor and the cumulative inflation factor
36 shall each be expressed as a percentage rounded to the
37 nearest one-tenth of one percent. The annual
38 inflation factor shall not be less than one hundred
39 percent.

40 b. "Cumulative inflation factor" means the product
41 of the annual inflation factor for the ~~1978~~ 1988
42 calendar year and all annual inflation factors for
43 subsequent calendar years as determined pursuant to
44 this subsection. The cumulative inflation factor
45 applies to all tax years beginning on or after January
46 1 of the calendar year for which the latest annual
47 inflation factor has been determined.

48 c. The annual inflation factor for the ~~1978~~ 1988
49 calendar year is one hundred percent. ~~Notwithstanding~~
50 ~~the computation of the annual inflation factor under~~

Page 3

1 paragraph "a", the annual inflation factor for the
2 1987 calendar year is one hundred percent.

3 d. Notwithstanding the computation of the annual
4 inflation factor under paragraph "a" of this
5 subsection, the annual inflation factor is one hundred
6 percent for any calendar year in which the unobligated
7 state general fund balance on June 30 ~~as certified by~~
8 ~~the director of revenue and finance by September 10 of~~

9 the fiscal year beginning in that calendar year is
10 less than sixty million dollars. However, for the
11 1981 and subsequent calendar years, the annual
12 inflation factor is one hundred percent for any
13 calendar year if the unobligated state general fund
14 balance on June 30 of the calendar year preceding the
15 calendar year for which the factor is determined, as
16 certified by the director of revenue and finance by
17 October 10, is less than sixty million dollars.

18 18. For purposes of section 422.3, subsection 5,
19 the Internal Revenue Code of 1954 shall be interpreted
20 to include the provisions of Pub. L. No. 98-4.

21 19. The definition of the Internal Revenue Code of
22 1954 in section 422.3, subsection 5, shall be
23 interpreted to include provisions of the Tax Reform
24 Act of 1986, Pub. L. No. 99-514 which amended the
25 Internal Revenue Code of 1954, unless the context
26 otherwise requires.

27 20. "Internal Revenue Code of 1986" means the
28 Internal Revenue Code of 1954 as amended by the Tax
29 Reform Act of 1986, Pub. L. No. 99-514.

30 Sec. 3. Section 422.5, subsection 1, paragraphs a
31 through m, Code Supplement 1987, are amended by
32 striking the paragraphs and inserting in lieu thereof
33 the following:

34 a. On all taxable income from zero through ten
35 thousand dollars, one and one-half percent.

36 b. On all taxable income exceeding ten thousand
37 dollars, five and three-fourths percent.

38 Sec. 4. Section 422.5, subsection 1, paragraphs n
39 and o, Code Supplement 1987, are amended to read as
40 follows:

41 n c. The tax imposed upon the taxable income of a
42 nonresident shall be computed by reducing the amount
43 determined pursuant to paragraphs "a" through "m" and
44 "b" by the amounts of nonrefundable credits under this
45 division and by multiplying this resulting amount by a
46 fraction of which the nonresident's net income
47 allocated to Iowa, as determined in section 422.8,
48 subsection 2, is the numerator and the nonresident's
49 total net income computed under section 422.7 is the
50 denominator. This provision also applies to

Page 4

1 individuals who are residents of Iowa for less than
2 the entire tax year.

3 e d. There is imposed upon every resident and
4 nonresident of this state, including estates and
5 trusts, the greater of the tax determined in

6 paragraphs "a" through "n" "c" or the state
 7 alternative minimum tax equal to ~~nine~~ seventy-five
 8 percent of the maximum state individual income tax
 9 rate, rounded to the nearest one-tenth of one percent,
 10 of the state alternative minimum taxable income of the
 11 taxpayer as computed under this paragraph.

12 The state alternative minimum taxable income of a
 13 taxpayer is equal to the taxpayer's state taxable
 14 income, as computed with the deductions in section
 15 422.9, with the following adjustments:

16 (1) Add items of tax preference included in
 17 federal alternative minimum taxable income under
 18 section 57, except subsections ~~(a)(8) and (a)(11)~~
 19 (a)(1), (a)(2), and (a)(5), of the Internal Revenue
 20 Code of 1954, make the adjustments included in federal
 21 alternative minimum taxable income under section 56,
 22 except subsections (a)(4), (b)(1)(C)(iii), and (d), of
 23 the Internal Revenue Code, and add losses as required
 24 by section 58 of the Internal Revenue Code. In the
 25 case of an estate or trust, the items of tax
 26 preference, adjustments, and losses shall be
 27 apportioned between the estate or trust and the
 28 beneficiaries in accordance with rules prescribed by
 29 the director. ~~For purposes of computing the items of~~
 30 ~~tax preference, the gain or loss from the forfeiture~~
 31 ~~of an installment real estate contract, the transfer~~
 32 ~~of real or personal property securing a debt to a~~
 33 ~~creditor in cancellation of that debt or from the sale~~
 34 ~~or exchange of property as a result of actual notice~~
 35 ~~of foreclosure shall not be taken into account in~~
 36 ~~computing net capital gain if all of the following~~
 37 ~~conditions are met:~~

38 (a) The forfeiture, transfer, or sale or exchange
 39 was done for the purpose of establishing a positive
 40 cash flow.

41 (b) Immediately before the forfeiture, transfer,
 42 or sale or exchange, the taxpayer's debt to asset
 43 ratio exceeded seventy-five percent as computed under
 44 generally accepted accounting practices.

45 (c) The taxpayer's net worth at the end of the tax
 46 year is less than seventy-five thousand dollars.

47 In determining a taxpayer's net worth at the end of
 48 the tax year a taxpayer shall include any asset
 49 transferred within one hundred twenty days prior to
 50 the end of the tax year without adequate and full

Page 5

- 1 consideration in money or money's worth. In
- 2 determining the taxpayer's debt to asset ratio, the

3 taxpayer shall include any asset transferred, within
4 one hundred twenty days prior to such forfeiture,
5 transfer, or sale or exchange, without adequate and
6 full consideration in money or money's worth. For
7 purposes of this subsection, actual notice of
8 foreclosure includes, but is not limited to,
9 bankruptcy or written notice from a creditor of the
10 creditor's intent to foreclose where there is
11 reasonable belief that the creditor can force a sale
12 of the property.

13 (2) Subtract the applicable exemption amount as
14 follows:

15 (a) Seventeen thousand five hundred dollars for a
16 married person who files separately or for an estate
17 or trust.

18 (b) Twenty-six thousand dollars for a single
19 person or an unmarried head of household.

20 (c) Thirty-five thousand dollars for a married
21 couple which files a joint return.

22 (d) The exemption amount shall be reduced, but not
23 below zero, by an amount equal to twenty-five percent
24 of the amount by which the alternative minimum taxable
25 income of the taxpayer, computed without regard to the
26 exemption amount in this subparagraph (2), exceeds the
27 following:

28 (i) Seventy-five thousand dollars in the case of a
29 taxpayer described in subparagraph subdivision (a).

30 (ii) One hundred twelve thousand five hundred
31 dollars in the case of a taxpayer described in
32 subparagraph subdivision (b).

33 (iii) One hundred fifty thousand dollars in the
34 case of a taxpayer described in subparagraph
35 subdivision (c).

36 (3) In the case of a net operating loss computed
37 for a tax year beginning after December 31, 1982,
38 which is carried back or carried forward to the
39 current taxable year, the net operating loss shall be
40 reduced by the amount of the items of tax preference
41 arising in such year which was taken into account in
42 computing the net operating loss in section 422.9,
43 subsection 3. The deduction for a net operating loss
44 for a tax year beginning after December 31, 1986,
45 which is carried back or carried forward to the
46 current taxable year shall not exceed ninety percent
47 of the alternative minimum taxable income determined
48 without regard for the net operating loss deduction.

49 The state alternative minimum tax of a taxpayer
50 whose items of tax preference include the gain or loss

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1 from the forfeiture of an installment real estate
2 contract; the transfer of real or personal property
3 securing a debt to a creditor in cancellation of that
4 debt or from the sale or exchange of property as a
5 result of actual notice of foreclosure where the fair
6 market value of the taxpayer's assets exceeds the
7 taxpayer's liabilities immediately before such
8 forfeiture; transfer, or sale or exchange shall not be
9 greater than such excess; including any asset
10 transferred within one hundred twenty days prior to
11 such forfeiture; transfer, or sale or exchange.

12 In the case of a resident, including a resident
13 estate or trust, the state's apportioned share of the
14 state alternative minimum tax is one hundred percent
15 of the state alternative minimum tax computed in this
16 subsection. In the case of a nonresident, including a
17 nonresident estate or trust, or an individual, estate,
18 or trust that is domiciled in the state for less than
19 the entire tax year, the state's apportioned share of
20 the state alternative minimum tax is the amount of tax
21 computed under this subsection, reduced by the
22 applicable credits in sections 422.10, 422.11,
23 422.11A, and 422.12 and this result multiplied by a
24 fraction with a numerator of the sum of state net
25 income allocated to Iowa as determined in section
26 422.8, subsection 2, ~~and plus~~ tax preference items,
27 adjustments, and losses under subparagraph (1)
28 attributable to Iowa and with a denominator of the sum
29 of total net income computed under section 422.7 and
30 all tax preference items, adjustments, and losses
31 under subparagraph (1). In computing this fraction,
32 those items excludable under subparagraph (1) shall
33 not be used in computing the tax preference items.
34 Married taxpayers electing to file separate returns or
35 separately on a combined return must allocate the
36 minimum tax computed in this subsection in the
37 proportion that each spouse's respective preference
38 items, under section 57 of the Internal Revenue Code
39 of 1954 adjustments, and losses under subparagraph (1)
40 bear to the combined preference items, adjustments,
41 and losses under subparagraph (1) of both spouses.

42 Sec. 5. Section 422.5, subsection 1A, Code
43 Supplement 1987, is amended by striking the
44 subsection.

45 Sec. 6. Section 422.5 subsection 2, unnumbered
46 paragraph 2, Code Supplement 1987, is amended by
47 striking the unnumbered paragraph.

48 Sec. 7. Section 422.5, subsections 6, 7, 8, and
49 10, Code Supplement 1987, are amended to read as
50 follows:

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1 6. A person who is disabled, is sixty-two years of
2 age or older or is the surviving spouse of an
3 individual or survivor having an insurable interest in
4 an individual who would have qualified for this tax year and
5 exemption under this paragraph for this tax year and
6 receives one or more annuities from the United States
7 civil service retirement and disability trust fund,
8 and whose net income, as defined in section 422.7, is
9 sufficient to require that the tax be imposed upon it
10 under this section, may determine final taxable income
11 for purposes of imposition of the tax by excluding the
12 amount of annuities received from the United States
13 civil service retirement and disability trust fund,
14 which are not already excluded in determining net
15 income, as defined in section 422.7, up to a maximum
16 each tax year of five thousand ~~five hundred six~~
17 hundred twenty-seven dollars for a person who files a
18 separate state income tax return and eight thousand
19 one hundred eighty-four dollars total for a husband
20 and wife who file a joint state income tax return.
21 However, a surviving spouse who is not disabled or
22 sixty-two years of age or older can only exclude the
23 amount of annuities received as a result of the death
24 of the other spouse. The amount of the exemption
25 shall be reduced by the amount of any social security
26 benefits received. For the purpose of this section,
27 the amount of annuities received from the United
28 States civil service retirement and disability trust
29 fund taxable under the Internal Revenue Code of ~~1954~~
30 shall be included in net income for purposes of
31 determining eligibility under the five thousand dollar
32 or less exclusion.

33 7. Upon determination of the latest cumulative
34 inflation factor, the director shall multiply each
35 dollar amount set forth in subsection 1, paragraphs
36 "a" through "m" and "b" of this section, and each
37 dollar amount specified in this section as the maximum
38 amount of annuities received which may be excluded in
39 determining final taxable income, by this cumulative
40 inflation factor, shall round off the resulting
41 product to the nearest one dollar, and shall
42 incorporate the result into the income tax forms and
43 instructions for each tax year.

44 8. ~~Income of an individual which is excluded from~~

45 gross income under the Internal Revenue Code of 1954
46 as a result of the provisions of the Hostage Relief
47 Act of 1980, 94 stat. 1967, shall not be included as
48 income in computing the tax imposed by this section.
49 10. In addition to the other taxes imposed by this
50 section, a tax is imposed on the amount of a lump sum

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1 distribution for which the taxpayer has elected under
2 section 402(e) of the Internal Revenue Code of 1954 to
3 be separately taxed for federal income tax purposes
4 for the tax year. The rate of tax is equal to twenty-
5 five percent of the separate federal tax imposed on
6 the amount of the lump sum distribution. A
7 nonresident is liable for this tax only on that
8 portion of the lump sum distribution allocable to
9 Iowa. The total amount of the lump sum distribution
10 subject to separate federal tax shall be included in
11 net income for purposes of determining eligibility
12 under the five thousand dollar or less exclusion.

13 Sec. 8. Section 422.6, unnumbered paragraph 2,
14 Code 1987, is amended to read as follows:

15 The beneficiary of a trust who receives an
16 accumulation distribution shall be allowed credit
17 without interest for the Iowa income taxes paid by the
18 trust attributable to such ~~the~~ accumulation
19 distribution in a manner corresponding to the
20 provisions for credit under the federal income tax
21 relating to accumulation distributions as contained in
22 the Internal Revenue Code of 1954. The trust shall ~~is~~
23 not be entitled to a refund of taxes paid on the
24 distributions. The trust shall maintain detailed
25 records to verify the computation of the tax.

26 Sec. 9. Section 422.7, unnumbered paragraph 1 and
27 subsections 2, 6, 7, 8, 9, 11, 15, 16, 19, and 21,
28 Code Supplement 1987, are amended to read as follows:

29 The term "net income" means the adjusted gross
30 income as properly computed for federal income tax
31 purposes under the Internal Revenue Code of 1954, with
32 the following adjustments:

33 2. Add interest and dividends from foreign
34 securities and from securities of state and other
35 political subdivisions exempt from federal income tax
36 under the Internal Revenue Code of 1954.

37 6. Individual taxpayers and married taxpayers who
38 file a joint federal income tax return and who elect
39 to file a joint return, separate returns, or separate
40 filing on a combined return for Iowa income tax
41 purposes, may avail themselves of the disability

42 income exclusion and shall compute the amount of the
43 disability income exclusion subject to the limitations
44 for joint federal income tax return filers provided by
45 section 105(d) of the Internal Revenue Code of 1954.
46 The disability income exclusion provided in section
47 105(d) of the Internal Revenue Code of 1954, as
48 amended up to and including December 31, 1982,
49 continues to apply for state income tax purposes for
50 tax years beginning on or after January 1, 1984.

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1 7. Add to the taxable income of trusts, that
2 portion of trust income excluded from federal taxable
3 income under section 641(c) of the Internal Revenue
4 Code of 1954.
5 8. Married taxpayers who file a joint federal
6 income tax return and who elect to file separate
7 returns or separate filing on a combined return for
8 Iowa income tax purposes, may avail themselves of the
9 expensing of business assets and capital loss
10 provisions of sections 179(a) and 1211(b) respectively
11 of the Internal Revenue Code of 1954 and shall compute
12 the amount of expensing of business assets and capital
13 loss subject to the limitations for joint federal
14 income tax return filers provided by sections 179(b)
15 and 1211(b) respectively of the Internal Revenue Code
16 of 1954.
17 9. Subtract the amount of the jobs tax credit
18 allowable for the tax year under section 51 of the
19 Internal Revenue Code of 1954 to the extent that the
20 credit increased federal adjusted gross income.
21 11. Subtract the amount of the alcohol fuel credit
22 allowable for the tax year under section 40 of the
23 Internal Revenue Code of 1954 to the extent that the
24 credit increased federal adjusted gross income.
25 15. The deduction allowed under section 162(h) of
26 the Internal Revenue Code of 1954 is not applicable in
27 computing Iowa net income for any tax year beginning
28 on or before December 31, 1980. The deduction allowed
29 under section 604 of the Tax Reform Act of 1976, as
30 amended up to and including December 31, 1980, is
31 allowable in computing Iowa net income, for tax years
32 beginning on or before December 31, 1980, under
33 provisions effective for the year for which the return
34 is made. The deduction allowed under section 162(h)
35 of the Internal Revenue Code of 1954 is not applicable
36 in computing Iowa net income for any tax year
37 beginning on or after January 1, 1981. The deduction
38 allowed under section 604 of the Tax Reform Act of

39 1976, as amended up to and including December 31,
 40 1980, is allowable in computing Iowa net income for
 41 tax years beginning on or after January 1, 1981. The
 42 maximum allowable deduction, other than for travel
 43 expense, shall not exceed fifty dollars per day, where
 44 if the taxpayer elects on the Iowa return to be
 45 governed by section 604 of the Tax Reform Act of 1976,
 46 as amended up to and including December 31, 1980,
 47 unless the taxpayer itemized expenses.

48 16. Add the amounts deducted and subtract the
 49 amounts included as income as a result of the
 50 treatment provided sale-leaseback agreements under

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1 section 168(f)(8) of the Internal Revenue Code of 1954
 2 for property placed in service by the transferee prior
 3 to January 1, 1986, to the extent that the amounts
 4 deducted and the amounts included in income are not
 5 otherwise deductible or included in income under the
 6 Internal Revenue Code of 1954 as amended to and
 7 including December 31, 1985. Entitlement to
 8 depreciation on any property included in a sale-
 9 leaseback agreement which is placed in service by the
 10 transferee prior to January 1, 1986, shall be
 11 determined under the Internal Revenue Code of 1954 as
 12 amended to and including December 31, 1985, excluding
 13 section 168(f)(8) in making the determination.

14 19. Married taxpayers, who file a joint federal
 15 income tax return and who elect to file separate
 16 returns or who elect separate filing on a combined
 17 return for state income tax purposes, shall include in
 18 net income any social security benefits or tier 1
 19 railroad retirement benefits received to the same
 20 extent as those benefits are taxable on the taxpayer's
 21 joint federal return for that year under section 86 of
 22 the Internal Revenue Code of 1954. The benefits
 23 included in net income must be allocated between the
 24 spouses in the ratio of the social security benefits
 25 or tier 1 railroad retirement benefits received by
 26 each spouse to the total of these benefits received by
 27 both spouses.

28 21. Add the four percent of the basic salary of a
 29 judge, who is a member of the judicial retirement
 30 system established in chapter 602, article 9, which is
 31 exempt from federal income tax under the Internal
 32 Revenue Code of 1954.

33 Sec. 10. Section 422.7, subsections 23, 24, and
 34 27, Code Supplement 1987, are amended by striking the
 35 subsections and inserting in lieu thereof the

36 following:

37 23. Add the amount of intangible drilling and
38 development costs optionally deducted in the year paid
39 or incurred as described in section 57(a)(2) of the
40 Internal Revenue Code. This amount may be recovered
41 through cost depletion or depreciation, as appropriate
42 under rules prescribed by the director.

43 24. Add the percentage depletion amount determined
44 with respect to an oil, gas, or geothermal well as
45 described in section 57(a)(1) of the Internal Revenue
46 Code.

47 27. Add interest and dividends from regulated
48 investment companies exempt from federal income tax
49 under the Internal Revenue Code and subtract the loss
50 on the sale or exchange of a share of a regulated

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1 investment company held for six months or less to the
2 extent the loss was disallowed under section
3 852(b)(4)(B) of the Internal Revenue Code.

4 Sec. 11. Section 422.7, subsections 5, 10, 12, 13,
5 14, 16A, 17, 20, 22, and 26, Code Supplement 1987, are
6 amended by striking the subsections.

7 Sec. 12. Section 422.8, subsection 2, Code 1987,
8 is amended to read as follows:

9 2. Nonresident's net income allocated to Iowa is
10 the net income, or portion thereof, which is derived
11 from a business, trade, profession, or occupation
12 carried on within this state or income from any
13 property, trust, estate, or other source within Iowa.
14 If ~~any~~ a business, trade, profession, or occupation is
15 carried on partly within and partly without the state,
16 only the portion of the net income which is fairly and
17 equitably attributable to that part of the business,
18 trade, profession, or occupation carried on within the
19 state is allocated to Iowa for purposes of section
20 422.5, subsection 1, paragraph "n" "c" and section
21 422.13 and income from any property, trust, estate, or
22 other source partly within and partly without the
23 state is allocated to Iowa in the same manner, except
24 that annuities, interest on bank deposits and
25 interest-bearing obligations, and dividends are
26 allocated to Iowa only to the extent to which they are
27 derived from a business, trade, profession, or
28 occupation carried on within the state. However,
29 income received by an individual who is a resident of
30 another state is not allocated to Iowa if the income
31 is subject to an income tax imposed by the state where
32 the individual resides, and if the state of residence

33 allows a similar exclusion for income received in that
34 state by residents of Iowa. In order to implement the
35 exclusions, the director shall designate by rule the
36 states which allow a similar exclusion for income
37 received by residents of Iowa, and may enter into
38 agreements with other states to provide that similar
39 exclusions will be allowed, and to provide suitable
40 withholding requirements in each state.

41 Sec. 13. Section 422.9, subsection 1, Code
42 Supplement 1987, is amended to read as follows:
43 1. An optional standard deduction of fifteen
44 percent of the net income after deduction of federal
45 income tax, not to exceed one thousand two hundred
46 dollars for a married person who files separately, one
47 thousand two hundred dollars for a single person or
48 three thousand dollars for a husband and wife who file
49 a joint return, a surviving spouse as defined in
50 section 2 of the Internal Revenue Code of 1954, or an

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1 unmarried head of household as defined in the Internal
2 Revenue Code of 1954 or an optional standard deduction
3 after deduction of federal income tax equal to one
4 thousand two hundred thirty dollars for a married
5 person who files separately or a single person or
6 equal to three thousand thirty dollars for a husband
7 and wife who file a joint return, a surviving spouse,
8 or an unmarried head of household. The optional
9 standard deduction shall not exceed the amount
10 remaining after deduction of the federal income tax.

11 A taxpayer who claims the optional standard
12 deduction under this subsection may, after claiming
13 the optional standard deduction, claim the direct
14 charitable contribution as allowed and subject to the
15 same limitations provided under section 170(i) of the
16 Internal Revenue Code of 1954 for tax years ending on
17 or before December 31, 1986. However, the deduction
18 shall be computed as provided under section 170(i) of
19 the Internal Revenue Code of 1954 as applied to tax
20 year 1984. Married taxpayers who have filed a joint
21 federal return and who elect to file separate returns
22 or separately on a combined state return must allocate
23 their allowable charitable deduction to each spouse in
24 the proportion that each spouse's respective net
25 income bears to the total combined net income.
26 Taxpayers affected by the allocation provisions of
27 section 422.8 shall be permitted a deduction in the
28 amount as is fairly and equitably allocable to Iowa
29 under rules prescribed by the director.

30 Sec. 14. Section 422.9, subsection 2, unnumbered
31 paragraph 1, Code Supplement 1987, is amended by
32 striking the paragraph and inserting in lieu thereof
33 the following:

34 The total of contributions, interest, taxes,
35 medical expense, nonbusiness losses, miscellaneous
36 expenses, and moving expenses deductible for federal
37 income tax purposes under the Internal Revenue Code,
38 with the following adjustments:

39 Sec. 15. Section 422.9, subsection 2, paragraph e,
40 Code Supplement 1987, is amended by striking the
41 paragraph.

42 Sec. 16. Section 422.9, subsection 3, unnumbered
43 paragraph 1 and paragraph c, Code Supplement 1987, are
44 amended to read as follows:

45 If, after applying all of the adjustments provided
46 for in section 422.7, the allocation provisions of
47 section 422.8, and the deductions allowable in this
48 section subject to the modifications provided in
49 section 172(d) of the Internal Revenue Code of 1954,
50 the taxable income results in a net operating loss,

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1 the net operating loss shall be deducted as follows:

2 c. If the election under section 172(b)(3)(C) of
3 the Internal Revenue Code of 1954 is made, the Iowa
4 net operating loss shall be carried forward fifteen
5 taxable years.

6 Sec. 17. Section 422.9, subsection 6, Code
7 Supplement 1987, including four paragraphs, is amended
8 by striking the subsection.

9 Sec. 18. Section 422.10, unnumbered paragraph 1,
10 Code Supplement 1987, is amended to read as follows:

11 The taxes imposed under this division shall be
12 reduced by a state tax credit for increasing research
13 activities in this state. For individuals, the credit
14 shall equal equals six and one-half percent of the
15 state's apportioned share of the qualifying
16 expenditures for increasing research activities. The
17 state's apportioned share of the qualifying
18 expenditures for increasing research activities is a
19 percent equal to the ratio of qualified research
20 expenditures in this state to total qualified research
21 expenditures. For purposes of this section, an
22 individual may claim a research credit for qualifying
23 research expenditures incurred by a partnership,
24 subchapter S corporation, and estate or trust electing
25 to have the income taxed directly to the individual.
26 The amount claimed by the individual shall be based

27 upon the pro rata share of the individual's earnings
28 of a partnership, subchapter S corporation, or estate
29 or trust. For purposes of this section, "qualifying
30 expenditures for increasing research activities" means
31 the qualifying expenditures as defined for the federal
32 credit for increasing research activities which would
33 be allowable under section ~~30~~ 41 of the Internal
34 Revenue Code of ~~1954~~, in effect on January 1, 1986, or
35 which would be allowable under section 41 of the
36 Internal Revenue Code of 1986.

37 Sec. 19. Section 422.12, subsection 1, paragraph
38 c, Code Supplement 1987, is amended to read as
39 follows:

40 c. For each dependent, an additional ten dollars.
41 As used in this section, the term "dependent" shall
42 ~~have~~ has the same meaning as provided by the Internal
43 Revenue Code of ~~1954~~.

44 Sec. 20. Section 422.12, subsection 2, unnumbered
45 paragraph 1, Code Supplement 1987, is amended to read
46 as follows:

47 A child and dependent care credit equal to forty-
48 five percent of the federal child and dependent care
49 credit provided in section 21 of the Internal Revenue
50 Code of ~~1954~~.

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1 Sec. 21. Section 422.13, subsection 1, paragraph
2 a, Code Supplement 1987, is amended to read as
3 follows:

4 a. The individual is required to file a federal
5 income tax return under the Internal Revenue Code of
6 ~~1954~~.

7 Sec. 22. Section 422.16, subsection 1, unnumbered
8 paragraph 1, Code Supplement 1987, is amended to read
9 as follows:

10 Every withholding agent and every employer as
11 defined in this chapter and further defined in the
12 Internal Revenue Code of ~~1954~~, with respect to income
13 tax collected at source, making payment of wages to a
14 nonresident employee working in Iowa, or to a resident
15 employee, shall deduct and withhold from the wages an
16 amount which will approximate the employee's annual
17 tax liability on a calendar year basis, calculated on
18 the basis of tables to be prepared by the department
19 and schedules or percentage rates, based on the wages,
20 to be prescribed by the department. Every employee or
21 other person shall declare to the employer or
22 withholding agent the number of the employee's or
23 other person's personal exemptions and dependency

24 exemptions or credits to be used in applying the
25 tables and schedules or percentage rates. However, no
26 greater number of personal or dependency exemptions or
27 credits may be declared by the employee or other
28 person than the number to which the employee or other
29 person is entitled except as allowed under section
30 3402(m)(1) of the Internal Revenue Code of 1954. The
31 claiming of exemptions or credits in excess of
32 entitlement is a serious misdemeanor.

33 Sec. 23. Section 422.16, subsection 11, paragraphs
34 a and d, Code Supplement 1987, are amended to read as
35 follows:

36 a. Every person or married couple filing a return
37 shall make estimated tax payments if the person's or
38 couple's Iowa income tax attributable to income other
39 than wages subject to withholding can reasonably be
40 expected to amount to fifty dollars or more for the
41 taxable year, except that, in the cases of farmers and
42 ~~fishers~~ fishermen, the exceptions provided in the
43 Internal Revenue Code of 1954 with respect to making
44 estimated payments apply. The estimated tax shall be
45 paid in quarterly installments. The first installment
46 shall be paid on or before the last day of the fourth
47 month of the taxpayer's tax year for which the
48 estimated payments apply. The other installments
49 shall be paid on or before June 30, September 30, and
50 January 31. However, at the election of the person or

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1 married couple, any installment of the estimated tax
2 may be paid prior to the date prescribed for its
3 payment. If a person or married couple filing a
4 return has reason to believe that the person's or
5 couple's Iowa income tax may increase or decrease,
6 either for purposes of meeting the requirement to make
7 estimated tax payments or for the purpose of
8 increasing or decreasing estimated tax payments, the
9 person or married couple shall increase or decrease
10 any subsequent estimated tax payments accordingly.

11 d. Any amount of estimated tax paid is a credit
12 against the amount of tax found payable on a final,
13 completed return, as provided in subsection 9,
14 relating to the credit for the tax withheld against
15 the tax found payable on a return properly and
16 correctly prepared under sections 422.5 through
17 422.25, and any overpayment of one dollar or more
18 shall be refunded to the taxpayer and the return
19 constitutes a claim for refund for this purpose.
20 Amounts less than one dollar shall not be refunded.

21 The method provided by the Internal Revenue Code of
 22 ~~1954~~ for determining what is applicable to the
 23 addition to tax for underpayment of the tax payable
 24 applies to persons required to make payments of
 25 estimated tax under this section except the amount to
 26 be added to the tax for underpayment of estimated tax
 27 is an amount determined at the rate in effect under
 28 section 421.7. This addition to tax specified for
 29 underpayment of the tax payable is not subject to
 30 waiver provisions relating to reasonable cause, except
 31 as provided in the Internal Revenue Code of ~~1954~~.
 32 Underpayment of estimated tax shall be determined in
 33 the same manner as provided under the Internal Revenue
 34 Code of ~~1954~~ and the exceptions in the Internal
 35 Revenue Code of ~~1954~~ also apply.

36 Sec. 24. Section 422.20, subsection 2, Code
 37 Supplement 1987, is amended to read as follows:
 38 2. It ~~shall be~~ is unlawful for ~~any an~~ an officer,
 39 employee, or agent, or former officer, employee, or
 40 agent of the state to disclose to any person, except
 41 as authorized in subsection 1 of this section, any
 42 federal tax return or return information as defined in
 43 section 6103(b) of the Internal Revenue Code of ~~1954~~.
 44 It ~~shall further be~~ is unlawful for ~~any a~~ a person to
 45 whom any federal tax return or return information, as
 46 defined in section 6103(b) of the Internal Revenue
 47 Code of ~~1954~~, is disclosed in a manner unauthorized by
 48 subsection 1 of this section to thereafter print or
 49 publish in any manner not provided by law any such
 50 return or return information. ~~Any A~~ A person ~~committing~~

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1 ~~an offense against the foregoing violating this~~

2 provision ~~shall be~~ is guilty of a serious misdemeanor.

3 Sec. 25. Section 422.21, unnumbered paragraphs 4,
 4 5, and 6, Code Supplement 1987, are amended to read as
 5 follows:

6 The director shall determine for the ~~1979 1989~~ and
 7 ~~each~~ subsequent calendar ~~years~~ year the annual and
 8 cumulative inflation factors for ~~those each~~ calendar
 9 ~~years year~~ year to be applied to tax years beginning on or
 10 after January 1 of that calendar year. The director
 11 shall compute the new dollar amounts as specified
 12 ~~therein~~ to be adjusted in section 422.5 by the latest
 13 cumulative inflation factor and round off the result
 14 to the nearest one dollar. The annual and cumulative
 15 inflation factors determined by the director are not
 16 rules as defined in section 17A.2, subsection 7.

17 The department shall provide on income tax forms or
18 in the instruction booklets in a manner that will be
19 noticeable to the taxpayers a statement ~~to the extent~~
20 that, even though the taxpayer may not have any
21 federal or state income tax liability, the taxpayer
22 may be eligible for the federal earned income tax
23 credit. The statement shall also contain notice of
24 where the taxpayer may check on the taxpayer's
25 eligibility for this credit.

26 The department shall ~~prepare and make available a~~
27 ~~special return for filing a tax refund claim resulting~~
28 ~~from the net capital gain deduction authorized in~~
29 ~~section 422.9, subsection 6. The special returns~~
30 ~~shall be designed so that the department will be able~~
31 ~~to compile data that identifies the source and type of~~
32 ~~the capital gains and losses and the geographical~~
33 ~~location of the transactions involving the capital~~
34 ~~gains and losses. By January 15, 1989, the department~~
35 ~~shall make available to the general assembly the data~~
36 ~~compiled from the special returns filed during the~~
37 ~~previous calendar year.~~

38 Sec. 26. Section 422.25, subsection 1, unnumbered
39 paragraph 1, Code 1987, is amended to read as follows:

40 Within three years after the return is filed or
41 within three years after the return became due,
42 including any extensions of time for filing, whichever
43 time is the later, the department shall examine it and
44 determine the correct amount of tax, and the amount
45 determined by the department is the tax. However, if
46 the taxpayer omits from income an amount which will,
47 under the Internal Revenue Code of ~~1954~~, extend the
48 statute of limitations for assessment of federal tax
49 to six years under the federal law, the period for
50 examination and determination is six years. In

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1 addition to the applicable period of limitation for
2 examination and determination, the department may make
3 an examination and determination at any time within
4 six months from the date of receipt by the department
5 of written notice from the taxpayer of the final
6 disposition of any matter between the taxpayer and the
7 internal revenue service with respect to the
8 particular tax year. In order to begin the running of
9 the ~~six months~~ six-month period, the notice shall be
10 in writing in any form sufficient to inform the
11 department of the final disposition with respect to
12 that year, and a copy of the federal document showing
13 the final disposition or final federal adjustments

14 shall be attached to the notice.

15 Sec. 27. Section 422.43, subsections 1, 2, 6, and
16 10, Code Supplement, 1987, are amended to read as
17 follows:

18 1. There is imposed a tax of ~~four~~ five percent
19 upon the gross receipts from all sales of tangible
20 personal property, consisting of goods, wares, or
21 merchandise, except as otherwise provided in this
22 division, sold at retail in the state to consumers or
23 users; a like rate of tax upon the gross receipts from
24 the sales, furnishing or service of gas, electricity,
25 water, heat, and communication service, including the
26 gross receipts from such sales by any municipal
27 corporation furnishing gas, electricity, water, heat,
28 and communication service to the public in its
29 proprietary capacity, except as otherwise provided in
30 this division, when sold at retail in the state to
31 consumers or users; a like rate of tax upon the gross
32 receipts from all sales of tickets or admissions to
33 places of amusement, fairs, and athletic events except
34 those of elementary and secondary educational
35 institutions; and a like rate of tax upon that part of
36 private club membership fees or charges paid for the
37 privilege of participating in any athletic sports
38 provided club members.

39 2. There is imposed a ~~tax of four percent like~~
40 rate of tax upon the gross receipts derived from the
41 operation of all forms of amusement devices and games
42 of skill, games of chance, raffles, and bingo games as
43 defined in chapter 99B, operated or conducted within
44 the state of Iowa, the tax to be collected from the
45 operator in the same manner as is provided for the
46 collection of taxes upon the gross receipts of tickets
47 or admission fees as provided in this section. The
48 tax shall also be imposed upon the gross receipts
49 derived from the sale of lottery tickets or shares
50 pursuant to chapter 99E. The tax on the lottery

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1 tickets or shares shall be included in the sales price
2 and distributed to the general fund as provided in
3 section 99E.10.

4 6. There is imposed a ~~tax of four percent like~~
5 rate of tax upon the gross receipts from the sales of
6 optional service or warranty contracts which provide
7 for the furnishing of labor and materials and require
8 the furnishing of any taxable service enumerated under
9 this section. The gross receipts are subject to tax
10 even if some of the services furnished are not

11 enumerated under this section. For the purpose of
12 this division, the sale of an optional service or
13 warranty contract is a sale of tangible personal
14 property. Additional sales, services, or use tax
15 shall not be levied on services, parts, or labor
16 provided under optional service or warranty contracts
17 which are subject to tax under this section.

18 10. There is imposed a tax of ~~four~~ five percent
19 upon the gross receipts from the rendering,
20 furnishing, or performing of services as defined in
21 section 422.42.

22 Sec. 28. Section 422.47, Code Supplement 1987, is
23 amended by adding the following new subsection:
24 NEW SUBSECTION. 5. Construction contractors may
25 make application to the department for a refund of the
26 additional one percent tax paid under this division or
27 the additional one percent tax paid under chapter 423
28 by reason of the increase in the tax from four to five
29 percent for taxes paid on goods, wares, or merchandise
30 under the following conditions:

31 a. The goods, wares, or merchandise are
32 incorporated into an improvement to real estate in
33 fulfillment of a written contract fully executed prior
34 to January 1, 1989. The refund does not apply to
35 equipment transferred in fulfillment of a mixed
36 construction contract.

37 b. The contractor has paid to the department or to
38 a retailer the full five percent tax.

39 c. The claim is filed on forms provided by the
40 department and is filed within one year of the date
41 the tax is paid.

42 A contractor who makes an erroneous application for
43 refund is liable for payment of the excess refund paid
44 plus interest at the rate in effect under section
45 421.7. In addition, a contractor who willfully makes
46 a false application for refund is guilty of a simple
47 misdemeanor and is liable for a penalty equal to
48 seventy-five percent of the excess refund claimed.
49 Excess refunds, penalties, and interest due under this
50 subsection may be enforced and collected in the same

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1 manner as the tax imposed by this division.

2 Sec. 29. Section 422.72, subsection 2, Code
3 Supplement 1987, is amended to read as follows:

4 2. Federal tax returns, copies of returns, and
5 return information as defined in section 6103(b) of
6 the Internal Revenue Code of 1954, which are required
7 to be filed with the department for the enforcement of

8 the income tax laws of this state, shall be deemed and
9 held as confidential by the department and subject to
10 the disclosure limitations in subsection 1 of this
11 section.

12 Sec. 30. Section 422.73, subsection 4, Code
13 Supplement 1987, is amended by striking the
14 subsection.

15 Sec. 31. Section 423.2, Code 1987, is amended to
16 read as follows:

17 423.2 IMPOSITION OF TAX.

18 An excise tax is imposed on the use in this state
19 of tangible personal property purchased for use in
20 this state, at the rate of ~~four~~ five percent of the
21 purchase price of the property. The excise tax is
22 imposed upon every person using the property within
23 this state until the tax has been paid directly to the
24 county treasurer or the state department of
25 transportation, to a retailer, or to the department.
26 An excise tax is imposed on the use in this state of
27 services enumerated in section 422.43 at the rate of
28 ~~four~~ five percent. This tax is applicable where
29 services are rendered, furnished, or performed in this
30 state or where the product or result of the service is
31 used in this state. This tax is imposed on every
32 person using the services or the product of the
33 services in this state until the user has paid the tax
34 either to an Iowa use tax permit holder or to the
35 department.

36 Sec. 32. This section applies in regard to the
37 increase in the state sales, services, and use tax
38 from four to five percent under sections 27 and 31.
39 The use tax rate of five percent applies to motor
40 vehicles subject to registration which are registered
41 on or after January 1, 1989. The five percent use tax
42 rate applies to the use of property when the first
43 taxable use in this state occurs on or after January
44 1, 1989. The five percent rate applies to the gross
45 receipts from the sale, furnishing, or service of gas,
46 electricity, water, heat, and communication service if
47 the date of billing the customer is on or after
48 January 1, 1989. In the case of a service contract
49 entered into prior to January 1, 1989, which contract
50 calls for periodic payments, the five percent rate

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1 applies to those payments made or due on or after
2 January 1, 1989. This periodic payment applies, but
3 is not limited to, tickets of admissions, private club
4 membership fees, sources of amusement, equipment

5 rental, dry cleaning, reducing salons, dance schools,
6 and all other services subject to tax, except the
7 aforementioned utility services which are subject to a
8 special transitional rule. Unlike periodic payments
9 under service contracts, installment sales of goods,
10 wares, and merchandise are subject to the full amount
11 of sales or use tax when the sales contract is entered
12 into or the property is used in Iowa.

13 Sec. 33. Sections 1 through 26 and 29 of this Act
14 are retroactive to January 1, 1988, for tax years
15 beginning on or after that date.

16 Sec. 34. Sections 27, 28, 31, and 32 of this Act
17 are effective January 1, 1989.

18 Sec. 35. This Act, being deemed of immediate
19 importance, takes effect upon enactment."

20 2. Title page, by striking lines 1 through 3 and
21 inserting the following: "An Act relating to the
22 state's conforming its individual income taxes with
23 the new federal tax provisions, rewriting the state
24 minimum taxes to conform with federal provisions,
25 changing the tax rates, updating".

26 3. Title page, line 5, by inserting after the
27 word "applicability" the following: "and to
28 increasing the state's sales, services, and use
29 taxes,".

GEORGE KINLEY
JACK RIFE

S-5016

1 Amend Senate File 2074 as follows:

2 1. Page 1, by inserting after line 12 the
3 following:

4 "Sec. 20. Section 422.5, subsection 2, unnumbered
5 paragraph 2, Code Supplement 1987, is amended to read
6 as follows:

7 However, for married persons filing jointly or
8 filing separately on a combined return, unmarried
9 heads of household, and surviving spouses, references
10 in this subsection and subsections 6 and 10 to five
11 thousand dollars shall be interpreted to mean seven
12 thousand five hundred dollars. In addition, if the
13 married persons', filing jointly or filing separately
14 on a combined return, unmarried head of household's,
15 or surviving spouse's net income exceeds seven
16 thousand five hundred dollars, the regular tax imposed
17 under this division shall be the lesser of the maximum
18 state individual income tax rate times the portion of

19 the net income in excess of seven thousand five
20 hundred dollars or the regular tax liability computed
21 without regard to this sentence. Taxpayers electing
22 to file separately shall compute the alternate tax
23 described in this paragraph using the total net income
24 of the husband and wife. However, the alternate tax
25 described in this paragraph does not apply if one
26 spouse elects to carry back or carry forward the loss
27 as provided in section 422.9, subsection 3.

28 Sec. 21. Section 422.5, subsection 6, Code
29 Supplement 1987, is amended to read as follows:
30 6. A person who is disabled, is sixty-two years of
31 age or older or is the surviving spouse of an
32 individual or survivor having an insurable interest in
33 an individual who would have qualified for the
34 exemption under this paragraph for this tax year and
35 receives one or more annuities from the United States
36 civil service retirement and disability trust fund,
37 and whose net income, as defined in section 422.7, is
38 sufficient to require that the tax be imposed upon it
39 under this section, may determine final taxable income
40 for purposes of imposition of the tax by excluding the
41 amount of annuities received from the United States
42 civil service retirement and disability trust fund,
43 which are not already excluded in determining net
44 income, as defined in section 422.7, up to a maximum
45 each tax year of five thousand five hundred six
46 hundred twenty-seven dollars for a person who files a
47 separate state income tax return and eight thousand
48 one hundred eighty-four dollars total for a husband
49 and wife who file a joint state income tax return.
50 However, a surviving spouse who is not disabled or

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1 sixty-two years of age or older can only exclude the
2 amount of annuities received as a result of the death
3 of the other spouse. The amount of the exemption
4 shall be reduced by the amount of any social security
5 benefits received. For the purpose of this section,
6 the amount of annuities received from the United
7 States civil service retirement and disability trust
8 fund taxable under the Internal Revenue Code of 1954
9 shall be included in net income for purposes of
10 determining eligibility under the five thousand dollar
11 or less exclusion.

12 Sec. 22. Section 422.32, subsection 1, Code
13 Supplement 1987, is amended to read as follows:

14 1. The word "corporation" includes joint stock
15 companies, ~~and~~ associations organized for pecuniary

16 profit, except limited partnerships organized under
17 ~~chapter 545~~ and publicly traded partnerships taxed as
18 corporations under the Internal Revenue Code.

19 Sec. 23. Section 422.32, subsection 11, Code
20 Supplement 1987, is amended to read as follows:

21 11. "Internal Revenue Code" means the Internal
22 Revenue Code of 1954, prior to the date of its
23 redesignation as the Internal Revenue Code of 1986 by
24 the Tax Reform Act of 1986, or means the Internal
25 Revenue Code of 1986 as amended to and including
26 January 1, ~~1987~~ 1988, whichever is applicable.

27 Sec. 24. Section 450A.1, subsection 5, Code
28 Supplement 1987, is amended to read as follows:

29 5. "Internal Revenue Code" means the same as the
30 term is defined in section ~~422.3~~ 422.32.

31 Sec. 25. 1987 Iowa Acts, Second Extraordinary
32 Session, chapter 1, section 13, is amended to read as
33 follows:

34 SEC. 13. Section ~~422.4~~, subsection 17, section
35 ~~422.5~~, subsection 7, section 422.7, subsections 10,
36 12, 14, 15, 22, and 26, and section 422.9, subsection
37 2, paragraph "e", and section 422.21, unnumbered
38 paragraph 4, do not apply."

39 2. Page 1, by striking lines 23 through 25 and
40 inserting the following:

41 "Sec. ____ . Sections 1, 2, 21, 22, 23, and 25 of
42 this Act are retroactive to January 1, 1987, for tax
43 years beginning on or after that date.

44 Sec. ____ . Section 20 of this Act is retroactive to
45 January 1, 1988, for tax years beginning on or after
46 that date.

47 Sec. ____ . Section 24 of this Act is retroactive to
48 October 22, 1986, for generation skipping transfers
49 which are eligible for the credit for state taxes
50 under section 2604 of the Internal Revenue Code and

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1 are made after October 22, 1986, subject to the
2 special rules of section 1433(b) of Pub. L. No. 99-
3 514.

4 Sec. ____ . 1987 Iowa Acts, Second Extraordinary
5 Session, chapter 1, section 13, is repealed January 1,
6 1989, for tax years beginning on or after that date."

CHARLES BRUNER
RICHARD F. DRAKE
EDGAR H. HOLDEN

S-5017

- 1 Amend amendment S-5008 to Senate File 2055 as
2 follows:
3 1. Page 1, line 10, by striking the word "additional".

JAMES D. WELLS

S-5018

- 1 Amend the Bruner et al. amendment, S-5016, to
2 Senate File 2074, as follows:
3 1. Page 2, line 38, by inserting after the word
4 "apply." the following: "However, for a member of the
5 general assembly whose place of residence within the
6 legislative district is less than fifty miles from the
7 capitol building of the state, section 422.7,
8 subsection 15, does apply."

RICHARD F. DRAKE
MICHAEL E. GRONSTAL

S-5019

- 1 Amend Senate File 2061 as follows:
2 1. Page 1, line 4, by striking the figure "1990"
3 and inserting the following: "1989".
4 2. Page 1, line 6, by striking the figure "1990"
5 and inserting the following: "1989".

COMMITTEE ON AGRICULTURE
BERL PRIEBE, Chairperson

S-5020

- 1 Amend Senate File 2035 as follows:
2 1. Page 1, by striking lines 1 through 12.

JOHN N. NYSTROM

S-5021

1 Amend Senate File 2055 as follows:

DIVISION S—5021A

2 1. Page 1, line 13, by striking the words
3 “examination; ~~reexamination~~” and inserting the
4 following: “examination, reexamination.”
5 2. Page 1, line 27, by inserting after the word
6 “certification.” the following: “In addition, a
7 commercial, public, or private applicator shall be
8 reexamined every three years following initial
9 certification before the applicator is eligible for a
10 renewal of certification.”

DIVISION S—5021B

11 3. Page 2, by striking line 13 and inserting the
12 following: “through the administering of an approved
13 exam, and a provision”.
14 4. Page 2, by inserting after line 14 the
15 following:
16 “Sec. ____ . Section 206.5, Code Supplement 1987, is
17 amended by adding the following new unnumbered
18 paragraph:
19 NEW UNNUMBERED PARAGRAPH. Before renewal of a
20 certification, a commercial or public applicator shall
21 furnish to the secretary proof that the applicator has
22 attended, for each year since the last certification,
23 at least two hours of continuing education courses
24 relating to the use of pesticides. A course shall not
25 count toward the hours required for continuing
26 education unless approved by the secretary. The
27 secretary and the cooperative extension service at
28 Iowa State University of science and technology shall
29 cooperate in providing continuing education courses.”
30 5. By renumbering as necessary.

JIM RIORDAN
LINN FUHRMAN

S-5022

1 Amend Senate File 2070 as follows:
2 1. Page 1, line 2, by striking the word
3 “paragraph” and inserting the following:
4 “paragraphs”.

5 2. Page 1, by inserting after line 9 the
 6 following:
 7 "NEW UNNUMBERED PARAGRAPH. Notwithstanding other
 8 provisions of this section, rules adopted under this
 9 section shall not impose any requirements which
 10 impose any restrictions upon a person operating an
 11 implement of husbandry or pickup to transport
 12 fertilizers and pesticides in that person's
 13 agricultural operations."

BERL E. PRIEBE
 C. JOSEPH COLEMAN
 KENNETH D. SCOTT
 EMIL J. HUSAK
 JACK W. HESTER
 RICHARD VANDE HOEF

HOUSE AMENDMENT TO
 SENATE FILE 2031

S-5023

1 Amend Senate File 2031, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 1, line 15, by inserting after the word
 4 "party." the following: "When the person designated
 5 to report the results of the precinct caucus reports
 6 the results, representatives of each candidate may, if
 7 they so choose, accompany the person as the results
 8 are being reported to assure that an accurate report
 9 of the proceedings is reported. If ballots are used
 10 at the precinct caucus, representatives of each
 11 candidate or other persons attending the precinct
 12 caucus may observe the tabulation of the results of
 13 the balloting."

S-5024

1 Amend Senate File 2046 as follows:
 2 1. Page 1, by striking lines 16 and 17 and
 3 inserting the following: "directors shall be elected
 4 pursuant to any of the optional plans listed in
 5 subsection 2A except the plan in subsection 2A,
 6 paragraph "a"."

WALLY HORN

S-5025

- 1 Amend Senate File 2046 as follows:
- 2 1. Page 1, by striking line 17 and inserting the
- 3 following: "paragraph "b", "d", or "e"."

WALLY HORN

S-5026

- 1 Amend House File 2011, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 106.2, subsection 29, Code
- 6 Supplement 1987, is amended to read as follows:
- 7 29. "Vessel" means every description of
- 8 watercraft, other than a seaplane, used or capable of
- 9 being used as a means of transportation on water or
- 10 ice. Ice boats are watercraft. ~~The term includes the~~
- 11 ~~vessel's motor, spars, sails, and accessories."~~
- 12 2. Page 1, by inserting after line 12 the
- 13 following:
- 14 "Sec. ____ . Section 106.79, Code Supplement 1987,
- 15 is amended to read as follows:
- 16 106.79 OBTAINING MANUFACTURER'S OR IMPORTER'S
- 17 CERTIFICATE OF ORIGIN.
- 18 A manufacturer or dealer shall not transfer
- 19 ownership of a new vessel required to be titled
- 20 without supplying the transferee with the
- 21 manufacturer's or importer's certificate of origin
- 22 signed by the manufacturer's or importer's authorized
- 23 agent. The certificate shall contain information the
- 24 department requires. The department may adopt rules
- 25 providing for the issuance of a certificate of origin
- 26 for a vessel by the department upon good cause shown
- 27 by the owner."
- 28 3. By renumbering sections.
- 29 4. Amend the title page, line 1, by inserting
- 30 after the word "vessels" the following: "by defining
- 31 vessel, by requiring a certificate of origin for
- 32 certain vessels,".

DONALD V. DOYLE

S-5027

1 Amend Senate File 2070 as follows:

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

4 "Sec. ____ . Section 321.449, unnumbered paragraph
5 2, Code Supplement 1987, is amended to read as
6 follows:

7 Rules adopted under this section concerning driver
8 qualifications, hours of service, and recordkeeping
9 requirements do not apply to the operators of public
10 utility trucks, trucks hauling gravel, construction
11 trucks and equipment, trucks moving implements of
12 husbandry, and special trucks, other than a truck
13 tractor, operating intrastate. ~~However, construction~~
14 ~~trucks shall not be construed to include gravel~~
15 ~~hauling trucks. Gravel hauling trucks and trucks~~
16 Trucks for hire on construction projects are not
17 exempt from this section."

18 2. Renumber sections as necessary.

DALE TIEDEN

S-5028

1 Amend Senate File 2023 as follows:

2 1. Page 20, line 18, by inserting after the word
3 "purchased" the following: "new".

4 2. Page 20, by striking lines 24 through 28.

5 3. Page 24, by striking line 3 and inserting the
6 following:

7 "1. A".

8 4. Page 24, by inserting after line 7 the
9 following:

10 "a. To perfect the security interest, an
11 application for security interest must be presented
12 along with the original title. The county recorder
13 shall note the security interest on the face of the
14 title and on the copy in the recorder's office.

15 b. The application fee for a security interest is
16 five dollars. The fees shall be credited to the
17 county general fund."

18 5. Page 24, by striking lines 8 through 10 and
19 inserting the following:

20 "2. The certificate of title shall be presented to
21 the county recorder when the application for the
22 security interest or for assignment of the security
23 interest is presented and a new".

24 6. Page 24, by striking lines 14 and 15 and
25 inserting the following:

26 "3. The secured party shall present the

27 certificate of title to the county recorder when a
28 release state-".
29 7. Page 24, lines 21 and 22, by striking the
30 words " , other than those provided under chapter
31 554,".
32 8. Title page, line 2, by inserting after the
33 word "vehicles" the following: "imposing fees,".

DONALD V. DOYLE

S-5029

1 Amend Senate File 2007 as follows:
2 1. Page 1, line 6, by striking the words "bureau
3 of customs" and inserting the following: "coast
4 guard".

NORMAN GOODWIN

S-5030

1 Amend House File 327 as passed by the House as
2 follows:
3 1. Page 1, by striking line 9 and inserting in
4 lieu thereof the following: "beginning October March
5 1, 1985 1988".
6 2. Page 3, by striking lines 2 and 3 and
7 inserting the following:
8 "Sec. 4. Sections 1 and 3 of this Act take effect
9 on March 1, 1988.
10 Sec. 5. This Act being deemed of immediate
11 importance takes effect upon enactment."
12 3. Title page, line 4, by striking the words "an
13 effective date" and inserting in lieu thereof the
14 following: "effective dates".

COMMITTEE ON WAYS AND MEANS
CHARLES BRUNER, Chairperson

S-5031

1 Amend Senate File 2066 as follows:
2 1. Page 1, by inserting after line 26, the
3 following:
4 "A party who requested a marriage license during
5 the period beginning July 1, 1978 through July 1,
6 1988, pursuant to section 595.5 and requested a change

7 of surname to that of a hyphenated combination of the
 8 surnames of both spouses, and who wishes to effectuate
 9 a change of surname to a combination of the surnames
 10 of both spouses without the hyphen, may request the
 11 clerk of the district court for the county where the
 12 return of marriage was filed to make that change. The
 13 clerk shall make the change without approval of the
 14 court. Chapter 674 shall not apply to a name change
 15 requested under this section."

COMMITTEE ON JUDICIARY
 DONALD DOYLE, Chairperson

S-5032

- 1 Amend Senate File 2094 as follows:
- 2 1. Page 3, line 4, by inserting after the word
- 3 "of" the word "premarital".

RAY TAYLOR

HOUSE AMENDMENT TO
 SENATE FILE 2037

S-5033

- 1 Amend Senate File 2037 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 18 and inserting the
- 4 following: "1987, is amended to read as follows:
- 5 2. There is appropriated from the general fund of
- 6 the state to the commission for each fiscal year the
- 7 sum of ~~four~~ seven hundred ~~fifty~~ thousand dollars for
- 8 scholarships."
- 9 2. Page 1, by inserting after line 32 the
- 10 following:
- 11 "Sec. 100. Section 261.63, Code Supplement 1987,
- 12 is amended to read as follows:
- 13 261.63 APPROPRIATION.
- 14 Commencing July 1, ~~1987~~ 1988, there is appropriated
- 15 from the general fund of the state to the commission
- 16 for each fiscal year the sum of ~~eight~~ four hundred
- 17 fifty thousand dollars for supplemental grants."
- 18 3. Page 1, line 33, by inserting after the word
- 19 "repealed" the following: "effective July 1, 1989".
- 20 4. Page 1, line 34, by striking the words "is
- 21 repealed" and inserting the following: "as amended by

22 section 100 of this Act, is repealed effective July 1,
23 1989”.

24 5. Page 2, by striking lines 2 through 6.

S-5034

1 Amend House File 2082 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. 1987 Iowa Acts, chapter 233, section
6 204, subsection 1, unnumbered paragraph 1, is amended
7 to read as follows:

8 For salaries, support, maintenance, and
9 miscellaneous purposes;

10 \$ 10,149,123
11 10,073,174”.

12 2. Page 8, by inserting after line 20 the following:

13 “Sec. 101. Section 97B.43, unnumbered paragraph 2,
14 Code 1987, is amended to read as follows:

15 Any person with a record of thirty years as a
16 public employee in the state of Iowa prior to July 1,
17 1947, and who is not eligible for prior service credit
18 under other provisions of this section, is entitled to
19 a credit for years of prior service in the
20 determination of the retirement allowance payment
21 under this chapter, provided the public employee makes
22 application to the department of personnel for credit
23 for prior public service, accompanied by such
24 verification of the person’s claim as the department
25 may require. The person’s allowance for prior service
26 credits shall be computed in the same manner as
27 otherwise provided in this section, but shall not
28 exceed the sum of four hundred fifty dollars nor be
29 less than three hundred dollars per annum. Any such
30 person is entitled to receive retirement allowances
31 computed as provided by this chapter, effective from
32 the date of application to the department, provided
33 such application is approved. However, beginning July
34 1, 1975 the amount of such person’s retirement
35 allowance payment received during June, 1975, as
36 computed under this section shall be increased by two
37 hundred percent and the allowance for prior service
38 credits shall not exceed one thousand three hundred
39 fifty dollars nor be less than nine hundred dollars
40 per annum. There Effective July 1, 1987, there is
41 appropriated for each fiscal year from the general
42 Iowa public employees’ retirement fund of the state
43 created in section 97B.7 to the department of

44 personnel from funds not otherwise appropriated an
45 amount sufficient to fund the provisions of retirement
46 allowance increases paid under this paragraph.
47 Effective July 1, 1980, a person with a record of
48 thirty years as a public employee in the state of Iowa
49 prior to July 1, 1947 receiving retirement allowances
50 under this chapter shall receive the monthly increase

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1 in benefits provided in section 97B.49, subsection 11.
2 Sec. 102. Section 97B.49, subsection 3, Code
3 Supplement 1987, is amended to read as follows:
4 3. For each member employed before January 1,
5 1976, who has qualified for prior service credit in
6 accordance with the first paragraph of section 97B.43,
7 there shall be determined a benefit of eight-tenths of
8 one percent per year of prior service credit
9 multiplied by the monthly rate of the member's total
10 remuneration not in excess of three thousand dollars
11 annually during the twelve consecutive months of the
12 member's prior service for which that total
13 remuneration was the highest. An additional three-
14 tenths of one percent of the remuneration not in
15 excess of three thousand dollars annually shall be
16 payable for prior service during each year in which
17 the accrued liability for benefit payments created by
18 the abolished system is funded by appropriation from
19 the general fund of the state Iowa public employees'
20 retirement fund.

21 Sec. 103. Section 97B.49, subsection 6, unnumbered
22 paragraph 1, Code Supplement 1987, is amended to read
23 as follows:

24 On January 1, 1976, for each member who retired
25 before January 1, 1976, the amount of regular monthly
26 retirement allowance attributable to membership
27 service and prior service that was payable to the
28 member for December, 1975 is increased by ten percent
29 for the first calendar year or portion of a calendar
30 year the member was retired, and by an additional five
31 percent for each calendar year after the first
32 calendar year the member was retired through the
33 calendar year beginning January 1, 1975. The total
34 increase shall not exceed one hundred percent. ~~There~~
35 Effective July 1, 1987, there is appropriated for each
36 fiscal year from the general Iowa public employees'
37 retirement fund of the state created in section 97B.7
38 to the department of personnel from funds not
39 otherwise appropriated an amount sufficient to fund
40 the provisions of monthly retirement allowance

41 increases paid under this subsection.

42 Sec. 104. Section 294.15, unnumbered paragraph 4,
43 Code 1987, is amended to read as follows:

44 For the purpose of paying the teachers' retirement
45 allowance payments granted under this section,
46 effective July 1, 1987, there is hereby appropriated
47 out of any funds in the state treasury not otherwise
48 appropriated, a sum for each fiscal year from the Iowa
49 public employees' retirement fund to the department of
50 personnel, an amount sufficient therefor to make the

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1 payments granted under this section.

2 Sec. ____ . The treasurer of state shall transfer
3 from the Iowa public employees' retirement fund to the
4 general fund of the state an amount equal to the total
5 of payments made from the general fund of the state
6 under sections 97B.43, 97B.49, subsections 3 and 6,
7 and 294.15 from July 1, 1987, to the effective date of
8 this Act.

9 Sec. ____ . Section 427A.13, Code 1987, is amended
10 to read as follows:

11 427A.13 APPROPRIATION.

12 There is appropriated from the general fund of the
13 state to the personal property tax replacement fund
14 the following sums, or so much thereof as may be
15 necessary, to carry out the provisions of this chapter
16 as amended by this division. For the fiscal year
17 beginning July 1, 1973, and ending June 30, 1974,
18 there is appropriated the sum of thirty-one million
19 nine hundred thousand dollars. For the fiscal year
20 beginning July 1, 1974, and ending June 30, 1975, and
21 each succeeding fiscal year, there is appropriated the
22 sum of thirty-five million seven hundred thousand
23 dollars. For each year of the fiscal period beginning
24 July 1, 1977 and ending June 30, 1979 the total
25 appropriation shall be thirty-eight million six
26 hundred thousand dollars. For the fiscal year
27 beginning July 1, 1983 and ending June 30, 1984, the
28 total appropriation shall be forty-six million two
29 hundred thousand dollars. For the fiscal year
30 beginning July 1, 1984 and ending June 30, 1985, the
31 total appropriation shall be twenty-three million one
32 hundred thousand dollars. For the fiscal year
33 beginning July 1, 1985 and ending June 30, 1986, and
34 each succeeding fiscal year, the total appropriation
35 shall be an amount equal to the amount paid on May 15
36 of the preceding fiscal year plus one-half of the

37 amount needed to fund the additional personal property
 38 tax credit payable in that fiscal year. In each
 39 fiscal year for which an increase in the additional
 40 personal property tax credit becomes effective as
 41 provided in this division, the appropriation under
 42 this section shall be increased by three million eight
 43 hundred thousand dollars, and this increased
 44 appropriation shall continue for each succeeding
 45 fiscal year. For the fiscal year beginning July 1,
 46 1987 the total appropriation shall be ~~fifty-nine~~
 47 fifty-seven million five hundred thousand dollars.
 48 For the fiscal year beginning July 1, 1988, and for
 49 each succeeding fiscal year, the total appropriation
 50 shall be ~~sixty-eight~~ sixty-five million dollars per

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1 year.”
 2 3. Page 8, by inserting after line 21 the
 3 following:
 4 “Sec. ____ . Sections 101, 102, 103, and 104 of this
 5 Act are retroactive to July 1, 1987, and are
 6 applicable on and after that date.”
 7 4. Amend the title, lines 1 through 4, by
 8 striking the words “to the department of human
 9 services and to the Iowa finance authority for the
 10 remainder of the fiscal year ending June 30, 1988,
 11 allowing carryover of certain funds to the next fiscal
 12 year,” and inserting the following: “for state
 13 programs for the fiscal year ending June 30, 1988,
 14 making certain reallocations of revenue permanent for
 15 future fiscal years, allowing carryover of certain
 16 funds to the next fiscal year, providing for
 17 retroactive applicability,”.

COMMITTEE ON APPROPRIATIONS
 JOE J. WELSH, Chairperson

S-5035

1 Amend Senate File 2068 as follows:
 2 1. Page 1, line 4, by striking the words
 3 “disposal project” and inserting the following:
 4 “landfill”.
 5 2. Page 1, line 8, by striking the words
 6 “disposal project” and inserting the following:
 7 “landfill”.
 8 3. Title page, line 2, by striking the words

9 "disposal project" and inserting the following:
 10 "landfill".

COMMITTEE ON NATURAL RESOURCES
 KENNETH SCOTT, Chairperson

S-5036

1 Amend Senate File 145 as follows:
 2 1. Page 1, line 25, by striking the figure "1989"
 3 and inserting the following: "1990".
 4 2. Page 1, line 26, by striking the figure "1987"
 5 and inserting the following: "1988".
 6 3. Page 1, line 28, by striking the figure "1987"
 7 and inserting the following: "1988".
 8 4. Page 2, line 7, by striking the figure "1988"
 9 and inserting the following: "1989".
 10 5. Page 3, line 22 by striking the figure "1987"
 11 and inserting the following: "1988".
 12 6. Page 3, line 25, by striking the figure "1987"
 13 and inserting the following: "1988".

COMMITTEE ON NATURAL RESOURCES
 KENNETH SCOTT, Chairperson

S-5037

1 Amend Senate File 2108 as follows:
 2 1. Page 4, line 27, by striking the word "sixty"
 3 and inserting the following: "one hundred twenty".
 4 2. Page 4, line 29, by striking the word "sixty"
 5 and inserting the following: "one hundred twenty".

LEE HOLT

S-5038

1 Amend Senate File 2108 as follows:
 2 1. Page 6, line 13, by inserting after the word
 3 "company" the following: ", other than a bank holding
 4 company authorized to make an acquisition by section
 5 524.1805,".
 6 2. Page 7, lines 7 and 8, by inserting after the
 7 word "company" the following: ", other than a bank
 8 holding company authorized to make an acquisition by
 9 section 524.1805,".
 10 3. Page 7, line 24, by inserting after the word

11 "company" the following: " , other than a bank holding
 12 company authorized to make an acquisition by section
 13 524.1805,".

14 4. Page 8, by inserting after line 3 the
 15 following:

16 "Sec. ____ . NEW SECTION. 524.1858
 17 NONSEVERABILITY.

18 If it is ultimately determined that the reciprocity
 19 limitation in section 524.1852 is invalid, all
 20 provisions of sections 524.1851 through 524.1857 are
 21 void. However, if before sections 524.1851 through
 22 524.1857 became void, a regional bank holding company
 23 directly or indirectly acquired an interest in or
 24 control of a bank located in Iowa under sections
 25 524.1851 through 524.1857, the regional bank holding
 26 company may maintain the interest and may expand its
 27 holdings not to exceed the limitations contained in
 28 section 524.1802."

29 5. By renumbering as necessary.

EDGAR H. HOLDEN

S-5039

1 Amend Senate File 2108 as follows:

2 1. Page 8, by inserting before line 4 the
 3 following:

4 "Sec. ____ . NEW SECTION. 525.1 SHORT TITLE.

5 This chapter may be cited as the "Iowa Community
 6 Reinvestment Act".

7 Sec. ____ . NEW SECTION. 525.2 DEFINITIONS.

8 As used in this chapter, unless the context
 9 requires otherwise:

10 1. "Basic service area" means the area determined
 11 as provided in section 525.4.

12 2. "Department" means the department of commerce.

13 3. "Superintendent" means the superintendent of
 14 the division of banking of the department for banks
 15 organized or regulated under chapter 524.

16 Sec. ____ . NEW SECTION. 525.3 COMMUNITY
 17 REINVESTMENT RESPONSIBILITY.

18 A bank acquired pursuant to sections 524.1851
 19 through 524.1857 shall meet the credit needs of the
 20 community or communities in which it is located,
 21 including low-income and moderate-income
 22 neighborhoods, as determined under section 525.5, and
 23 rural areas within the bank's basic service area,
 24 consistent with safe and sound operations of the bank.

25 Sec. ____ . NEW SECTION. 525.4 ANNUAL COMMUNITY

26 REINVESTMENT DISCLOSURE REPORT AND PUBLIC NOTICE.

27 A bank acquired pursuant to sections 524.1851
28 through 524.1857 shall submit to the superintendent an
29 annual report in a form determined by the
30 superintendent, which describes the following:

31 1. The credit needs of the community served by the
32 bank, and the method by which this determination was
33 made. The superintendent may by rule stipulate a
34 method to determine the credit needs of a community
35 served by a bank.

36 2. The methods used to market to the community the
37 credit services offered by the bank.

38 3. A description of how services actually provided
39 by the bank satisfied the needs described under
40 subsection 1.

41 4. The bank's participation in local, state, and
42 federal business and economic development programs,
43 small business assistance programs, programs
44 addressing the financial needs of minorities, and
45 programs that meet the specific credit needs of rural
46 communities, including but not limited to the rural
47 economic development program and the rural
48 agricultural diversification linked-deposit program.
49 The superintendent may specify by rule which programs
50 must be included in the report.

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1 A bank shall delineate the local community or
2 communities that comprise its basic service area. The
3 basic service area so claimed is subject to the
4 approval of the superintendent. The superintendent
5 may order an expansion or contraction of a bank's
6 basic service area if the superintendent finds the
7 claimed area does not correspond to the territory in
8 fact served by the bank. The superintendent shall
9 adopt rules for determination of the basic service
10 area based on a bank's facilities, business practices,
11 and the location, distribution, and concentration of
12 the bank's borrowers and depositors.

13 A bank shall provide a public notice in the lobby
14 of each of its facilities which requests the public to
15 submit comments to the bank regarding its community
16 lending activities. Each bank shall maintain a file
17 open to public inspection which contains the five most
18 recent annual community reinvestment disclosure
19 reports, public comments received on its community
20 investment activities, and the bank's response to
21 those comments.

22 Sec. ____ . NEW SECTION. 525.5 COMMUNITY

23 REINVESTMENT DISCLOSURE REQUIREMENTS.

24 A bank acquired pursuant to sections 524.1851
25 through 524.1857, with more than ten million dollars
26 of assets, shall disclose as part of its annual
27 community reinvestment disclosure report the
28 following:

- 29 1. The number and aggregate dollar amount of
30 housing, commercial, small business, agricultural, and
31 consumer loans originated in the state in which the
32 bank's principal place of business is located.
- 33 2. The number and aggregate dollar amount of
34 housing, commercial, small business, agricultural, and
35 consumer loans originated in this state.
- 36 3. The number and aggregate dollar amount of
37 housing, commercial, small business, agricultural, and
38 consumer loans originated within low-income and
39 moderate-income neighborhoods within the bank's basic
40 service area. The superintendent may by rule or
41 decision determine the geographic boundaries of low-
42 income and moderate-income neighborhoods within the
43 state, or criteria for designating low-income and
44 moderate-income neighborhoods within a bank's basic
45 service area.

46 Sec. ____ . NEW SECTION. 525.6 COMMUNITY
47 REINVESTMENT RATING SYSTEM.

48 The superintendent shall adopt rules, not later
49 than January 1, 1990, for a community reinvestment
50 rating system for banks acquired pursuant to sections

Page 3

1 524.1851 through 524.1857, to be based upon a review
2 of the information provided in a bank's annual
3 community reinvestment disclosure report, and other
4 information which the superintendent finds to be
5 relevant. The system must at minimum provide for an
6 unacceptable community reinvestment rating, a minimum
7 acceptable community reinvestment rating, and a top
8 rating for exemplary community reinvestment, and the
9 information shall be public information. The rating
10 system may contain more steps than an unacceptable
11 rating, a minimum acceptable rating, and an exemplary
12 rating.

13 Sec. ____ . NEW SECTION. 525.7 ELIGIBILITY FOR
14 PARTICIPATION IN CERTAIN STATE PROGRAMS CONDITIONED ON
15 COMMUNITY REINVESTMENT GUIDELINES.

16 After July 1, 1990, unconditional eligibility for
17 banks acquired pursuant to sections 524.1851 through
18 524.1857 to participate in the following programs is
19 conditioned upon achieving a minimum acceptable

20 community reinvestment rating under section 525.6 and
21 preference between banks acquired pursuant to sections
22 524.1851 through 524.1857 is given for banks achieving
23 higher ratings, with the highest preferences given to
24 banks with an exemplary rating:

25 1. Deposit of public funds, including state
26 treasury funds and the funds of political
27 subdivisions.

28 2. State loan guarantee programs.

29 3. State interest rate buy-down programs.

30 4. Other financial programs offered through the
31 use of state funds.

32 A bank not meeting a minimum acceptable community
33 reinvestment rating may receive conditional approval
34 for eligibility for such programs provided that the
35 bank develops a proposal for improving its community
36 reinvestment rating to an acceptable level within a
37 period of no more than two years and the proposal is
38 approved by the superintendent.

39 After July 1, 1990, eligibility for a bank acquired
40 pursuant to sections 524.1851 through 524.1857 to
41 extend its service territory, acquire or merge with
42 another financial institution, build or acquire a new
43 facility, transfer a home office, or take other action
44 requiring approval of the superintendent is
45 conditioned upon achieving at least a minimum
46 acceptable community reinvestment rating. The
47 superintendent may by rule condition approval or
48 degree of approval for an action requiring the
49 superintendent's approval on higher community
50 reinvestment ratings. However, the superintendent may

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1 grant approval for an action of a bank receiving less
2 than an acceptable community reinvestment rating if
3 the superintendent finds that the action is an
4 essential part of a proposal approved by the
5 superintendent for improving the bank's community
6 reinvestment rating to an acceptable level within a
7 period of no more than two years.

8 Sec. ____ . **NEW SECTION. 525.8 COMMUNITY
9 REINVESTMENT TASK FORCE ESTABLISHED.**

10 A community reinvestment task force is established
11 to recommend a community reinvestment rating system to
12 the superintendent which will encourage financial
13 institutions to invest in their communities and to
14 meet the requirements of this chapter. The task force
15 shall also recommend appropriate uses of a rating
16 system including incentives and disincentives for

17 various levels of performance. The community
 18 reinvestment task force shall be composed of seven
 19 individuals selected for their knowledge of the
 20 financial needs of Iowa's business, farm, and consumer
 21 communities, with none having a financial interest in
 22 or position with a financial institution. The
 23 majority and minority leaders in the senate and the
 24 speaker and the minority leader in the house of
 25 representatives shall each appoint one member and the
 26 governor shall appoint three members of the task
 27 force. The task force shall report its
 28 recommendations to the superintendent not later than
 29 July 1, 1988, and submit proposed rules to implement
 30 the recommendations. The banking division of the
 31 department of commerce and the legislative service
 32 bureau shall provide staff support to the task force."
 33 2. By renumbering as necessary.

CHARLES BRUNER
 TOM MANN, JR.

S-5040

1 Amend House File 2082, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 11, the
 4 following:
 5 "Sec. ____ . Notwithstanding section 8.33, moneys
 6 appropriated pursuant to 1986 Iowa Acts, chapter 1246,
 7 section 1, subsection 6, as amended by 1987 Iowa Acts,
 8 chapter 233, section 305, to the department of
 9 economic development for the establishment and
 10 maintenance of an export finance program for the
 11 fiscal year beginning July 1, 1986, and ending June
 12 30, 1987, which remain unexpended or unencumbered
 13 shall carry forward to the fiscal year beginning July
 14 1, 1987, and ending June 30, 1988, and the fiscal year
 15 beginning July 1, 1988, and ending July 1, 1989, and
 16 may be used to establish additional international
 17 trade activities including a program to encourage and
 18 increase participation in trade shows and trade
 19 missions by providing financial assistance to
 20 businesses for a percentage of their costs of
 21 participating in trade shows and trade missions,
 22 lease/sublease showcase space in existing world trade
 23 centers, provide temporary office space for foreign
 24 buyers, international prospects, and potential reverse
 25 investors, and other promotional and assistance

26 activities.

27 Sec. ____ . There is appropriated from the
28 administrative contribution surcharge fund of the
29 state to the department of employment services for the
30 fiscal year beginning July 1, 1987, and ending June
31 30, 1988, the following amount, or so much thereof as
32 is necessary, for the purposes designated:

33 DIVISION OF JOB SERVICE

34 For salaries, support, maintenance, and
35 miscellaneous purposes of rural and satellite job
36 service offices in population centers of less than
37 twenty thousand:

38 \$ 1,326,150

39 Sec. ____ . 1987 Iowa Acts, chapter 232, section 1,
40 subsection 1, unnumbered paragraph 2, is amended to
41 read as follows:

42 Notwithstanding section 384.15, subsection 7,
43 paragraph "b", there is appropriated from the
44 unencumbered and unobligated money remaining in the
45 law enforcement training reimbursement fund on June
46 30, 1987 to the Iowa law enforcement academy the sum
47 of twenty-eight thousand two hundred (28,200) dollars
48 for repair of a chiller unit the roof over the indoor
49 firearms range, repair of a parking lot kitchen
50 equipment, repair or replacement of carpet and

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1 replacement of a washing machine other floor coverings
2 at the academy. The unencumbered and unobligated
3 funds remaining in this appropriation shall revert to
4 the general fund of the state on June 30, 1988.

5 Sec. ____ . 1987 Iowa Acts, chapter 232, section 10,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 6. To meet the requirements of
8 the groundwater protection law by putting in place
9 sniffer wells for the detection of leakage from
10 underground storage tanks:

11 \$ 350,000

12 Section 8.33 does not apply to the funds
13 appropriated by this subsection. However,
14 unencumbered or unobligated funds remaining on June
15 30, 1989, from funds appropriated for the fiscal year
16 beginning July 1, 1987, and ending June 30, 1988,
17 shall revert to the fund from which appropriated on
18 June 30, 1989.

19 Sec. ____ . 1987 Iowa Acts, chapter 232, section 30,
20 is amended to read as follows:

21 SEC. 30. 1986 Iowa Acts, chapter 1246, section 12,
22 is amended by adding the following new unnumbered

23 paragraph:

24 NEW UNNUMBERED PARAGRAPH. Section 8.33 does not
 25 apply to the funds appropriated by subsection 5 of
 26 this section. However, unencumbered or unobligated
 27 funds remaining on June 30, 1991, from funds
 28 appropriated for the fiscal year beginning July 1,
 29 1986, shall revert to the fund from which appropriated
 30 on June 30, 1991.

31 Sec. ____ . 1987 Iowa Acts, chapter 233, section
 32 120, subsections 2, 3, and 4, are amended to read as
 33 follows:

34 2. There is appropriated from the road use tax
 35 fund of the state to the state department of
 36 transportation and the department of inspections and
 37 appeals, for the fiscal year beginning July 1, 1987,
 38 the sum of ~~two seven~~ hundred ~~ninety six~~ twenty
 39 thousand ~~forty five one~~ hundred ~~sixty nine~~ (296,045
 40 720,169) dollars, or so much thereof as may be
 41 necessary, to supplement other funds appropriated by
 42 the general assembly.

43 3. There is appropriated from the road use tax
 44 fund of the state to the department of public safety,
 45 for the fiscal year beginning July 1, 1987, the sum of
 46 ~~five hundred one~~ million ~~sixty five~~ thousand nine
 47 hundred eighteen ~~(565,918~~ 1,065,918) dollars, or so
 48 much thereof as may be necessary, to supplement other
 49 funds appropriated by the general assembly.

50 4. There is appropriated from the primary road

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1 fund to the state department of transportation, for
 2 the fiscal year beginning July 1, 1987, the sum of ~~two~~
 3 four million one hundred fifty-nine thousand seven
 4 hundred thirteen ~~(2,159,713~~ 4,159,713) dollars, or so
 5 much thereof as may be necessary, to supplement other
 6 funds appropriated by the general assembly.

7 Sec. ____ . Notwithstanding section 252B.16, final
 8 conversion for processing support payments shall be
 9 completed upon a date agreed upon by the department of
 10 human services and the judicial department with a
 11 target date of December 1, 1988."

12 2. Renumber sections and correct internal
 13 references as necessary in accordance with this
 14 amendment.

EDGAR H. HOLDEN
 DALE L. TIEDEN
 JOHN W. JENSEN

S-5041

1 Amend Senate File 2094 as follows:
2 1. Page 3, line 35, by striking the words "a
3 program" and inserting the following: "instruction".
4 2. Page 4, line 4, by striking the words "an
5 instructional program" and inserting the following:
6 "instruction".
7 3. Page 4, line 5, by striking the words "which
8 includes" and inserting the following: "including".
9 4. Page 4, lines 10 and 11, by striking the words
10 "an outline of".
11 5. Page 4, line 12, by striking the words
12 "information regarding".
13 6. Page 4, lines 13 and 14, by striking the words
14 "inspection of the complete curriculum and
15 instructional materials, including inspection" and
16 inserting the following: "inspecting the
17 instructional materials".
18 7. Page 4, lines 16 and 17, by striking the words
19 "or in the specific topics pursuant to subsection 1,
20 paragraphs "a" through "k",".
21 8. Page 4, line 21, by striking the words "annual
22 information outline" and inserting the following:
23 "information".
24 9. Page 5, by striking lines 3 through 5, and
25 inserting the following:
26 "6. Each area education agency shall periodically
27 offer a staff development program for teachers who
28 provide instruction in human growth and development."
29 10. Page 5, line 6, by inserting after the word
30 "identify" the following: "and disseminate
31 information about".
32 11. Page 5, lines 7 and 8, by striking the words
33 "and make available a model program to identify the"
34 and inserting the following: "for".
35 12. Page 5, line 11, by inserting after the
36 figure "3" the following: "and 5".

BEVERLY HANNON

S-5042

1 Amend House File 2082 as follows:
2 1. Page 7, by inserting after line 35 the
3 following:
4 "NEW SUBSECTION. 14A. Effective March 1, 1988,
5 home health agencies certified for the medical

- 6 assistance program shall be reimbursed for their
7 current federal Medicare audited costs minus the three
8 and eighty-five hundredths percent reduction.”
9 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-5043

- 1 Amend House File 2082, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 28, by inserting after the figure
4 “1988,” the following: “through June 30, 1988,
5 only.”
6 2. By striking page 2, line 13 through page 3,
7 line 15.
8 3. By striking page 5, line 13 through page 8,
9 line 20.
10 4. By renumbering as necessary.

EDGAR H. HOLDEN

S-5044

- 1 Amend Senate File 2108 as follows:
2 1. Page 7, by inserting after line 4 the
3 following:
4 “Sec. ____ . NEW SECTION. 524.1855A SERVICES
5 PRESERVED.
6 A regional bank holding company that acquires an
7 interest in a bank or bank holding company under this
8 division shall not transfer that interest to another
9 person, and shall not close, or take any other action
10 which would have the effect of materially reducing the
11 availability of any of the types of services offered
12 previous to the acquisition by, a bank or bank office
13 whose ownership or control is affected by the
14 acquisition, for a period of five years after the
15 effective date of the acquisition. The superintendent
16 may commence an action in the district court to
17 restrain or enjoin a regional bank holding company
18 from any violation of this subsection or to obtain
19 such equitable relief as may be necessary to nullify
20 the effects of a violation.”
21 2. By renumbering as necessary.

JOHN A. PETERSON

S-5045

1 Amend Senate File 2094 as follows:

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

4 "Section 1. NEW SECTION. 144.29A TERMINATION OF
5 PREGNANCY REPORTING.

6 1. A health care provider who identifies a
7 spontaneous termination of pregnancy or who induces a
8 termination of pregnancy shall file with the
9 department a report for each termination within thirty
10 days of the occurrence. The report shall contain all
11 of the following information with respect to each
12 termination:

13 a. Health care provider.

14 b. Health facility.

15 c. Patient number.

16 d. The state and, if this state, the county of
17 residence of the patient.

18 e. Race of the patient.

19 f. Age of the patient.

20 g. Marital status of the patient.

21 h. Educational level of the patient.

22 i. Month and year in which the termination
23 occurred.

24 j. The number of weeks since the patient's last
25 menstrual period.

26 k. Complications, if any.

27 l. Cause of termination, if known.

28 2. The information shall be collected in a manner
29 which the department shall specify by rule, pursuant
30 to chapter 17A, and which ensures the anonymity of the
31 patient who experiences a termination of pregnancy,
32 the health care provider who identifies or induces a
33 termination of pregnancy, and the hospital, clinic, or
34 other health facility in which a termination of
35 pregnancy is identified or induced. The department
36 shall publish annually demographic summaries of the
37 information obtained pursuant to this section, except
38 that the department shall not disclose any information
39 obtained pursuant to this section which reveals the
40 identify of any patient, health care provider, or
41 hospital, clinic, or other health facility, and shall
42 ensure anonymity in the following ways:

43 a. The department may use information concerning
44 the patient number or concerning the identify of a
45 specific reporting hospital, clinic, or other health

46 facility only for purposes of information collection.
 47 The department shall not reproduce this information
 48 for any purpose, and shall not extrapolate this
 49 information for any purposes other than for use in
 50 annually publishing the demographic summary under this

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1 section.
 2 b. The department shall immediately destroy all
 3 reports submitted after information is extrapolated
 4 from the reports for use in annually publishing the
 5 demographic summary under this section.”
 6 2. Page 2, line 32, by inserting after the word
 7 “children.” the following: “The instruction shall not
 8 endorse or promote abortion as a part of family
 9 planning.”
 10 3. Page 4, line 9, by inserting after the word
 11 “twelve.” the following: “The instruction shall not
 12 endorse or promote abortion as a part of family
 13 planning.”
 14 4. Page 4, line 33, by inserting after the word
 15 “k)” the following: “The curricula shall not
 16 endorse or promote abortion as a part of family
 17 planning.”
 18 5. By renumbering as necessary.

RAY TAYLOR
 WILLIAM W. DIELEMAN

S-5046

1 Amend Senate File 2108 as follows:
 2 1. Page 1, by inserting after line 19 the
 3 following:
 4 “Sec. ____ . NEW SECTION. 524.1851A CONCENTRATION
 5 OF FINANCIAL CONTROL LIMITED.
 6 A regional bank holding company shall not acquire
 7 any interest in a bank or bank holding company as
 8 otherwise permitted by this division if upon that
 9 acquisition all state banks and national banks that
 10 are located in this state and directly or indirectly
 11 owned or controlled by resident and nonresident
 12 multibank holding companies would have, in the
 13 aggregate, more than fifty percent of the total time
 14 and demand deposits of all state banks and national
 15 banks located in this state, as determined by the
 16 superintendent on the basis of the most recent reports
 17 submitted to the supervisory authorities of those

- 18 depository institutions.”
19 2. By renumbering as necessary.

JOHN A. PETERSON

S-5047

- 1 Amend House File 327, as passed by the House, as
2 follows:
3 1. Page 1, line 8, by striking the word
4 “eighteen” and inserting the following: “nineteen”.

CHARLES BRUNER

S-5048

- 1 Amend the Committee on Appropriations amendment, S-
2 5034, to House File 2082, as amended, passed, and
3 reprinted by the House as follows:
4 1. Page 2, by inserting after line 41 the
5 following:
6 “Sec. ____ . Section 97B.74, unnumbered paragraph 1,
7 Code 1987, is amended to read as follows:
8 An active, ~~vested, or retired~~ member of the system
9 who has been an active member of the system during
10 this period of membership service for at least one
11 year and who at any time ~~between~~ after July 4, 1953
12 ~~and July 1, 1973~~ was a member of the system; ~~but who~~
13 ~~did not meet the requirements to be a vested member~~
14 ~~for that period of membership service~~, and who
15 received a refund of contributions for that period of
16 membership service, may elect in writing to the
17 department to make contributions to the system for
18 that period of membership service for which a refund
19 of contributions was made. The contributions repaid
20 by the member for ~~such~~ service shall be equal to the
21 accumulated contributions, as defined in section
22 97B.41, subsection 12, received by the member for that
23 period of membership service plus interest on the
24 accumulated contributions for the period from the date
25 of receipt by the member to the date of repayment
26 equal to two percent plus the interest dividend rate
27 applicable for each year compounded annually.
28 Sec. ____ . Section 97B.74, unnumbered paragraph 2,
29 Code 1987, is amended by striking the unnumbered
30 paragraph.”
31 2. Renumber sections and correct internal

32 references as necessary in accordance with the
33 amendment.

EDGAR H. HOLDEN

S-5049

1 Amend House File 278, 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 331.101, Code 1987, is amended
6 by adding the following new subsections:
7 NEW SUBSECTION. 16. "Committee" means a body of
8 eligible electors authorized to study, review,
9 analyze, and recommend an alternative form of county
10 government.
11 NEW SUBSECTION. 17. "Plan" means a formal
12 document establishing the functions, powers,
13 organization, structure, privileges, rights, and
14 duties of county government not inconsistent with
15 state law.
16 Sec. 2. NEW SECTION. 331.217 ALTERNATIVE FORMS
17 OF COUNTY GOVERNMENT.
18 The alternative forms of county government are as
19 follows:
20 1. Board of supervisor form as provided in
21 division II.
22 2. Board-elected executive form as provided in
23 section 331.225.
24 3. Board-manager form as provided in section
25 331.227.
26 4. Charter government form as provided in section
27 331.232.
28 5. City-county consolidated form as provided in
29 section 331.233.
30 6. County-county consolidated form as provided in
31 section 331.239.
32 Sec. 3. NEW SECTION. 331.218 PLAN FOR AN
33 ALTERNATIVE FORM OF GOVERNMENT.
34 1. A plan to change a form of county government
35 may be submitted to the electors of a county only by a
36 committee established by resolution of the board upon
37 petition of the number of eligible electors of the
38 county equal to at least twenty-five percent of the
39 votes cast in the county for the office of president
40 of the United States or governor at the preceding
41 general election or the signatures of at least ten
42 thousand eligible electors of the county, whichever

43 number is fewer.

44 2. The plan shall be submitted to the county
45 electorate by the committee in the form of a charter
46 or charter amendment.

47 Sec. 4. NEW SECTION. 331.219 APPOINTMENT OF
48 COMMITTEE MEMBERS.

49 1. Within forty-five days after the adoption of
50 the resolution creating the committee, the members of

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1 the committee shall be appointed as follows:

2 a. Two members shall be appointed by each of the
3 following officers:

4 (1) County auditor.

5 (2) County recorder.

6 (3) County treasurer.

7 (4) County sheriff.

8 (5) County attorney.

9 b. Two members shall be appointed by each member
10 of the board.

11 c. Two members shall be appointed by each state
12 representative whose legislative district is located
13 in the county if a majority of the constituents of
14 that legislative district resides in the county.

15 However, if a county does not have a state
16 representative's legislative district which has a
17 majority of a state representative's constituency
18 residing in the county, the state representative
19 having the largest plurality of constituents residing
20 in the county shall appoint two members.

21 2. The membership shall be bipartisan. In
22 counties having multiple state legislative districts,
23 the districts shall be represented as equally as
24 possible. Only eligible electors of the county not
25 holding a city, county, or state office shall be
26 members of the committee. A vacancy on the committee
27 shall be filled by appointment in the same manner as
28 the original appointment. The county auditor shall
29 notify the appropriate appointing authority of a
30 vacancy.

31 Sec. 5. NEW SECTION. 331.220 ORGANIZATION AND
32 EXPENSES.

33 1. Within thirty days after the appointment of the
34 members of the committee, the county auditor shall
35 give written notice of the date, time, and location of
36 the first meeting of the committee. At the first
37 meeting the committee shall organize by electing a
38 chairperson, vice chairperson, and other officers as
39 necessary. The committee shall adopt rules governing

40 the conduct of its meetings, subject to chapter 21.

41 2. The members of the committee shall serve
42 without compensation, but they are entitled to travel
43 and other necessary expenses relating to their duties
44 of office.

45 3. The board shall provide office space, rooms,
46 supplies, and equipment for the committee and shall
47 pay the necessary expenses of the committee including
48 compensation for secretarial, clerical, professional,
49 and consultant services. The total expenses shall not
50 exceed one hundred thousand dollars. The committee

Page 3

1 may employ staff as necessary.

2 4. The expenses of the committee may be paid from
3 the general fund of the county or from any combination
4 of public or private funds available for that purpose.

5 Sec. 6. NEW SECTION. 331.221 COMMITTEE
6 PROCEDURES AND REPORTS.

7 1. Within sixty days after its organization, the
8 committee shall hold at least one public hearing for
9 the purpose of receiving information and material
10 which will assist in the drafting of a plan. Notice
11 of the date, time, and place of the hearing shall be
12 given as provided in chapter 21.

13 2. Within nine months after the organization of
14 the committee, the committee shall submit a
15 preliminary report to the board, which report may
16 include the text of the proposed plan. If a proposed
17 plan is included in the preliminary report, the report
18 shall also include an analysis of the fiscal impact of
19 the proposed plan. Sufficient copies of the report
20 shall be made available for distribution to residents
21 of the county who request a copy. The committee shall
22 hold at least one public hearing after submission of
23 the preliminary report to obtain public comment.

24 3. Within fifteen months after organization, the
25 committee shall submit the final report to the board.
26 The final report shall include the full text and an
27 explanation of the proposed plan, an analysis of the
28 fiscal impact of the proposed plan, any comments
29 deemed desirable by the committee, a written opinion
30 by the attorney general stating that the proposed plan
31 is not in conflict with constitutional or statutory
32 law, and any minority reports. The final report may
33 recommend no change to the existing form of government
34 and that no plan be submitted to the electorate. The
35 final report shall be made available to the residents
36 of the county upon request. A summary of the final

37 report shall be published in the official newspaper of
 38 the county. If a plan is not recommended, the
 39 committee is dissolved upon submission of its final
 40 report to the board.

41 4. The committee is dissolved on the date of the
 42 general election at which the proposed plan is
 43 submitted to the electorate. If a plan is not
 44 recommended, the committee is dissolved upon
 45 submission of its final report to the board.

46 Sec. 7. NEW SECTION. 331.222 BALLOT
 47 REQUIREMENTS.

48 The existing form of government shall be printed as
 49 the first item on the ballot and the proposed
 50 alternative form following in the same order on all

Page 4

1 ballots.

2 1. The question of adopting the proposed
 3 alternative form of government shall be submitted to
 4 the electors in substantially the following form:

5 Vote for one:

6 For (the existing form of government).

7 For adoption of the (plan, amendment to the
 8 existing form of county government, or charter)
 9 proposed for (insert name of local government).

10 2. If an existing office is affected by the
 11 proposed alternative form of government, a separate
 12 vote for each affected office shall be included on the
 13 ballot.

14 For election.

15 For appointment.

16 3. If consolidation is proposed, the affected
 17 county or city shall be separately listed as provided
 18 in section 331.238 or 331.241 as appropriate.

19 Sec. 8. NEW SECTION. 331.223 REFERENDUM --
 20 EFFECTIVE DATE.

21 1. Upon receipt of a proposed plan for county
 22 government, the board shall direct the county
 23 commissioner of elections to submit to the qualified
 24 electors of the county at the next general election
 25 the question of whether the proposed plan shall be
 26 adopted. If a majority of the votes cast on the
 27 question is in favor of the proposal, the proposal is
 28 adopted.

29 2. If a proposed plan for county government is
 30 adopted:

31 a. The adopted plan shall take effect July 1
 32 following the general election at which it is approved
 33 unless the plan provides a later effective date. If

34 the adopted plan calls for a change in the form of
35 government, a special election shall be called to
36 elect the new elective officers. If the adopted plan
37 provides for a special election, the board shall
38 direct the county commissioner of elections to conduct
39 the election.

40 b. The adoption of the alternative form of county
41 government does not alter any right or liability of
42 the county in effect at the time of the election at
43 which the plan was adopted.

44 c. All departments and agencies shall continue to
45 operate until replaced.

46 d. All ordinances or resolutions in effect remain
47 effective until amended or repealed, unless they are
48 irreconcilable with the adopted plan.

49 e. Upon the effective date of the adopted plan,
50 the county shall adopt the alternative form by

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1 ordinance, and shall file a copy with the secretary of
2 state, and maintain available copies for public
3 inspection.

4 3. If a plan is submitted to the electorate,
5 another plan shall not be submitted to the electorate
6 for six years.

7 Sec. 9. NEW SECTION. 331.224 LIMITATIONS TO 8 ALTERNATIVE FORMS OF COUNTY GOVERNMENT.

9 1. A county may adopt or amend an alternative form
10 of county government subject to the requirements and
11 limitations provided in this section.

12 2. An alternative form of county government shall
13 provide for the exercise of home rule power and
14 authority not inconsistent with state law and may
15 include provisions for any of the following:

16 a. A board of an odd number of members which may
17 exceed the number of members specified in sections
18 331.201, 331.203, and 331.204.

19 b. A supervisor representation plan for the county
20 which may differ from the supervisor representation
21 plans as provided in division II.

22 c. The initial compensation for members of the
23 board which, thereafter, shall be determined as
24 provided in section 331.215.

25 d. The method of selecting officers of the board
26 and fixing their terms of office which may differ from
27 the requirements of sections 331.208 through 331.211.

28 e. Determining meetings of the board and rules of
29 procedure which may differ from the requirements of
30 section 331.213, except the meetings shall be

31 scheduled and conducted in compliance with chapter 21.

32 f. The combining of duties of elected county
33 officials which may differ from the requirements of
34 section 331.323.

35 g. The organization of county departments,
36 agencies, or boards. The organization plan may pro-
37 vide for the abolition or consolidation of a board or
38 a commission and the assumption of its powers and
39 duties by the board of supervisors or another officer.
40 This paragraph does not apply to the board of trustees
41 of a county hospital.

42 h. In lieu of the election of township trustees, a
43 method providing for the exercise of their powers and
44 duties by the board of supervisors or other governing
45 body of the county or another office.

46 i. Consolidating city-county government or
47 government functions.

48 j. Consolidating county-county government or
49 government functions.

50 BOARD-ELECTED EXECUTIVE FORM

Page 6

1 Sec. 10. NEW SECTION. 331.225 BOARD-ELECTED
2 EXECUTIVE FORM.

3 The board-elected executive form consists of an
4 elected board of an odd number with staggered terms of
5 office and one elected executive whose term shall be
6 the same as that of a member of the board. The board
7 shall have a chairperson who shall be elected by the
8 members of the board from their own number for a term
9 established by ordinance, and who shall vote as a
10 member of the board. The elected executive may veto
11 ordinances and resolutions, subject to an override by
12 a two-thirds vote of the board.

13 Sec. 11. NEW SECTION. 331.226 DUTIES OF
14 EXECUTIVE.

15 The executive shall:

- 16 1. Enforce laws, ordinances, and resolutions of
17 the county.
- 18 2. Perform duties required by law, ordinance, or
19 resolution of the county.
- 20 3. Administer affairs of the county government.
- 21 4. Carry out policies established by the board.
- 22 5. Recommend measures to the board.
- 23 6. Report to the board on the affairs and
24 financial condition of the county government.
- 25 7. Execute bonds, notes, contracts, and written
26 obligations of the board, subject to the approval of
27 the board.

- 28 8. Report to the board as the board may require.
 29 9. Attend board meetings and take part in
 30 discussion, but shall not vote.
 31 10. Prepare and execute the budget adopted by the
 32 board.
 33 11. Appoint, with the consent of the board, all
 34 members of county boards, except the executive may
 35 appoint without the consent of the board temporary
 36 advisory committees established by the executive.
 37 12. Appoint and remove all employees.
- BOARD-MANAGER GOVERNMENT
- 38
 39 Sec. 12. NEW SECTION. 331.227 BOARD-MANAGER
 40 FORM.
 41 The board-manager form consists of an elected board
 42 and a manager appointed by the board, who shall be the
 43 chief administrative officer of the county government.
 44 The board shall have staggered terms of office. The
 45 chairperson shall be elected by the members of the
 46 board from their own number for a term established by
 47 ordinance and shall vote as a member of the board.
 48 The manager shall be appointed by the board and
 49 removed only by a majority vote of the membership of
 50 the board. The manager shall be responsible to the

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- 1 board for the administration of all county government
 2 affairs placed in the manager's charge by law,
 3 ordinance, or resolution.
 4 Sec. 13. NEW SECTION. 331.228 DUTIES OF MANAGER.
 5 The manager shall:
 6 1. Enforce laws, ordinances, and resolutions.
 7 2. Perform the duties required of the manager by
 8 law, ordinance, or resolution.
 9 3. Administer the affairs of the county
 10 government.
 11 4. Direct, supervise, and administer all
 12 departments, agencies, and offices of the county
 13 government unit except as otherwise provided by law or
 14 ordinance.
 15 5. Carry out policies established by the board.
 16 6. Prepare the board agenda.
 17 7. Recommend measures to the board.
 18 8. Report to the board on the affairs and
 19 financial condition of the county government.
 20 9. Execute bonds, notes, contracts, and written
 21 obligations of the board, subject to the approval of
 22 the board.
 23 10. Report to the board as the board may require.
 24 11. Attend board meetings and take part in the

25 discussion, but shall not vote.

26 12. Prepare and present the budget to the board
 27 for its approval and execute the budget adopted by the
 28 board.

29 13. Appoint, suspend, and remove all employees of
 30 the county government except as otherwise provided by
 31 law or ordinance.

32 14. Appoint members of temporary advisory
 33 committees.

34 Sec. 14. NEW SECTION. 331.229 EMPLOYEES OF
 35 BOARD-MANAGER GOVERNMENT.

36 1. Employees appointed by the manager or
 37 subordinates shall be administratively responsible to
 38 the manager.

39 2. The board or its members shall not dictate the
 40 appointment or removal of any employee appointed by
 41 the manager or any subordinate of the manager.

42 3. Except for the purpose of inquiry or
 43 investigation, the board or its members shall deal
 44 with the county employees who are subject to the
 45 direction and supervision of the manager solely
 46 through the manager, and the board or its members
 47 shall not give orders to an employee under the
 48 manager's direction or supervision.

49 AMENDMENT TO COUNTY GOVERNMENT

50 Sec. 15. NEW SECTION. 331.230 AMENDMENT TO

Page 8

1 COUNTY GOVERNMENT.

2 1. An amendment to county government organization
 3 shall only be made by submitting the question of
 4 amendment to the electors of the county government
 5 pursuant to section 331.222. To become effective, a
 6 proposed amendment must receive an affirmative vote of
 7 a majority of the electors voting on the question. An
 8 amendment approved by the electors becomes effective
 9 pursuant to section 331.223.

10 2. An amendment to a county government
 11 organization may be proposed by initiative upon
 12 petition of the number of eligible electors of the
 13 county equal to at least ten percent of the votes cast
 14 at the preceding election for the office of president
 15 of the United States or governor, or by resolution
 16 adopted by the governing body. The question on
 17 amendment of county government organization shall be
 18 submitted to the electors as soon as possible after
 19 the submission of a petition or adoption of a resolu-
 20 tion, either at a general election or at a special
 21 election.

22 Sec. 16. NEW SECTION. 331.231 LIMITATIONS ON
23 AMENDMENTS TO COUNTY GOVERNMENT.

24 The electors of a county who have adopted an
25 amendment to county government may not vote on the
26 question of amending the county government for two
27 years. An amendment shall not include an alternative
28 form of county government.

29 CHARTER FORM

30 Sec. 17. NEW SECTION. 331.232 CHARTER FORM OF
31 GOVERNMENT.

32 The charter form of government shall be specified
33 in a plan written by a charter committee. The plan
34 shall establish an elected legislative body. The plan
35 shall specify the number of members and term of office
36 pursuant to section 331.224. The plan may establish
37 legislative or administrative organizational
38 structure. The plan may include the provisions
39 necessary to permit an orderly transition to the
40 charter form of government. However, the provisions
41 shall be limited in scope consistent with the intent
42 of, and in accordance with, section 331.224.

43 CITY-COUNTY CONSOLIDATION

44 Sec. 18. NEW SECTION. 331.233 CITY-COUNTY
45 CONSOLIDATION FORM.

46 1. A county and one or more cities within the
47 county may unite to form a single unit of local
48 government in accordance with this part.

49 2. An alternative form of government, including a
50 charter form, for a consolidated unit of government

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1 may be submitted to the voters only by a committee and
2 one or more commissions established by the affected
3 cities under section 372.9 that have cooperated in the
4 formulation of the plan. A majority vote by each of
5 the affected committee and commission is required for
6 the submission of an alternative form of government
7 for a consolidated unit of local government. The
8 affected committee and commission submitting a
9 consolidated form shall issue a single joint report
10 and proposal.

11 3. An alternative form of government for a
12 consolidated unit of local government does not need to
13 include more than one city. A city shall not be
14 included unless the charter commission of the affected
15 city participates in the cooperative study and unless
16 its commission by a majority vote approves the
17 proposed alternative plan for the consolidated
18 government.

19 Sec. 19. NEW SECTION. 331.234 PLAN OF
20 CONSOLIDATION.
21 1. The affected committee and commission proposing
22 consolidation shall prepare, adopt, and submit to the
23 voters a consolidation plan in addition to the
24 alternative form of government. If the affected
25 committee and commission propose a charter, the plan
26 may be included in the charter.
27 2. The consolidation plan shall:
28 a. Provide for adjustment of existing bonded
29 indebtedness and other obligations in a manner which
30 will provide for a fair and equitable burden of
31 taxation for debt service.
32 b. Provide for establishment of service areas.
33 c. Provide for the transfer or other disposition
34 of property and other rights, claims, assets, and
35 franchises of local governments consolidated under the
36 alternative form.
37 d. Provide the official name of the consolidated
38 unit of local government.
39 e. Provide for the transfer, reorganization,
40 abolition, absorption, and adjustment of boundaries of
41 all existing boards, bureaus, commissions, agencies,
42 special districts, and political subdivisions of the
43 consolidated government.
44 f. Include other provisions which the committee
45 and commission elect to include and which are not
46 inconsistent with state law.
47 3. The plan may grant the legislative body of the
48 consolidated government the authority to transfer,
49 reorganize, and provide a method for adjusting the
50 boundaries of the entities within the consolidated

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1 government.
2 Sec. 20. NEW SECTION. 331.235 EFFECT OF
3 CONSOLIDATION.
4 1. As a political subdivision of the state, the
5 consolidated unit of local government shall have the
6 status of a county and a city for all purposes and
7 shall replace and be the successor of the county and
8 the affected city.
9 2. On its effective date, the alternative form of
10 government and consolidation plan operate to dissolve
11 county and city governments within the area of
12 consolidation in accordance with its provisions. On
13 the effective date, the separate corporate existence
14 of the county and of each participating city shall be
15 consolidated into one local government unit under the

16 name selected, designated, and adopted. The
17 consolidated local government shall succeed to,
18 possess, and own all of the property and assets of
19 every kind and description and shall, except as
20 otherwise provided, become responsible for all the
21 obligations and liabilities of the county and cities
22 so consolidated.

23 3. All provisions of law authorizing contributions
24 of any kind, in money or otherwise, from the state or
25 federal government to counties and cities shall remain
26 in full force with respect to a consolidated local
27 government.

28 Sec. 21. NEW SECTION. 331.236 GENERAL POWERS OF
29 CONSOLIDATED LOCAL GOVERNMENTS.

30 A consolidated local government shall have and may
31 exercise all powers that are conferred on counties and
32 cities by the constitution and laws of the state. The
33 consolidated local government may levy all taxes which
34 counties and cities are authorized to levy except that
35 city taxes shall be levied only within areas of the
36 consolidated local government designated as urban
37 service areas.

38 Sec. 22. NEW SECTION. 331.237 RULES, ORDINANCES,
39 AND RESOLUTIONS OF CONSOLIDATED UNIT.

40 Within two years after ratification of the
41 consolidation, the governing body of the consolidated
42 unit of local government shall revise, repeal, or
43 reaffirm all rules, ordinances, and resolutions in
44 force within the participating county and cities at
45 the time of consolidation. Each rule, ordinance, or
46 resolution in force at the time of consolidation shall
47 remain in force within the former geographic jurisdic-
48 tion until superseded by action of the new governing
49 body. Ordinances and resolutions relating to public
50 improvements to be paid for in whole or in part by

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1 special assessments shall remain in effect until paid
2 in full.

3 Sec. 23. NEW SECTION. 331.238 FORM OF BALLOT.

4 Pursuant to section 331.222, the question of
5 county-city consolidation shall be submitted to the
6 electors in substantially the following form:

7 ___ For (the existing forms of government).

8 ___ For the consolidation of the corporate
9 existence and governments of the county of

10 _____ and the cities of _____ and

11 _____ into one joint county-municipal

12 corporation government.

13 COUNTY-COUNTY CONSOLIDATION
 14 Sec. 24 NEW SECTION. 331.239 REQUIREMENTS FOR
 15 COUNTY-COUNTY GOVERNMENT CONSOLIDATION.

16 1. Consolidation may be placed on the ballot only
 17 by a joint report by contiguous counties.

18 2. A final report must contain a consolidation
 19 plan if county-county consolidation is recommended.
 20 The consolidation plan must conform to the provisions
 21 and requirements in accordance with this part.

22 Sec. 25. NEW SECTION. 331.240 PLAN OF
 23 CONSOLIDATION.

24 When county consolidation is recommended, a
 25 petition must contain a consolidation plan which
 26 provides for:

27 1. Adjustment of existing bonded indebtedness and
 28 other obligations in a manner which assures a fair and
 29 equitable burden of taxation for debt service.

30 2. Establishment of subordinate service districts.

31 3. The transfer or other disposition of property
 32 and other rights, claims, assets, and franchises of
 33 the counties consolidated under the plan.

34 4. The official name of the consolidated county.

35 5. The transfer, reorganization, abolition,
 36 adjustment of boundaries, or absorption of existing
 37 boards, subordinate service districts, local
 38 improvement districts, and agencies of the
 39 consolidated counties.

40 The consolidation plan may include other provisions
 41 that are not inconsistent with state law.

42 Sec. 26. NEW SECTION. 331.241 FORM OF BALLOT.

43 Pursuant to section 331.222, the question of
 44 county-county consolidation shall be submitted to the
 45 electors in substantially the following form:

46 ___ For (the existing forms of government).

47 ___ For the consolidation of the corporate
 48 existence and governments of the county of _____
 49 and the county of _____ into one county
 50 corporation and government.

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1 Sec. 27. CODIFICATION. The Code editor shall
 2 codify new sections 331.217 through 331.241 as a new
 3 part or parts of division II of chapter 331."

4 2. Amend the title page, by striking lines 1
 5 through 4 and inserting the following: "An Act
 6 authorizing local government reorganization by the
 7 establishment of an alternative form of county
 8 government or city-county government, or by

9 consolidating county governments, and making
10 corresponding amendments to the Code.”

COMMITTEE ON LOCAL GOVERNMENT
ALVIN MILLER, Chairperson

S-5050

1 Amend Senate File 2108 as follows:
2 1. Page 4, by striking lines 26 through 30 and
3 inserting the following:
4 “4. The superintendent shall approve or disapprove
5 an application within a reasonable period of time.”

BERL E. PRIEBE

S-5051

1 Amend the Committee on Appropriations amendment, S-
2 5034, to House File 2082, as amended, passed, and
3 reprinted by the House, as follows:
4 1. Page 1, by inserting after line 11 the fol-
5 lowing:
6 “ ____ . Page 3, by striking lines 22 through 27 and
7 inserting the following: “programs.”
8 ____ . Page 5, by striking lines 7 through 12 and
9 inserting the following: “application process.””
10 2. Page 3, line 50, by striking the words “~~sixty-~~
11 ~~eight sixty-five~~” and inserting the following:
12 “sixty-eight”.

JIM LIND

S-5052

1 Amend Senate File 2095 as follows:
2 1. Page 1, line 4, by inserting after the word
3 “in” the following: “the diagnosis, prevention, or
4 treatment of”.
5 2. Page 1, line 7, by inserting after the word
6 “cholecystitis,” the following: “degenerative
7 neurological diseases”.

BEVERLY A. HANNON

S-5053

- 1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 5 through 7 and in-
4 serting the following: "occupational license or
5 applying for a license to operate an excursion
6 gambling boat, or the officers and members of the
7 board of directors of a qualified sponsoring
8 organization located in Iowa applying for a license to
9 conduct gambling games on an excursion gambling boat."
- 10 2. Page 1, line 16, by inserting after the word
11 "twenty-one," the following: "dice."
- 12 3. Page 1, by striking line 19 and inserting the
13 following: "ticket, or any other game or device which
14 is authorized by the commission as a".
- 15 4. Page 2, by inserting after line 5 the fol-
16 lowing:
- 17 "14. "Qualified sponsoring organization" means a
18 person or association that can show to the
19 satisfaction of the commission that the person or
20 association is eligible for exemption from federal
21 income taxation under section 501(c)(3), 501(c)(4),
22 501(c)(5), 501(c)(6), 501(c)(7), 501(c)(8),
23 501(c)(10), or 501(c)(19) of the (Internal Revenue
24 Code of 1954, as defined in section 422.3. A
25 qualified sponsoring organization licensed to operate
26 gambling games under this chapter shall certify that
27 the receipts of all gambling games, less reasonable
28 expenses, charges, taxes, fees, and deductions allowed
29 under this chapter, will be distributed as winnings to
30 players or participants or will be distributed to
31 educational, civic, public, charitable, patriotic, or
32 religious uses as defined in section 99B.7, subsection
33 3, paragraph "b". The membership of the board of
34 directors of a qualified sponsoring organization shall
35 represent a broad interest of the communities.
- 36 15. "Distributor" means a person who sells,
37 markets, or otherwise distributes gambling games or
38 implements of gambling which are usable in the lawful
39 conduct of gambling games pursuant to this chapter, to
40 a licensee authorized to conduct gambling games
41 pursuant to this chapter.
- 42 16. "Manufacturer" means a person who designs,
43 assembles, fabricates, produces, constructs, or who
44 otherwise prepares a product or a component part of a
45 product of any implement of gambling usable in the
46 lawful conduct of gambling games pursuant to this
47 chapter."
- 48 5. Page 2, by striking lines 28 and 29 and in-
49 serting the following:
- 50 "2. To license qualified sponsoring organizations,

Page 2

1 to license the operators of excursion gambling boats,
2 to identify”.

3 6. Page 2, by striking lines 33 and 34 and in-
4 serting the following: “occupational licenses and
5 licenses for qualified sponsoring organizations. The
6 fees shall be paid to the commission and”.

7 7. Page 4, by striking lines 22 through 27 and
8 inserting the following:

9 “Sec. 5. NEW SECTION. 99F.5 LICENSES FOR
10 CONDUCTING GAMBLING GAMES ON AN EXCURSION BOAT AND
11 FOR

12 BOAT OPERATORS -- APPLICATIONS.

13 1. A qualified sponsoring organization may apply
14 to the commission for a license to conduct gambling
15 games on an excursion gambling boat as provided in
16 this chapter. A qualified person may apply to the
17 commission for a license to operate an excursion
18 gambling boat. The application shall be filed with”.

19 8. Page 5, by striking lines 7 through 9 and in-
20 serting the following:

21 “1. A person shall not be issued a license to con-
22 duct gambling games on an excursion gambling boat or a
23 license to operate an excursion gambling boat under
24 this”.

25 9. Page 6, by inserting after line 13 the
26 following:

27 “7. For the purposes of this section, applicant
28 includes each member of the board of directors of a
29 qualified sponsoring organization.”

30 10. Page 6, line 19, by inserting after the word
31 “years” the following: “to an applicant to own a
32 gambling game operation and for a period of not more
33 than five years to an applicant to operate an
34 excursion gambling boat”.

35 11. Page 6, by striking line 20 and inserting the
36 following: “decide which of the gambling games
37 authorized under this chapter it will permit. The
38 commission”.

39 12. Page 8, by inserting after line 17 the
40 following:

41 “___ . If a docking fee is charged by a city or a
42 county, a licensee operating an excursion gambling
43 boat shall pay the docking fee one year in advance.

44 ___ . A licensee shall not be delinquent in the
45 payment of property taxes or other taxes or fees or in
46 the payment of any other contractual obligation or
47 debt due or owed to a city or county.”

13. Page 10, by striking line 2 and inserting the

48 following:

49 "1. The qualified sponsoring organization conduct-
50 ing gambling games on an excursion".

Page 3

1 14. Page 10, line 29, by inserting after the word
2 "city." the following: "The admission tax revenue
3 received by a city or a county shall be credited to
4 the city general fund or county general fund as
5 applicable."

6 15. By striking page 10, line 30 through page 11,
7 line 6.

8 16. By striking page 11, line 32 through page 12,
9 line 13, and inserting the following:

10 "a. If the gambling excursion originated at a dock
11 located in a city, one-half of one percent of the
12 adjusted gross receipts shall be remitted to the
13 treasurer of the city in which the dock is located and
14 shall be deposited in the general fund of the city.
15 Another one-half of one percent of the adjusted gross
16 receipts shall be remitted to the treasurer of the
17 county in which the dock is located and shall be
18 deposited in the general fund of the county.

19 b. If the gambling excursion originated at a dock
20 located in an unincorporated part of a county, one
21 percent of the adjusted gross receipts shall be
22 remitted to the treasurer of the county in which the
23 dock is located and shall be deposited in the general
24 fund of the county.

25 c. The remaining amount of the adjusted gross
26 receipts tax shall be credited to the general fund of
27 the state."

28 17. Page 16, by inserting after line 33 the
29 following:

30 "Sec. ____ . NEW SECTION. 99F.17 DISTRIBUTORS AND
31 MANUFACTURERS -- LICENSES.

32 1. Each manufacturer and each distributor of
33 gambling games or implements of gambling shall
34 annually apply for a license upon a form prescribed by
35 the commission before the first day of April in each
36 year and shall submit the appropriate license fee.
37 Each applicant shall provide the necessary information
38 as the commission may require. The license fee for a
39 distributor is one thousand dollars, and the license
40 fee for a manufacturer is two hundred fifty dollars.
41 The license fees shall be credited to the special
42 account provided for in section 99F.4, subsection 2.

43 2. Each licensee authorized to conduct gambling
44 games shall acquire all gambling games or implements

45 of gambling from a distributor licensed pursuant to
 46 this chapter. A licensee shall not sell or give
 47 gambling games or implements of gambling to another
 48 licensee.

49 3. A licensee shall not be a manufacturer or
 50 distributor of gambling games or implements of

Page 4

1 gambling.

2 4. The commission may suspend or revoke the
 3 license of a distributor or manufacturer for a
 4 violation of this chapter or a rule adopted pursuant
 5 to this chapter committed by the distributor or
 6 manufacturer or an officer, director, employee, or
 7 agent of the manufacturer or distributor."

8 18. By renumbering the sections and subsections
 9 as necessary.

COMMITTEE ON STATE GOVERNMENT
 ROBERT M. CARR, Chairperson

S-5054

1 Amend House File 433, as passed by the House, as
 2 follows:

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

5 "Section 1. Section 502.202, subsection 8, Code
 6 Supplement 1987, is amended by striking the
 7 subsection."

8 2. Page 1, by striking lines 1 through 12.

9 3. Title page, lines 1 through 4, by striking the
 10 words "for securities traded or approved for trade on
 11 the national association of securities dealers
 12 automated quotients -- national market system
 13 (NASDAQ/NMS)".

TOM MANN, Jr.

S-5055

1 Amend Senate File 2068 as follows:

2 1. Page 1, line 7, by inserting after the word
 3 "application." the following: "However, a public
 4 hearing is not required for a permit application if a
 5 public hearing was held under chapter 358A or chapter
 6 414."

JACK W. HESTER

S-5056

1 Amend Senate File 2018 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "8. "Medical assistance" means payment of all or
5 part of the costs of any or all of the care authorized
6 to be provided pursuant to chapter 249A."
7 2. Page 1, line 33, by inserting after the word
8 "member" the following: "who is a resident of a
9 state-hospital school, a community-based, intermediate
10 care facility intended to serve mentally retarded
11 individuals, a child foster care group home, a child
12 foster care family home, or a state mental health
13 institute".
14 3. Page 2, by striking lines 10 through 13 and
15 inserting the following:
16 "4. A statement that if the child receives medical
17 assistance, then the family support subsidy shall only
18 be used for the cost of care which is not covered by
19 medical assistance. The family may receive welfare
20 assistance for which the family is eligible."
21 4. Page 5, by inserting after line 21 the
22 following:
23 "Sec. 10. Sections 2 through 9 of this Act are
24 repealed December 31, 1989."

EDGAR H. HOLDEN

S-5057

1 Amend Senate File 2124 as follows:
2 1. Page 1, line 15, by striking the words
3 "EFFECTIVE DATE --".
4 2. Page 1, by striking lines 16 and 17.
5 3. By renumbering as necessary.

EDGAR H. HOLDEN

S-5058

1 Amend Senate File 2065 as follows:
2 1. Page 1, line 7, by striking the word "fifteen"
3 and inserting the following: "fifteen five".
4 2. Page 1, line 12, by striking the word

5 "fifteen" and inserting the following: "~~fifteen~~
6 five".

LARRY MURPHY

S-5059

1 Amend Senate File 2125 as follows:
2 1. Page 1, line 5, by striking the word "six" and
3 inserting the following: "eight".

JACK W. HESTER
JOHN A. PETERSON

S-5060

1 Amend Senate File 2057 as follows:
2 1. Page 2, by inserting after line 5 the fol-
3 lowing:
4 "Sec. ____ . Section 1 of this Act takes effect July
5 1, 1989."

WALLY HORN

S-5061

1 Amend Senate File 2059 as follows:
2 1. Page 1, by inserting after line 20 the
3 following:
4 "Sec. ____ . Section 1 of this Act takes effect July
5 1, 1989."

WALLY HORN

S-5062

1 Amend Senate File 2093 as follows:
2 1. Page 1, line 24, by inserting after the word
3 "line." the following: "If a county or the state
4 accepts the corporation's offer for all or any part of
5 the rail line, the county or state may deduct from the
6 purchase price any taxes owed by the corporation to
7 the county or state."

BERL E. PRIEBE

S-5063

- 1 Amend Senate File 2141 as follows:
- 2 1. Page 4, line 14, by striking the words “, and
- 3 for each succeeding fiscal year,” and inserting the
- 4 following: “; ~~and for each succeeding fiscal year;~~”.
- 5 2. Page 4, line 16, by striking the words “per
- 6 year” and inserting the following: “~~per year~~”.

EDGAR H. HOLDEN

S-5064

- 1 Amend Senate File 2141 as follows:
- 2 1. By striking page 4, line 17 through page 6,
- 3 line 8.

EDGAR H. HOLDEN

S-5065

- 1 Amend Senate File 2108 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following:
- 4 “6. “State in which the regional bank holding
- 5 company is located” means the state in which the
- 6 operations of the banking subsidiaries of the regional
- 7 bank holding company are “principally conducted” as
- 8 defined in the federal Bank Holding Company Act of
- 9 1956, 12 U.S.C. § 1842(d), as amended to January 1,
- 10 1987.”
- 11 2. Page 2, line 4, by striking the words
- 12 “treasurer of state” and inserting the following:
- 13 “superintendent”.

WILLIAM PALMER

S-5066

- 1 Amend Senate File 2072 as follows:
- 2 1. Page 2, line 1, by striking the word “The” and
- 3 inserting the following: “Beginning January 1, 1989,
- 4 and upon application to the commissioner, the”.
- 5 2. Page 2, line 18, by inserting after the number
- 6 “2.” the following: “However, as used in this
- 7 subsection, economic development initiatives do not
- 8 include the employment of professional staff or

9 consultants. A city or chapter 28E area shall file an
 10 economic development plan with the department of
 11 economic development before application is made to
 12 receive funds under this subsection. A city or area
 13 receiving funds under this subsection shall submit an
 14 annual financial report within sixty days following
 15 the close of its fiscal year to the regional
 16 coordinating council created pursuant to section
 17 28.101 of the region in which the city or area is
 18 located.”

19 3. Page 2, by inserting after line 31 the
 20 following:

21 “d. All parties to the agreement shall be located
 22 within the same regional economic delivery area
 23 created pursuant to section 28.101.”

COMMITTEE ON LOCAL GOVERNMENT
 ALVIN V. MILLER, Chairperson

S-5067

1 Amend Senate File 2141 as follows:

2 1. Page 6, line 8, by striking the words “the
 3 three and eighty-five” and inserting the following:
 4 “a six and thirty-five”.

JEAN LLOYD-JONES

S-5068

1 Amend Senate File 2108 as follows:

2 1. Page 7, by inserting after line 4 the
 3 following:

4 “Sec. ____ . NEW SECTION. 524.1855A PROBATIONARY
 5 PERIOD.

6 An acquisition by a regional bank holding company
 7 under this division shall be for a probationary period
 8 of five years, during which period the superintendent
 9 shall closely monitor and evaluate the regional bank
 10 holding company and its subsidiaries with respect to
 11 adherence to the requirements of this chapter. Within
 12 one hundred twenty days immediately prior to the
 13 expiration of the five-year probationary period, the
 14 superintendent shall conduct a public hearing at which
 15 representatives of the banking division, the regional
 16 bank holding company, and other interested persons
 17 shall be afforded the opportunity to present evidence.
 18 If the superintendent determines that by a

19 preponderance of the evidence the regional bank
20 holding company and its bank subsidiaries have
21 performed satisfactorily according to the requirements
22 of this chapter, the superintendent shall issue an
23 order declaring that the acquisition shall be
24 permanent. If the superintendent determines that by a
25 preponderance of the evidence the regional bank
26 holding company and its bank subsidiaries have failed
27 to perform satisfactorily, the superintendent shall
28 issue an order requiring the regional bank holding
29 company to divest itself of all interests in the
30 acquired bank or banks. The regional bank holding
31 company shall divest itself of the bank or banks
32 within one year following the effective date of the
33 order, and if it fails to do so the superintendent
34 shall petition the district court for appointment as
35 receiver to dispose of the regional bank holding
36 company's interests in the bank or banks in any
37 commercially reasonable manner.”
38 2. By renumbering as necessary.

JOHN JENSEN

S-5069

1 Amend the Committee amendment, S-5049, to House
2 File 278, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 6, line 6, by inserting after the word
5 “board.” the following: “The board shall have at
6 least five members.”
7 2. Page 6, line 47, by inserting after the word
8 “board.” the following: “The board shall have at
9 least five members.”
10 3. Page 8, line 35, by inserting after the word
11 “members” the following: “, but not less than five
12 members,”.

RICHARD VANDE HOEF

HOUSE AMENDMENT TO
SENATE FILE 2074

S-5070

1 Amend Senate File 2074 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 422.3, subsection 5, Code
6 1987, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 5. "Internal Revenue Code" means the Internal
9 Revenue Code of 1954, prior to the date of its
10 redesignation as the Internal Revenue Code of 1986 by
11 the Tax Reform Act of 1986, or means the Internal
12 Revenue Code of 1986 as amended to and including
13 January 1, 1988, whichever is applicable.

14 Sec. 2. Section 422.4, subsections 1, 4, 10, 11,
15 14, 17, and 18, Code Supplement 1987, are amended to
16 read as follows:

17 1. The words "taxable income" mean the net income
18 as defined in section 422.7 minus the deductions
19 allowed by section 422.9, in the case of individuals;
20 in the case of estates or trusts, the words "taxable
21 income" mean the taxable income (without a deduction
22 for personal exemption) as computed for federal income
23 tax purposes under the Internal Revenue Code of ~~1954~~,
24 but with the adjustments specified in section 422.7
25 plus the Iowa income tax deducted in computing ~~said~~
26 the federal taxable income and minus federal income
27 taxes as provided in section 422.9.

28 4. The words "tax year" mean the calendar year, or
29 the fiscal year ending during such calendar year, upon
30 the basis of which the net income is computed under
31 this division.

32 a. If a taxpayer has made the election provided by
33 section 441, subsection "f", of the Internal Revenue
34 Code of ~~1954~~, "tax year" means the annual period so
35 elected, varying from fifty-two to fifty-three weeks.

36 b. If the effective date or the applicability of a
37 provision of this division is expressed in terms of a
38 tax year beginning, including, or ending with
39 reference to a specified date which is the first or
40 last day of a month, a tax year described in paragraph
41 "a" of this subsection shall be treated as beginning
42 with the first day of the calendar month beginning
43 nearest to the first day of the tax year or as ending
44 with the last day of the calendar month ending nearest
45 to the last day of the tax year.

46 c. This subsection is effective for tax years
47 ending on or after December 14, 1975.

48 10. The word "individual" means a natural person;
49 and ~~where~~ if an individual is permitted to file as a
50 corporation, under ~~the provisions~~ of the Internal

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1 Revenue Code of 1954, ~~such that~~ fictional status shall
2 is not be recognized for purposes of this chapter, and
3 ~~such the~~ individual's taxable income shall be computed
4 as required under ~~the provisions of~~ the Internal
5 Revenue Code of 1954 relating to individuals not
6 filing as a corporation, with the adjustments allowed
7 by this chapter.

8 11. The term words "head of household" shall have
9 ~~has~~ the same meaning as provided by the Internal
10 Revenue Code of 1954.

11 14. The term word "wages" shall have ~~has~~ the same
12 meaning as provided by the Internal Revenue Code of
13 1954.

14 17. a. "Annual inflation factor" means an index,
15 expressed as a percentage, determined by the
16 department each year to reflect the purchasing power
17 of the dollar as a result of inflation during the
18 preceding calendar year. For the 1981 and subsequent
19 calendar years, "annual inflation factor" means an
20 index, expressed as a percentage, determined by the
21 department by October 15 of the calendar year
22 preceding the calendar year for which the factor is
23 determined, ~~to reflect which reflects~~ the purchasing
24 power of the dollar as a result of inflation during
25 the fiscal year ending in the calendar year preceding
26 the calendar year for which the factor is determined.
27 In determining the annual inflation factor, the
28 department shall use the annual percent change, but
29 not less than zero percent, in the implicit price
30 deflator for the gross national product computed for
31 the whole calendar year or for the second quarter of
32 the calendar year; in the case of the annual inflation
33 factor for the 1981 and subsequent calendar years, by
34 the bureau of economic analysis of the United States
35 department of commerce and shall add ~~two-fourths for~~
36 ~~the 1980 and subsequent calendar years one-half of~~
37 that percent change to one hundred percent. The
38 annual inflation factor for the 1979 calendar year is
39 ~~one hundred two point three percent~~. The annual
40 inflation factor and the cumulative inflation factor
41 shall each be expressed as a percentage rounded to the
42 nearest one-tenth of one percent. The annual
43 inflation factor shall not be less than one hundred
44 percent.

45 b. "Cumulative inflation factor" means the product
46 of the annual inflation factor for the ~~1978~~ 1988
47 calendar year and all annual inflation factors for
48 subsequent calendar years as determined pursuant to

49 this subsection. The cumulative inflation factor
50 applies to all tax years beginning on or after January

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1 1 of the calendar year for which the latest annual
2 inflation factor has been determined.
3 c. The annual inflation factor for the ~~1978~~ 1988
4 calendar year is one hundred percent. ~~Notwithstanding~~
5 ~~the computation of the annual inflation factor under~~
6 ~~paragraph "a", the annual inflation factor for the~~
7 ~~1987 calendar year is one hundred percent.~~
8 d. Notwithstanding the computation of the annual
9 inflation factor under paragraph "a" of this
10 subsection, the annual inflation factor is one hundred
11 percent for any calendar year in which the unobligated
12 state general fund balance on June 30 ~~as certified by~~
13 ~~the director of revenue and finance by September 10 of~~
14 ~~the fiscal year beginning in that calendar year is~~
15 ~~less than sixty million dollars. However, for the~~
16 ~~1981 and subsequent calendar years, the annual~~
17 ~~inflation factor is one hundred percent for any~~
18 ~~calendar year if the unobligated state general fund~~
19 ~~balance on June 30 of the calendar year preceding the~~
20 ~~calendar year for which the factor is determined, as~~
21 ~~certified by the director of revenue and finance by~~
22 ~~October 10, is less than sixty million dollars.~~
23 ~~18. For purposes of section 422.3, subsection 5,~~
24 ~~the Internal Revenue Code of 1954 shall be interpreted~~
25 ~~to include the provisions of Pub. L. No. 98-4.~~
26 Sec. 3. Section 422.4, subsections 19 and 20, Code
27 Supplement 1987, are amended to read as follows:
28 19. The definition of the Internal Revenue Code of
29 1954 in section 422.3, subsection 5, shall be
30 interpreted to include provisions of the Tax Reform
31 Act of 1986, Pub. L. No. 99-514 which amended the
32 Internal Revenue Code of 1954, and the Revenue Act of
33 1987, Pub. L. No. 100-203, unless the context
34 otherwise requires.
35 20. "Internal Revenue Code of 1986" means the
36 Internal Revenue Code of 1954 as amended by the Tax
37 Reform Act of 1986, Pub. L. No. 99-514 and the Revenue
38 Act of 1987, Pub. L. No. 100-203.
39 Sec. 4. Section 422.4, subsections 19 and 20, Code
40 Supplement 1987, are amended by striking the
41 subsections.
42 Sec. 5. Section 422.5, subsection 1, Code
43 Supplement 1987, is amended by striking the
44 subsection.
45 Sec. 6. Section 422.5, subsection 1A, unnumbered

46 paragraph 1, Code Supplement 1987, is amended to read
47 as follows:

48 ~~In lieu of subsection 1, a~~ A tax is imposed upon
49 every resident and nonresident of the state which tax
50 shall be levied, collected, and paid annually upon and

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1 with respect to the entire taxable income as defined
2 in this division at rates as follows:
3 Sec. 7. Section 422.5, subsection 1A, paragraph k,
4 subparagraph (1), Code Supplement 1987, is amended to
5 read as follows:

6 (1) Add items of tax preference included in
7 federal alternative minimum taxable income under
8 section 57, except subsections (a)(1), (a)(2), and
9 (a)(5), of the Internal Revenue Code of 1986, make the
10 adjustments included in federal alternative minimum
11 taxable income under section 56, except subsections
12 (a)(4), (b)(1)(C)(iii), and (d), of the Internal
13 Revenue Code of 1986, and add losses as required by
14 section 58 of the Internal Revenue Code of 1986. In
15 the case of an estate or trust, the items of tax
16 preference, adjustments, and losses shall be
17 apportioned between the estate or trust and the
18 beneficiaries in accordance with rules prescribed by
19 the director.

20 Sec. 8. Section 422.5, subsection 2, unnumbered
21 paragraph 2, Code Supplement 1987, is amended to read
22 as follows:

23 However, for married persons filing jointly or
24 filing separately on a combined return, unmarried
25 heads of household, and surviving spouses, references
26 in this subsection and subsections 6 and 10 to five
27 thousand dollars shall be interpreted to mean seven
28 thousand five hundred dollars. In addition, if the
29 married persons', filing jointly or filing separately
30 on a combined return, unmarried head of household's,
31 or surviving spouse's net income exceeds seven
32 thousand five hundred dollars, the regular tax imposed
33 under this division shall be the lesser of the maximum
34 state individual income tax rate times the portion of
35 the net income in excess of seven thousand five
36 hundred dollars or the regular tax liability computed
37 without regard to this sentence. Taxpayers electing
38 to file separately shall compute the alternate tax
39 described in this paragraph using the total net income
40 of the husband and wife. However, the alternate tax
41 described in this paragraph does not apply if one
42 spouse elects to carry back or carry forward the loss

43 as provided in section 422.9, subsection 3.
44 Sec. 9. Section 422.5, subsection 2, Code
45 Supplement 1987, is amended by striking the subsection
46 and inserting in lieu thereof the following:
47 2. However, the tax shall not be imposed on a
48 resident or nonresident whose net income, as defined
49 in section 422.7, is seven thousand five hundred
50 dollars or less in the case of married persons filing

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1 jointly or filing separately on a combined return,
2 unmarried heads of household, and surviving spouses or
3 five thousand dollars or less in the case of all other
4 persons; but in the event that the payment of tax
5 under this division would reduce the net income to
6 less than seven thousand five hundred dollars or five
7 thousand dollars as applicable, then the tax shall be
8 reduced to that amount which would result in allowing
9 the taxpayer to retain a net income of seven thousand
10 five hundred dollars or five thousand dollars as
11 applicable. The preceding sentence does not apply to
12 estates or trusts. For the purpose of this
13 subsection, the entire net income, including any part
14 of the net income not allocated to Iowa, shall be
15 taken into account. For purposes of this subsection,
16 net income includes all amounts of pensions or other
17 retirement income received from any source which is
18 not taxable under this division as a result of any
19 other state law. If the combined net income of a
20 husband and wife exceeds seven thousand five hundred
21 dollars, neither of them shall receive the benefit of
22 this subsection, and it is immaterial whether they
23 file a joint return or separate returns. However, if
24 a husband and wife file separate returns and have a
25 combined net income of seven thousand five hundred
26 dollars or less, neither spouse shall receive the
27 benefit of this paragraph, if one spouse has a net
28 operating loss and elects to carry back or carry
29 forward the loss as provided in section 422.9,
30 subsection 3. A person who is claimed as a dependent
31 by another person as defined in section 422.12 shall
32 not receive the benefit of this subsection if the
33 person claiming the dependent has net income exceeding
34 seven thousand five hundred dollars or five thousand
35 dollars as applicable or the person claiming the
36 dependent and the person's spouse have combined net
37 income exceeding seven thousand five hundred dollars
38 or five thousand dollars as applicable.
39 In addition, if the married persons', filing

40 jointly or filing separately on a combined return,
41 unmarried head of household's, or surviving spouse's
42 net income exceeds seven thousand five hundred
43 dollars, the regular tax imposed under this division
44 shall be the lesser of the maximum state individual
45 income tax rate times the portion of the net income in
46 excess of seven thousand five hundred dollars or the
47 regular tax liability computed without regard to this
48 sentence. Taxpayers electing to file separately shall
49 compute the alternate tax described in this paragraph
50 using the total net income of the husband and wife.

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1 The alternate tax described in this paragraph does not
2 apply if one spouse elects to carry back or carry
3 forward the loss as provided in section 422.9,
4 subsection 3.
5 Sec. 10. Section 422.5, subsection 6, Code
6 Supplement 1987, is amended to read as follows:
7 6. A person who is disabled, is sixty-two years of
8 age or older or is the surviving spouse of an
9 individual or survivor having an insurable interest in
10 an individual who would have qualified for the
11 exemption under this paragraph for this tax year and
12 receives one or more annuities from the United States
13 civil service retirement and disability trust fund,
14 and whose net income, as defined in section 422.7, is
15 sufficient to require that the tax be imposed upon it
16 under this section, may determine final taxable income
17 for purposes of imposition of the tax by excluding the
18 amount of annuities received from the United States
19 civil service retirement and disability trust fund,
20 which are not already excluded in determining net
21 income, as defined in section 422.7, up to a maximum
22 each tax year of five thousand ~~five hundred six~~
23 hundred twenty-seven dollars for a person who files a
24 separate state income tax return and eight thousand
25 one hundred eighty-four dollars total for a husband
26 and wife who file a joint state income tax return.
27 However, a surviving spouse who is not disabled or
28 sixty-two years of age or older can only exclude the
29 amount of annuities received as a result of the death
30 of the other spouse. The amount of the exemption
31 shall be reduced by the amount of any social security
32 benefits received. For the purpose of this section,
33 the amount of annuities received from the United
34 States civil service retirement and disability trust
35 fund taxable under the Internal Revenue Code of 1954
36 shall be included in net income for purposes of

37 determining eligibility under the five thousand dollar
38 or less exclusion.

39 Sec. 11. Section 422.5, subsections 6, 7, 8, and
40 10, Code Supplement 1987, are amended to read as
41 follows:

42 6. A person who is disabled, is sixty-two years of
43 age or older or is the surviving spouse of an
44 individual or survivor having an insurable interest in
45 an individual who would have qualified for the
46 exemption under this paragraph for this tax year and
47 receives one or more annuities from the United States
48 civil service retirement and disability trust fund,
49 and whose net income, as defined in section 422.7, is
50 sufficient to require that the tax be imposed upon it

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1 under this section, may determine final taxable income
2 for purposes of imposition of the tax by excluding the
3 amount of annuities received from the United States
4 civil service retirement and disability trust fund,
5 which are not already excluded in determining net
6 income, as defined in section 422.7, up to a maximum
7 each tax year of five thousand five hundred six
8 hundred twenty-seven dollars for a person who files a
9 separate state income tax return and eight thousand
10 one hundred eighty-four dollars total for a husband
11 and wife who file a joint state income tax return.
12 However, a surviving spouse who is not disabled or
13 sixty-two years of age or older can only exclude the
14 amount of annuities received as a result of the death
15 of the other spouse. The amount of the exemption
16 shall be reduced by the amount of any social security
17 benefits received. For the purpose of this section,
18 the amount of annuities received from the United
19 States civil service retirement and disability trust
20 fund taxable under the Internal Revenue Code of ~~1954~~
21 shall be included in net income for purposes of
22 determining eligibility under the seven thousand five
23 hundred dollar or less or five thousand dollar or less
24 exclusion, as applicable.

25 7. Upon determination of the latest cumulative
26 inflation factor, the director shall multiply each
27 dollar amount set forth in subsection 1, paragraphs
28 "a" through "m" and "i" of this section, and each
29 dollar amount specified in this section as the maximum
30 amount of annuities received which may be excluded in
31 determining final taxable income, by this cumulative
32 inflation factor, shall round off the resulting
33 product to the nearest one dollar, and shall

34 incorporate the result into the income tax forms and
35 instructions for each tax year.

36 8. Income of an individual which is excluded from
37 gross income under the Internal Revenue Code of 1954
38 as a result of the provisions of the Hostage Relief
39 Act of 1980, 94 stat. 1967, shall not be included as
40 income in computing the tax imposed by this section.

41 10. In addition to the other taxes imposed by this
42 section, a tax is imposed on the amount of a lump sum
43 distribution for which the taxpayer has elected under
44 section 402(e) of the Internal Revenue Code of 1954 to
45 be separately taxed for federal income tax purposes
46 for the tax year. The rate of tax is equal to twenty-
47 five percent of the separate federal tax imposed on
48 the amount of the lump sum distribution. A
49 nonresident is liable for this tax only on that
50 portion of the lump sum distribution allocable to

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1 Iowa. The total amount of the lump sum distribution
2 subject to separate federal tax shall be included in
3 net income for purposes of determining eligibility
4 under the seven thousand five hundred dollar or less
5 or five thousand dollar or less exclusion, as
6 applicable.

7 Sec. 12. Section 422.6, unnumbered paragraph 2,
8 Code 1987, is amended to read as follows:

9 The beneficiary of a trust who receives an
10 accumulation distribution shall be allowed credit
11 without interest for the Iowa income taxes paid by the
12 trust attributable to ~~such~~ the accumulation
13 distribution in a manner corresponding to the
14 provisions for credit under the federal income tax
15 relating to accumulation distributions as contained in
16 the Internal Revenue Code of 1954. The trust ~~shall~~ is
17 not be entitled to a refund of taxes paid on the
18 distributions. The trust shall maintain detailed
19 records to verify the computation of the tax.

20 Sec. 13. Section 422.7, unnumbered paragraph 1 and
21 subsections 2, 6, 7, 8, 9, 11, 16A, 19, 21, 23, 24,
22 and 27, Code Supplement 1987, are amended to read as
23 follows:

24 The term "net income" means the adjusted gross
25 income as properly computed for federal income tax
26 purposes under the Internal Revenue Code of 1954, with
27 the following adjustments:

28 2. Add interest and dividends from foreign
29 securities and from securities of state and other

30 political subdivisions exempt from federal income tax
31 under the Internal Revenue Code of 1954.
32 6. Individual taxpayers and married taxpayers who
33 file a joint federal income tax return and who elect
34 to file a joint return, separate returns, or separate
35 filing on a combined return for Iowa income tax
36 purposes, may avail themselves of the disability
37 income exclusion and shall compute the amount of the
38 disability income exclusion subject to the limitations
39 for joint federal income tax return filers provided by
40 section 105(d) of the Internal Revenue Code of 1954.
41 The disability income exclusion provided in section
42 105(d) of the Internal Revenue Code of 1954, as
43 amended up to and including December 31, 1982,
44 continues to apply for state income tax purposes for
45 tax years beginning on or after January 1, 1984.
46 7. Add to the taxable income of trusts, that
47 portion of trust income excluded from federal taxable
48 income under section 641(c) of the Internal Revenue
49 Code of 1954.
50 8. Married taxpayers who file a joint federal

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1 income tax return and who elect to file separate
2 returns or separate filing on a combined return for
3 Iowa income tax purposes, may avail themselves of the
4 expensing of business assets and capital loss
5 provisions of sections 179(a) and 1211(b) respectively
6 of the Internal Revenue Code of 1954 and shall compute
7 the amount of expensing of business assets and capital
8 loss subject to the limitations for joint federal
9 income tax return filers provided by sections 179(b)
10 and 1211(b) respectively of the Internal Revenue Code
11 of 1954.
12 9. Subtract the amount of the jobs tax credit
13 allowable for the tax year under section 51 of the
14 Internal Revenue Code of 1954 to the extent that the
15 credit increased federal adjusted gross income.
16 11. Subtract the amount of the alcohol fuel credit
17 allowable for the tax year under section 40 of the
18 Internal Revenue Code of 1954 to the extent that the
19 credit increased federal adjusted gross income.
20 16A. ~~Notwithstanding any other provision, add~~ Add
21 the amounts deducted and subtract the amounts included
22 as income as a result of the treatment provided sale-
23 leaseback agreements under section 168(f)(8) of the
24 Internal Revenue Code of 1954 for property placed in
25 service by the transferee prior to January 1, 1986, to
26 the extent that the amounts deducted and the amounts

27 included in income are not otherwise deductible or
28 included in income under the Internal Revenue Code of
29 1954 as amended to and including December 31, 1985.
30 Entitlement to depreciation on any property included
31 in a sale-leaseback agreement which is placed in
32 service by the transferee prior to January 1, 1986,
33 shall be determined under the Internal Revenue Code of
34 1954 as amended to and including December 31, 1985,
35 excluding section 168(f)(8) in making the
36 determination.

37 19. Married taxpayers, who file a joint federal
38 income tax return and who elect to file separate
39 returns or who elect separate filing on a combined
40 return for state income tax purposes, shall include in
41 net income any social security benefits ~~or tier 1~~
42 ~~railroad retirement benefits~~ received to the same
43 extent as those benefits are taxable on the taxpayer's
44 joint federal return for that year under section 86 of
45 the Internal Revenue Code of 1954. The benefits
46 included in net income must be allocated between the
47 spouses in the ratio of the social security benefits
48 ~~or tier 1 railroad retirement benefits~~ received by
49 each spouse to the total of these benefits received by
50 both spouses.

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1 21. Add the four percent of the basic salary of a
2 judge, who is a member of the judicial retirement
3 system established in chapter 602, article 9, which is
4 exempt from federal income tax under the Internal
5 Revenue Code of 1954.

6 23. Add the amount of intangible drilling and
7 development costs optionally deducted in the year paid
8 or incurred as described in section 57(a)(2) of the
9 Internal Revenue Code of 1954. This amount may be
10 recovered through cost depletion or depreciation, as
11 appropriate under rules prescribed by the director.

12 24. Add the percentage depletion amount determined
13 with respect to an oil, gas, or geothermal well as
14 described in section 57(a)(1) of the Internal Revenue
15 Code of 1954.

16 27. Add interest and dividends from regulated
17 investment companies exempt from federal income tax
18 under the Internal Revenue Code of 1986 and subtract
19 the loss on the sale or exchange of a share of a
20 regulated investment company held for six months or
21 less to the extent the loss was disallowed under
22 section 852(b)(4)(B) of the Internal Revenue Code of
23 1986.

24 Sec. 14. Section 422.7, subsection 15, Code
25 Supplement 1987, is amended by striking the subsection
26 and inserting in lieu thereof the following:

27 15. Notwithstanding the method for computing the
28 amount of travel expenses that may be deducted under
29 section 162(h) of the Internal Revenue Code, for tax
30 years beginning on or after January 1, 1987, a member
31 of the general assembly whose place of residence
32 within the legislative district is greater than fifty
33 miles from the capitol building of the state may
34 deduct the total amount per day determined under
35 section 162(h)(1)(B) of the Internal Revenue Code and
36 a member of the general assembly whose place of
37 residence within the legislative district is fifty or
38 fewer miles from the capitol building of the state may
39 deduct fifty dollars per day. This subsection does
40 not apply to a member of the general assembly who
41 elects to itemize for state tax purposes the member's
42 travel expenses.

43 Sec. 15. Section 422.7, subsections 5, 10, 12, 13,
44 14, 16, 17, 20, 22, and 26, Code Supplement 1987, are
45 amended by striking the subsections.

46 Sec. 16. Section 422.8, subsections 2 and 4, Code
47 1987, are amended to read as follows:

48 2. Nonresident's net income allocated to Iowa is
49 the net income, or portion thereof, which is derived
50 from a business, trade, profession, or occupation

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1 carried on within this state or income from any
2 property, trust, estate, or other source within Iowa.
3 If ~~any~~ a business, trade, profession, or occupation is
4 carried on partly within and partly without the state,
5 only the portion of the net income which is fairly and
6 equitably attributable to that part of the business,
7 trade, profession, or occupation carried on within the
8 state is allocated to Iowa for purposes of section
9 422.5, subsection 1, paragraph "n" "i" and section
10 422.13 and income from any property, trust, estate, or
11 other source partly within and partly without the
12 state is allocated to Iowa in the same manner, except
13 that annuities, interest on bank deposits and
14 interest-bearing obligations, and dividends are
15 allocated to Iowa only to the extent to which they are
16 derived from a business, trade, profession, or
17 occupation carried on within the state. However,
18 income received by an individual who is a resident of
19 another state is not allocated to Iowa if the income
20 is subject to an income tax imposed by the state where

21 the individual resides, and if the state of residence
22 allows a similar exclusion for income received in that
23 state by residents of Iowa. In order to implement the
24 exclusions, the director shall designate by rule the
25 states which allow a similar exclusion for income
26 received by residents of Iowa, and may enter into
27 agreements with other states to provide that similar
28 exclusions will be allowed, and to provide suitable
29 withholding requirements in each state.

30 4. The amount of minimum tax paid to another state
31 or foreign country by a resident taxpayer of this
32 state from preference items derived from sources
33 outside of Iowa shall be allowed as a credit against
34 the tax computed under this division except that the
35 credit shall not exceed what the amount of state
36 alternative minimum tax would have been on the same
37 preference items which were taxed by the other state
38 or foreign country. The limitation on this credit
39 shall be computed according to the following formula:
40 The total of preference items earned outside of Iowa
41 and taxed by another state or foreign country shall be
42 divided by the total of preference items of the
43 resident taxpayer of Iowa. In computing this
44 quotient, those items excludable under section 422.5,
45 subsection 1, paragraph "e" "k", subparagraph (1)
46 shall not be used in computing the preference items.
47 This quotient multiplied times the net state
48 alternative minimum tax as determined in section
49 422.5, subsection 1, paragraph "e" "k" on the total of
50 preference items as if entirely earned in Iowa shall

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1 be the maximum tax credit against the Iowa alternative
2 minimum tax. However, the maximum tax credit will not
3 be allowed to the extent that the minimum tax imposed
4 by the other state or foreign country is less than the
5 maximum tax credit computed above.

6 Sec. 17. Section 422.9, subsection 1, Code
7 Supplement 1987, is amended by striking the subsection
8 and inserting in lieu thereof the following:

9 1. An optional standard deduction, after deduction
10 of federal income tax, equal to one thousand two
11 hundred thirty dollars for a married person who files
12 separately or a single person or equal to three
13 thousand thirty dollars for a husband and wife who
14 file a joint return, a surviving spouse, or an
15 unmarried head of household. The optional standard
16 deduction shall not exceed the amount remaining after
17 deduction of the federal income tax.

18 Sec. 18. Section 422.9, subsection 2, unnumbered
19 paragraph 1, Code Supplement 1987, is amended to read
20 as follows:

21 The total of contributions, interest, taxes,
22 medical expense, nonbusiness losses, ~~and~~ miscellaneous
23 expenses; and moving expenses; deductible for federal
24 income tax purposes under the Internal Revenue Code of
25 ~~1954~~, with the following adjustments:

26 Sec. 19. Section 422.9, subsection 2, paragraph e,
27 Code Supplement 1987, is amended by striking the
28 paragraph.

29 Sec. 20. Section 422.9, subsection 3, unnumbered
30 paragraph 1 and paragraph c, Code Supplement 1987, are
31 amended to read as follows:

32 If, after applying all of the adjustments provided
33 for in section 422.7, the allocation provisions of
34 section 422.8, and the deductions allowable in this
35 section subject to the modifications provided in
36 section 172(d) of the Internal Revenue Code of ~~1954~~,
37 the taxable income results in a net operating loss,
38 the net operating loss shall be deducted as follows:

39 c. If the election under section 172(b)(3)(C) of
40 the Internal Revenue Code of ~~1954~~ is made, the Iowa
41 net operating loss shall be carried forward fifteen
42 taxable years.

43 Sec. 21. Section 422.9, subsection 6, Code
44 Supplement 1987, including four paragraphs, is amended
45 by striking the subsection.

46 Sec. 22. Section 422.10, unnumbered paragraph 1,
47 Code Supplement 1987, is amended to read as follows:

48 The taxes imposed under this division shall be
49 reduced by a state tax credit for increasing research
50 activities in this state. For individuals, the credit

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1 ~~shall equal equals~~ six and one-half percent of the
2 state's apportioned share of the qualifying
3 expenditures for increasing research activities. The
4 state's apportioned share of the qualifying
5 expenditures for increasing research activities is a
6 percent equal to the ratio of qualified research
7 expenditures in this state to total qualified research
8 expenditures. For purposes of this section, an
9 individual may claim a research credit for qualifying
10 research expenditures incurred by a partnership,
11 subchapter S corporation, and estate or trust electing
12 to have the income taxed directly to the individual.
13 The amount claimed by the individual shall be based
14 upon the pro rata share of the individual's earnings

15 of a partnership, subchapter S corporation, or estate
16 or trust. For purposes of this section, "qualifying
17 expenditures for increasing research activities" means
18 the qualifying expenditures as defined for the federal
19 credit for increasing research activities which would
20 be allowable under section ~~30~~ 41 of the Internal
21 Revenue Code of 1954, in effect on January 1, 1985, or
22 which would be allowable under section 41 of the
23 Internal Revenue Code of 1986.

24 Sec. 23. Section 422.12, subsection 1, paragraph
25 c, Code Supplement 1987, is amended to read as
26 follows:

27 c. For each dependent, an additional ten dollars.
28 As used in this section, the term "dependent" ~~shall~~
29 have has the same meaning as provided by the Internal
30 Revenue Code of 1954.

31 Sec. 24. Section 422.12, subsection 2, unnumbered
32 paragraph 1, Code Supplement 1987, is amended to read
33 as follows:

34 A child and dependent care credit equal to forty-
35 five percent of the federal child and dependent care
36 credit provided in section 21 of the Internal Revenue
37 Code of 1954.

38 Sec. 25. Section 422.13, subsection 1, paragraph
39 a, Code Supplement 1987, is amended to read as
40 follows:

41 a. The individual is required to file a federal
42 income tax return under the Internal Revenue Code of
43 1954.

44 Sec. 26. Section 422.16, subsection 1, unnumbered
45 paragraph 1, Code Supplement 1987, is amended to read
46 as follows:

47 Every withholding agent and every employer as
48 defined in this chapter and further defined in the
49 Internal Revenue Code of 1954, with respect to income
50 tax collected at source, making payment of wages to a

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1 nonresident employee working in Iowa, or to a resident
2 employee, shall deduct and withhold from the wages an
3 amount which will approximate the employee's annual
4 tax liability on a calendar year basis, calculated on
5 the basis of tables to be prepared by the department
6 and schedules or percentage rates, based on the wages,
7 to be prescribed by the department. Every employee or
8 other person shall declare to the employer or
9 withholding agent the number of the employee's or
10 other person's personal exemptions and dependency
11 exemptions or credits to be used in applying the

12 tables and schedules or percentage rates. However, no
13 greater number of personal or dependency exemptions or
14 credits may be declared by the employee or other
15 person than the number to which the employee or other
16 person is entitled except as allowed under section
17 3402(m)(1) of the Internal Revenue Code of 1954. The
18 claiming of exemptions or credits in excess of
19 entitlement is a serious misdemeanor.

20 Sec. 27. Section 422.16, subsection 11, paragraphs
21 a and d, Code Supplement 1987, are amended to read as
22 follows:

23 a. Every person or married couple filing a return
24 shall make estimated tax payments if the person's or
25 couple's Iowa income tax attributable to income other
26 than wages subject to withholding can reasonably be
27 expected to amount to fifty dollars or more for the
28 taxable year, except that, in the cases of farmers and
29 ~~fishers~~ fishermen, the exceptions provided in the
30 Internal Revenue Code of 1954 with respect to making
31 estimated payments apply. The estimated tax shall be
32 paid in quarterly installments. The first installment
33 shall be paid on or before the last day of the fourth
34 month of the taxpayer's tax year for which the
35 estimated payments apply. The other installments
36 shall be paid on or before June 30, September 30, and
37 January 31. However, at the election of the person or
38 married couple, any installment of the estimated tax
39 may be paid prior to the date prescribed for its
40 payment. If a person or married couple filing a
41 return has reason to believe that the person's or
42 couple's Iowa income tax may increase or decrease,
43 either for purposes of meeting the requirement to make
44 estimated tax payments or for the purpose of
45 increasing or decreasing estimated tax payments, the
46 person or married couple shall increase or decrease
47 any subsequent estimated tax payments accordingly.
48 d. Any amount of estimated tax paid is a credit
49 against the amount of tax found payable on a final,
50 completed return, as provided in subsection 9,

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1 relating to the credit for the tax withheld against
2 the tax found payable on a return properly and
3 correctly prepared under sections 422.5 through
4 422.25, and any overpayment of one dollar or more
5 shall be refunded to the taxpayer and the return
6 constitutes a claim for refund for this purpose.
7 Amounts less than one dollar shall not be refunded.
8 The method provided by the Internal Revenue Code of

9 ~~1954~~ for determining what is applicable to the
10 addition to tax for underpayment of the tax payable
11 applies to persons required to make payments of
12 estimated tax under this section except the amount to
13 be added to the tax for underpayment of estimated tax
14 is an amount determined at the rate in effect under
15 section 421.7. This addition to tax specified for
16 underpayment of the tax payable is not subject to
17 waiver provisions relating to reasonable cause, except
18 as provided in the Internal Revenue Code of ~~1954~~.
19 Underpayment of estimated tax shall be determined in
20 the same manner as provided under the Internal Revenue
21 Code of ~~1954~~ and the exceptions in the Internal
22 Revenue Code of ~~1954~~ also apply.

23 Sec. 28. Section 422.20, subsection 2, Code
24 Supplement 1987, is amended to read as follows:
25 2. It ~~shall be~~ is unlawful for ~~any an~~ officer,
26 employee, or agent, or former officer, employee, or
27 agent of the state to disclose to any person, except
28 as authorized in subsection 1 of this section, any
29 federal tax return or return information as defined in
30 section 6103(b) of the Internal Revenue Code of ~~1954~~.
31 It ~~shall further be~~ is unlawful for ~~any a~~ person to
32 whom any federal tax return or return information, as
33 defined in section 6103(b) of the Internal Revenue
34 Code of ~~1954~~, is disclosed in a manner unauthorized by
35 subsection 1 of this section to thereafter print or
36 publish in any manner not provided by law any such
37 return or return information. ~~Any A~~ person committing
38 an offense against the foregoing violating this
39 provision shall be is guilty of a serious misdemeanor.

40 Sec. 29. Section 422.21, unnumbered paragraphs 4,
41 5, and 6, Code Supplement 1987, are amended to read as
42 follows:

43 The director shall determine for the ~~1979~~ 1989 and
44 each subsequent calendar ~~years~~ year the annual and
45 cumulative inflation factors for ~~those each~~ calendar
46 ~~years~~ year to be applied to tax years beginning on or
47 after January 1 of that calendar year. The director
48 shall compute the new dollar amounts as specified
49 ~~therein~~ to be adjusted in section 422.5 by the latest
50 cumulative inflation factor and round off the result

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1 to the nearest one dollar. The annual and cumulative
2 inflation factors determined by the director are not
3 rules as defined in section 17A.2, subsection 7.

4 The department shall provide on income tax forms or

5 in the instruction booklets in a manner that will be
6 noticeable to the taxpayers a statement to the extent
7 that, even though the taxpayer may not have any
8 federal or state income tax liability, the taxpayer
9 may be eligible for the federal earned income tax
10 credit. The statement shall also contain notice of
11 where the taxpayer may check on the taxpayer's
12 eligibility for this credit.

13 The department shall prepare and make available a
14 special return for filing a tax refund claim resulting
15 from the net capital gain deduction authorized in
16 section 422.9, subsection 6. The special returns
17 shall be designed so that the department will be able
18 to compile data that identifies the source and type of
19 the capital gains and losses and the geographical
20 location of the transactions involving the capital
21 gains and losses. By January 15, 1989, the department
22 shall make available to the general assembly the data
23 compiled from the special returns filed during the
24 previous calendar year.

25 Sec. 30. Section 422.25, subsection 1, unnumbered
26 paragraph 1, Code 1987, is amended to read as follows:

27 Within three years after the return is filed or
28 within three years after the return became due,
29 including any extensions of time for filing, whichever
30 time is the later, the department shall examine it and
31 determine the correct amount of tax, and the amount
32 determined by the department is the tax. However, if
33 the taxpayer omits from income an amount which will,
34 under the Internal Revenue Code of 1954, extend the
35 statute of limitations for assessment of federal tax
36 to six years under the federal law, the period for
37 examination and determination is six years. In
38 addition to the applicable period of limitation for
39 examination and determination, the department may make
40 an examination and determination at any time within
41 six months from the date of receipt by the department
42 of written notice from the taxpayer of the final
43 disposition of any matter between the taxpayer and the
44 internal revenue service with respect to the
45 particular tax year. In order to begin the running of
46 the ~~six months~~ six-month period, the notice shall be
47 in writing in any form sufficient to inform the
48 department of the final disposition with respect to
49 that year, and a copy of the federal document showing
50 the final disposition or final federal adjustments

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1 shall be attached to the notice.

2 Sec. 31. Section 422.32, subsection 1, Code

3 Supplement 1987, is amended to read as follows:

4 1. The word "corporation" includes joint stock
5 companies, and associations organized for pecuniary
6 profit, ~~except limited partnerships organized under~~
7 ~~chapter 645 and publicly traded partnerships taxed as~~
8 corporations under the Internal Revenue Code.

9 Sec. 32. Section 422.32, subsection 11, Code

10 Supplement 1987, is amended to read as follows:

11 11. "Internal Revenue Code" means the Internal
12 Revenue Code of 1954, prior to the date of its
13 redesignation as the Internal Revenue Code of 1986 by
14 the Tax Reform Act of 1986, or means the Internal
15 Revenue Code of 1986 as amended to and including
16 January 1, ~~1987~~ 1988, whichever is applicable.

17 Sec. 33. Section 422.32, subsection 11, Code
18 Supplement 1987, is amended by striking the
19 subsection.

20 Sec. 34. Section 422.33, Code Supplement 1987, is
21 amended by adding the following new subsection:

22 NEW SUBSECTION. 1A. There is imposed upon each
23 corporation exempt from the general business tax on
24 corporations by section 422.34, subsections 2 through
25 6, a tax at the rates in subsection 1 upon the state's
26 apportioned share computed in accordance with
27 subsections 2 and 3 of the unrelated business income
28 computed in accordance with the Internal Revenue Code
29 and with the adjustments set forth in section 422.35.

30 Sec. 35. Section 422.72, subsection 2, Code
31 Supplement 1987, is amended to read as follows:

32 2. Federal tax returns, copies of returns, and
33 return information as defined in section 6103(b) of
34 the Internal Revenue Code of ~~1954~~, which are required
35 to be filed with the department for the enforcement of
36 the income tax laws of this state, shall be ~~deemed and~~
37 held as confidential by the department and subject to
38 the disclosure limitations in subsection 1 ~~of this~~
39 ~~section~~.

40 Sec. 36. Section 450.1, unnumbered paragraph 2,
41 Code 1987, is amended to read as follows:

42 For purposes of this chapter, unless the context
43 otherwise requires, "personal representative" means an
44 executor, administrator, or trustee as each is defined
45 in section 633.3 and "Internal Revenue Code" means the
46 same as defined in section 422.3.

47 Sec. 37. Section 450.3, subsections 2 and 7, Code
48 1987, are amended to read as follows:

49 2. By deed, grant, sale, gift or transfer made
50 within three years of the death of the grantor or

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1 donor, which is not a bona fide sale for an adequate
2 and full consideration in money or money's worth and
3 which is in excess of the annual gift tax exclusion
4 allowable for each donee under section 2503,
5 subsections b and e of the Internal Revenue Code of
6 1954 as defined in section 422-3. If both spouses
7 consent, a gift made by one spouse to a person who is
8 not the other spouse is considered, for the purposes
9 of this subsection, as made one half by each spouse
10 under the same terms and conditions provided for in
11 section 2513 of the Internal Revenue Code of 1954 as
12 defined in section 422-3.

13 7. Which qualifies as a qualified terminable
14 interest property as defined in section 2056(b)(7)(B)
15 of the Internal Revenue Code of 1954 as defined in
16 section 422-3, shall, if an election is made, be
17 treated and considered as passing in fee, or its
18 equivalent, to the surviving spouse in the estate of
19 the donor-grantor. Property on which the election is
20 made shall be included in the gross estate of the
21 surviving spouse and shall be deemed to have passed in
22 fee from the surviving spouse to the persons
23 succeeding to the remainder interest, unless the
24 property was sold, distributed, or otherwise disposed
25 of prior to the death of the surviving spouse. A
26 sale, disposition, or disposal of the property prior
27 to the death of the surviving spouse shall void the
28 election, and shall subject the property disposed of,
29 less amounts received or retained by the surviving
30 spouse, to tax in the donor-grantor's estate in the
31 same manner as if the tax had been deferred under
32 sections 450.44 through 450.49.

33 Sec. 38. Section 450.37, subsection 1, paragraph
34 b, Code 1987, is amended to read as follows:

35 b. The alternate value of the property, if the
36 personal representative so elects, that has been
37 established for federal estate tax purposes under
38 section 2032 of the Internal Revenue Code of 1954 as
39 defined in section 422-3. The election shall be
40 exercised on the return by the personal representative
41 or other person signing the return, within the time
42 prescribed by law for filing the return or before the
43 expiration of any extension of time granted for filing
44 the return.

45 Sec. 39. Section 450A.1, subsection 5, Code

46 Supplement 1987, is amended to read as follows:
47 5. "Internal Revenue Code" means the same as the
48 term is defined in section ~~422.3~~ 422.32.
49 Sec. 40. Section 450B.1, Code 1987, is amended to
50 read as follows:

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1 450B.1 DEFINITIONS.

2 As used in this chapter, unless the context
3 otherwise requires:

4 1. "Internal Revenue Code of 1954" means the same
5 as defined in section 422.3.

6 2. "Taxpayer" means a qualified heir liable for
7 the inheritance tax imposed under chapter 450 on
8 qualified real property.

9 3. "Qualified real property", "qualified use",
10 "cessation of qualified use", and "qualified heir"
11 mean the same as defined in section 2032A of the
12 Internal Revenue Code of 1954.

13 4. For purposes of subsection 1, the Internal
14 Revenue Code of 1954 shall be interpreted to include
15 the provisions of Pub. L. No. 98-4.

16 Sec. 41. Section 450B.2, Code 1987, is amended to
17 read as follows:

18 450B.2 ALTERNATE ELECTION OF VALUE FOR QUALIFIED
19 USE.

20 Notwithstanding section 450.37, the value of
21 qualified real property for the purpose of the tax
22 imposed under chapter 450 may, at the election of the
23 taxpayer, be its value for the use under which it
24 qualifies as prescribed by section 2032A of the
25 Internal Revenue Code of 1954. A taxpayer may make an
26 election under this section only if all of the
27 following conditions are met:

28 1. An election for federal estate tax purposes was
29 made with regard to the qualified real property under
30 section 2032A of the Internal Revenue Code of 1954.

31 2. All persons who signed the agreement referred
32 to in section 2032A(d)(2) of the Internal Revenue Code
33 of 1954 make the election under this section and sign
34 an agreement with the department of revenue and
35 finance consenting to the application of section
36 450B.3 with respect to the qualified real property.

37 3. The total decrease in the value of the
38 qualified real property as a result of the election
39 under this section does not exceed the dollar
40 limitation specified in section 2032A(a)(2) of the
41 Internal Revenue Code of 1954.

42 The election under this section shall be made by

43 the taxpayer in the manner as the director of revenue
 44 and finance may prescribe by rule. The value for the
 45 qualified use under this section shall be the value as
 46 determined and accepted for federal estate tax
 47 purposes.

48 The definitions and special rules specified in
 49 section 2032A(e) of the Internal Revenue Code of 1954
 50 shall apply with respect to qualified real property

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1 for which an election was made under this section
 2 except that rules shall be prescribed by the director
 3 of revenue and finance in lieu of the regulations
 4 promulgated by the secretary of treasury.

5 The director shall prescribe regulations setting
 6 forth the application of this chapter in the case of
 7 an interest in a partnership, corporation, or trust
 8 which, with respect to the decedent, is an interest in
 9 a closely held business within the meaning of section
 10 6166(b)(1) of the Internal Revenue Code of 1954. Such
 11 regulations shall conform as nearly as possible with
 12 the regulations promulgated by the United States
 13 secretary of treasury in respect to such interests.

14 Sec. 42. Section 450B.3, Code 1987, is amended to
 15 read as follows:

16 **450B.3 ADDITIONAL INHERITANCE TAX APPLICABLE.**

17 There is imposed upon the qualified heir an
 18 additional inheritance tax if, within ten years after
 19 the decedent's death and before the death of the
 20 qualified heir, the qualified heir disposes of, other
 21 than to a member of the family, any interest in
 22 qualified real property for which an election under
 23 section 450B.2 was made or ceases to use for the
 24 qualified use the qualified real property for which an
 25 election under section 450B.2 was made as prescribed
 26 in section 2032A(c) of the Internal Revenue Code of
 27 1954. The additional inheritance tax shall be the
 28 amount computed under section 450B.5 and shall be due
 29 six months after the date of the disposition or
 30 cessation of qualified use referred to in this
 31 section. The amount of the additional inheritance tax
 32 shall accrue interest at the rate of ten percent per
 33 year from nine months after the decedent's death to
 34 the due date of the tax. The tax shall be paid to the
 35 department of revenue and finance and shall be
 36 deposited into the general fund of the state. Taxes
 37 not paid within the time prescribed in this section
 38 shall draw interest at the rate of ten percent per
 39 annum until paid. There shall not be an additional

40 inheritance tax if the disposition or cessation occurs
41 ten years or more after the decedent's death.
42 Sec. 43. Section 451.1, subsection 8, Code 1987,
43 is amended to read as follows:
44 8. "Internal Revenue Code of 1954" means the same
45 as defined in section 422.3.
46 Sec. 44. Section 451.2, unnumbered paragraph 1,
47 Code 1987, is amended to read as follows:
48 An amount equal to the federal estate tax credit
49 for state death taxes as allowed in the Internal
50 Revenue Code of 1954 is hereby imposed upon every

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1 transfer of the net estate of every decedent, being a
2 resident of, or owning property in this state, as
3 herein provided.
4 Sec. 45. Section 451.3, Code 1987, is amended to
5 read as follows:
6 451.3 GROSS AND NET ESTATE.
7 The gross estate shall be the same as finally
8 determined for federal estate tax and the net estate
9 shall be the gross estate less deductions as permitted
10 by federal law, in arriving at the net taxable federal
11 estate, all determined as provided in the Internal
12 Revenue Code of 1954.
13 Sec. 46. 1987 Iowa Acts, Second Extraordinary
14 Session, chapter 1, section 13, is amended to read as
15 follows:
16 SEC. 13. Section 422.4, subsection 17, section
17 422.5, subsection 7, section 422.7, subsections 10,
18 12, 14, ~~16~~, 22, and 26, section 422.9, subsection 2,
19 paragraph "e", and section 422.21, unnumbered
20 paragraph 4, do not apply.
21 Sec. 47. 1987 Iowa Acts, Second Extraordinary
22 Session, chapter 1, section 16, is amended to read as
23 follows:
24 SEC. 16. Sections 1 through 10, 13, and 14 of this
25 Act are retroactive to January 1, 1987 for tax years
26 beginning in the 1987 calendar year only on or after
27 that date.
28 Sec. 48. 1987 Iowa Acts, Second Extraordinary
29 Session, chapter 1, sections 13 and 14, are repealed.
30 Sec. 49. For purposes of tax years beginning in
31 the 1988 calendar year, references in section 422.9,
32 subsection 6, unnumbered paragraph 4 and section
33 422.21, unnumbered paragraph 6, to the year 1987,
34 1988, or 1989, shall mean the year 1988, 1989, or
35 1990, respectively.
36 Sec. 50. The Code editor shall renumber sections

37 422.5, subsection 1A, as section 422.5, subsection 1.
 38 References in the Iowa Code to section 422.5,
 39 subsection 1, shall mean section 422.5, subsection 1A,
 40 as renumbered. The Code editor may renumber other
 41 subsections as a result of this Act.
 42 Sec. 51. Sections 3, 8, 10, 14, 31, 32, 46, and 47
 43 of this Act are retroactive to January 1, 1987, for
 44 tax years beginning on or after that date.
 45 Sec. 52. Sections 1, 2, 4, 5, 6, 7, 9, 11, 12, 13,
 46 15 through 20, 22 through 28, 30, 33, 34, 35, 48, and
 47 50 of this Act are retroactive to January 1, 1988, for
 48 tax years beginning on or after that date.
 49 Sec. 53. Sections 21 and 29 of this Act are
 50 effective January 1, 1989, for tax years beginning on

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1 or after that date.
 2 Sec. 54. Sections 36, 37, 38, and 40 through 45 of
 3 this Act are effective January 1, 1988, for estates of
 4 persons dying on or after that date.
 5 Sec. 55. Section 39 of this Act is retroactive to
 6 October 22, 1986, for generation skipping transfers
 7 which are eligible for the credit for state taxes
 8 under section 2604 of the Internal Revenue Code and
 9 are made after October 22, 1986, subject to the
 10 special rules of section 1433(b) of Pub. L. No. 99-
 11 514.
 12 Sec. 56. Sections 3, 8, 32, 39, and 46 of this Act
 13 are repealed January 1, 1988, for tax years beginning
 14 on or after that date or for estates of persons dying
 15 on or after that date.
 16 Sec. 57. This Act, being deemed of immediate
 17 importance, takes effect upon enactment."
 18 2. Title page, line 5, by inserting after the
 19 word "applicability," the following: "taxing
 20 unrelated business income of certain nonprofit
 21 organizations, repealing capital gains refund
 22 provisions, striking obsolete provisions,".

S-5071

1 Amend Senate File 2140 as follows:
 2 1. Page 1, by inserting after line 8 the
 3 following:
 4 "Sec. ____ . This Act, being deemed of immediate
 5 importance, takes effect upon enactment."
 6 2. Title page, line 3, by inserting after the

7 word "confidential" the following: "and providing an
8 effective date".

C. JOSEPH COLEMAN

S-5072

1 Amend Senate File 2133 as follows:
2 1. Page 1, line 5, by striking the words
3 "However, if" and inserting the following: "If".
4 2. Page 1, by inserting after line 7 the
5 following:
6 "However, if, after June 30, 1988, the owner of an
7 agricultural drainage well is not aware of the well,
8 the owner shall register the well within ninety days
9 after first becoming aware of the well. If the
10 registration is made within the ninety-day period, the
11 well shall be deemed to be registered on June 30,
12 1988. If registration under this paragraph is
13 performed by mailed through the United States postal
14 service, the mail registration must be postmarked by
15 the last day of the ninety-day period."

LINN FUHRMAN
JACK W. HESTER
ALVIN V. MILLER

S-5073

1 Amend House File 433 as passed by the House as
2 follows:
3 1. Page 1, line 3, by striking the word "A", and
4 inserting the following: "On or after January 1,
5 1989, a".

EUGENE FRAISE

S-5074

1 Amend the Committee amendment, S-5049, to House
2 File 278 as amended, passed and reprinted by the House
3 as follows:
4 1. Page 2, by striking lines 11 through 20.
5 2. Page 2, lines 21 through 24, by striking the
6 words "In counties having multiple state legislative
7 districts, the districts shall be represented as
8 equally as possible."

- 9 3. Page 3, line 26, by striking the word "The"
10 and inserting the following: "If the committee
11 recommends a plan other than the existing form of
12 government, the".
13 4. Page 4, by striking lines 10 through 15.

EUGENE FRAISE

S-5075

- 1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:

DIVISION S—5075A

- 3 1. Page 3, line 23, by striking the word
4 "authorize" and inserting the following: "require".
5 2. Page 4, line 10, by inserting after the word
6 "To" the following: "assess a fine and".
7 3. Page 4, line 28, by striking the word "sixty"
8 and inserting the following: "ninety".
9 4. Page 5, by striking line 10 and inserting the
10 following: "chapter, an occupational license, a
11 distributor license, or a manufacturer license unless
12 the person has".
13 5. Page 5, line 29, by inserting after the figure
14 "2" the following: "and background investigations
15 conducted by agents of the division of criminal
16 investigation".
17 6. Page 8, by striking line 5 and inserting the
18 following: "from persons who are associated with
19 gambling or gambling related occupations or
20 enterprises".

DIVISION S—5075B

- 21 7. Page 8, line 7, by striking the words "a
22 licensee for" and inserting the following: "an
23 applicant to conduct".
24 8. Page 8, line 8, by inserting before the word
25 "on" the following: "games".

DIVISION S—5075A (cont'd.)

- 26 9. Page 15, lines 31 through 33 by striking the
27 words " , except a gambling licensee or employee of a
28 gambling licensee acting in furtherance of the
29 employee's employment,".

BOB CARR

S-5076

1 Amend the Committee amendment, S-5053, to House
2 File 468, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 3, by striking line 27 and inserting the
5 following: "the state."
6 d. The director of revenue and finance shall
7 deduct an amount equal to one-half of the adjusted
8 gross receipts tax revenue received by a city or a
9 county under this section from the funds to which the
10 city or the county is otherwise entitled under the
11 municipal assistance fund pursuant to chapter 405 or
12 the county government assistance fund pursuant to
13 chapter 334A, as applicable, and the moneys and
14 credits replacement fund pursuant to section 422.100
15 for the same fiscal year. The funds deducted from the
16 allocations of the municipal assistance fund or county
17 government assistance fund, as applicable, and the
18 moneys and credits replacement fund to cities and
19 counties receiving adjusted gross receipts tax revenue
20 from gambling games shall be apportioned to those
21 cities and counties which do not receive tax revenue
22 from gambling under this section on the same
23 distribution formula as provided in chapter 334A,
24 chapter 405, and section 422.100, as applicable."

JOHN W. JENSEN

S-5077

1 Amend the Committee amendment, S-5049, to House
2 File 278, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 6, line 6, by inserting after the word
5 "board." the following: "If the administrative
6 offices of the county, excluding the county executive,
7 are appointive under the plan, the board shall have at
8 least five members."
9 2. Page 6, line 47, by inserting after the word
10 "board." the following: "If the administrative
11 offices of the county are appointive under the plan,
12 the board shall have at least five members."
13 3. Page 8, line 36, by inserting after the figure
14 "331.224." the following: "If the administrative
15 offices of the county, excluding an elected county

16 executive, are appointive under the plan, the board
17 shall have at least five members.”

RICHARD VANDE HOEF

S-5078

1 Amend Senate File 2093 as follows:

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

4 “If the authority, a regional railroad authority,
5 county, the state, or a state agency, which has ac-
6 quired rail line property pursuant to this section,
7 desires to abandon a rail line, the entity shall offer
8 all or part of the rail line in the same manner as a
9 railway corporation is required to offer the property
10 under this section.”

11 2. Page 2, by inserting before line 23 the
12 following:

13 “Sec. ____ . Section 327G.76, Code 1987, is amended
14 to read as follows:

15 327G.76 TIME OF REVERSION.

16 Railroad property rights which are extinguished
17 upon cessation of service by the railroad divest when
18 the railway finance authority, regional railroad
19 authority, county, state, state agency, or the
20 railroad, having obtained necessary authority to
21 abandon the rail line, removes the track materials to
22 the right-of-way, provided the requirements of section
23 307B.24 have been followed by the entity removing the
24 track materials. If the railway finance authority
25 does and all other entities authorized to accept an
26 offer for sale of the line under section 307B.24 do
27 not acquire the line within the time frames permitted
28 under section 307B.24 for use as a rail line and the
29 railway company does not remove the track materials,
30 the property rights which are extinguished upon
31 cessation of service by the railroad divest one year
32 after the railway obtains the final authorization
33 necessary from the proper authority to remove the
34 track materials, or one year after the last day the
35 rail line is required to be offered for sale to an
36 entity under section 307B.24, whichever is later.

37 Sec. ____ . Section 327G.77, subsection 1, Code
38 1987, is amended to read as follows:

39 1. If a railroad easement is extinguished under
40 section 327G.76, the property shall pass to the owners
41 of the adjacent property at the time of abandonment.
42 However, counties, the state, and state agencies may

43 acquire an easement of the rail line property for uses
 44 other than as a rail line by exercising their rights
 45 of eminent domain as provided under section 307B.24.
 46 If there are different owners on either side, each
 47 owner will take to the center of the right-of-way.
 48 Section 614.24 which requires the filing of a verified
 49 claim does not apply to rights granted under this
 50 subsection.

Page 2

1 Sec. ____ . Section 327G.78, unnumbered paragraph 3,
 2 Code 1987, is amended to read as follows:

3 This section does not apply when a rail line is
 4 being sold for continued railroad use. This section
 5 also does not apply when a rail line is being sold for
 6 uses other than as a rail line pursuant to section
 7 307B.24."

8 3. Page 2, by inserting after line 29, the
 9 following:

10 "Sec. ____ . Section 471.10, Code 1987, is amended
 11 by adding the following new subsection:

12 NEW SUBSECTION. 3. A county, the state, or any
 13 state agency may begin condemnation proceedings for
 14 acquiring a rail line for uses other than as a rail
 15 line, as permitted under section 307B.24, in district
 16 court.

17 Sec. ____ . Section 471.16, Code 1987, is amended to
 18 read as follows:

19 471.16 RIGHT TO CONDEMN ABANDONED RIGHT-OF-WAY.

20 Railroad right-of-way which has been abandoned by
 21 order of the proper authority, may be condemned by a
 22 railway corporation or the Iowa railway finance
 23 authority or any other entity authorized to condemn
 24 railroad right-of-way under section 307B.24 before or
 25 after the track materials have been removed. The
 26 procedure to condemn abandoned right-of-way shall be
 27 the same as for an original condemnation."

JEAN LLOYD-JONES

S-5079

1 Amend the Committee amendment, S-5049, to House
 2 File 278, as amended, passed and reprinted by the
 3 House as follows:

4 1. Page 1, by striking lines 32 through 46 and
 5 inserting the following:

6 "Sec. ____ . NEW SECTION. 331.218 PLAN FOR AN

7 ALTERNATIVE FORM OF GOVERNMENT.

8 1. A plan to change a form of county government
9 may be submitted to the electors of a county by any of
10 the following methods:

11 a. A plan submitted by a committee established by
12 the board upon petition of the number of eligible
13 electors of the county equal to at least twenty-five
14 percent of the votes cast in the county for the office
15 of the president of the United States or governor at
16 the preceding general election or the signatures of at
17 least ten thousand eligible electors of the county,
18 which ever number is fewer.

19 b. A plan submitted by resolution of the board.
20 If within thirty days after the resolution is adopted,
21 a valid petition is submitted as provided in paragraph
22 "a", the resolution is nullified and a committee shall
23 be appointed as provided in section 331.219.

24 c. A plan submitted by a committee established by
25 resolution of the board.

26 2. The plan shall be submitted to the county
27 electorate by the board or the committee in the form
28 of a charter or charter amendment."

JULIA GENTLEMAN

S-5080

1 Amend the committee amendment, S-5049, to House
2 File 278, as amended, passed and reprinted by the
3 House, as follows:

4 1. Page 5, by striking lines 4 through 6, and
5 inserting the following:

6 "3. If an alternative form of county government is
7 adopted by the electorate, another alternative form
8 shall not be submitted to the electorate for six
9 years."

JULIA GENTLEMAN

S-5081

1 Amend the committee amendment, S-5049, to House
2 File 278, as amended, passed and reprinted by the
3 House, as follows:

4 1. Page 9, by striking lines 11 through 18 and
5 inserting the following:

6 "3. An alternative form of government for a

7 consolidated unit of local government does not need to
 8 include more than one city. A city shall not be
 9 included unless the charter commission of the affected
 10 city participates in the cooperative study, its
 11 commission by a majority vote approves the proposed
 12 plan for consolidated government, and a majority of
 13 the electors of the affected city voting approves the
 14 proposed alternative plan for the consolidated
 15 government.

16 4. If an alternative form of government for a
 17 consolidated unit of local government is proposed,
 18 approval of the consolidation plan shall be a separate
 19 ballot issue from approval of the alternative form of
 20 government in those cities proposed to be included in
 21 the consolidation. The consolidation plan shall be
 22 effective in regard to a city government only if a
 23 majority of the voters of the city voting on the
 24 question voted for participation in the consolidation
 25 plan."

26 2. Page 11, by inserting after line 12 the
 27 following:

28 "If section 331.233, subsection 4, applies, the
 29 following question shall be placed on the ballot of
 30 each participating city:

31 ----- For participating in the consolidation plan.

32 ----- Against participating in the consolidation
 33 plan."

JULIA GENTLEMAN
 DAVID M. READINGER

S-5082

1 Amend the Committee amendment, S-5049, to House
 2 File 278 as amended, passed and reprinted by the House
 3 as follows:

DIVISION S—5082A

4 1. Page 2, by striking lines 11 through 20.
 5 2. Page 2, lines 21 through 24, by striking the
 6 words "In counties having multiple state legislative
 7 districts, the districts shall be represented as
 8 equally as possible."

DIVISION S—5082B

9 3. Page 3, line 26, by striking the word "The"
 10 and inserting the following: "If the committee

11 recommends a plan other than the existing form of
 12 government, the".
 13 4. Page 4, line 13, by inserting after the word
 14 "ballot." the following: "The separate vote on the
 15 affected office becomes effective only if the proposed
 16 alternative form of government is adopted."

EUGENE FRAISE

S-5083

1 Amend House File 468, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 6, by striking lines 23 through 28 and
 4 inserting the following: "shall license not more than
 5 a total of six excursion gambling boats. Not more
 6 than four excursion gambling boats shall be licensed
 7 for operation on the Mississippi river; not more than
 8 one excursion gambling boat shall be licensed for
 9 operation on lakes and reservoirs within the state;
 10 and not more than one excursion gambling boat".

JACK RIFE

S-5084

1 Amend the Committee amendment, S-5053, to House
 2 File 468, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 1, by striking lines 10 through 14 and
 5 inserting the following:
 6 "____. Page 1, by striking lines 16 through 20 and
 7 inserting the following:
 8 "5. "Gambling game" means twenty-one, pull tabs,
 9 jar tickets, and punchboards.""

WILLIAM W. DIELEMAN

S-5085

1 Amend the Committee amendment, S-5053, to House
 2 File 468, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 3, line 8, by striking the number "32"
 5 and inserting the following: "35".
 6 2. By relettering paragraphs as necessary.

WILLIAM W. DIELEMAN

S-5086

1 Amend House File 468, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 7, by inserting after line 16 the
4 following:

5 "c. The applicant shall provide semiannual
6 financial reports detailing all expenses of operation
7 and contributions to charitable causes, which reports
8 shall be subject to independent audit by the
9 commission. The commission shall establish, by rule,
10 the minimum percentage of gross receipts which must be
11 contributed to charitable causes to retain the license
12 of a qualified sponsoring organization and shall
13 suspend a license within one year if the organization
14 fails to comply for two consecutive semiannual
15 audits."

WILLIAM W. DIELEMAN

S-5087

1 Amend amendment, S-5049, to House File 278, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 20, the
5 following:

6 "d. Two members shall be appointed by the board of
7 trustees of a county hospital located in a county with
8 a population of two hundred fifty thousand or more."

9 2. Page 5, by striking line 41, and inserting the
10 following: "of a county hospital in a county having a
11 population of less than two hundred fifty thousand.

12 ____ . In lieu of the election of hospital trustees
13 in a county with a population of two hundred fifty
14 thousand or more, a method providing for the exercise
15 of their powers and duties by the board of supervisors
16 or other governing body of the county or another
17 officer of the county."

18 3. By renumbering and relettering as necessary to
19 conform with this amendment.

WILLIAM D. PALMER

S-5088

1 Amend House File 327, as passed by the House, as
2 follows:

3 1. Page 1, line 8, by striking the word
4 "eighteen" and inserting the following: "seventeen".

5 2. Page 1, line 8, by inserting after the word
6 "cigarette" the following: "for the period beginning
7 March 1, 1988, and ending June 30, 1989, and at the
8 rate of fifteen and one-half mills on each cigarette".

9 3. Page 1, line 9, by striking the figure "1987"
10 and inserting the following: "1989".

11 4. Page 2, line 8, by striking the word "twenty"
12 and inserting the following: "nineteen".

13 5. Page 2, line 25, by striking the word "twenty"
14 and inserting the following: "nineteen".

15 6. Page 3, by striking lines 2 and 3 and
16 inserting the following:
17 "Sec. 4. Sections 1 and 3 of this Act take effect
18 on March 1, 1988.
19 Sec. 5. This Act, being deemed of immediate
20 importance, takes effect upon enactment."

21 7. Title page, line 4, by striking the words "an
22 effective date" and inserting the following:
23 "effective dates".

CHARLES BRUNER

S-5089

1 Amend House File 327 as passed by the House as
2 follows:

3 1. Page 3, by inserting after line 1 the
4 following:
5 "Sec. ____ . Notwithstanding any provision of
6 section 98.8 or of other provisions of chapter 98,
7 during the period beginning March 1, 1988, and ending
8 April 15, 1988, a holder of a state distributor's
9 permit issued under chapter 98 may at the permit
10 holder's option purchase cigarette tax stamps on
11 credit for a period of forty-five days following such
12 purchase. At the end of the forty-five day period the
13 permit holder shall remit the amount due. As a
14 condition for this credit-purchase, the purchase must
15 be made from the department of revenue and finance
16 office in Des Moines, and the permit holder shall
17 provide, at the time of such purchase, a bond to the
18 department of revenue and finance to insure the
19 payment of the face value of the tax stamps at the end
20 of the forty-five day period. A permit holder is
21 entitled to make only one credit purchase under this

22 section.”
23 2. Title page, line 3, by inserting after the
24 word “imprints” the following: “, granting a one-time
25 credit purchase of cigarette stamps.”

BILL HUTCHINS
JOE WELSH
BOB CARR
C. JOSEPH COLEMAN

S-5090

1 Amend Senate File 450 as follows:
2 1. Page 1, line 2, by inserting after the word
3 “EMPLOYEES” the following: “AND EQUIPMENT”.
4 2. Title page, line 2, by inserting after the
5 word “workers” the following: “and equipment”.

COMMITTEE ON BUSINESS AND
LABOR RELATIONS
JAMES D. WELLS, Chairperson

S-5091

1 Amend the Committee amendment, S-5049, to House
2 File 278, as amended, passed and reprinted by the
3 House, as follows:
4 1. Page 4, by striking lines 21 and 22 and
5 inserting the following:
6 “1. If a proposed plan for county government is
7 received not later than sixty days before the next
8 general election, the board shall direct the county”.
9 2. Page 5, line 42, by inserting after the word
10 “election” the following: “or appointment”.

MICHAEL GRONSTAL

S-5092

1 Amend Senate File 2068 as follows:
2 1. Page 1, line 4, by inserting after the word
3 “a” the following: “public”.

- 4 2. Page 1, line 8, by inserting after the word
5 "the" the following: "public".

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PATRICK DELUHERY, Chairperson

S-5093

- 1 Amend Senate File 2039 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "owner." the following: "However, personalized
4 registration plates for motorcycles and motorized
5 bicycles shall be marked with no more than six
6 initials, letters, or combinations of numerals and
7 letters."
8 2. Page 1, by inserting after line 13 the
9 following:
10 "Sec. ____ . This Act takes effect July 1, 1990."
11 3. Title page, line 1, by inserting after the
12 word "allowing" the following: "certain".
13 4. Title page, line 2, by inserting after the
14 word "characters" the following: "and providing an
15 effective date".

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-5094

- 1 Amend Senate File 2003 as follows:
2 1. Page 1, by inserting after line 25 the
3 following:
4 "Sec. ____ . CONDITIONAL APPLICATION.
5 This Act only applies to fully controlled-access,
6 divided, multilaned highways or sections of such
7 highways for which a sixty-five mile per hour speed
8 limit is permissible under 23 U.S.C. § 154 or is
9 permissible under subsequent modifications to 23
10 U.S.C. § 154."

C. JOSEPH COLEMAN

S-5095

- 1 Amend Senate File 450 as follows:
2 1. Page 1, by inserting before line 1 the

3 following:

4 "Sec. ____ . NEW SECTION. 327F.31 POLITICAL
5 SUBDIVISION ORDINANCES.

6 An ordinance or resolution adopted by a political
7 subdivision of this state which relates to the speed
8 of a train in an area within the jurisdiction of the
9 political subdivision is subject to approval by the
10 state department of transportation. Any speed
11 ordinance or resolution adopted by a political
12 subdivision of the state prior to July 1, 1988, which
13 has not been approved by the department shall be
14 referred to the department by the political
15 subdivision and shall be in full force and effect upon
16 approval of the ordinance or resolution by the
17 department. This subsection does not abrogate,
18 modify, or alter any historical or contractual
19 agreement between a political subdivision of the state
20 and a railroad corporation in existence on July 1,
21 1975."

22 2. Renumber as necessary.

JOE WELSH

S-5096

1 Amend Senate File 302 as follows:

- 2 1. Page 1, line 5, by striking the words
- 3 "vocational education" and inserting the following:
- 4 "vocational rehabilitation".
- 5 2. Page 1, by striking lines 11 through 21 and
- 6 inserting the following: "served by the state
- 7 agency."

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-5097

1 Amend House File 468, as amended, passed, and
2 reprinted by the House as follows:

- 3 1. Page 5, line 13, by striking the words "social
- 4 security number,".
- 5 2. Page 5, by striking lines 20 and 21.
- 6 3. Page 5, line 22, by striking the word "
- 7 fingerprints,".
- 8 4. Page 5, by striking lines 25 through 30.
- 9 5. Page 14, line 25, by striking the words "or
- 10 possesses with the intent to use".

11 6. By striking page 15, line 31 through page 16,
12 line 7.

TOM MANN, Jr.

S-5098

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 19, by inserting after line 5 the
4 following:
5 "Sec. ____ . EFFECTIVE DATE. This Act takes effect
6 on the effective date of a federal law or regulations
7 authorizing state control over gambling activities
8 occurring on a native American Indian settlement or
9 reservation located in this state."

RAY TAYLOR

S-5099

1 Amend Senate File 2058 as follows:
2 1. Page 1, by striking lines 4 through 13 and
3 inserting the following:
4 "NEW UNNUMBERED PARAGRAPH. Notwithstanding this
5 subsection, withholding agents are not required to
6 withhold state income tax from payments subject to
7 taxation made to nonresidents for commodity credit
8 certificates, grain, livestock, domestic fowl, or
9 other agricultural commodities or products sold to the
10 withholding agents by the nonresidents or their
11 representatives, if the withholding agents provide on
12 forms prescribed by the department information
13 relating to the sales required by the department to
14 determine the state income tax liabilities of the
15 nonresidents.
16 Sec. ____ . This Act is retroactive to January 1,
17 1985, for payments made to nonresidents on or after
18 January 1, 1985.
19 Sec. ____ . This Act, being deemed of immediate
20 importance, takes effect upon enactment."
21 2. Title page, by striking lines 3 and 4 and
22 inserting the following: "nonresident, if the
23 payments are from the sale of federal commodity

24 certificates or agricultural commodities or products
25 and the”.

COMMITTEE ON WAYS AND MEANS
CHARLES BRUNER, Chairperson

S-5100

1 Amend House File 221, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 3 the
4 following:
5 “Sec. ____ . Section 110.3, subsection 1, Code 1987,
6 is amended to read as follows:
7 1. A resident or nonresident person required to
8 have a fishing, hunting, fur harvester, or fur, fish
9 and game license shall not fish, hunt, or trap unless
10 the person carries a valid wildlife habitat stamp
11 signed in ink with the person’s signature across the
12 face of the stamp. However, this subsection does not
13 apply to a resident three-day fishing license. The
14 stamp shall be purchased at the same time that a
15 license specified in this section is purchased, but a
16 person is required to purchase only one stamp
17 annually. The stamp shall be securely attached to one
18 of the licenses specified in this section and shall be
19 in the person’s possession while the person is
20 fishing, hunting, or trapping. This section shall not
21 apply to residents who are permanently disabled or who
22 are younger than sixteen or older than sixty-five
23 years of age. The department shall use only one stamp
24 design each year and the design shall depict fish and
25 other wildlife habitat. Special wildlife habitat
26 stamps shall be administered in the same manner as
27 hunting and fur harvester licenses except all revenue
28 derived from the sale of the wildlife habitat stamps
29 shall be used within the state of Iowa for habitat
30 development and shall be deposited in the state fish
31 and game protection fund, except as provided in
32 subsection 2. The revenue may be used for the
33 matching of federal funds. The One-half of the
34 revenues received from stamps sold for fishing
35 licenses and any matched federal funds shall be used
36 for the development of fish habitat which includes
37 stocking of fish but not release and catch stocking of
38 fish, and soil erosion control on land adjoining
39 public waters of this state and the remaining part
40 shall be used for acquisition of land, leasing of land

41 or obtaining of easements from willing sellers for use
 42 as wildlife habitats. Notwithstanding the exemption
 43 provided by section 427.1, any land acquired with the
 44 revenues and matched federal funds shall be subject to
 45 the full consolidated levy of property taxes which
 46 shall be paid from those revenues. In addition such
 47 the revenue may be used for the development and
 48 enhancement of wildlife lands and habitat areas. Not
 49 less than fifty percent of all revenue from the sale
 50 of wildlife habitat stamps shall be used by the

Page 2

1 commission to enter into agreements with county
 2 conservation boards or other public agencies in order
 3 to carry out the purposes of as specified in this
 4 section. The state share of funding of those
 5 agreements provided by the revenue from the sale of
 6 wildlife habitat stamps shall not exceed seventy-five
 7 percent.

8 Sec. ____ . This Act takes effect January 1, 1989."

9 2. Title page, by striking line 1 and inserting
 10 the following: "An Act relating to wildlife habitat
 11 stamps by increasing the stamp fee, by requiring a
 12 stamp for fishing licenses, by providing for the
 13 administration of the stamp program and the
 14 expenditure of stamp revenue, and providing an
 15 effective date."

COMMITTEE ON NATURAL RESOURCES
 KEN SCOTT, Chairperson

S-5101

1 Amend the Committee amendment, S-5053, to House
 2 File 468, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 2, by inserting after line 37 the
 5 following:
 6 "____ . Page 8, by inserting after line 9, the
 7 following:
 8 "____ . If an excursion gambling boat proposes to
 9 operate within fifty miles of a racetrack licensed
 10 under chapter 99D, a license to conduct gambling games
 11 on the excursion gambling boat shall be issued only to
 12 the licensee of the racetrack.""
 13 2. By renumbering as necessary.

MICHAEL GRONSTAL

S-5102

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, line 13, by inserting after the word
4 "excursion." the following: "However, the commission
5 may adopt rules allowing additional wagers consistent
6 with generally accepted wagering options in the games
7 of blackjack and dice."

JOE J. WELSH

S-5103

1 Amend the amendment, S-5053, to House File 468, as
2 amended, passed, and reprinted by the House, as
3 follows:

DIVISION S—5103B

4 1. Page 1, line 6, by inserting after the word
5 "boat" the following: "or a gambling facility".
6 2. Page 1, by striking line 47 and inserting the
7 following: "chapter.
8 17. "Gambling facility" means a building, struc-
9 ture, or place of business in which a lawful gambling
10 game operation is conducted as provided in this
11 chapter."
12 3. Page 1, by inserting before line 48 the fol-
13 lowing:
14 " ____ . Page 2, line 17, by inserting after the
15 word "locations" the following: "or in gambling
16 facilities"."
17 4. Page 2, line 1, by inserting after the word
18 "boats" the following: "or proprietors of gambling
19 facilities".
20 5. Page 2, by inserting after line 6 the follow-
21 ing:
22 " ____ . Page 3, line 8, by inserting after the word
23 "boat" the following: "or gambling facility".
24 ____ . Page 3, line 27, by inserting after the word
25 "facilities" the following: "or gambling facility".
26 ____ . Page 4, line 16, by inserting after the word
27 "boat" the following: "or the gambling facility"."
28 6. Page 2, line 17, by inserting after the word
29 "boat" the following: "or a gambling facility".

30 7. Page 2, line 17, by striking the word "The"
 31 and inserting the following: "For an excursion boat
 32 operation, the".

33 8. Page 2, by inserting after line 17 the fol-
 34 lowing:

35 " ____ . Page 4, line 34, by inserting after the
 36 word "prescribes." the following: "For a gambling
 37 facility, the application shall be filed with the
 38 administrator of the commission and shall include the
 39 information prescribed by the commission including but
 40 not limited to the identity of the business, if any,
 41 being conducted in the proposed gambling facility, the
 42 identity of the proprietor of the proposed gambling
 43 facility, and the address of the proposed gambling
 44 facility."

45 ____ . Page 5, line 3, by inserting after the word
 46 "registered." the following: "The annual license fee
 47 of a gambling facility shall be based on the safe
 48 occupancy number of the gambling facility as
 49 determined by the commission.""

50 9. Page 2, line 22, by inserting after the word

Page 2

DIVISION S—5103B (cont'd.)

1 "boat" the following: "or a gambling facility".

DIVISION S—5103A

2 10. Page 2, by inserting after line 23 the fol-
 3 lowing:

4 " ____ . Page 6, line 10, by inserting after the
 5 word "boat" the following: "or the gambling
 6 facility"."

DIVISION S—5103B (cont'd.)

7 11. Page 2, line 33, by inserting after the word
 8 "boat" the following: "or a gambling facility".

9 12. Page 2, by inserting after line 37 the fol-
 10 lowing:

11 " ____ . Page 6, line 22, by inserting after the
 12 word "boats" the following: "or gambling facilities".

13 ____ . Page 6, line 30, by striking the word "The"
 14 and inserting the following: "For excursion boats,
 15 the".

16 ____ . Page 6, line 35, by inserting after the word
 17 "licensee." the following: "For a gambling facility,
 18 the license shall set forth the name of the licensee,

19 the type of license granted, the address of the
 20 gambling facility, and the hours and number of days
 21 when gambling may be conducted.”
 22 ____ . Page 7, line 9, by inserting after the word
 23 “of” the following: “a gambling facility or”.
 24 ____ . Page 7, line 16, by inserting after the word
 25 “boat” the following: “or the gambling facility”.
 26 ____ . Page 8, line 2, by inserting after the word
 27 “boat” the following: “or a gambling facility”.
 28 ____ . Page 8, line 8, by inserting after the word
 29 “boats” the following: “or two gambling facilities”.
 30 ____ . Page 8, line 17, by inserting after the word
 31 “gambling.” the following: “A licensee shall not
 32 operate a gambling facility within the jurisdiction of
 33 a city which enacts an ordinance prohibiting gambling
 34 or within an area outside the limits of a city if the
 35 county enacts an ordinance prohibiting gambling.””
 36 ____ 13. Page 2, by inserting after line 46 the fol-
 37 lowing:
 38 “ ____ . Page 9, line 13, by inserting after the
 39 word “excursion” the following: “or other time period
 40 established by the commission for a gambling
 41 facility”.
 42 ____ . Page 9, line 15, by inserting after the word
 43 “boat” the following: “or in a licensed gambling
 44 facility”.
 45 ____ . Page 9, line 24, by inserting after the word
 46 “boat” the following: “or in a gambling facility”.
 47 ____ . Page 9, line 25, by inserting after the word
 48 “boat” the following: “or the gambling facility”.”
 49 14. Page 3, by inserting before line 1 the
 50 following:

Page 3

DIVISION S—5103B (cont'd.)

1 “ ____ . Page 10, line 3, by inserting after the
 2 word “boat” the following: “or in a gambling
 3 facility”.
 4 ____ . Page 10, line 7, by inserting after the word
 5 “admission.” the following: “A gambling facility
 6 licensee shall pay to the commission an admission tax
 7 for each person entering the area of the gambling
 8 facility in which gambling games are conducted.””
 9 15. Page 3, line 2, by striking the words “The
 10 admission” and inserting the following: “A city or a
 11 county, by ordinance, may also adopt an admission tax
 12 not exceeding fifty cents for each person entering the
 13 area of a gambling facility in which gambling games

14 are conducted. The admission".

15 16. Page 3, by inserting after line 7 the fol-
16 lowing:

17 " ____ . Page 11, line 18, by inserting after the
18 word "excursions" the following: "or gambling
19 facilities"."

20 17. Page 3, by inserting after line 27 the fol-
21 lowing:

22 " ____ . Page 12, line 18, by inserting after the
23 word "to" the following: "gambling facilities or to".

24 ____ . Page 12, line 22, by striking the word
25 "excursion".

26 ____ . Page 12, line 26, by inserting after the
27 word "to" the following: "enter a gambling facility
28 or to".

29 ____ . Page 13, line 25, by inserting after the
30 word "excursion" the following: "or a gambling
31 facility".

32 ____ . Page 13, line 27, by inserting after the
33 word "excursion" the following: "or a gambling
34 facility".

35 ____ . Page 13, line 35, by inserting after the
36 word "boat" the following: "or a gambling facility".

37 ____ . Page 14, line 3, by inserting after the word
38 "boats" the following: "or gambling facilities".

39 ____ . Page 14, line 8, by inserting after the word
40 "operator" the following: "or a gambling facility"."

41 18. Page 4, by inserting after line 7 the follow-
42 ing:

43 " ____ . Page 17, line 14, by inserting after the
44 word "boat" the following: "or in a gambling
45 facility".

46 ____ . Page 18, line 16, by inserting after the
47 word "boat" the following: "or in a gambling
48 facility".

49 ____ . Title page, line 1, by inserting after the
50 word "boats" the following: "or in a gambling

Page 4

DIVISION S—5103B (cont'd.)

1 facility"."

2 19. By renumbering sections as required.

GEORGE R. KINLEY

AMENDMENTS FILED

1933

S-5104

1 Amend House File 468, as amended, passed, and re-
2 printed by the House as follows:

3 1. Page 8, by inserting after line 17 the
4 following:

5 "____. A license to conduct gambling games within a
6 county shall not be issued, and if issued, shall be
7 canceled if the county electorate does not favor the
8 conduct of gambling games. The board of supervisors,
9 upon receipt of a petition meeting the requirements of
10 section 331.306, shall direct the commissioner of
11 elections to submit to the qualified county electorate
12 a proposition to approve or disapprove the conduct of
13 gambling games within the county during the succeeding
14 four years. The proposition shall be submitted only
15 at the general election held in 1988 and each four
16 years thereafter and the petition must be received by
17 the board of supervisors not later than forty-five
18 days before the date of the applicable general
19 election. If a majority of the county voters voting
20 on the question do not favor the conduct of gambling
21 games in the county, a license to conduct gambling
22 games shall not be issued during the succeeding four
23 years commencing on the succeeding January 1. If a
24 license to conduct gambling games in the county is in
25 effect, the license shall be canceled as of the
26 succeeding July 1."

27 2. By renumbering subsections as necessary.

LEE W. HOLT

S-5105

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 11, by striking lines 26 through 27
4 and inserting in lieu thereof the following:

5 "dollars of adjusted gross receipts, at the rate
6 of ten percent on the next two million dollars of
7 adjusted gross receipts, and at the rate of twenty
8 percent on any amount of adjusted gross receipts
9 over three".

CHARLES BRUNER

HOUSE AMENDMENT TO
SENATE FILE 2094

S-5106

1 Amend Senate File 2094, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 3, line 8, by inserting after the word
 4 "development" the following: "including awareness of
 5 mental retardation and its prevention".
 6 2. Page 3, by striking lines 24 through 29, and
 7 inserting the following: "of education."
 8 3. Page 4, line 11, by inserting after the word
 9 "district," the following: "information about".
 10 4. Page 4, line 32, by inserting after the word
 11 "board" the following: ", to the authorities in
 12 charge of each accredited nonpublic school,".
 13 5. Page 5, by inserting after line 8 the follow-
 14 ing:
 15 "Sec. 4. HUMAN GROWTH AND DEVELOPMENT. Rules
 16 adopted by the state board under section 256.17 which
 17 prescribe standards for accredited schools shall
 18 include human sexuality, self-esteem, stress
 19 management, interpersonal relationships, the
 20 characteristics of acquired immune deficiency
 21 syndrome, and give attention to experiences relating
 22 to the development of life skills and human growth and
 23 development."
 24 6. Page 5, by striking lines 9 through 11.
 25 7. By renumbering, relettering, or redesignating
 26 and correcting internal references as necessary.

S-5107

- 1 Amend House File 468 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 14, line 3, by inserting after the word
 4 "boats" the following: "and pari-mutuel races".

JIM LIND

S-5108

- 1 Amend House File 468 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 8, by inserting after line 23 the
 4 following:
 5 "____. A license to operate an excursion gambling
 6 boat shall not be issued to the owner or operator of

7 an excursion boat which has overnight quarters or
8 sleeping rooms for passengers.”

JIM LIND

S-5109

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 5, line 35, by inserting after the word
4 “boat.” the following: “If the applicant is not an
5 individual and the sole owner of the proposed gambling
6 game operation, all partners, co-owners, investors, or
7 shareholders of the operation are subject to the
8 background investigation.”

JIM LIND

S-5110

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 13, line 3, by striking the word “ninety”
4 and inserting the following: “forty-five”.
5 2. Page 13, line 7, by striking the word “ninety”
6 and inserting the following: “sixty”.

JIM LIND

S-5111

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 8, line 9, by inserting after the word
4 “time.” the following: “A license to conduct a
5 gambling game operation shall not be granted to an
6 applicant who is related within the third degree of
7 consanguinity or affinity to a licensee of a gambling
8 game operation.”

JIM LIND

S-5112

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 8, line 2, by inserting after the word
4 "boat" the following: "or any other venture".

JIM LIND

S-5113

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 9, line 20, by inserting after the word
4 "wagerer." the following: "A licensee shall exchange
5 all of each wagerer's winnings and unused credit for
6 money or other negotiable currency at the conclusion
7 of each gambling excursion."

JIM LIND

S-5114

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 9, line 13, by inserting after the word
4 "excursion." the following: "The commission shall
5 implement a wagering credit system to limit the annual
6 losses of any wagerer to three thousand dollars."

JIM LIND

S-5115

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 10, line 17, by striking the words "and
4 necessary officials and".

JIM LIND

S-5116

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 9, by striking lines 29 through 34 and
4 inserting the following: "docked pursuant to a lawful
5 order because of adverse weather or other conditions
6 adversely affecting safe navigation, or as authorized
7 by the commission during off season."

JIM LIND

S-5117

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 8, by inserting after line 23 the
4 following:
5 " ____ . A license to operate an excursion gambling
6 boat shall not be issued to any boat which contains
7 sleeping rooms."

JIM LIND

S-5118

1 Amend House File 468 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 8, by inserting after line 23 the
4 following:
5 " ____ . A license to operate an excursion gambling
6 boat shall not be issued to any boat which contains
7 passenger sleeping rooms."

JIM LIND

S-5119

1 Amend Senate File 2149 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 455B.310, subsection 3, Code
5 Supplement 1987, is amended to read as follows:
6 3. Solid waste disposal facilities with special
7 provisions which limit the site to the disposal of
8 construction and demolition waste and solid waste
9 materials approved by the department for lining or
10 capping or for construction berms, dikes or roads in a
11 sanitary disposal project or sanitary landfill or
12 which limit the site to the disposal of excess fly ash
13 used in the reclamation of strip mined land or which
14 limit the site to the disposal of excess fly ash or
15 coal combustion fly ash or bottom ash or any such ash
16 in mixture with flue gas desulfurization by-products
17 generated by fluid bed combustion units, at any
18 facility that is currently or was previously subject
19 to the federal Surface Mining Control and Reclamation

20 Act of 1977 or federal or state rules or regulations
 21 adopted pursuant to that Act, are exempt from the
 22 tonnage fees imposed under this section.”
 23 2. Title page, by striking lines 1 and 2, and
 24 inserting the following: “An Act relating to the
 25 collection and deposit of certain fees, interest, or
 26 earnings, concerning the groundwater protection fund
 27 and the accounts within the fund and concerning the
 28 solid waste tonnage fee.”
 29 3. By renumbering sections as necessary.

JOE WELSH

S-5120

1 Amend Senate File 2157 as follows:
 2 1. Page 12, by inserting after line 18, the
 3 following:
 4 “Sec. ____ . NEW SECTION. 139.44 LABELING OF
 5 CERTAIN DEAD BODIES.
 6 The Iowa department of public health shall adopt
 7 rules requiring that, upon the death of a person who
 8 had or was suspected of having an infectious or
 9 communicable disease that could be transmitted through
 10 contact with the person’s body or bodily fluids, the
 11 body shall be labeled “infection hazard” to warn
 12 persons having subsequent contact with the body,
 13 including a funeral director or embalmer, to take
 14 suitable precautions. The rules shall require that
 15 the label be prominently displayed on and affixed to
 16 the outer wrapping or covering of the body if the body
 17 is wrapped or covered in any manner. Responsibility
 18 for the labeling lies with the attending physician who
 19 certifies death, or if the death occurs in a health
 20 care facility, with a staff member designated by the
 21 administrator of the facility.
 22 Sec. ____ . NEW SECTION. 142C.1 DIRECTED BLOOD
 23 DONATIONS.
 24 1. A licensed hospital or a blood bank shall allow
 25 a recipient of blood to designate a donor of the
 26 recipient’s choice provided that all of the following
 27 conditions are met:
 28 a. The recipient, or someone on the recipient’s
 29 behalf, has solicited the donor.
 30 b. The designated donor consents to the donation.
 31 c. The designated donor’s blood may be obtained in
 32 sufficient time to meet the medical needs of the
 33 recipient.

- 34 d. The designated donor is qualified to donate
 35 blood.
 36 e. The blood of the donor is acceptable for the
 37 recipient's medical needs.
 38 2. Blood donated for designated use shall be
 39 reserved for the designated recipient. However, if
 40 donated blood has not been used by the designated
 41 recipient within seven days from the day of donation,
 42 the blood may be used for any other medically
 43 appropriate purpose.
 44 3. This section does not limit other procedures
 45 hospitals or blood banks may establish to enable
 46 directed donations of blood to be made."
 47 2. By renumbering the sections as necessary.

RAY TAYLOR

S-5121

- 1 Amend Senate File 2192 as follows:
 2 1. Page 1, line 30, by striking the words
 3 "educational services division".

CHARLES BRUNER

S-5122

- 1 Amend the House amendment, S-5070, to Senate File
 2 2074, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 12, by striking lines 43 through 45.
 5 2. Page 21, line 49, by striking the words and
 6 figure "Sections 21 and" and inserting the following:
 7 "Section".
 8 3. Page 21, line 49, by striking the word "are"
 9 and inserting the following: "is".
 10 4. Page 22, lines 21 and 22, by striking the
 11 words "repealing capital gains refund provisions,".

EMIL J. HUSAK
 RICHARD F. DRAKE
 BERL E. PRIEBE
 CALVIN O. HULTMAN
 JACK NYSTROM
 LEONARD L. BOSWELL
 EUGENE S. FRAISE
 JOHN E. SOORHOLTZ

S-5123

1 Amend Senate File 2092 as follows:

2 1. Page 1, line 13, by striking the word
3 "Program" and inserting the following: "General
4 program".

5 2. Page 1, by striking lines 17 through 28, and
6 inserting the following:

7 "2. The program shall provide for three categories
8 of assistance. These are the traditional
9 infrastructure category, the new infrastructure
10 category, and the housing category.

11 3. All moneys available for the traditional infra-
12 structure category and the new infrastructure category
13 shall be administered by the department. All moneys
14 available for the housing category shall be
15 administered by the Iowa finance authority.

16 4. Moneys available under this program shall be
17 allocated so that seventy percent of the moneys are
18 for the traditional and new infrastructure categories
19 of which at least fifteen percent of the moneys are
20 for the new infrastructure category. Thirty percent
21 of the moneys shall be allocated for the housing
22 category. At least fifty percent of the moneys
23 allocated to each category shall be set aside for
24 cities with populations of twenty thousand or less.
25 For purposes of this set aside, any city located in a
26 county with a population in excess of three hundred
27 thousand that is contiguous to another municipality in
28 the county and that municipality is contiguous to the
29 largest city in that county shall be considered as
30 having a population in excess of twenty thousand."

31 3. Page 1, line 32, by striking the words "and
32 airports" and inserting the following: "airports, and
33 other projects described in section 384.24, subsection
34 3".

35 4. Page 2, line 4, by inserting after the word
36 "percent" the following: "of the total project cost".

37 5. Page 2, by striking lines 12 through 14 and
38 inserting the following:

39 "5. The interest rate shall be below the
40 prevailing market rate. The department may charge
41 applicants an administration fee, not to exceed one
42 percent of the principal amount of the loan, to be
43 paid as a lump sum percent or a percent of the
44 interest rate.

45 6. The department may coordinate with the
46 department of natural resources to assist political
47 subdivisions receiving federal or other state aid for

48 waste water treatment facilities. However, the
49 department shall not allocate more than fifty percent
50 of the moneys available to this category for this

Page 2

1 purpose.”

2 6. Page 2, line 20, by striking the word “and”.

3 7. Page 2, line 21, by inserting after the word
4 “services” the following: “, emergency medical
5 services, and other projects described in section
6 384.24, subsection 4”.

7 8. Page 2, by inserting after line 34 the
8 following:

9 “5. The interest rate shall be below the
10 prevailing market rate. The department may charge
11 applicants an administration fee, not to exceed one
12 percent of the principal amount of the loan, to be
13 paid as a lump sum percent or a percent of the
14 interest rate.”

15 9. Page 3, line 19, by inserting after the word
16 “fee” the following: “, not to exceed one percent of
17 the principal amount of the loan,”.

18 10. Page 3, line 23, by inserting after the word
19 “program” the following: “and shall transfer to the
20 department moneys to be administered by the
21 department. The moneys in the revolving fund are
22 appropriated for purposes of the program.
23 Notwithstanding section 8.33, moneys in the fund at
24 the end of a fiscal year shall not revert to any other
25 fund but shall remain in the revolving fund”.

26 11. Page 3, by inserting after line 27 the
27 following:

28 “Sec. ____ . NEW SECTION. 15.288 LOCAL BONDS NOT
29 REQUIRED -- INDEBTEDNESS LIMITATIONS.

30 A city, county, political subdivision, or other
31 municipal corporation shall not be required to issue
32 its bonds to secure loans under the community and
33 rural development loan program. It is the intent of
34 the general assembly that loans received by a city,
35 county, political subdivision, or other municipal
36 corporation under the loan program shall not
37 constitute an indebtedness of that entity within the
38 meaning of any state constitutional provision or
39 statutory limitation.”

40 12. Page 4, by inserting after line 11 the
41 following:

42 “Sec. ____ . NEW SECTION. 220.131 COMMUNITY AND
43 RURAL DEVELOPMENT LOAN PROGRAM.

44 The authority may exercise all of its powers

45 contained in this chapter, including but not limited
 46 to, the power to issue bonds and notes, to implement
 47 and carry out the purposes of the community and rural
 48 development loan program established pursuant to
 49 sections 15.281 through 15.288. The authority shall
 50 issue its bonds and notes for the loan program

Page 3

1 consistent with the loan program and shall provide
 2 that the bonds and notes shall be payable solely from
 3 moneys in the revolving fund established pursuant to
 4 section 15.287. The authority shall not issue more
 5 than fifteen million dollars in bonds or notes in any
 6 one calendar year.”
 7 13. Title page, lines 3 and 4, by striking the
 8 words “and providing for” and inserting the following:
 9 “, authorizing the Iowa finance authority to issue
 10 bonds and notes for the program, and providing an
 11 appropriation from”.

•
 COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

HOUSE AMENDMENT TO
 SENATE FILE 370

S-5124

1 Amend Senate File 370, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, lines 19 and 20, by striking the words
 4 “has no reasonable means of determining the property’s
 5 owner” and inserting the following: “cannot determine
 6 by reference to the museum’s records the property’s
 7 owner”.
 8 2. Page 3, line 1, by striking the word “either”
 9 and inserting the following: “any”.
 10 3. Page 3, by striking lines 4 and 5, and
 11 inserting the following: “if action is to be taken
 12 within more than three days but less than one week
 13 from the time the museum determined action was
 14 necessary.
 15 b. The museum is unable to reach the lender or
 16 claimant at the lender’s or claimant’s last known
 17 phone number prior to taking action if the action is
 18 to be taken within three days or less from the time
 19 the museum determined action was necessary.

20 c. The lender or claimant does not respond or will
21 not”.

22 4. Page 3, line 27, by inserting after the word
23 “loan.” the following: “The department of cultural
24 affairs shall adopt by rule a form for notice of
25 injury or loss, no later than January 1, 1989, and
26 shall distribute the rule and form to all identified
27 museums in Iowa within sixty days after adoption of
28 the rule. The notice shall be mailed to the lender’s
29 or claimant’s last known address in event of injury or
30 loss of property on loan to the museum. Published
31 notice of injury or loss of undocumented property
32 shall not be required.”

33 5. Page 4, by striking line 3, and inserting the
34 following: “notice of termination provided under
35 subsection 1 within one year by filing a”.

36 6. By striking page 5, line 30 through page 7,
37 line 26, and inserting the following:

38 “3. The department of cultural affairs shall adopt
39 by rule a form for notice of intent to preserve an
40 interest in property on loan to a museum. The form
41 shall satisfy the requirements of subsection 1 and
42 shall notify the claimant of the rights and procedures
43 to preserve an interest in museum property. The form
44 shall also facilitate recordkeeping and record
45 retrieval by a museum. At a minimum the form shall
46 provide a place for recording evidence of receipt of a
47 notice by a museum, including the date of receipt,
48 signature of the person receiving the notice, and the
49 date on which a copy of the receipt is returned to the
50 claimant.”

Page 2

1 7. Page 8, line 1, by striking the words “three
2 years” and inserting the following: “one year”.

3 8. Page 8, line 6, by striking the word “twenty-
4 five” and inserting the following: “seven”.

5 9. Page 8, line 8, by inserting after the word
6 “museum” the following: “as evidenced by the museum’s
7 records”.

8 10. Page 8, line 21, by inserting after the word
9 “property” the following: “, which satisfies all of
10 the requirements of section 305B.8.”.

11 11. Page 8, line 21, by striking the word
12 “twenty-five” and inserting the following: “seven”.

13 12. Page 9, line 15, by striking the figure
14 “1988” and inserting the following: “1989”.

15 13. Page 9, line 23, by striking the figure
16 “1988” and inserting the following: “1989”.

17 14. Page 10, by inserting after line 7, the
 18 following:
 19 "The department of cultural affairs may by rule
 20 determine the minimum form and substance of
 21 recordkeeping by museums with regard to museum
 22 property to implement this chapter."
 23 15. Page 10, line 26, by striking the figure
 24 "1987" and inserting the following: "1988".
 25 16. Page 10, by striking lines 27 through 32, and
 26 inserting the following:
 27 "2. Section 305B.9 is effective July 1, 1989, and
 28 when effective is retroactively applicable to all
 29 property in the possession of the museum before July
 30 1, 1989, and is prospectively applicable to all
 31 property in the possession of the museum on or after
 32 July 1989, for which a claim is filed on or after July
 33 1, 1989."

S-5125

1 Amend the House amendment S-5124, to Senate File
 2 370, as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 2, line 32, by striking the word and
 5 figure "July 1989" and inserting in lieu thereof the
 6 following: "July 1, 1989".

RICHARD VANDE HOEF

S-5126

1 Amend the House amendment, S-5106, to Senate File
 2 2094, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking line 24.

JIM LIND
 BEVERLY A. HANNON

S-5127

1 Amend Senate File 2173 as follows:
 2 1. Page 1, by striking line 1 and inserting the
 3 following:
 4 "Section 1. Section 10A.601, subsections 1 and 2,
 5 Code 1987, are".
 6 2. Page 1, by inserting after line 6 the fol-

7 lowing:

8 "2. The employment appeal board is composed of
9 three members appointed by the governor, subject to
10 confirmation by the senate, to six-year staggered
11 terms beginning and ending as provided in section
12 69.19. One member shall be qualified by experience
13 and affiliation to represent employers, one member
14 shall be qualified by experience and affiliation to
15 represent employees, and one member shall represent
16 the general public. No more than two members shall be
17 members of the same political party. Two members of
18 the appeal board constitute a quorum for the
19 transaction of any business. A vacancy in membership
20 shall be filled in the same manner as the original
21 appointment. A member of the appeal board may be
22 removed by the governor for inefficiency, neglect of
23 duty, or malfeasance in office. The members of the
24 employment appeal board shall receive an annual salary
25 as set by the governor."

TOM MANN, Jr.

S-5128

1 Amend Senate File 2018 as follows:

DIVISION S—5128A

2 1. Page 1, by striking lines 17 through 19.

DIVISION S—5128B

3 2. Page 1, by inserting after line 20 the fol-
4 lowing:

5 "____. "Medical assistance" means payment of all or
6 part of the care authorized to be provided pursuant to
7 chapter 249A."

8 3. Page 1, by inserting after line 30 the fol-
9 lowing: "The department shall adopt rules to imple-
10 ment the purposes of sections 225C.36 through
11 225C.42."

12 4. Page 1, line 33, by inserting after the word
13 "member" the following: "who is a resident of or
14 being considered for placement in a state hospital-
15 school, a community-based intermediate care facility
16 which is intended to serve mentally retarded
17 individuals, a child foster care group home, a child
18 foster care family home, or a state mental health
19 institute".

DIVISION S—5128A (cont'd.)

20 5. Page 1, by striking lines 34 and 35 and in-
21 serting the following: "the local office of the
22 department for the family support subsidy program."

DIVISION S—5128B (cont'd.)

23 6. Page 2, line 2, by striking the words "this
24 state and" and inserting the following: "a county of
25 this state."

DIVISION S—5128A (cont'd.)

26 7. Page 2, by striking line 3.

DIVISION S—5128B (cont'd.)

27 8. Page 2, by striking lines 10 through 13 and
28 inserting the following:
29 "— . A statement that if the child receives
30 medical assistance, then the family support subsidy
31 shall only be used for the cost of care which is not
32 covered by medical assistance. The family may receive
33 welfare assistance for which the family is eligible."

DIVISION S—5128A (cont'd.)

34 9. Page 2, by striking lines 20 through 22 and
35 inserting the following:
36 "Within the limits set by the appropriation for
37 this purpose, the department shall approve or
38 disapprove the application based on the family support
39 services plan which identifies the needs of the child
40 and the family and the eligibility criteria required
41 to be included in".
42 10. Page 2, by striking lines 28 and 29 and
43 inserting the following: "approved by the
44 department."
45 11. Page 2, by striking lines 33 and 34 and
46 inserting the following: "after the department
47 approves the written application."

DIVISION S—5128B (cont'd.)

48 12. Page 3, by striking lines 1 and 2 and
49 inserting the following: "special needs of the
50 family. This subsidy is intended to complement but

Page 2

DIVISION S—5128B (cont'd.)

1 not".

2 13. Page 3, line 14, by striking the words "The
3 amount shall be".

4 14. Page 3, by striking line 15.

DIVISION S—5128A (cont'd.)

5 15. Page 3, by striking lines 20 and 21 and
6 inserting the following: "tion to the department:"

7 16. Page 4, by striking lines 10 and 11 and
8 inserting the following:

9 "2. The family support subsidy may be terminated
10 by the department."

11 17. Page 4, by striking lines 16 and 17 and
12 inserting the following: "denied or a family support
13 subsidy is terminated by the department, the".

14 18. Page 4, by striking line 19 and inserting the
15 following: "request, in writing, a hearing before an
16 impartial hearing officer."

17 19. Page 4, by striking lines 25 through 27 and
18 inserting the following:

19 "The department shall conduct an annual evaluation
20 of the family support subsidy program and shall submit
21 the evaluation report with recommendations to the
22 governor and general assembly prior to the end of the
23 fiscal year. The evaluation shall".

24 20. Page 5, by striking line 2 and inserting the
25 following: "in".

26 21. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chairperson

S-5129

1 Amend Senate File 2154 as follows:

2 1. Page 3, by striking lines 2 through 5 and
3 inserting the following:

4 "1. The authority consists of seven members. One
5 member shall be appointed by the majority leader of
6 the senate, one member shall be appointed by the
7 minority leader of the senate, one member shall be
8 appointed by the speaker of the house of
9 representatives, one member shall be appointed by the

10 minority leader of the house of representatives, two
11 members shall be appointed by the”.

COMMITTEE ON STATE GOVERNMENT
ROBERT M. CARR, Chairperson

S-5130

1 Amend Senate File 2098 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 “Sec. ____ . Section 280.14, Code 1987, is amended
5 by adding the following new unnumbered paragraph.
6 NEW UNNUMBERED PARAGRAPH. The board of directors
7 of a school district may contract with the department
8 of corrections to provide for licensed removal of
9 asbestos from the district’s facilities.”

RAY TAYLOR

S-5131

1 Amend Senate File 2113 as follows:
2 1. Page 1, line 11, by striking the words
3 “training and” and inserting the following:
4 “training,”.
5 2. Page 1, line 12, by inserting after the word
6 “training” the following: “, or is participating in
7 the reserve officer training corps (ROTC) simultaneous
8 membership program as an advanced cadet”.
9 3. Page 2, by striking lines 15 through 18.
10 4. By renumbering as necessary.

CALVIN O. HULTMAN

S-5132

1 Amend Senate File 354 as follows:
2 1. Page 1, line 15, by inserting after the words
3 “by the department” the following: “and receipt of
4 certification that the licensee has successfully
5 completed an approved driver education course”.
6 2. Page 1, line 28, by inserting after the word
7 “department.” the following: “A validation
8 certificate issued under this paragraph is not valid
9 for operating to and from the licensee’s place of

10 employment if such employment is in violation of
11 chapter 92.”

WILMER RENSINK

S-5133

- 1 Amend Senate File 2193 as follows:
- 2 1. Page 2, line 32, by striking the words “high
- 3 school” and inserting the following: “secondary
- 4 school”.

JOY CORNING

S-5134

- 1 Amend Senate File 2169 as follows:
- 2 1. Page 3, lines 27 and 28, by striking the words
- 3 “, and one nonvoting member who is licensed as a
- 4 physician assistant”.
- 5 2. Page 3, line 33, by striking the words “the
- 6 voting”.

RICHARD VARN
MICHAEL E. GRONSTAL
RICHARD F. DRAKE
JOHN W. JENSEN

S-5135

- 1 Amend Senate File 416 as follows:
- 2 1. Page 1, line 30, by inserting after the word
- 3 “law” the words “of this state”.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-5136

- 1 Amend House File 2259 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 7 and
- 4 inserting the following: “equipment used to assist
- 5 and rescue persons in emergencies.”

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-5137

1 Amend House File 429 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. 321.372A PROMPT**
6 **INVESTIGATION OF REPORTED VIOLATION OF FAILING TO OBEY**
7 **SCHOOL BUS WARNING DEVICES.**

8 The driver of a school bus who observes a violation
9 of section 321.372, subsection 3, may prepare a
10 written report on a form provided by the department of
11 public safety indicating that a violation has
12 occurred. The school bus driver or a school official
13 may deliver the report not more than twenty-four hours
14 after the violation occurred to a peace officer of the
15 state or a peace officer of the county or municipality
16 in which the violation occurred. The report shall
17 state the time and the location at which the violation
18 occurred and shall include the registration plate
19 number and a description of the vehicle involved in
20 the violation.

21 Not more than forty-eight hours after receiving a
22 report of a violation of section 321.372, subsection
23 3, from a school bus driver or a school official, the
24 peace officer shall investigate the reported violation
25 and contact the owner of the motor vehicle involved in
26 the reported violation and request that the owner
27 supply information identifying the driver in
28 accordance with section 321.484. If, from the
29 investigation, the peace officer is able to identify
30 the driver and has reasonable cause to believe a
31 violation of section 321.372, subsection 3, has
32 occurred, the peace officer shall prepare a uniform
33 traffic citation for the violation and shall
34 personally serve it upon the driver of the vehicle.”
35 2. Title page, by striking lines 1 through 4 and
36 inserting the following: “An Act relating to the
37 investigation of a driver of a vehicle violating the
38 warning lamps or stop arm of a school bus and
39 requiring the issuance of a uniform citation in
40 certain circumstances.”

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 394

S-5138

- 1 Amend Senate File 394, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 4, by striking the word "fish".
- 4 2. Page 1, by striking lines 16 through 21 and
5 inserting the following:
- 6 "7. "Commercial breeder" means a person engaged in
7 the business of breeding dogs or cats, regardless of
8 whether the dogs or cats are raised, trained, groomed,
9 or boarded by the person. However, a person who owns
10 or harbors three or less animals for breeding is not a
11 commercial breeder."
- 12 3. Page 5, by striking lines 9 through 17.
- 13 4. Page 6, line 4, by striking the words "~~hobby~~
14 kennel research facility," and inserting the
15 following: "~~hobby kennel~~,".
- 16 5. Page 6, line 12, by striking the words "~~hobby~~
17 kennel research facility," and inserting the
18 following: "~~hobby kennel~~,".
- 19 6. Page 6, line 22, by striking the words
20 "research facility,".
- 21 7. Page 6, line 29, by striking the words
22 "research facility,".
- 23 8. Page 6, line 32, by striking the words "or
24 facility's".
- 25 9. Page 7, line 6, by striking the words "or
26 facility".
- 27 10. Page 7, line 18, by striking the word
28 "repealed" and inserting the following: "amended by
29 striking the section and inserting in lieu thereof the
30 following:
- 31 162.17 EXCEPTIONS.
- 32 This chapter does not apply to the following:
- 33 1. A place or establishment which operates as a
34 kennel situated on property within a racetrack
35 enclosure as defined in section 99D.2.
- 36 2. A noncommercial kennel at, in, or adjoining a
37 private residence where dogs or cats, or both, are
38 kept for the hobby of the householder, in using them
39 for hunting or practice training or for exhibiting
40 them in shows or field or obedience trials, or for
41 guarding or protecting the householder's property.
42 However, the dogs or cats must not be kept for
43 breeding if a person receives consideration for
44 providing for breeding."

- 45 11. Page 7, by inserting after line 18 the
 46 following:
 47 "Sec. ____ . Section 162.10, Code 1987, is repealed.
 48 Sec. ____ . Section 162.11, Code 1987, is repealed."
 49 12. By renumbering as necessary.

S-5139

- 1 Amend Senate File 2051 as follows:
 2 1. Page 2, line 11, by striking the word "shall"
 3 and inserting the following: "may".
 4 2. Page 2, line 12, by striking the word "shall"
 5 and inserting the following: "may".

JIM RIORDAN

S-5140

- 1 Amend House File 2102, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 1, by inserting after the word
 4 "TAKING" the following: "PREDOMINANTLY".
 5 2. Page 1, line 3, by inserting before the word
 6 "white" the following: "predominantly".
 7 3. Title page, line 1, by inserting before the
 8 word "white" the following: "predominantly".

BERL E. PRIEBE
 JOHN A. PETERSON
 KENNETH SCOTT

S-5141

- 1 Amend House File 2102, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, by striking lines 6 through 9.
 4 2. Title page, lines 1 and 2, by striking the
 5 words "and protected game, and providing penalties"
 6 and inserting the following: "and providing a
 7 penalty".

COMMITTEE ON NATURAL RESOURCES
 KENNETH SCOTT, Chairperson

S-5142

- 1 Amend Senate File 2169 as follows:
- 2 1. Page 2, line 35, by striking the word "joint".
- 3 2. Page 4, line 2, by striking the word "joint".
- 4 3. Page 4, line 15, by striking the word "joint".
- 5 4. Page 5, line 15, by striking the word "joint".
- 6 5. Page 6, line 13, by striking the word "joint".
- 7 6. Page 6, line 22, by striking the word "joint".
- 8 7. Page 6, line 31, by striking the word "joint".
- 9 8. Page 11, line 14, by striking the word
- 10 "joint".
- 11 9. Page 12, line 4, by striking the word "joint".
- 12 10. Page 12, line 6, by striking the word
- 13 "joint".
- 14 11. Page 12, line 8, by striking the word
- 15 "joint".
- 16 12. Page 12, line 17, by striking the word
- 17 "joint".
- 18 13. Title page, line 1, by striking the word
- 19 "joint".

RICHARD F. DRAKE

S-5143

- 1 Amend Senate File 2107 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 237.13 FOSTER HOME
- 5 INSURANCE FUND.
- 6 1. For the purposes of this section, "foster home"
- 7 means a licensed foster home in which child foster
- 8 care is provided by an agency, a guardian appointed on
- 9 a voluntary petition of a ward pursuant to section
- 10 633.557, or a conservator appointed on a voluntary
- 11 petition of a ward pursuant to section 633.572.
- 12 2. The foster home insurance fund is created
- 13 within the office of the treasurer of state to be
- 14 administered by the department of human services. The
- 15 fund consists of all moneys appropriated by the
- 16 general assembly for deposit in the fund. The general
- 17 fund of the state is not liable for claims presented
- 18 against the fund. The department may contract with
- 19 another state agency, or private organization, to
- 20 perform the administrative functions necessary to
- 21 carry out this section.
- 22 3. Except as provided in this section, the fund

23 shall pay, on behalf of each licensed foster home, any
24 valid and approved claim of foster children, their
25 parents, guardians, or guardians ad litem, for damages
26 arising from the foster care relationship and the
27 provision of foster care services. The fund shall
28 also reimburse foster homes for property damage or
29 bodily injury, as a result of the activities of the
30 foster child, and reasonable and necessary legal fees
31 incurred in defense of civil claims filed pursuant to
32 subsection 6, paragraph "d", and any judgments awarded
33 as a result of such claims.

34 4. The fund is not liable for any of the
35 following:

36 a. A loss arising out of a foster parent's
37 dishonest, fraudulent, criminal, or intentional act.

38 b. An occurrence which does not arise from the
39 foster care relationship.

40 c. A bodily injury arising out of the operation or
41 use of a motor vehicle, aircraft, or watercraft owned,
42 operated by, rented, leased, or loaned to, a foster
43 parent.

44 d. A loss arising out of a foster parent's
45 lascivious acts, indecent contact, or sexual activity,
46 as defined in chapters 702 and 709. Notwithstanding
47 any definition to the contrary in chapters 702 and
48 709, for purposes of this subsection a child is a
49 person under the age of eighteen.

50 e. A loss or damage arising out of occurrences

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1 prior to July 1, 1988.

2 f. Exemplary or punitive damages.

3 g. Any claim for which compensation has been
4 provided by, or is available from, any other source.

5 h. The liability of a foster parent due solely to
6 the foster parent's failure to obtain automobile or
7 homeowner's insurance.

8 i. A loss or damage arising out of conduct which
9 is in violation of administrative rules.

10 5. The fund is not liable for the first one
11 hundred fifty dollars of any claim based on a single
12 occurrence. Claims may not be aggregated or
13 accumulated to avoid payment of this deductible.

14 6. Procedures for claims against the fund:

15 a. A claim against the fund shall be filed in
16 accordance with the claims procedures and on forms
17 prescribed by the department of human services.

18 b. A claim shall be submitted to the fund within
19 the applicable period of limitations for the

20 appropriate civil action underlying the claim. If a
 21 claim is not submitted to the fund within the
 22 applicable time, the claim shall be rejected.
 23 c. The department shall approve or reject a claim
 24 within one hundred eighty days of its presentation.
 25 d. A person shall not bring a civil action against
 26 a foster parent for which the fund may be liable
 27 unless that person has first filed a claim against the
 28 fund and the claim has been rejected, or the claim has
 29 been filed, approved, and paid in part, and damages in
 30 excess of the payment are claimed.
 31 7. All processing of decisions and reports,
 32 payment of claims, and other administrative actions
 33 relating to the fund shall be conducted by the
 34 department of human services.
 35 8. The department of human services shall adopt
 36 rules, pursuant to chapter 17A, to carry out the
 37 provisions of this section."

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chairperson

S-5144

1 Amend Senate File 2104 as follows:
 2 1. Page 1, by inserting after line 8 the fol-
 3 lowing:
 4 "Sec. ____ . Section 237.15, subsection 6, Code
 5 1987, is amended by adding the following new
 6 paragraphs:
 7 NEW PARAGRAPH. e. The efforts to place the child
 8 with a relative.
 9 NEW PARAGRAPH. f. The rationale for an out-of-
 10 state placement, and the efforts to prevent such
 11 placement, if the child has been placed out-of-state.
 12 NEW PARAGRAPH. g. Time frames to meet the stated
 13 permanency goal and short-term objectives."
 14 2. Page 4, by inserting after line 7 the
 15 following:
 16 "Sec. ____ . Section 237.22, Code 1987, is amended
 17 by adding the following new subsections:
 18 NEW SUBSECTION. 6. The efforts to place the child
 19 with a relative.
 20 NEW SUBSECTION. 7. The rationale for an out-of-
 21 state placement, and the efforts to prevent such
 22 placement, if the child has been placed out-of-state."
 23 3. Page 4, by striking lines 16 through 19 and
 24 inserting the following: "Act, shall establish local
 25 boards in additional judicial districts as moneys

- 26 become available for that purpose.”
 27 4. Title page, line 7, by inserting after the
 28 word “information,” the following: “providing
 29 additional requirements for case permanency plans.”
 30 5. By numbering and renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chairperson

S-5145

- 1 Amend Senate File 2193 as follows:
 2 1. Page 1, line 1, by inserting after the figure
 3 “1.” the following: “NEW SECTION. 260.25”.
 4 2. Page 2, line 22, by inserting after the figure
 5 “2.” the following: “NEW SECTION. 260.26”.

RICHARD J. VARN

S-5146

- 1 Amend Senate File 2093 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. Section 307B.24, Code 1987, is amended
 5 to read as follows:
 6 307B.24 ACQUISITION OF ABANDONED RIGHT-OF-WAY.
 7 A railway corporation which has received
 8 authorization to abandon a rail line ~~must~~ shall first
 9 offer the line ~~for sale~~ to the authority ~~for sale~~
 10 present or future rail transportation purposes prior
 11 to removing the track materials. The corporation
 12 shall state a reasonable price for:
 13 1. The corporation’s right, title, and interest in
 14 the right-of-way, track materials, and rail
 15 facilities.
 16 2. An exclusive, transferable, five-year option to
 17 purchase all of the corporation’s right, title, and
 18 interest in the right-of-way, track materials, and
 19 rail facilities.
 20 The authority may waive the requirements of this
 21 section.
 22 The authority shall have ~~thirty ninety~~ days in
 23 which to accept or ~~decline to make a counter offer to~~
 24 the corporation’s offer ~~for to sell~~ all or any part of
 25 the rail line. If the authority fails to accept or
 26 make a counter offer to the corporation’s offer within
 27 ~~thirty ninety~~ days of the corporation’s offer, the

28 corporation may dispose of the property.
29 If a disagreement arises between the authority, and
30 the corporation regarding the price or other terms and
31 conditions of the sale transaction, then either or
32 both parties may make written application to the
33 department to resolve the disagreement. The
34 department shall notify the department of inspections
35 and appeals which shall hear the controversy and make
36 a final determination of the fair market value of the
37 properties and the other terms and conditions of the
38 transaction which are in dispute. The decision of the
39 department of inspections and appeals is binding on
40 both parties, except that the authority may withdraw
41 its offer to purchase within thirty days of the
42 decision of the department of inspections and appeals.
43 If the authority accepts all or any part of the
44 offer or the decision of the department of inspections
45 and appeals, or if the corporation accepts a counter
46 offer from the authority, the corporation shall
47 execute the proper documents upon delivery of the
48 purchase price which shall not be later than ninety
49 days from the date of the authority accepts the
50 corporation's offer to sell or the decision of the

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1 department of inspections and appeals, or from the
2 date the corporation accepts a counter offer from the
3 authority, whichever date is applicable.
4 The authority may, if requested by another
5 governmental agency, acquire the corporation's rights,
6 title and interest in all or any part of the rail line
7 for rail banking and interim public use provided the
8 requesting governmental agency is willing to enter
9 into an interim public use and rail banking agreement
10 with the authority which will give the authority the
11 right to reinstate rail service on the right-of-way in
12 the future.
13 Any rights, title and interest in all or any part
14 of the rail line sold or transferred by a corporation
15 without first complying with this section are void,
16 except where such rights, title and interest in all or
17 part of the rail line are sold or transferred to
18 another corporation for continued rail transportation
19 service which must begin within one year from the date
20 of the sale or transfer. If a corporation removes any
21 track materials without first complying with this
22 section, the authority may require the corporation to
23 put the track materials back in place and to comply

24 with this section."

25 2. Title page, by striking lines 1 through 5 and
26 inserting the following: "An Act relating to the
27 transfer of rights, title and interest in a rail line
28 which a railway corporation has received authorization
29 to abandon."

JEAN LLOYD-JONES

S-5147

1 Amend Senate File 2157 as follows:
2 1. Page 4, by striking lines 22 and 23 and
3 inserting the following: "partner notification
4 program and contact all persons reported to have had a
5 test result indicating human immunodeficiency virus
6 infection which has been confirmed as positive
7 according to prevailing medical technology."
8 2. Page 4, line 24, by striking the word
9 "infection."
10 3. Page 4, line 29, by striking the word "alert"
11 and inserting the following: "contact".
12 4. Page 5, by striking line 2 and inserting the
13 following:
14 "d. Offered referrals for testing, counseling, or
15 treatment."
16 5. Page 5, line 3, by striking the word "refer"
17 and inserting the following: "identify".
18 6. Page 5, by striking lines 19 through 28.
19 7. Page 5, line 29, by striking the figure
20 "135.101" and inserting the following: "135H.8".
21 8. Page 6, lines 28 and 29, by striking the words
22 "inquire into the operation of laboratories and may".
23 9. Page 6, line 30, by inserting after the word
24 "of" the following: "laboratory".
25 10. Page 6, line 31, by inserting after the word
26 "equipment" the following: "for compliance with the
27 standards established pursuant to this section".
28 11. Page 7, by inserting after line 1 the
29 following:
30 "Sec. ____ . NEW SECTION. 135H.9 HUMAN
31 IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE
32 DEFICIENCY
33 SYNDROME -- SCREENING, TESTING, AND REPORTING.
34 1. Immediately after the testing of a person with
35 a test result indicating human immunodeficiency virus
36 infection which has been confirmed as positive
37 according to prevailing medical technology, the
38 physician or other practitioner at whose request the

38 test was performed shall make a report to the Iowa
39 department of public health on a form provided by the
40 department.

41 2. Immediately after the diagnosis of a person as
42 having acquired immune deficiency syndrome or a human
43 immunodeficiency virus related illness, the diagnosing
44 physician shall make a report to the Iowa department
45 of public health on a form provided by the department.

46 3. Immediately after the death of a person
47 resulting from acquired immune deficiency syndrome or
48 a human immunodeficiency virus related illness, the
49 attending physician shall make a report to the Iowa
50 department of public health on a form provided by the

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1 department.

2 4. Immediately after the testing of a person with
3 a test result indicating human immunodeficiency virus
4 infection which has been confirmed as positive
5 according to prevailing medical technology, the
6 director of a blood plasma center or blood bank shall
7 make a report to the Iowa department of public health
8 on a form provided by the department.

9 5. Immediately after the testing of a person with
10 a test result indicating human immunodeficiency virus
11 infection which has been confirmed as positive
12 according to prevailing medical technology, the
13 director of a clinical laboratory shall make a report
14 to the Iowa department of public health stating the
15 person's name, if known, and the name and address of
16 the physician or other health care practitioner
17 requesting the test.

18 6. The forms provided by the department pursuant
19 to subsections 1 through 4 of this section shall
20 contain the name, date of birth, sex, and address of
21 the subject of the report and the name and address of
22 the physician or other person making the report. The
23 forms shall make provision for reporting where
24 anonymity has been requested by the subject of the
25 report."

26 12. BY striking page 7, line 2 through page 10,
27 line 5.

28 13. Page 10, by inserting before line 6 the
29 following:

30 "Sec. ____ . NEW SECTION. 135H.10 DUTIES OF PUBLIC
31 HEALTH OFFICIALS."

32 14. Page 10, line 6, by striking the figures "9.
33 a." and inserting the following: "1."

34 15. Page 10, line 8, by striking the word

35 "proper" and inserting the following: "appropriate".
36 16. Page 10, by striking lines 9 through 17.
37 17. Page 10, line 18, by striking the figure "d."
38 and inserting the following: "2."
39 18. Page 10, by striking lines 20 through 24.
40 19. Page 10, line 25, by striking the figure
41 "(2)" and inserting the following: "a."
42 20. By striking page 10, line 28 through page 11,
43 line 1 and inserting the following:
44 "b. Conduct health information programs for the
45 public relating to human immunodeficiency virus
46 infection, including information about how the
47 infection is transmitted and can be prevented. The
48 department shall prepare, for free distribution,
49 printed information relating to human immunodeficiency
50 virus infection and prevention."

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1 21. Page 11, by striking lines 2 through 4 and
2 inserting the following:
3 "c. Provide educational programs concerning human
4 immunodeficiency virus infection in the workplace."
5 22. Page 11, line 5, by striking the figure "(5)"
6 and inserting the following: "d."
7 23. Page 11, line 8, by striking the figure "(6)"
8 and inserting the following: "e."
9 24. Page 11, line 12, by striking the figure "e."
10 25. By striking page 11, line 16 through page 12,
11 line 18 and inserting the following:
12 "Sec. ____ . NEW SECTION. 135H.11 CONFIDENTIAL
13 REPORTS AND IMMUNITIES.
14 1. Reports, information, and records submitted and
15 maintained pursuant to this chapter are strictly
16 confidential medical information. The information
17 shall not be released, shared with an agency or
18 institution, or made public upon subpoena, search
19 warrant, discovery proceedings, or by any other means
20 except under any of the following circumstances:
21 a. Release may be made of medical or
22 epidemiological information for statistical purposes
23 in a manner such that no individual person can be
24 identified.
25 b. Release may be made of medical or
26 epidemiological information to the extent necessary to
27 enforce the provisions of this chapter and related
28 rules concerning the treatment, control, and
29 investigation of human immunodeficiency virus
30 infection by public health officials.
31 c. Release may be made of medical or

32 epidemiological information to medical personnel in a
33 medical emergency to the extent necessary to protect
34 the health or life of the named party.

35 2. An officer or employee of the state or local
36 department of health or a person making a report
37 pursuant to this chapter shall not be examined in any
38 judicial, executive, legislative, or other proceeding
39 as to the existence or content of an individual report
40 made pursuant to this chapter.

41 3. Reports, information, and records which contain
42 the identity of persons shall be destroyed
43 immediately after the extraction of statistical data
44 and completion of contact identification or in no
45 event longer than six months from the date the report,
46 information, or record was received.

47 4. A person making a report in good faith pursuant
48 to this chapter is immune from any liability, civil or
49 criminal, which might otherwise be incurred or imposed
50 as a result of the report."

Page 4

1 26. Page 12, by inserting before line 19 the
2 following:
3 "Sec. ____ . Section 135.11, Code Supplement 1987,
4 is amended by adding the following new subsection:
5 NEW SUBSECTION. 22. Adopt rules which require
6 personnel of a licensed hospice, of a homemaker-home
7 health aide provider agency which receives state
8 homemaker-home health aide funds, or of an agency
9 which provides respite care services and receives
10 state funds, to complete within six months of initial
11 employment, two hours of training concerning acquired
12 immune deficiency syndrome through a program approved
13 by the department.
14 Sec. ____ . WAIVER PROCESS INITIATION.
15 The department of human services shall initiate the
16 application process in order to obtain a waiver from
17 the health care financing administration of the United
18 States department of health and human services for the
19 provision of alternative services to persons with
20 acquired immune deficiency syndrome or a related
21 condition."
22 27. By renumbering sections as necessary.

AL STURGEON
DAVID READINGER
CHARLES BRUNER
JULIA GENTLEMAN
BEVERLY A. HANNON

S-5148

- 1 Amend House File 105, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 10, by inserting after the word
- 4 "assessor" the following: "or deputy assessor".
- 5 2. Page 2, by inserting after line 26 the
- 6 following:
- 7 "Sec. ____ . This Act, being deemed of immediate
- 8 importance, takes effect upon enactment."
- 9 3. Amend the title page, line 1, by inserting
- 10 after the word "assessors" the following: "and deputy
- 11 assessors".
- 12 4. Renumber sections and correct internal
- 13 references as necessary.

CALVIN O. HULTMAN

S-5149

- 1 Amend Senate File 2169 as follows:
- 2 1. Page 12, by striking lines 22 and 23 and
- 3 inserting the following:
- 4 "Sec. 27. EFFECTIVE DATE.
- 5 1. Sections 1 through 3 and 10 through 25 of this
- 6 Act take effect January 1, 1989.
- 7 2. All other sections of this Act take effect upon
- 8 enactment."

DAVID M. READINGER

S-5150

- 1 Amend House File 2155 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. By striking page 1, line 15 through page 2,
- 4 line 6.

EDGAR H. HOLDEN

S-5151

- 1 Amend Senate File 2178 as follows:
- 2 1. Page 3, line 8, by inserting the figure "1."
- 3 before the words "A person".
- 4 2. Page 3, by inserting after line 12, the
- 5 following:

6 "2. A person shall not perform or arrange for the
7 performance of a sterilization of a mentally incompe-
8 tent or retarded individual."

TOM MANN, Jr.

S-5152

1 Amend Senate File 2191 as follows:

2 1. Page 3, by inserting after line 9, the
3 following:

4 "7. A record of all felony charges and convictions
5 and misdemeanor charges and convictions of the
6 applicant.

7 8. A record of all felony charges and convictions
8 and misdemeanor charges and convictions of all persons
9 who are financially interested as partners,
10 associates, or profit-sharers in the operation of the
11 business of the agent, except bona fide employees on
12 stated salaries.

13 9. A record of all sanctions issued to, or
14 disciplinary actions taken against, the applicant or
15 against a student athlete or an institution of higher
16 education in connection with a transaction or
17 occurrence with or involving the agent."

18 2. Page 3, line 25, by inserting after the word
19 "SURETY" the following: "-- CONSENT TO SERVICE".

20 3. Page 3, line 26, by inserting before the words
21 "An agent" the following: "1."

22 4. Page 4, by inserting after line 9, the
23 following:

24 "2. An agent who is a nonresident of Iowa must, in
25 addition, file with the secretary of state an
26 irrevocable consent to service of process on a form
27 prescribed by the secretary. The consent shall be
28 notarized and signed by the agent or by an authorized
29 officer, member, or partner of the agent. If the
30 agent is a corporation, the consent shall be
31 accompanied by a certified copy of the resolution of
32 the corporation authorizing the consent. The consent
33 shall indicate that a process or pleading served upon
34 the secretary of state is sufficient service upon the
35 agent if the plaintiff forwards by certified mail one
36 copy of the process or pleading to the business
37 address on file at the office of the secretary of
38 state of the agent."

RICHARD VARN

S-5153

- 1 Amend Senate File 2025 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "appointment" the following: "; and the appointments
- 4 shall be made on a rotating basis from the
- 5 institutions listed in section 262.7, subsections 1,
- 6 2, and 3".

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-5154

- 1 Amend Senate File 2196 as follows:
- 2 1. Page 5, lines 24 and 25, by striking the words
- 3 "twenty-two and one-half cents per gallon beginning
- 4 April 1, 1988" and inserting the following: "twenty
- 5 and one-half cents per gallon for the period beginning
- 6 April 1, 1988, and ending December 31, 1988, and is
- 7 twenty-two and one-half cents per gallon beginning
- 8 January 1, 1989".

LEONARD L. BOSWELL
RAY TAYLOR
BERL E. PRIEBE
EMIL J. HUSAK
JIM LIND
RICHARD VANDE HOEF

S-5155

- 1 Amend Senate File 2196 as follows:

DIVISION S—5155A

- 2 1. By striking page 2, line 34 through page 4,
- 3 line 24.

DIVISION S—5155B

- 4 2. Page 4, lines 31 and 32, by striking the words
- 5 "and twenty cents per gallon beginning April 1, 1988,"
- 6 and inserting the following: "eighteen cents per
- 7 gallon for the period beginning April 1, 1988, and

- 8 ending December 31, 1988, and twenty cents per gallon
9 beginning January 1, 1989."
10 3. Page 5, lines 9 and 10, by striking the words
11 "nineteen cents per gallon for the period beginning
12 April 1, 1988, and ending" and inserting the
13 following: "seventeen cents per gallon for the period
14 beginning April 1, 1988, and ending December 31, 1988,
15 and nineteen cents per gallon for the period beginning
16 January 1, 1989, and ending".

DIVISION S—5155A (cont'd.)

- 17 4. Page 8, by striking lines 17 through 19 and
18 inserting the following:
19 "Sec. ____ . Section 13 of this Act takes effect
20 April 1 following enactment."
21 5. Renumber sections and correct internal
22 references as necessary.

C. JOSEPH COLEMAN
BILL HUTCHINS
DONALD GETTINGS
EMIL J. HUSAK
MICHAEL E. GRONSTAL
JAMES D. WELLS
JIM R. RIORDAN
TOM MANN, Jr.
WILLIAM D. PALMER
ALVIN V. MILLER
BERL E. PRIEBE
HURLEY W. HALL
JACK RIFE
LEONARD L. BOSWELL
CHARLES P. MILLER
BEVERLY A. HANNON
EDGAR H. HOLDEN
DALE L. TIEDEN
JACK W. HESTER
EUGENE FRAISE
JOHN E. SOORHOLTZ
RICHARD VANDE HOEF
JOHN W. JENSEN
WILMER RENSINK
GEORGE R. KINLEY
RAY TAYLOR
WALLY E. HORN

S-5156

1 Amend the Committee amendment S-5049, to House File
 2 278 as amended, passed and reprinted by the House as
 3 follows:
 4 1. Page 1, by inserting before line 5 the
 5 following:
 6 "Section 1. NEW SECTION. 330.23 NO RESTRICTION
 7 ON ADMINISTRATIVE AGENCIES.
 8 This chapter does not prohibit a city from
 9 establishing an administrative agency pursuant to
 10 chapter 392 to manage and control all or part of its
 11 airport in lieu of an airport commission under this
 12 chapter. A city may abolish an airport commission and
 13 provide for the management and control of its airport
 14 by an administrative agency."
 15 2. Page 12, by inserting after line 10 the
 16 following:
 17 "___ Title, line 1, by inserting after the
 18 word "Act" the following: "authorizing a city to
 19 establish an administrative agency to manage and
 20 control a city airport, and"".

JOE WELSH

S-5157

1 Amend Senate File 2225 as follows:
 2 1. Page 1, by inserting after line 24 the follow-
 3 ing:
 4 "9. The dean of the college of home economics at
 5 the University of Northern Iowa or the dean's
 6 designee."

JOY CORNING
 CHARLES BRUNER
 JIM LIND

S-5158

1 Amend the House amendment, S-4099, to Senate File
 2 187 as passed by the Senate as follows:
 3 1. Page 2, by inserting after line 25 the
 4 following:
 5 "Sec. 6. Section 123.30, subsection 3, paragraphs
 6 a, b, and c, Code Supplement 1987, are amended to read
 7 as follows:
 8 a. Class "A". A class "A" liquor control license
 9 may be issued to a club and shall authorize the holder
 10 to purchase alcoholic liquors from class "E" liquor

11 control licensees only, wine from class "A" wine
12 permittees or class "E" liquor control licensees only,
13 and native wines from native wine manufacturers or
14 class "E" liquor control licensees, and to sell
15 liquors, wine, and beer, to bona fide members and
16 their guests by the individual drink for consumption
17 on the premises only.

18 b. Class "B". A class "B" liquor control license
19 may be issued to a hotel or motel and shall authorize
20 the holder to purchase alcoholic liquors from class
21 "E" liquor control licensees only, wine from class "A"
22 wine permittees or class "E" liquor control licensees
23 only, and native wines from native wine manufacturers
24 or class "E" liquor control licensees, and to sell
25 liquors, wine, and beer, to patrons by the individual
26 drink for consumption on the premises only. However,
27 beer may also be sold for consumption off the
28 premises. Each license shall be effective throughout
29 the premises described in the application.

30 c. Class "C". A class "C" liquor control license
31 may be issued to a commercial establishment but must
32 be issued in the name of the individuals who actually
33 own the entire business and shall authorize the holder
34 to purchase alcoholic liquors from class "E" liquor
35 control licensees only, wine from class "A" wine
36 permittees or class "E" liquor control licensees only,
37 and native wines from native wine manufacturers or
38 class "E" liquor control licensees, 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 shall authorize the holder to purchase wine
45 from class "A" wine permittees or class "E" liquor
46 control licensees only, and to sell wine and beer to
47 patrons by the individual drink for consumption on the
48 premises only. However, beer may also be sold for
49 consumption off the premises. The license issued to
50 holders of a special class "C" license shall clearly

Page 2

- 1 state on its face that the license is limited."
- 2 2. By renumbering as required.

BOB CARR
JACK NYSTROM

S-5159

1 Amend the Committee amendment, S-5100, to House
 2 File 221, as passed by the House, as follows:
 3 1. Page 2, line 4, by inserting after the word
 4 "section." the following: "The county share of the
 5 funds may be used to reimburse the state for the cost
 6 of chemicals, fish, fish habitat structures, soil
 7 erosion control materials, and other similar
 8 materials. The county share shall not be used to
 9 reimburse the state for technical services provided by
 10 the department."

EMIL J. HUSAK

S-5160

1 Amend Senate File 2196 as follows:
 2 1. Page 6, line 11, by inserting after the word
 3 "of" the following: "the need for the total road
 4 network and".
 5 2. Page 6, line 15, by inserting after the word
 6 "be" the following: "independently conducted but".

JAMES D. WELLS
 RICHARD F. DRAKE
 LARRY MURPHY

S-5161

1 Amend Senate File 2196 as follows:
 2 1. Page 8, line 13, by striking the words "on the
 3 formula" and inserting the following: "revising the
 4 formula which shall be changed from the distribution
 5 presently required under section 312.2, subsections 1,
 6 2, 3, and 4,".

DAVID M. READINGER

S-5162

1 Amend Senate File 2196 as follows:
 2 1. Page 6, line 19, by inserting after the word
 3 "municipalities." the following: "The state
 4 transportation commission, the Iowa state association
 5 of counties, and the league of Iowa municipalities
 6 shall each appoint one additional member to the

7 steering committee who shall be a public member. The
8 steering committee shall employ a consultant to
9 conduct the study. The legislative service bureau
10 shall provide staff support to the consultant and the
11 steering committee."

DAVID M. READINGER

S-5163

1 Amend Senate File 2196 as follows:
2 1. Page 1, by striking lines 16 through 23.
3 2. Page 8, line 15, by striking the figure "
4 3,".
5 3. Title, line 3, by striking the words
6 "increasing the".
7 4. Title, by striking line 4.

JOHN W. JENSEN

S-5164

1 Amend Senate File 2196 as follows:
2 1. Page 1, by striking lines 24 through page 2,
3 line 3.
4 2. Page 8, line 15, by striking the words and
5 figures ", 3, and 4" and inserting the following:
6 "and 3".
7 3. Title, by striking line 5, and inserting the
8 following: "authorizing the".

JOHN W. JENSEN

S-5165

1 Amend Senate File 2196 as follows:
2 1. Page 6, by inserting after line 22 the
3 following:
4 "Sec. ____ . There is appropriated from the public
5 transit assistance fund to the legislative service
6 bureau the sum of seventy-five thousand (75,000)
7 dollars, or so much thereof as may be necessary, for
8 the purpose of carrying out a study of the mechanisms
9 for the distribution of the public transit assistance
10 fund. All sources of funding for public transit shall
11 be considered for purposes of this study. The study
12 shall be independently conducted but administered by a

13 steering committee composed of two members appointed
 14 by the state transportation commission, two members
 15 appointed by the regional transit systems, two members
 16 appointed by the large urban transit systems, and two
 17 members appointed by the small urban transit systems.
 18 The steering committee shall report the findings of
 19 the study to the governor, the chief clerk of the
 20 house of representatives, and the secretary of the
 21 senate not later than January 31, 1989."

DAVID M. READINGER
 JULIA GENTLEMAN

S-5166

1 Amend Senate File 2196 as follows:
 2 1. Page 2, by inserting after line 3 the
 3 following:
 4 "Sec. ____ . Section 312.2, Code Supplement 1987, is
 5 amended by adding the following new subsection:
 6 NEW SUBSECTION. 21. For the fiscal year beginning
 7 July 1, 1988, and ending June 30, 1989, the treasurer
 8 of state, before making the other allotments provided
 9 under this section, shall credit to the legislative
 10 fiscal bureau the sum of six hundred thousand dollars,
 11 or so much thereof as necessary, from the road use tax
 12 fund from revenue credited to the road use tax fund
 13 under section 423.24. Moneys credited to the
 14 legislative fiscal bureau under this section shall be
 15 for conducting a performance and efficiency audit of
 16 the state transportation network including but not
 17 limited to the state department of transportation,
 18 cities and counties in relation to the expenditures of
 19 moneys on the primary and secondary road systems and
 20 the municipal street systems. The legislative fiscal
 21 bureau may contract for the conduction of the audit.
 22 The results and conclusions of the performance and
 23 efficiency audit shall be presented to the members of
 24 the Seventy-third General Assembly in January, 1989."

RICHARD VARN

S-5167

1 Amend Senate File 2196 as follows:
 2 1. By striking page 6, line 23 through page 8,
 3 line 14.
 4 2. By renumbering as necessary.

EMIL J. HUSAK
 BERL E. PRIEBE

JOHN A. PETERSON
LEONARD L. BOSWELL
C. JOSEPH COLEMAN
JOHN E. SOORHOLTZ
JACK RIFE

S-5168

- 1 Amend Senate File 2209 as follows:
2 1. Page 1, by inserting after line 31, the
3 following:
4 "Sec. ____ . NEW SECTION. 496A.76A LIABILITY FOR
5 DEBTS OF CORPORATION PURCHASED.
6 A person who buys, leases, receives in an exchange,
7 or otherwise obtains all or substantially all of the
8 assets of a corporation, is liable for the debts and
9 liabilities of the corporation if any of the following
10 circumstances exist:
11 1. There is an agreement to assume the debts or
12 liabilities.
13 2. There is a consolidation of the two
14 corporations.
15 3. The person is a mere continuation of the
16 selling corporation.
17 4. The transaction was fraudulent."
18 2. By renumbering as necessary.

TOM MANN, Jr.

S-5169

- 1 Amend Senate File 2196 as follows:
2 1. Page 6, by inserting after line 22 the
3 following:
4 "Sec. ____ . The state department of transportation
5 shall conduct a study during the fiscal year beginning
6 July 1, 1988, and ending June 30, 1989, of the current
7 motor vehicle registration structure in this state as
8 it applies to pickups and motor vehicles. Emphasis of
9 the study shall be placed upon the feasibility of
10 registering pickups on the basis of weight and value
11 and registering passenger cars on the basis of value
12 only. An evaluation shall be conducted of the revenue
13 characteristics and the impact for income tax purposes
14 of making this adjustment in the motor vehicle
15 registration structure."

16 2. Renumber sections and correct internal
17 references as necessary.

JEAN LLOYD-JONES
CHARLES H. BRUNER

S-5170

1 Amend Senate file 2196 as follows:
2 1. By striking page 7, line 28, through page 8,
3 line 14, and inserting the following:
4 "Sec. ____ . Effective July 1, 1990, the treasurer
5 of state shall withhold the distribution of all funds
6 received and credited to the road use tax fund under
7 section 312.1 until a new distribution formula for
8 those funds is enacted by the general assembly."
9 2. Renumber sections and correct internal
10 references as necessary.

LARRY MURPHY

S-5171

1 Amend Senate File 2196 as follows:
2 1. Page 6, by inserting after line 14 the
3 following: "The study shall also include a
4 recommendation relating to the continuation or
5 discontinuation of the RISE funds, the special
6 allocations from the road use tax fund, and the
7 feasibility of sharing or allocating resources and
8 maintenance responsibilities between jurisdictions."

LARRY MURPHY

S-5172

1 Amend amendment S-5154 to Senate File 2196 as
2 follows:
3 1. Page 1, line 5, by striking the words "and
4 one-half".
5 2. Page 1, line 7, by striking the word "twenty-
6 two" and inserting in lieu thereof the word "twenty-
7 one".

RAY TAYLOR

AMENDMENTS FILED

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S-5173

- 1 Amend Senate File 2232 as follows:
- 2 1. Page 8, lines 10 and 11, by striking the words
- 3 "equal to one vote more" and inserting the following:
- 4 "greater".

MICHAEL E. GRONSTAL

S-5174

- 1 Amend the Varn amendment, S-5166, to Senate File
- 2 2196, as follows:
- 3 1. Page 1, by striking lines 18 through 20 and
- 4 inserting the following: "and the RISE program and
- 5 its relationship to job creation and economic
- 6 development. The legislative fiscal".
- 7 2. Title page, line 7, by inserting after the
- 8 word "financing," the following: "providing for a
- 9 performance and efficiency audit of state
- 10 transportation and the RISE program as it relates to
- 11 job creation and economic development,".

JOE J. WELSH

S-5175

- 1 Amend Senate File 2196 as follows:

DIVISION S—5175A

- 2 1. Page 1, by inserting after line 15 the
- 3 following:
- 4 "Sec. ____ . Section 312.2, subsection 16, Code.
- 5 Supplement 1987, is amended by striking the
- 6 subsection."

DIVISION S—5175B

- 7 2. Page 4, line 31, by striking the word "twenty"
- 8 and inserting the following: "seventeen".
- 9 3. Page 5, line 9, by striking the word
- 10 "nineteen" and inserting the following: "sixteen".
- 11 4. Page 5, line 24, by striking the word "twenty-
- 12 two" and inserting the following: "nineteen".

13 5. Page 5, line 30, by striking the word
 14 "sixteen" and inserting the following: "fourteen".

DIVISION S—5175A (cont'd.)

15 6. Page 8, by inserting after line 14 the
 16 following:
 17 "Sec. ____ . Sections 315.1, 315.2, 315.3, 315.4,
 18 315.5, 315.7, 315.8, 315.9, and 315.10, Code 1987, are
 19 repealed.
 20 Sec. ____ . Section 315.6, Code Supplement 1987, is
 21 repealed.
 22 Sec. ____ . Funds on deposit in the RISE fund on the
 23 effective date of this Act shall be credited to the
 24 road use tax fund, subject to the limitations provided
 25 in this section. Any moneys in the RISE fund which
 26 have been allocated for expenditure on a specific RISE
 27 project which has been approved and for which a
 28 construction contract has been entered into shall
 29 remain in the fund for payment for the project."
 30 7. Renumber sections and correct internal
 31 references as necessary.

AL STURGEON

S-5176

1 Amend Senate File 2196 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. NEW SECTION. 307.49 BID PROCEDURES.
 5 The department shall provide that in determining
 6 the competence of a bidder, the director shall
 7 consider the safety record of the bidder, or the
 8 person which is represented by the bidder. The rules
 9 shall require review of the federal Occupational
 10 Safety and Health Administration injury and illness
 11 incidence rating, or the workers' compensation
 12 experience rating modifications, or other information
 13 regarding the safety record of a bidder. A bidder, or
 14 a person represented by the bidder, that does not have
 15 a safety record which meets the criteria of the rules
 16 is not competent to bid on a state contract. The
 17 department and other state agencies shall notify
 18 prospective bidders in the bid specifications that a
 19 bidder's safety record will be considered to determine
 20 the bidder's competence. Bidder competence, as
 21 defined by rules adopted under this paragraph, shall
 22 be used by the institutions under the state board of
 23 regents, the state department of transportation, the

AMENDMENTS FILED

1975

24 commission for the blind and other state agencies as
25 well as the department of general services, in
26 developing standards and specifications for
27 purchasing.”
28 2. Renumber sections and correct internal
29 references as necessary.

AL STURGEON

S-5177

1 Amend Senate File 2196 as follows:
2 1. Page 2, by inserting after line 33 the
3 following:
4 “Sec. ____ . Section 315.5, Code 1987, is amended by
5 adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. If an applicant shall
7 fail or has failed to complete all necessary
8 agreements, including but not limited to,
9 environmental permits within six months of commission
10 approval of a project, all such approvals shall be
11 voided. Voided projects shall not be eligible for
12 reapproval for a period of one year from the date of
13 voiding the original approval.”

JOE J. WELSH

S-5178

1 Amend Senate File 2169 as follows:
2 1. Page 9, by striking lines 16 and 17 and
3 inserting the following: “A”.

WALLY HORN

S-5179

1 Amend Senate File 2169 as follows:
2 1. Page 8, by striking line 26 and inserting the
3 following: “examination or an equivalent”.

WALLY HORN

S-5180

1 Amend amendment S-5155 to Senate File 2196 as
2 follows:

3 1. Page 1, by striking lines 2 and 3 and
 4 inserting the following:
 5 " ____ . Page 2, by inserting after line 33 the
 6 following:
 7 "Sec. ____ . Section 321.1, subsection 71, Code
 8 Supplement 1987, is amended to read as follows:
 9 71. A "special truck" means a motor truck or truck
 10 tractor not used for hire with a gross weight
 11 registration of ~~six~~ three through thirty-two tons used
 12 by a person engaged in farming to transport
 13 commodities produced only by the owner, or to
 14 transport commodities purchased by the owner for use
 15 in the owner's own farming operation or occasional use
 16 for charitable purposes. A "special truck" does not
 17 include a truck tractor operated more than seventy-
 18 five hundred miles annually.
 19 Sec. ____ . Section 321.121, unnumbered paragraph 1,
 20 Code 1987, is amended to read as follows:
 21 The registration fee for a special truck shall be
 22 fifty-five dollars for a gross weight of three tons or
 23 less, sixty dollars for a gross weight of four tons,
 24 seventy dollars for a gross weight of five tons,
 25 eighty dollars for a gross weight of six tons, one
 26 hundred dollars for a gross weight of seven tons, one
 27 hundred twenty dollars for a gross weight of eight
 28 tons, and in addition, fifteen dollars for each ton
 29 over eight tons and not exceeding eighteen tons. The
 30 registration fee for a special truck with a gross
 31 weight registration exceeding eighteen tons but not
 32 exceeding nineteen tons shall be three hundred twenty-
 33 five dollars and for a gross weight registration
 34 exceeding nineteen tons but not exceeding twenty tons
 35 the registration fee shall be three hundred seventy-
 36 five dollars. The additional registration fee for a
 37 special truck for a gross weight registration in
 38 excess of twenty tons is twenty-five dollars for each
 39 ton over twenty tons and not exceeding thirty-two
 40 tons. A truck registered for a gross weight of three
 41 tons or less shall be registered for forty-five
 42 dollars if the truck is more than ten model years
 43 old."

RAY TAYLOR

S-5181

1 Amend Senate File 2169 as follows:
 2 1. Page 6, after line 24, by inserting the

3 following:

4 "Sec. ____ . **NEW SECTION. 148.13 COORDINATION WITH**
5 **JOINT BOARD OF PHYSICIAN ASSISTANT EXAMINERS.**

6 The board of medical examiners, in any licensee
7 disciplinary procedure involving a physician and the
8 physician's supervision of a physician assistant,
9 shall coordinate all aspects of the procedure with the
10 joint board of physician assistant examiners,
11 including requesting and considering the advice of the
12 joint board with respect to the procedures pursued and
13 the decisions made."

14 2. By numbering and renumbering as necessary.

WALLY HORN

S-5182

1 Amend Senate File 2196 as follows:

2 1. Page 6, lines 26 and 27, by striking the words
3 and figure "twenty million nine hundred thirty-two
4 thousand (20,932,000)" and inserting the following:
5 "fourteen million seven hundred fifty-nine thousand
6 seven hundred forty-three (14,759,743)".

7 2. Page 6, line 28, by striking the words and
8 figure "five million (5,000,000)" and inserting the
9 following: "three million five hundred twenty-five
10 thousand six hundred forty-one (3,525,641)".

11 3. Page 6, line 30, by striking the words and
12 figure "one million five hundred forty-one thousand
13 (1,541,000)" and inserting the following: "one
14 million eighty-six thousand six hundred two
15 (1,086,602)".

16 4. Page 6, line 32, by striking the words and
17 figure "one million one hundred sixty-four thousand
18 (1,164,000)" and inserting the following: "eight
19 hundred twenty thousand seven hundred sixty-nine
20 (820,769)".

21 5. Page 7, lines 2 and 3, by striking the words
22 and figure "twenty million nine hundred thirty-two
23 thousand (20,932,000)" and inserting the following:
24 "fourteen million seven hundred fifty-nine thousand
25 seven hundred forty-three (14,759,743)".

26 6. Page 7, line 4, by striking the words and
27 figure "five million (5,000,000)" and inserting the
28 following: "three million five hundred twenty-five
29 thousand six hundred forty-one (3,525,641)".

30 7. Page 7, line 6, by striking the words and
31 figure "one million five hundred forty-one thousand
32 (1,541,000)" and inserting the following: "one

33 million eighty-six thousand six hundred two
 34 (1,086,602)".
 35 8. Page 7, line 8, by striking the words and
 36 figure "one million one hundred sixty-four thousand
 37 (1,164,000)" and inserting the following: "eight
 38 hundred twenty thousand seven hundred sixty-nine
 39 (820,769)".

C. JOSEPH COLEMAN

S-5183

1 Amend Senate File 2025 as follows:
 2 1. Page 1, line 10, by inserting after the figure
 3 "3" the following: "at the time of the member's
 4 appointment".
 5 2. Page 1, by striking lines 13 through 34, and
 6 inserting the following:
 7 "Sec. ____ . Section 262.6, Code 1987, is amended to
 8 read as follows:
 9 262.6 VACANCIES.
 10 Vacancies shall be filled in the same manner in
 11 which regular appointments are required to be made.
 12 If the ninth member resigns prior to the expiration of
 13 the term, the individual appointed to fill the vacancy
 14 shall meet the requirements for the ninth member
 15 specified in section 262.1. Other vacancies occurring
 16 prior to the expiration of the ninth member's term
 17 shall be filled in the same manner as the original
 18 appointments for those vacancies."
 19 3. By numbering sections as necessary.

EDGAR H. HOLDEN

S-5184

1 Amend Senate File 2196 as follows:
 2 1. Page 5, by inserting after line 12 the
 3 following:
 4 "Sec. ____ . NEW SECTION. 324.3A REDUCED RATE OF
 5 TAX FOR CERTAIN DEALERS.
 6 Notwithstanding the rate of tax imposed under
 7 section 324.3, the excise tax on motor fuel delivered
 8 to a qualified dealer is reduced as provided in this
 9 section.
 10 1. The excise tax on motor fuel delivered to a
 11 qualified dealer located not more than eight miles
 12 from the border of a state contiguous to Iowa which

13 has in effect a motor fuel tax which makes the Iowa
14 motor fuel tax uncompetitive is reduced to be five
15 cents per gallon in excess of the motor fuel tax in
16 effect for the contiguous state.

17 2. The excise tax on motor fuel delivered to a
18 qualified dealer located more than eight miles but not
19 more than sixteen miles from the border of a state
20 contiguous to Iowa which has in effect a motor fuel
21 tax which makes the Iowa motor fuel tax uncompetitive
22 is reduced to be six cents per gallon in excess of the
23 motor fuel tax in effect for the contiguous state.

24 3. The excise tax on motor fuel delivered to a
25 qualified dealer located more than sixteen miles but
26 not more than twenty-four miles from the border of a
27 state contiguous to Iowa which has in effect a motor
28 fuel tax which makes the Iowa motor fuel tax
29 uncompetitive is reduced to be seven cents per gallon
30 in excess of the motor fuel tax in effect for the
31 contiguous state.

32 4. The excise tax on motor fuel delivered to a
33 qualified dealer located more than twenty-four miles
34 but not more than thirty-two miles from the border of
35 a state contiguous to Iowa which has in effect a motor
36 fuel tax which makes the Iowa motor fuel tax
37 uncompetitive is reduced to be eight cents per gallon
38 in excess of the motor fuel tax in effect for the
39 contiguous state.

40 As used in this section, a "qualified dealer" means
41 a dealer located within the distances provided under
42 subsections 1 through 4 measured by the shortest
43 distance from the border of the contiguous state. If
44 a qualified dealer is located within the corporate
45 limits of a city, all dealers within the corporate
46 limits of the city are qualified dealers.

47 As used in this section, a "motor fuel tax in
48 effect for the contiguous state" means the total
49 excise, sales or use taxes in effect in the contiguous
50 state on the sale of motor fuel expressed in cents per

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1 gallon. The department of revenue and finance shall
2 adopt rules pursuant to chapter 17A establishing the
3 methodology for ascertaining the motor fuel tax in
4 effect for contiguous states. As used in this
5 section, a contiguous state has a "motor fuel tax
6 which makes the Iowa motor fuel tax uncompetitive" if
7 the excise tax on motor fuel under section 324.3
8 exceeds the motor fuel tax in effect for the
9 contiguous state by more than five cents per gallon.

10 If more than one contiguous state has in effect a
11 motor fuel tax which makes the Iowa motor fuel tax
12 uncompetitive, the excise tax for a qualified dealer
13 located not more than thirty-two miles from the
14 borders of two such contiguous states is the excise
15 tax under the application of subsections 1 through 4
16 which results in the lowest excise tax to the
17 qualified dealer.

18 A qualified dealer shall be allowed a credit by the
19 distributor for the amount of the reduction in motor
20 fuel tax allowed and a qualified dealer, before
21 receiving the credit, shall be registered by the
22 department of revenue and finance. The department of
23 revenue and finance shall adopt rules pursuant to
24 chapter 17A for registering dealers and accounting for
25 credits by distributors.

26 This section only applies to qualified dealers who
27 would experience a reduction in the excise tax on
28 motor fuel through its application."

29 2. Page 6, by inserting after line 7 the
30 following:

31 "Sec. ____ . **NEW SECTION. 324.34A REDUCED RATE OF**
32 **TAX FOR CERTAIN DEALERS.**

33 Notwithstanding the rate of tax imposed under
34 section 324.34, the excise tax on special fuel for
35 diesel engines delivered to a qualified dealer is
36 reduced as provided in this section.

37 1. The excise tax on special fuel for diesel
38 engines delivered to a qualified dealer located not
39 more than eight miles from the border of a state
40 contiguous to Iowa which has in effect a tax on
41 special fuel for diesel engines which makes the Iowa
42 excise tax on special fuel for diesel engines
43 uncompetitive is reduced to be seven and one-half
44 cents per gallon in excess of the tax on special fuel
45 for diesel engines in effect for the contiguous state.

46 2. The excise tax on special fuel for diesel
47 engines delivered to a qualified dealer located more
48 than eight miles but not more than sixteen miles from
49 the border of a state contiguous to Iowa which has in
50 effect a tax on special fuel for diesel engines which

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1 makes the Iowa excise tax on special fuel for diesel
2 engines uncompetitive is reduced to be eight and one-
3 half cents per gallon in excess of the tax on special
4 fuel for diesel engines in effect for the contiguous
5 state.

6 3. The excise tax on special fuel delivered to a

7 qualified dealer located more than sixteen miles but
8 not more than twenty-four miles from the border of a
9 state contiguous to Iowa which has in effect a tax on
10 special fuel for diesel engines which makes the Iowa
11 excise tax on special fuel for diesel engines
12 uncompetitive is reduced to be nine and one-half cents
13 per gallon in excess of the tax on special fuel for
14 diesel engines in effect for the contiguous state.

15 4. The excise tax on special fuel delivered to a
16 qualified dealer located more than twenty-four miles
17 but not more than thirty-two miles from the border of
18 a state contiguous to Iowa which has in effect a tax
19 on special fuel for diesel engines which makes the
20 Iowa excise tax on special fuel for diesel engines
21 uncompetitive is reduced to be ten and one-half cents
22 per gallon in excess of the tax on special fuel for
23 diesel engines in effect for the contiguous state.

24 As used in this section, a "qualified dealer" means
25 a dealer located within the distances provided under
26 subsections 1 through 4 measured by the shortest
27 distance from the border of the contiguous state. If
28 a qualified dealer is located within the corporate
29 limits of a city, all dealers within the corporate
30 limits of the city are qualified dealers.

31 As used in this section, a "tax on special fuel for
32 diesel engines in effect for the contiguous state"
33 means the total excise, sales or use taxes in effect
34 in the contiguous state on the sale of special fuel
35 for diesel engines expressed in cents per gallon. The
36 department of revenue and finance shall adopt rules
37 pursuant to chapter 17A establishing the methodology
38 for ascertaining the tax on special fuel for diesel
39 engines in effect for contiguous states. As used in
40 this section, a contiguous state has a "tax on special
41 fuel for diesel engines which makes the Iowa excise
42 tax on special fuel for diesel engines uncompetitive"
43 if the excise tax on special fuel for diesel engines
44 under section 324.34 exceeds the tax on special fuel
45 for diesel engines in effect for the contiguous state
46 by more than seven and one-half cents per gallon.
47 If more than one contiguous state has in effect a
48 tax on special fuel for diesel engines which makes the
49 Iowa excise tax on special fuel for diesel engines
50 uncompetitive, the excise tax for a qualified dealer

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1 located not more than thirty-two miles from the
2 borders of two such contiguous states is the excise
3 tax under the application of subsections 1 through 4

4 which results in the lowest excise tax to the
 5 qualified dealer.
 6 A qualified dealer shall be allowed a credit by the
 7 distributor for the amount of the reduction in excise
 8 tax on special fuel for diesel engines allowed and a
 9 qualified dealer, before receiving the credit, shall
 10 be registered by the department of revenue and
 11 finance. The department of revenue and finance shall
 12 adopt rules pursuant to chapter 17A for registering
 13 dealers and accounting for credits by distributors.
 14 This section only applies to qualified dealers who
 15 would experience a reduction in the excise tax on
 16 special fuel for diesel engines through its
 17 application.”
 18 3. Renumber sections as necessary.

LEONARD L. BOSWELL
 WILLIAM DIELEMAN
 TOM MANN, Jr.
 ALVIN MILLER
 C. JOSEPH COLEMAN
 KENNETH SCOTT
 EUGENE FRAISE
 DONALD DOYLE
 AL STURGEON
 RICHARD VANDE HOEF
 WALLY HORN
 WILLIAM PALMER
 JAMES WELLS
 JOHN A. PETERSON
 BERL PRIEBE
 EMIL HUSAK
 DONALD GETTINGS
 JACK RIFE
 JACK HESTER
 BEVERLY A. HANNON

S-5185

1 Amend the Senate amendment, S-5147, to Senate File
 2 2157 as follows:
 3 1. Page 1, by striking lines 33 through 40.
 4 2. Page 2, by striking lines 2 through 17.
 5 3. Page 2, line 19, by striking the word and
 6 figure “through 4” and inserting the following: “and
 7 2”.
 8 4. Page 2, line 22, by striking the word “The”.
 9 5. Page 2, by striking lines 23 through 25.
 10 6. Page 4, by inserting after line 21 the

11 following:

12 " ____ . Page 12, by striking lines 19 and 20."

LARRY MURPHY

S-5186

1 Amend Senate File 2098 as follows:

2 1. Page 1, by inserting after line 14 the

3 following:

4 "Sec. 2. Section 279.43, subsections 2 through 6,
5 Code 1987, are amended by striking the subsections and
6 inserting in lieu thereof the following:

7 2. In addition to the moneys available under
8 subsection 1, the board of directors may submit a
9 proposal to the qualified electors of the school
10 district at a regular school election or at a special
11 election, to determine whether to authorize an
12 additional property tax levy to pay the actual cost of
13 an asbestos project. If a majority of the qualified
14 electors voting on the proposition approves the
15 additional property tax levy, the property tax levy
16 may be certified for not more than three consecutive
17 years. The proceeds of the levy shall not exceed the
18 actual cost of the asbestos project.

19 3. As an alternative to subsection 2, the board
20 may authorize the levying and imposition of a
21 combination of an enrichment property tax and income
22 surtax certified and levied as provided in sections
23 442.14 through 442.20, except that approval at an
24 election is not required to pay the actual cost of the
25 asbestos project. The amount of tax revenue raised
26 under this subsection shall not exceed the actual cost
27 of the asbestos project or the maximum amount which
28 may be raised by the levy of the combination of the
29 taxes for the three school years, as determined under
30 section 442.14, subsections 3 and 4, whichever amount
31 is less.

32 4. The taxes certified for levy under this section
33 are in addition to any other taxes or additional
34 enrichment amount raised for other programs as
35 provided by law."

JAMES R. RIORDAN

S-5187

1 Amend the Senate amendment, S-5147, to Senate File
2 2157 as follows:

- 3 1. Page 3, by inserting after line 9 the
 4 following:
 5 "____. Page 11, line 12, by striking the words
 6 "are urged to" and inserting the following: "shall".
 7 ____ . Page 11, line 12, by inserting after the
 8 word "every" the following: "elementary and"."

DAVID READINGER

S-5188

- 1 Amend the Senate amendment, S-5147, to Senate File
 2 2157 as follows:
 3 1. Page 1, by striking lines 2 through 17 and
 4 inserting the following:
 5 "____. By striking page 4, line 19 through page 5,
 6 line 6 and inserting the following:
 7 "Sec. ____ . NEW SECTION. 135H.7 PILOT PARTNER
 8 NOTIFICATION PROGRAM -- HUMAN IMMUNODEFICIENCY VIRUS
 9 (HIV).
 10 1. The Iowa department of public health shall
 11 implement, as a part of the comprehensive AIDS
 12 prevention and intervention plan, a partner
 13 notification project for persons known to have tested
 14 positive for the human immunodeficiency virus
 15 infection, beginning September 1, 1988.
 16 2. The Iowa department of public health shall
 17 initiate the program at alternative testing and
 18 counseling sites and at sexually transmitted disease
 19 clinics in the county with the highest prevalence of
 20 confirmed cases of acquired immune deficiency syndrome
 21 (AIDS).
 22 3. The Iowa department of public health shall
 23 report the results of the pilot project to the general
 24 assembly on or before January 1, 1989.
 25 4. In administering the pilot project, the Iowa
 26 department of public health shall provide for the
 27 following:
 28 a. A person who tests positive for the human
 29 immunodeficiency virus infection shall receive
 30 posttest counseling, during which time the person
 31 shall be encouraged on a strictly confidential basis
 32 to refer for counseling and human immunodeficiency
 33 virus testing any person with whom the person has had
 34 sexual relations or has shared intravenous equipment.
 35 b. If, following counseling, a person who tests
 36 positive for the human immunodeficiency virus
 37 infection chooses to disclose the identity of any

38 sexual partners or persons with whom the person has
39 shared intravenous equipment, the physician or health
40 practitioner attending the person shall obtain written
41 consent which acknowledges that the person is making
42 the disclosure voluntarily.

43 c. The physician or health practitioner attending
44 the person shall forward any written consent forms to
45 the Iowa department of public health."

46 ____ . Page 5, line 7, by striking the words and
47 figure "pursuant to subsection 2,".

48 ____ . Page 5, line 18, by striking the word and
49 figures "3, or 4" and inserting the following: "3, 4,
50 5, or 6"."

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- 1 2. By renumbering as necessary.

LARRY MURPHY

S-5189

- 1 Amend Senate File 2169 as follows:

- 2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 136C.3, subsection 2,
5 unnumbered paragraph 1, Code 1987, is amended to read
6 as follows:

- 7 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 licensure as a physician~~
16 ~~assistant pursuant to chapter 148C,~~ or certification
17 by the board of dental examiners in dental
18 radiography, or enrollment in a program or course of
19 study approved by the Iowa department of public health
20 which includes the application of radiation to humans
21 satisfies the minimum training standards for operation
22 of radiation machines only.

- 23 Sec. 2. Section 147.1, subsections 2 and 3, Code
24 Supplement 1987, are amended to read as follows:
25 2. "Licensed" or "certified" when applied to a
26 physician and surgeon, podiatrist, osteopath,

27 osteopathic physician and surgeon, physician
 28 assistant, psychologist or associate psychologist,
 29 chiropractor, nurse, dentist, dental hygienist,
 30 optometrist, speech pathologist, audiologist,
 31 pharmacist, physical therapist, occupational
 32 therapist, practitioner of cosmetology, practitioner
 33 of barbering, funeral director, dietitian, marital and
 34 family therapist, mental health counselor, or social
 35 worker means a person licensed under this title.
 36 3. "Profession" means medicine and surgery,
 37 podiatry, osteopathy, osteopathic medicine and
 38 surgery, practice as a physician assistant,
 39 psychology, chiropractic, nursing, dentistry, dental
 40 hygiene, optometry, speech pathology, audiology,
 41 pharmacy, physical therapy, occupational therapy,
 42 cosmetology, barbering, mortuary science, marital and
 43 family therapy, mental health counselor, social work
 44 or dietetics.
 45 Sec. 3. Section 147.2, Code 1987, is amended to
 46 read as follows:
 47 147.2 LICENSE REQUIRED.
 48 ~~No~~ A person shall not engage in the practice of
 49 medicine and surgery, podiatry, osteopathy,
 50 osteopathic medicine and surgery, psychology,

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1 chiropractic, physical therapy, nursing, dentistry,
 2 dental hygiene, optometry, speech pathology,
 3 audiology, occupational therapy, pharmacy,
 4 cosmetology, barbering, dietetics, or mortuary science
 5 or shall not practice as a physician assistant as
 6 defined in the following chapters of this title,
 7 unless the person has obtained from the department a
 8 license for that purpose.
 9 Sec. 4. Section 147.3, Code 1987, is amended to
 10 read as follows:
 11 147.3 QUALIFICATIONS.
 12 An applicant for a license to practice a profession
 13 under this title is not ineligible because of age,
 14 citizenship, sex, race, religion, marital status or
 15 national origin, although the application form may
 16 require citizenship information. A board may consider
 17 the past felony record of an applicant only if the
 18 felony conviction relates directly to the practice of
 19 medicine, podiatry, osteopathy, osteopathic medicine
 20 and surgery, chiropractic, nursing, psychology,
 21 optometry, speech pathology, audiology, pharmacy,
 22 physical therapy, occupational therapy, cosmetology,
 23 barbering, mortuary science, social work or dietetics

24 the profession for which the applicant requests to be
 25 licensed. Character references may be required, but
 26 shall not be obtained from licensed members of the
 27 profession.

28 Sec. 5. Section 147.13, Code 1987, is amended to
 29 read as follows:

30 147.13 DESIGNATION OF BOARDS.

31 The examining boards provided in section 147.12
 32 shall be designated as follows:

33 1. For medicine and surgery, and osteopathy, and
 34 osteopathic medicine and surgery, medical examiners;
 35 for.

36 2. For physician assistants, joint board of
 37 physician assistant examiners.

38 3. For psychology, psychology examiners; for.

39 4. For podiatry, podiatry examiners; for.

40 5. For chiropractic, chiropractic examiners; for.

41 6. For physical therapists and occupational
 42 therapists, physical and occupational therapy
 43 examiners; for.

44 7. For nursing, board of nursing; for.

45 8. For dentistry and dental hygiene, dental
 46 examiners; for.

47 9. For optometry, optometry examiners; for.

48 10. For speech pathology and audiology, speech
 49 pathology and audiology examiners; for.

50 11. For cosmetology, cosmetology examiners; for.

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1 12. For barbering, barber examiners; for.

2 13. For pharmacy, pharmacy examiners; for.

3 14. For mortuary science, mortuary science
 4 examiners; for.

5 15. For social workers, social work examiners;
 6 for.

7 16. For marital and family therapists, marital and
 8 family therapy examiners.

9 17. For mental health counselors, mental health
 10 counseling examiners.

11 18. For dietetics, dietetic examiners.

12 Sec. 6. Section 147.14, subsection 2, Code 1987,
 13 is amended to read as follows:

14 2. For medical examiners, five members licensed to
 15 practice medicine and surgery, two members licensed to
 16 practice osteopathic medicine and surgery, ~~one member~~
 17 ~~approved as a physician's assistant~~, and two members
 18 not licensed to practice either medicine and surgery
 19 or osteopathic medicine and surgery, ~~or approved as a~~
 20 ~~physician's assistant~~, and who shall represent the

21 general public, and one nonvoting member who is
 22 licensed as a physician assistant. The physician's
 23 assistant shall have all the rights and privileges of
 24 a board member but may vote only on matters relating
 25 to discipline of physicians' assistants, education of
 26 physicians' assistants and rules or policies directly
 27 affecting physicians' assistants. A majority of the
 28 voting members of the board constitutes a quorum.

29 Sec. 7. Section 147.14, Code 1987, is amended by
 30 adding the following new subsections:

31 NEW SUBSECTION. 12. For the joint board of
 32 physician assistant examiners, three members licensed
 33 to practice as physician assistants, one member
 34 licensed to practice medicine and surgery who
 35 supervises a physician assistant, one member licensed
 36 to practice osteopathic medicine and surgery who
 37 supervises a physician assistant, and two members who
 38 are not licensed to practice either medicine and
 39 surgery or osteopathic medicine and surgery or
 40 licensed as a physician assistant and who shall
 41 represent the general public. A majority of members
 42 of the board constitutes a quorum.

43 NEW SUBSECTION. 13. For marital and family
 44 therapy examiners, five members licensed to practice
 45 marital and family therapy, one of whom shall be
 46 employed in the graduate training of marital and
 47 family therapists, three of whom shall be in direct
 48 service or practice, and one of whom shall be in
 49 research; and two members who are not licensed or
 50 certified to practice marital and family therapy and

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1 who shall represent the general public. A majority of
 2 the members of the board constitutes a quorum.

3 NEW SUBSECTION. 14. For mental health counseling
 4 examiners, three members licensed to practice mental
 5 health counseling and two members who are not licensed
 6 to practice mental health counseling and who shall
 7 represent the general public. A majority of the
 8 members of the board constitutes a quorum.

9 Sec. 8. Section 147.16, Code 1987, is amended by
 10 adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. However, each licensed
 12 physician assistant member of the joint board of
 13 physician assistant examiners shall be actively
 14 engaged in practice as a physician assistant and shall
 15 have been so engaged for a period of three years just
 16 preceding the member's appointment, the last year of
 17 which shall be in this state.

18 Sec. 9. Section 147.25, unnumbered paragraph 4,
19 Code 1987, is amended to read as follows:
20 In addition to any other fee provided by law, a fee
21 may be set by the respective examining boards for each
22 license and renewal of a license to practice medicine,
23 surgery, podiatry, osteopathy, osteopathic medicine
24 and surgery, chiropractic, nursing, dentistry, dental
25 hygiene, optometry, pharmacy, physical therapy,
26 occupational therapy, social work, veterinary
27 medicine, or dietetics a profession, which fee shall
28 be based on the annual cost of collecting information
29 for use by the department in the administration of the
30 system of health personnel statistics established by
31 this section. The fee shall be collected, transmitted
32 to the treasurer of state and deposited in the general
33 fund of the state in the manner in which license and
34 renewal fees of the respective professions are
35 collected, transmitted, and deposited in the general
36 fund.

37 Sec. 10. Section 147.74, Code Supplement 1987, is
38 amended by adding the following new unnumbered
39 paragraphs after unnumbered paragraph 11:
40 NEW UNNUMBERED PARAGRAPH. A physician assistant
41 registered or licensed under chapter 148C may use the
42 words "physician assistant" after the person's name or
43 to signify the same by the use of the letters "P.A."
44 after the person's name.
45 NEW UNNUMBERED PARAGRAPH. A marital and family
46 therapist licensed under chapter 154D and this chapter
47 may use the words "licensed marital and family
48 therapist" after the person's name or signify the same
49 by the use of the letters "L.M.F.T." after the
50 person's name. A marital and family therapist

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1 licensed under chapter 154D and this chapter who
2 possesses a doctoral degree may use the prefix
3 "Doctor" or "Dr." in conjunction with the person's
4 name, but shall add after the person's name the words
5 "Licensed Marital and Family Therapist".
6 NEW UNNUMBERED PARAGRAPH. A mental health
7 counselor licensed under chapter 154E and this chapter
8 may use the words "licensed mental health counselor"
9 after the person's name. A mental health counselor
10 licensed under chapter 154E and this chapter who
11 possesses a doctoral degree may use the prefix
12 "Doctor" or "Dr." in conjunction with the person's
13 name, but shall add after the person's name the words
14 "Licensed Mental Health Counselor".

15 Sec. 11. Section 147.76, Code 1987, is amended to
 16 read as follows:
 17 ~~147.76 RULES PROMULGATED~~ ADOPTED.
 18 The examining boards for the various professions
 19 shall ~~promulgate~~ adopt all necessary and proper rules
 20 to implement and interpret the provisions of this
 21 chapter and chapters 148, 148A, 148C, 149, 150, 150A,
 22 151, 152, 153, 154, 154A, 154B, 154C, 154D, 154E, 155,
 23 and 156.
 24 Sec. 12. Section 147.80, Code 1987, is amended by
 25 adding the following new subsection after section 4
 26 and renumbering the subsequent subsections:
 27 NEW SUBSECTION. 5. Application for a license to
 28 practice as a physician assistant, issuance of a
 29 license to practice as a physician assistant issued
 30 upon the basis of an examination given or approved by
 31 the joint board of physician assistant examiners,
 32 issuance of a license to practice as a physician
 33 assistant issued under a reciprocal agreement, renewal
 34 of a license to practice as a physician assistant,
 35 temporary license to practice as a physician
 36 assistant, registration of a physician assistant,
 37 temporary registration of a physician assistant,
 38 renewal of a registration of a physician assistant.
 39 Sec. 13. Section 147.80, Code 1987, is amended by
 40 adding the following new subsections after subsection
 41 18 and renumbering the subsequent subsections:
 42 NEW SUBSECTION. 19. License to practice marital
 43 and family therapy issued upon the basis of an
 44 examination given by the board of marital and family
 45 therapy examiners, license to practice marital and
 46 family therapy issued under a reciprocal agreement, or
 47 renewal of a license to practice marital and family
 48 therapy.
 49 NEW SUBSECTION. 20. License to practice mental
 50 health counseling issued upon the basis of an

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1 examination given by the board of mental health
 2 counseling examiners, license to practice mental
 3 health counseling issued under a reciprocal agreement,
 4 or renewal of a license to practice mental health
 5 counseling.
 6 Sec. 14. Section 147.102, Code 1987, is amended to
 7 read as follows:
 8 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,
 9 CHIROPRACTORS, DENTISTS, ~~AND~~ OSTEOPATHS, AND PHYSICIAN
 10 ASSISTANTS.
 11 Notwithstanding the provisions of this title, every

12 application for a license to practice medicine and
13 surgery, psychology, chiropractic, dentistry,
14 osteopathy, or osteopathic medicine and surgery, or to
15 practice as a physician assistant, shall be made
16 directly to the secretary of the examining board of
17 such profession, and every reciprocal agreement for
18 the recognition of any such license issued in another
19 state shall be negotiated by the examining board for
20 such profession, and all examination, license, and
21 renewal fees received from such persons licensed to
22 practice any of such professions shall be paid to and
23 collected by the secretary of the examining board of
24 such profession, who shall transmit the fees to the
25 treasurer of state who shall deposit the fees in the
26 general fund of the state. The salary of the
27 secretary shall be established by the governor with
28 the approval of the executive council pursuant to
29 section 19A.9, subsection 2, under the pay plan for
30 exempt positions in the executive branch of
31 government.

32 Sec. 15. Section 147.103, Code 1987, is amended by
33 adding the following new unnumbered paragraph after
34 unnumbered paragraph 1:

35 NEW UNNUMBERED PARAGRAPH. The joint board of
36 physician assistant examiners may appoint
37 investigators, who shall not be members of the
38 examining board, to administer and aid in the
39 enforcement of the provisions of law relating to
40 physician assistants. The amount of compensation for
41 the investigators shall be determined pursuant to
42 chapter 19A.

43 Sec. 16. Section 147.103, unnumbered paragraph 2,
44 Code 1987, is amended to read as follows:

45 Investigators authorized by the board of medical
46 examiners and the joint board of physician assistant
47 examiners have the powers and status of peace officers
48 when enforcing this chapter and chapters 147A, 148,
49 148C, 150, 150A, and 258A.

50 Sec. 17. Section 148C.1, Code 1987, is amended by

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1 striking the section and inserting in lieu thereof the
2 following:

3 148C.1 DEFINITIONS.

4 1. "Approved program" means a program for the
5 education of physician assistants which has been
6 formally approved by the board.

7 2. "Board" means the joint board of physician
8 assistant examiners.

9 3. "Department" means the Iowa department of
10 public health.

11 4. "Licensed physician assistant" means a person
12 who is licensed by the board to practice as a
13 physician assistant under the supervision of one or
14 more physicians specified in the license.

15 "Supervision" does not require the personal presence
16 of the supervising physician at the place where
17 medical services are rendered except insofar as the
18 personal presence is expressly required by this
19 chapter or required by rules of the board adopted
20 pursuant to this chapter.

21 5. "Physician" means a person who is currently
22 licensed in Iowa to practice medicine and surgery,
23 osteopathic medicine and surgery, or osteopathy.

24 6. "Physician assistant" means a person who has
25 successfully completed an approved program and passed
26 an examination approved by the board or is otherwise
27 found by the board to be qualified to perform medical
28 services under the supervision of a physician.

29 7. "Trainee" means a person who is currently
30 enrolled in an approved program.

31 Sec. 18. Section 148C.2, Code 1987, is amended to
32 read as follows:

33 148C.2 APPROVED PROGRAMS.

34 The department shall issue certificates of approval
35 for programs for the education and training of
36 ~~physician's~~ physician assistants which meet board
37 standards. In developing criteria for program
38 approval, the board shall give consideration to and
39 encourage the utilization of equivalency and
40 proficiency testing and other mechanisms whereby full
41 credit is given to trainees for past education and
42 experience in health fields. The board shall adopt
43 and publish standards to insure that such programs
44 operate in a manner which does not endanger the health
45 and welfare of patients who receive services within
46 the scope of the program. The board shall review the
47 quality of curriculum, faculty, and the facilities of
48 such programs and shall ~~issue~~ approve the issuance of
49 certificates of approval. ~~The board may adopt such~~
50 ~~regulations as are reasonably necessary to carry out~~

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1 the purposes of this chapter.

2 If the board determines that a person has
3 sufficient knowledge and experience to qualify as a
4 physician's assistant, the board may approve an

5 application to supervise such person as a physician's
6 assistant without requiring the completion of an
7 approved program.

8 The board shall establish by rule fees to be
9 charged in connection with the application for and
10 issuance of certificates of approval under this
11 section.

12 Sec. 19. Section 148C.3, Code 1987, is amended by
13 striking the section and inserting in lieu thereof the
14 following:

15 148C.3 REGISTRATION -- LICENSURE.

16 1. The board shall formulate guidelines and adopt
17 rules to govern the registration of persons who
18 qualify as physician assistants. An applicant for
19 registration shall submit the fee prescribed by the
20 board and shall meet the requirements established by
21 the board with respect to all of the following:

22 a. Academic qualifications, including evidence of
23 graduation from an approved program. However, if the
24 board determines that a person has sufficient
25 knowledge and experience to qualify as a physician
26 assistant, the board may approve an application for
27 registration without requiring the completion of an
28 approved program.

29 b. Examination grades and evidence of passing the
30 national commission on certification of physician
31 assistants examination or an equivalent examination or
32 an equivalent examination which the board approves.

33 c. Hours of continuing medical education necessary
34 to remain licensed or eligible for licensure.

35 2. The board may issue a temporary registration
36 under special circumstances and upon conditions
37 prescribed by the board. A temporary registration
38 shall not exceed one year in duration and shall not be
39 renewed more than once.

40 3. A person who is registered as a physician
41 assistant is not authorized to practice as a physician
42 assistant unless the person is also a licensed
43 physician assistant.

44 4. The board shall formulate guidelines and adopt
45 rules for the consideration of applications from
46 persons seeking to become licensed physician
47 assistants. An applicant for a license to practice as
48 a physician assistant shall submit the fee prescribed
49 by the board, evidence of the applicant's current
50 registration with the board as a physician assistant,

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1 information with respect to the applicant's related
2 work experience and other qualifications, information
3 with respect to the professional background and
4 specialty of the physician or physicians who will
5 provide supervision, as specified in the license, and
6 a description of how the physician assistant is to
7 function.

8 5. The board may issue a temporary license under
9 special circumstances and upon conditions prescribed
10 by the board. The temporary license shall require the
11 licensee to function in the same facility as the
12 supervising physician. A temporary license shall not
13 exceed one year in duration and shall not be renewed
14 more than once.

15 6. The board may modify the proposed functioning
16 of a physician assistant and then approve the
17 application for licensure as modified.

18 7. The board shall not approve an application for
19 licensure which would result in a physician
20 supervising more than two physician assistants at one
21 time.

22 8. A licensed physician assistant shall perform
23 only those services for which the licensed physician
24 assistant is qualified by training, and shall not
25 perform a service that is not permitted by the board.

26 Sec. 20. Section 148C.4, Code 1987, is amended to
27 read as follows:

28 **148C.4 SERVICES PERFORMED BY ASSISTANTS.**

29 A ~~physician's~~ physician assistant may perform
30 medical ~~service~~ services when ~~such the~~ services are
31 rendered under the supervision of a ~~licensed the~~
32 physician or physicians specified in the physician
33 assistant license approved by the board. A trainee
34 may perform medical services when ~~such the~~ services
35 are rendered within the scope of an approved program.

36 Sec. 21. Section 148C.7, Code 1987, is amended to
37 read as follows:

38 **148C.7 REGULATIONS RULES.**

39 Regulations adopted by the board to implement the
40 provisions of this chapter ~~The board may adopt rules~~
41 reasonably necessary to carry out the purposes of this
42 chapter. The rules shall be designed to encourage the
43 utilization of ~~physicians' physician~~ assistants in a
44 manner that is consistent with the provision of
45 quality health care and medical services for the
46 citizens of Iowa through better utilization of
47 available physicians and the development of sound
48 programs for the education and training of skilled

49 ~~physicians'~~ physician assistants well qualified to
50 assist physicians in providing health care and medical

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1 services.

2 Sec. 22. Section 148C.8, Code 1987, is amended to
3 read as follows:

4 148C.8 RIGHT TO DELEGATE.

5 Nothing in this chapter ~~shall affect or limit~~
6 affects or limits a physician's existing right to
7 delegate various medical tasks to aides, assistants or
8 others acting under the physician's supervision or
9 direction. Aides, assistants, or others who perform
10 only those tasks which can be so delegated shall not
11 be required to qualify as ~~physicians'~~ physician
12 assistants ~~hereunder under this chapter~~.

13 Sec. 23. Section 148C.9, Code 1987, is amended to
14 read as follows:

15 148C.9 EYE EXAMINATION RESTRICTED.

16 ~~No physician's~~ A physician assistant shall ~~not~~ be
17 permitted to prescribe lenses, prisms, or contact
18 lenses for the aid, relief, or correction of human
19 vision. ~~No physician's~~ A physician assistant shall
20 not be permitted to measure the visual power and
21 visual efficiency of the human eye, as distinguished
22 from routine visual screening, except in the personal
23 presence of a supervising physician at the place where
24 such services are rendered.

25 Sec. 24. Section 148C.11, Code 1987, is amended to
26 read as follows:

27 148C.11 PROHIBITIONS.

28 A person not ~~certified~~ registered and licensed as
29 required by this chapter who practices as a
30 ~~physician's~~ physician assistant without having
31 obtained the appropriate approval under this chapter,
32 is guilty of a serious misdemeanor.

33 Sec. 25. NEW SECTION. 154D.1 DEFINITIONS.

34 As used in this chapter, unless the context other-
35 wise requires:

36 1. "Board" means the board of marital and family
37 therapy examiners, established in section 147.13.

38 2. "Licensed marital and family therapist" means a
39 person licensed to practice marital and family therapy
40 under chapter 147 and this chapter.

41 3. "Marital and family therapy" means the applica-
42 tion of principles and methods of marital and family
43 therapy and other therapeutic techniques in the
44 assessment and resolution of emotional conflict,
45 modification of perceptions and behavior, and

46 alteration and establishment of attitudes and patterns
47 of interaction relative to marriage, family life, and
48 interpersonal relationships.
49 Sec. 26. NEW SECTION. 154D.2 REQUIREMENTS TO
50 OBTAIN LICENSE.

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1 An applicant for a license to practice marital and
2 family therapy shall be granted a license by the board
3 when the applicant satisfies the following
4 requirements:

5 1. Possesses a master's degree in marital and
6 family therapy or its equivalent from a nationally
7 accredited institution or from a program approved by
8 the board.

9 2. Has at least two years of supervised profes-
10 sional experience or its equivalent as approved by the
11 board or the American association for marriage and
12 family therapy.

13 3. Passes an examination administered by the
14 board.

15 4. Has not failed the examination required in
16 subsection 3 within six months of the date of the
17 current application.

18 Sec. 27. NEW SECTION. 154D.3 EXEMPTIONS.

19 This chapter and chapter 147 do not prevent
20 qualified members of other professional groups,
21 including but not limited to nurses, psychologists,
22 social workers, physicians, attorneys-at-law, and
23 members of the clergy, from providing or advertising
24 that they provide services of a marital and family
25 therapy nature consistent with the accepted standards
26 of their respective professions, if these persons do
27 not use a title or description denoting that they are
28 licensed marital and family therapists.

29 Sec. 28. NEW SECTION. 154E.1 DEFINITIONS.

30 As used in this chapter unless the context
31 otherwise requires:

32 1. "Board" means the board of mental health
33 counseling examiners.

34 2. "Licensed mental health counselor" or
35 "licensee" means a person licensed to practice mental
36 health counseling.

37 3. "Mental health counseling" means the provision
38 of counseling services involving assessment, referral,
39 consultation, and the application of therapy, human
40 development principles, learning theory, group
41 dynamics, and the etiology of maladjustment and
42 dysfunctional behavior to individuals, families, and

43 groups for the purpose of promoting optimal mental
44 health.

45 Sec. 29. NEW SECTION. 154E.2 APPLICABILITY.

46 This chapter and chapter 147 do not prevent
47 individuals not licensed as mental health counselors
48 from working within their respective professions or
49 occupations if they do not hold themselves out to the
50 public as being licensed mental health counselors.

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1 Section 147.83 does not apply to persons who are not
2 licensed as mental health counselors and do not hold
3 themselves out as licensed mental health counselors.

4 Sec. 30. NEW SECTION. 154E.3 REQUIREMENTS FOR
5 LICENSE.

6 Each applicant for a license as a licensed mental
7 health counselor shall meet the following
8 requirements:

9 1. Possess a master's or doctoral degree from an
10 accredited college or university approved by the
11 board. The degree shall be in counseling with courses
12 in the field of mental health counseling or shall be a
13 degree in an allied mental health field.

14 2. Pass an examination approved by the board for
15 the purpose of licensure.

16 3. Have two years experience in the activities of
17 the practice of mental health counseling.

18 Sec. 31. NEW SECTION. 154E.4 RULEMAKING
19 AUTHORITY.

20 In addition to duties and responsibilities provided
21 in chapters 147 and 258A, the board shall adopt rules
22 relating to:

23 1. Educational, experiential, and examinational
24 standards for licensure as a mental health counselor.

25 2. Standards for professional conduct of persons
26 licensed under this chapter.

27 3. The administration of this chapter.

28 4. The status of active and inactive licensure and
29 guidelines for inactive licensure reentry.

30 5. Educational activities which fulfill continuing
31 education requirements for renewal of licenses.

32 Sec. 32. NEW SECTION. 154E.5 CONFIDENTIALITY OF
33 INFORMATION.

34 A licensed mental health counselor or a person
35 working under supervision of a licensee shall not
36 disclose or be compelled to disclose information
37 acquired from persons consulting that person in a
38 professional capacity except:

39 1. If the information reveals the contemplation or

40 commission of a crime.

41 2. If the person waives the privilege by bringing
42 charges against the licensee.

43 3. With the written consent of the client, or in
44 the case of death or disability with the consent of
45 the client's personal representative, another person
46 authorized to sue, or the beneficiary of an insurance
47 policy on the client's life, health, or physical
48 condition.

49 4. To testify in a court hearing concerning
50 matters pertaining to the welfare of children.

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1 5. To seek collaboration or consultation with
2 professional colleagues or administrative superiors on
3 behalf of the client.

4 Sec. 33. Section 258A.1, subsection 1, Code
5 Supplement 1987, is amended by adding the following
6 new paragraph after paragraph l and renumbering the
7 subsequent paragraphs:

8 NEW PARAGRAPH. m. The joint board of physician
9 assistant examiners.

10 Sec. 34. Section 321J.11, unnumbered paragraph 1,
11 Code 1987, is amended to read as follows:

12 Only a licensed physician, ~~physician's~~ licensed
13 physician assistant as defined in section 148C.1,
14 ~~subsection 6~~, medical technologist, or registered
15 nurse, acting at the request of a peace officer, may
16 withdraw a specimen of blood for the purpose of
17 determining the alcohol concentration or the presence
18 of drugs. However, any peace officer, using devices
19 and methods approved by the commissioner of public
20 safety, may take a specimen of a person's breath or
21 urine for the purpose of determining the alcohol
22 concentration or the presence of drugs. Only new
23 equipment kept under strictly sanitary and sterile
24 conditions shall be used for drawing blood.

25 Sec. 35. Section 622.10, unnumbered paragraph 1,
26 Code 1987, is amended to read as follows:

27 A practicing attorney, counselor, physician,
28 surgeon, physician's assistant, mental health
29 professional, or the stenographer or confidential
30 clerk of any such person, who obtains information by
31 reason of the person's employment, ~~or a~~ minister of
32 the gospel or priest of any denomination shall not be
33 allowed; ~~in giving testimony~~, to disclose any
34 confidential communication properly entrusted to the
35 person in the person's professional capacity, and
36 necessary and proper to enable the person to discharge

37 the functions of the person's office according to the
38 usual course of practice or discipline. The
39 prohibition does not apply to cases where the person
40 in whose favor the prohibition is made waives the
41 rights conferred; nor does the prohibition apply to
42 physicians or surgeons, physician's assistants, mental
43 health professionals, or to the stenographer or
44 confidential clerk of any physicians or surgeons,
45 physician's assistants, or mental health
46 professionals, in a civil action in which the
47 condition of the person in whose favor the prohibition
48 is made is an element or factor of the claim or
49 defense of the person or of any party claiming through
50 or under the person. The evidence is admissible upon

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1 trial of the action only as it relates to the
2 condition alleged.
3 PARAGRAPH DIVIDED. If an adverse party desires the
4 oral deposition, either discovery or evidentiary, of a
5 physician or surgeon, physician's assistant, or mental
6 health professional to which the prohibition would
7 otherwise apply or the stenographer or confidential
8 clerk of a physician or surgeon, physician's
9 assistant, or mental health professional or desires to
10 call a physician or surgeon, physician's assistant, or
11 mental health professional to which the prohibition
12 would otherwise apply or the stenographer or
13 confidential clerk of a physician or surgeon,
14 physician's assistant, or mental health professional
15 as a witness at the trial of the action, the adverse
16 party shall file an application with the court for
17 permission to do so. The court upon hearing, which
18 shall not be ex parte, shall grant permission unless
19 the court finds that the evidence sought does not
20 relate to the condition alleged and shall fix a
21 reasonable fee to be paid to the physician or surgeon,
22 physician's assistant, or mental health professional
23 by the party taking the deposition or calling the
24 witness.
25 PARAGRAPH DIVIDED. For the purposes of this
26 section, "mental health professional" means
27 ~~psychologists certified a psychologist licensed~~ under
28 chapter 154B, ~~a registered nurses nurse~~ licensed under
29 chapter 152, ~~a social worker licensed under chapter~~
30 ~~154C, a marital and family therapist licensed under~~
31 ~~chapter 154D, or individuals an individual~~ holding at
32 least a master's degree in social work or counseling
33 and guidance.

34 Sec. 36. REPEAL. Sections 148C.5 and 148C.6, Code
35 1987, are repealed.

36 Sec. 37. TRANSITION -- RULES -- NEW MEMBERS OF
37 BOARD -- PHYSICIAN ASSISTANTS.

38 1. The physician assistant serving as a member of
39 the board of medical examiners on the effective date
40 of this Act may continue to serve to the end of the
41 term to which appointed but shall not be entitled to
42 vote on any matter before the board.

43 2. The rules of the board of medical examiners
44 existing on the effective date of this Act with
45 respect to physician assistants shall continue in
46 effect as rules of the joint board of physician
47 assistant examiners until modified by the joint board
48 of physician assistant examiners.

49 3. Notwithstanding section 147.19, for the initial
50 terms of the members of the joint board of physician

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1 assistant examiners, the governor shall appoint two
2 members to serve terms of one year, two members to
3 serve terms of two years, and three members to serve
4 terms of three years. The initial appointees'
5 successors shall be appointed for terms of three years
6 each, except that a person chosen to fill a vacancy
7 shall be appointed only for the unexpired term of the
8 board member replaced.

9 In making the initial appointments to represent
10 physician assistants on the joint board of physician
11 assistant examiners, the governor shall appoint
12 persons who have been engaged in practice as physician
13 assistants with the approval of the board of medical
14 examiners for a period of three years just just
15 preceding the appointment.

16 Sec. 38. INITIAL APPOINTMENTS -- MARITAL AND
17 FAMILY THERAPY. Notwithstanding section 147.19, of
18 the initial appointees to the board, two members shall
19 be appointed for terms of one year, two members shall
20 be appointed for terms of two years, and three members
21 shall be appointed for terms of three years. The
22 initial appointees' successors shall be appointed for
23 terms of three years each, except that a person chosen
24 to fill a vacancy shall be appointed only for the
25 unexpired term of the board member replaced.

26 For two years after the effective date of this Act,
27 the board members shall only be required to possess a
28 master's or doctoral degree in marital and family
29 therapy, or its equivalent, from an accredited college
30 or university.

31 Sec. 39. INITIAL APPOINTMENTS -- MENTAL HEALTH
32 COUNSELING. Notwithstanding section 147.19, of the
33 initial appointees to the board of mental health
34 counseling examiners, the governor shall appoint one
35 member to serve a term of one year, two members to
36 serve terms of two years, and two members to serve
37 terms of three years. The initial appointees'
38 successors shall be appointed for terms of three years
39 each, except that a person chosen to fill a vacancy
40 shall be appointed only for the unexpired term of the
41 board member replaced.
42 In making the initial appointments to represent
43 mental health counselors on the board of mental health
44 counseling examiners, the governor shall appoint
45 persons who meet the requirements of section 154E.3,
46 subsections 1 and 3, as amended by this Act.
47 Sec. 40. EFFECTIVE DATE. The provisions of this
48 Act, relating to physician assistants and this
49 section, being deemed of immediate importance, takes
50 effect upon enactment.

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1 1. The provisions of this Act, relating to marital
2 and family therapists, being deemed of immediate
3 importance, takes effect upon enactment for the
4 purpose of appointment and organization of the board
5 and the adoption of rules to become effective July 1,
6 1988. The time from the appointment of the board
7 members until May 1, 1988, shall not be included in
8 the computation of their initial term. Board members
9 may receive compensation and expenses pursuant to
10 section 147.24 for meetings held prior to July 1,
11 1988.

12 2. Except as provided in subsections 1 and 2, this
13 Act takes effect July 1, 1988."

14 2. Title page, by striking lines 1 through 3, and
15 inserting the following: "An Act relating to the
16 credentialing and regulation of certain health care
17 professions, making".

EDGAR HOLDEN
JULIA GENTLEMAN
DAVID READINGER

S-5190

1 Amend the Jensen amendment, S-5164, to Senate File
2 2196 as follows:

3 1. Page 1, by striking lines 2 through 8 and
 4 inserting the following:
 5 “___ . Page 1, by striking line 24 through page 2,
 6 line 3 and inserting the following:
 7 “Sec. ___ . Section 312.2, Code Supplement 1987, is
 8 amended by adding the following new subsection:
 9 NEW SUBSECTION. 20. The treasurer of state,
 10 before making the allotments provided for in this
 11 section, shall credit annually from the road use tax
 12 fund to the state department of transportation the sum
 13 of three hundred thousand dollars from the revenue
 14 credited to the road use tax fund under section
 15 423.24, subsection 1, paragraph “b”, for the purpose
 16 of acquiring, constructing, and improving recreational
 17 trails within the state and twenty-five thousand
 18 dollars for the Mississippi parkway commission for
 19 commission expenses and economic development purposes.
 20 Unobligated portions of this allotment shall remain
 21 available to the state department of transportation
 22 and shall not revert to the road use tax fund. The
 23 state department of transportation shall adopt rules
 24 under chapter 17A to establish procedures for the
 25 expenditure of the funds allotted under this
 26 subsection.””

JEAN LLOYD-JONES
 JIM LIND

S-5191

1 Amend Senate File 2196 as follows:
 2 1. Page 8, by inserting after line 14 the
 3 following:
 4 “Sec. ___ . Section 214A.18, Code 1987, is
 5 repealed.”
 6 2. Title, line 8, by inserting after the word
 7 “fund,” the following: “repealing whole cent
 8 pricing.”

MICHAEL E. GRONSTAL
 JOE J. WELSH
 JACK RIFE
 JIM LIND
 RAY TAYLOR
 GEORGE R. KINLEY
 AL STURGEON
 DAVE READINGER

S-5192

1 Amend Senate File 2196 as follows:

- 2 1. Page 6, lines 26 and 27, by striking the words
3 and figure "twenty million nine hundred thirty-two
4 thousand (20,932,000)" and inserting the following:
5 "seventeen million eighty-five thousand five hundred
6 twenty-one (17,085,521)".
- 7 2. Page 6, line 28, by striking the words and
8 figure "five million (5,000,000)" and inserting the
9 following: "four million fifty-nine thousand eight
10 hundred twenty-nine (4,059,829).
- 11 3. Page 6, line 30, by striking the words and
12 figure "one million five hundred forty-one thousand
13 (1,541,000)" and inserting the following: "one
14 million two hundred fifty-seven thousand eight hundred
15 twenty-five (1,257,825)".
- 16 4. Page 6, line 32, by striking the words and
17 figure "one million one hundred sixty-four thousand
18 (1,164,000)" and inserting the following: "nine
19 hundred fifty thousand one hundred two (950,102)".

C. JOSEPH COLEMAN

S-5193

1 Amend Senate File 2196 as follows:

- 2 1. Page 2, by inserting after line 33 the
3 following:
4 "Sec. ____ . Section 315.3, Code 1987, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 4. When projects are proposed for
7 funding under this chapter, the department shall
8 consider a variety of factors including, but not
9 limited to:
- 10 a. The total number of jobs to be created or
11 retained.
- 12 b. The size of the business receiving assistance.
- 13 c. The potential for future growth in the industry
14 represented by the business being considered for
15 assistance.
- 16 d. The quality of the jobs to be created.
- 17 e. The impact of the proposed project on the
18 economy of the political subdivision.
- 19 f. The impact of the proposed project on other
20 businesses in competition with the business being
21 considered for assistance. The department shall
22 identify existing businesses within an industry in

23 competition with the business being considered for
 24 assistance. The department shall determine the
 25 probability that the proposed financial assistance
 26 will displace employees of the existing businesses and
 27 shall consider the level of excess production capacity
 28 within an industry when making this determination. In
 29 determining the impact on businesses in competition
 30 with the business being considered for assistance,
 31 jobs created as a result of other jobs being displaced
 32 elsewhere in the state shall not be considered direct
 33 jobs created.
 34 g. The level of compliance of the business with
 35 OSHA and other business safety regulations, the
 36 quality of the business' relations with labor, the
 37 level of fairness in its dealings with its employees,
 38 and the amount of business ethics shown by the
 39 business.”
 40 2. Renumber as necessary.

AL STURGEON

S-5194

1 Amend Senate File 2196 as follows:
 2 1. Page 8, by inserting after line 14 the
 3 following:
 4 “Sec. ____ . The appropriations in sections 15 and
 5 17 of this Act shall be reduced proportionately on the
 6 basis of the reductions in revenue which result from
 7 the phase-in of the excise tax increase on motor fuel
 8 and special fuel.”
 9 2. Renumber as necessary.

C. JOSEPH COLEMAN

S-5195

1 Amend Senate File 2196 as follows:

DIVISION S—5195A

2 1. Page 1, by striking lines 16 through 23.
 3 2. Page 6, by striking lines 8 through 11 and
 4 inserting the following:
 5 “Sec. ____ . The legislative service bureau shall
 6 carry out a study of the need for the total road
 7 network and”.

DIVISION S—5195B

- 8 3. By striking page 6, line 23 through page 8,
9 line 14.
- 10 4. Amend the title, by striking lines 3 through 8
11 and inserting the following: "excise tax on motor
12 fuel and special fuel, authorizing the transfer of
13 RISE funds to the primary road fund, providing for
14 certain studies, and providing effective dates."

JOE J. WELSH

S-5196

- 1 Amend Senate File 2196 as follows:
- 2 1. Page 8, by inserting after line 14 the
3 following:
- 4 "Sec. ____ . The appropriations in sections 15 and
5 17 of this Act shall be reduced proportionately on the
6 basis of the reductions in revenue which result from
7 the phase-in of the excise tax increase on motor fuel
8 and special fuel."
- 9 2. Renumber as necessary.

C. JOSEPH COLEMAN

S-5197

- 1 Amend Senate File 2157 as follows:
- 2 1. Page 12, by inserting after line 18 the
3 following:
- 4 "Sec. ____ . NEW SECTION. 139.44 LABELING OF
5 CERTAIN DEAD BODIES.
- 6 The Iowa department of public health shall adopt
7 rules requiring that, upon the death of a person who
8 had or was suspected of having a communicable disease
9 that could be transmitted through contact with the
10 person's body or bodily fluids, the body shall be
11 labeled "infection hazard" to warn persons having
12 subsequent contact with the body, including a funeral
13 director or embalmer, to take suitable precautions.
- 14 The rules shall require that the label be prominently
15 displayed on and affixed to the outer wrapping or
16 covering of the body if the body is wrapped or covered
17 in any manner. Responsibility for the labeling lies
18 with the attending physician who certifies death, or
19 if the death occurs in a health care facility, with a
20 staff member designated by the administrator of the

21 facility.”

22 2. By renumbering as necessary.

RAY TAYLOR

S-5198

1 Amend House File 2155 as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 15, through page 2,
4 line 6 and inserting the following:

5 “Sec. ____ . Section 279.43, subsection 2, Code
6 1987, is amended to read as follows:

7 2. The board of directors may also submit a
8 proposal to the qualified electors of the school
9 district at a regular school election or at a special
10 election, to authorize an additional tax levy to pay
11 the actual cost of an asbestos ~~removal or~~
12 ~~encapsulation~~ project.

13 Sec. ____ . Section 279.43, subsection 3, paragraphs
14 a and d, Code 1987, are amended to read as follows:

15 a. Shall a tax levy be certified for not more than
16 three consecutive years to pay the actual costs of the
17 asbestos ~~removal or encapsulation~~ project?

18 d. If a combination of an enrichment property tax
19 and a school district income surtax is selected, the
20 amount of tax revenue raised shall not exceed the
21 actual cost of ~~the removal or encapsulation of the~~
22 ~~asbestos project~~ or the maximum amount which may be
23 raised by the levy of the combination of the taxes for
24 the three school years, as determined under section
25 442.14, subsections 3 and 4, whichever amount is less.

26 Sec. ____ . Section 279.43, subsections 4 and 6,
27 Code 1987, are amended to read as follows:

28 4. If a majority of the qualified electors voting
29 for and against the tax authorization proposed under
30 subsection 3, paragraph “a”, favor the certification
31 of a tax levy, the tax method receiving the largest
32 number of votes under subsection 3, paragraph “b”,
33 shall be used to pay the actual costs of the ~~removal~~
34 ~~or encapsulation~~ ~~asbestos~~ project.

35 6. Nothing in sections 442.14 through 442.20 or
36 this section shall be construed to require more than
37 one favorable election to authorize the use of a
38 property tax or the combination of an enrichment
39 property tax and a school district income surtax to
40 pay the actual cost of an asbestos ~~removal or~~

41 ~~encapsulation~~ project under this section.”
42 2. By renumbering sections as necessary.

EMIL HUSAK

S-5199

1 Amend Senate File 2239 as follows:
2 1. Page 1, line 18, by inserting after the word
3 “claims” the following: “, if the alleged procedural
4 or substantive defects are raised on judicial review
5 of the original proceedings”.
6 2. Page 1, line 20, by inserting after the word
7 “case” the following: “, where there was opportunity
8 for a due process hearing,”.
9 3. Page 2, by inserting after line 3 the
10 following:
11 “Sec. ____ . This Act does not apply to claims filed
12 before the effective date of this Act.”

TOM MANN, Jr.

S-5200

1 Amend Senate File 448 as follows:
2 1. Page 2, lines 15 and 16, by striking the words
3 “is, upon conviction,” and inserting the following:
4 “is”.
5 2. Page 2, by striking lines 30 through 35, and
6 inserting the following:
7 “4. An acquiring carrier is deemed to have
8 recognized the existing employees and shall offer
9 first employment to those qualified former employees,
10 any additional jobs which may result from the
11 ownership.”

COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, Chairperson

S-5201

1 Amend Senate File 2017 as follows:
2 1. Page 1, by striking lines 1 through 8.
3 2. Page 1, by striking lines 15 and 16, and
4 inserting the following: “601E.1, may, upon written
5 application”.
6 3. Page 2, lines 2 and 3, by striking the words

7 "and that the motor vehicle is specially modified for
8 use by a handicapped driver".

9 4. Page 2, lines 7 and 8, by striking the words
10 "or when the motor vehicle is no longer specially
11 modified for use by a handicapped driver".

12 5. Page 2, by striking lines 23 through 30 and
13 inserting the following: "prescribed by the
14 department. Before delivering a handicapped
15 identification".

16 6. Page 2, line 33, by inserting after the word
17 "purchaser." the following: "A temporary handicapped
18 identification device shall have the expiration date
19 permanently affixed to the device. Expiration dates
20 and identification numbers affixed to handicapped
21 identification devices shall be of sufficient size to
22 be readable from outside the vehicle."

23 7. Page 3, line 19, by striking the words "six-
24 tenths three-tenths" and inserting the following:
25 "six-tenths".

26 8. Page 3, line 20, by inserting before the word
27 "as" the following: "and six-tenths of one percent of
28 the marked parking spaces".

29 9. Page 3, line 28, by inserting after the word
30 "passenger," the following: "or by a motor vehicle in
31 violation of the rules adopted by the department under
32 subsection 3, paragraph "e,"".

33 10. Page 3, line 31, by inserting after the word
34 "dollars" the following: "unless the violation
35 involves the use of a handicapped registration plate
36 or a handicapped identification sticker affixed to a
37 registration plate, in which case the fine is twenty-
38 five dollars".

39 11. Page 3, line 34, by inserting after the word
40 "device." the following: "Proof of conviction of any
41 violation involving improper use of a handicapped
42 identification device is grounds for revocation by the
43 department of the holder's privilege to use the device
44 if the handicapped identification device is a
45 handicapped registration plate issued under section
46 321.34, subsection 7, or a handicapped identification
47 sticker affixed to a registration plate."

48 12. Page 3, by inserting after line 34 the
49 following:

50 "Sec. 777. Section 601E.6, subsection 3, paragraph

Page 2

1 a, Code Supplement 1987, is amended to read as
2 follows:

3 a. Establishing procedure for applying to the

4 department for issuance of a permanent or temporary
 5 handicapped identification device and handicapped
 6 identification stickers under this section. Temporary
 7 handicapped identification devices and stickers shall
 8 be of a distinctively different color from permanent
 9 handicapped identification devices and stickers.”

10 13. By striking page 3, line 35 through page 4,
 11 line 11 and inserting the following:

12 “Sec. ____ . Section 601E.6, subsection 3, Code
 13 Supplement 1987, is amended by adding the following
 14 new lettered paragraph:

15 NEW LETTERED PARAGRAPH. e. The rules shall
 16 require that the handicapped identification device be
 17 displayed only while the vehicle is parked or in
 18 transit in connection with a trip providing
 19 transportation service for handicapped persons. This
 20 paragraph does not apply to handicapped identification
 21 stickers attached to registration plates issued to
 22 disabled veterans under section 321.166, subsection 6,
 23 or handicapped registration plates.”

24 14. Page 4, line 24, by inserting after the
 25 figure “4” the following: “and section 777”.

26 15. Page 4, line 24, by striking the word
 27 “applies” and inserting the following: “apply”.

28 16. Title page, line 3, by inserting after the
 29 word “plates,” the following: “providing a penalty
 30 and”.

31 17. Renumber sections and correct internal
 32 references as necessary.

COMMITTEE ON TRANSPORTATION
 C. JOSEPH COLEMAN, Chairperson

S-5202

1 Amend Senate File 2112 as follows:

2 1. Page 1, line 10, by inserting after the figure
 3 and word “1 or” the following: “subsections 1 and”.

4 2. Page 1, line 29, by inserting after the word
 5 “or” the following: “subsections 1 and”.

6 3. By striking page 1, line 33, through page 2,
 7 line 6, and inserting the following:

8 “NEW SUBSECTION. 3. Notwithstanding section 282.8
 9 and section 28E.9, a school district may negotiate an
 10 agreement under subsection 1 for attendance of its
 11 pupils in a school district located in a contiguous
 12 state subject to a reciprocal agreement by the two
 13 state boards in the manner provided in this
 14 subsection. Prior to negotiating an agreement with

15 the school district in the contiguous state, the board
 16 of directors shall file a written request with the
 17 state board of education for a determination whether
 18 the school district in the contiguous state meets
 19 requirements substantially similar to those required
 20 for accredited or approved school districts in this
 21 state. If the state board of this state and the
 22 corresponding state board in the contiguous state
 23 agree that the school districts of their respective
 24 states meet substantially similar requirements, the
 25 two state boards may sign a reciprocal agreement for
 26 attendance of their pupils in the school district of
 27 the other state, subject to the agreement signed
 28 between the boards of directors of the two districts.
 29 If the state board of education determines that the
 30 school district in the contiguous state does not
 31 receive equivalent services to those that would be
 32 provided in this state by an area education agency,
 33 the state reciprocal agreement shall provide that the
 34 services not provided in the school district in the
 35 contiguous state be provided to that school district
 36 and the area education agency of the district in this
 37 state shall bill the school district in the contiguous
 38 state for the cost of the services to the pupils in
 39 the contiguous state. A school district that has
 40 signed a written agreement with a school district in a
 41 contiguous state is not eligible for supplementary
 42 weighting under section 442.39.”

43 4. Page 2, line 14, by inserting after the word
 44 “or” the following: “subsections 1 and”.

45 5. Page 2, line 22, by inserting after the word
 46 “or” the following: “subsections 1 and”.

47 6. Page 2, line 28, by inserting after the word
 48 “or” the following: “subsections 1 and”.

49 7. By striking page 2, line 35 through page 3,
 50 line 9.

COMMITTEE ON EDUCATION
 LARRY MURPHY, Chairperson

S-5203

- 1 Amend House File 2262, as passed by the House, as
 2 follows:
- 3 1. Page 1, by striking lines 13 through 15 and
 4 inserting the following: “established in the Justice
 5 Assistance Act of 1984, Pub. L. No. 98-473, including

- 6 an amount to pay all or part of the cost of the
7 inmate's incarceration. The director”.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 104

S-5204

- 1 Amend Senate Concurrent Resolution 104, as passed
2 by the Senate, as follows:
3 1. Page 1, line 19, by striking the word “only”.

S-5205

- 1 Amend Senate File 2138 as follows:
2 1. Page 2, line 7, by striking the words “special
3 assessments levied” and inserting the following:
4 “claims filed”.

LARRY MURPHY

S-5206

- 1 Amend Senate File 2169 as follows:
2 1. Page 4, line 4, by inserting after the word
3 “assistants,” the following: “at least two of whom
4 practice in counties with a population of less than
5 fifty thousand.”
6 2. Page 4, line 10, by inserting after the word
7 “public.” the following: “At least one of the
8 physician members shall be in practice in a county
9 with a population of less than fifty thousand.”

LARRY MURPHY

S-5207

- 1 Amend Senate File 2019 as follows:
2 1. Page 3, by striking lines 15 through 19 and
3 inserting the following: “practice a health
4 profession covered by chapter 147.”

COMMITTEE ON STATE GOVERNMENT
BOB CARR, Chairperson

S—5208

- 1 Amend Senate File 2248 as follows:
2 1. Page 4, line 28, by striking the word “which”
3 and inserting the following: “~~which~~”.

EUGENE FRAISE

S-5209

1 Amend Senate File 2235 as follows:
2 1. Page 1, line 29, by striking the word "shall"
3 and inserting the following: "may".
4 2. Page 2, line 8, by inserting after the word
5 "classes" the following: "or activities,".
6 3. Page 2, by inserting after line 9 the
7 following:
8 "For purposes of this section, "school" or "public
9 school" means a public school as defined in section
10 280.2, a publicly supported community college, junior
11 college, or vocational school as defined in section
12 280A.2, or an institution under the control of the
13 state board of regents as defined in section 262.7."

RICHARD VARN

S-5210

1 Amend Senate File 2240 as follows:
2 1. Page 1, by striking lines 10 through 18 and
3 inserting the following:
4 "Sec. 2. NEW SECTION. 549.1 DEFINITIONS.
5 As used in this chapter, unless the context
6 otherwise requires:
7 1. "Business of construction" means engaging in
8 any of the following activities:
9 a. The building of residential housing.
10 b. The building of commercial and industrial
11 buildings.
12 c. Plumbing, heating and air conditioning work.
13 d. Electrical work.
14 e. Masonry, stone setting, and stonework.
15 f. Plastering, drywall, acoustical, and insulation
16 work.
17 g. Terrazzo, tile, marble, and mosaic work.
18 h. Carpentry work.
19 i. Floor laying and other floor work.
20 j. Roofing, siding and sheet metal work.
21 k. Concrete work.
22 l. Structural steel erection.
23 m. Glass and glazing work.
24 n. Excavating.
25 o. Wrecking and demolition.
26 p. Installation or erection of building equipment.
27 2. "Contractor" means a person who engages in the
28 business of construction, who employs other persons in
29 the conduct of that business, and whose annual gross
30 receipts from the business of construction for the
31 prior and current calendar year each total more than
32 ten thousand dollars.
33 "Contractor" also means a person while engaged in
34 any of the activities listed in subsection 1 for or on
35 behalf of another contractor but not as an employee of
36 that contractor."

37 2. Page 2, line 10, by striking the word "five"
38 and inserting the word "ten".

EDGAR H. HOLDEN

S-5211

1 Amend Senate File 2167 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 109.68 TIP-UP FISHING
5 DEVICE.

6 1. As used in this section, "tip-up fishing
7 device" means an ice fishing mechanism with an
8 attached flag or signal to indicate fishing action,
9 used to hold a fishing rod or pole with line and hook.

10 2. A person shall not use more than three tip-up
11 fishing devices for fishing in the waters of the
12 Mississippi river and its connected backwater. A
13 person may use two or three hooks on the same line,
14 but the total number of hooks used by each person
15 shall not exceed three. Each tip-up fishing device
16 used in fishing shall have attached a tag plainly
17 labeled with the owner's name and address. A person
18 shall not use a tip-up fishing device for fishing
19 within three hundred feet of a dam or spillway or in a
20 part of the river which is closed or posted against
21 use of the device.

22 3. An untagged tip-up fishing device found in use
23 shall be confiscated by any officer appointed pursuant
24 to section 107.13 or 107.14."

COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chairperson

S-5212

1 Amend Senate File 2103 as follows:

2 1. Page 1, by striking lines 17 through 20 and
3 inserting the following: "The portion of taxes
4 mentioned in subsection 2 may be pledged to pay the
5 indebtedness of a municipality for economic
6 development purposes."

COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-5213

1 Amend Senate File 2158 as follows:

2 1. Page 1, by striking lines 6 through 9, and
3 inserting the following: "discharge the duties of the
4 office; and no person shall be appointed who has not
5 had at least five years experience in a bank or in the
6 regulation or examination of banks. A professional or
7 trade association composed of financial institutions.

8 financial institution officers, or financial
 9 institution regulators may recommend the names of
 10 potential superintendents to the governor. However,
 11 the governor is not bound by the recommendations. A
 12 superintendent shall not be required to be a member of
 13 any professional or trade association.”

COMMITTEE ON COMMERCE
 WILLIAM PALMER, Chairperson

S-5214

1 Amend Senate File 2157 as follows:
 2 1. Page 12, by inserting after line 18, the
 3 following:
 4 “10. For purposes of this section, “good faith”
 5 means objectively reasonable, and not in violation of
 6 clearly established statutory rights or other rights
 7 of a person which a reasonable person would know or
 8 should have known.”

TOM MANN, Jr.

S-5215

1 Amend Senate File 2005 as follows:
 2 1. Page 1, by striking lines 10 through 21 and
 3 inserting the following: “means the intentional
 4 physical punishment of a student. An employee’s
 5 physical contact with the body of a student is
 6 justified if it is reasonable and necessary under the
 7 circumstances, and it is not for the purpose of
 8 punishing the student.”

COMMITTEE ON EDUCATION
 LARRY MURPHY, Chairperson

S-5216

1 Amend amendment, S-5146, to Senate File 2093 as
 2 follows:
 3 1. Page 1, lines 7 and 8, by striking the words
 4 “received authorization” and inserting the following:
 5 “received authorization filed an application, petition
 6 for exemption, or notice of exemption with the
 7 interstate commerce commission”.
 8 2. Page 1, line 8, by inserting after the word
 9 “must” the following: “shall cause a notice of the
 10 filing to be published in the Iowa administrative
 11 bulletin no later than seven days from the date of the
 12 filing. The railway corporation”.
 13 3. Page 1, line 9, by inserting before the word
 14 “line” the following: “rail”.
 15 4. Page 1, line 27, by inserting after the word

16 “offer” the following: “or before the order is issued
17 authorizing the abandonment, whichever is later”.

RICHARD DRAKE
C. JOSEPH COLEMAN

S-5217

1 Amend Senate File 2093 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 1. Section 307B.24, unnumbered paragraph
5 1, Code 1987, is amended to read as follows:
6 A railway corporation which has received
7 authorization filed an application, petition for
8 exemption, or notice of exemption with the interstate
9 commerce commission to abandon a rail line must cause
10 a notice of the filing to be published in the Iowa
11 administrative bulletin no later than seven days from
12 the date of the filing. The railway corporation must
13 offer the rail line to the authority, any regional
14 railroad authority, any counties in which the rail
15 line is located, and the state and its agencies, for
16 sale prior to removing the track materials. The
17 corporation shall state a reasonable price for:”
18 2. Page 1, line 7, by inserting after the word
19 “purposes” the following: “and “rail line” means the
20 right-of-way, track materials, and rail facilities
21 belonging to the corporation which were used in the
22 provision of rail service and were subject to the
23 jurisdiction of the interstate commerce commission and
24 which have been authorized for abandonment by that
25 federal agency and the abandonment authority has been
26 exercised by the corporation”.
27 3. Page 1, by striking lines 12 through 26 and
28 inserting the following: “for sale to any regional
29 railroad authority in the state, any counties in which
30 the rail line is located and the state and its
31 agencies, prior to removing the track materials. The
32 regional railroad authorities, the counties in which
33 the rail line is located, and the state and its
34 agencies, have a maximum of thirty days in which to
35 decide whether they have any interest in acquiring the
36 rail line. A regional railroad authority, or any
37 counties in which the rail line is located and the
38 state and its agencies, can accept the corporation’s
39 offer for all or any part of the rail line. However,
40 none of the provisions of this section shall operate
41 to preclude the corporation from transferring
42 ownership to any entity desiring to continue rail
43 service over the rail line. If the regional railroad
44 authority, or any counties in which the rail line is
45 located and the state and its agencies, fail to accept
46 the offer within thirty days of the offer, the
47 corporation may dispose of the property. Upon
48 transfer of ownership from the corporation to the

49 state or its agencies, the corporation is relieved of
 50 all responsibilities relative to the line and all

Page 2

1 burdens as well as benefits of ownership shall accrue
 2 to the acquiring entity including, but not limited to,
 3 ad valorem taxes, risk of loss, and liability to third
 4 parties.”
 5 4. By renumbering as necessary.

RICHARD F. DRAKE
 C. JOSEPH COLEMAN

S-5218

1 Amend Senate File 2258 as follows:
 2 1. Page 1, by inserting after line 25, the
 3 following:
 4 “NEW PARAGRAPH. i. Court files, as provided by
 5 rules prescribed by the supreme court, ten years after
 6 final disposition in civil cases, or ten years after
 7 expiration of all sentences in criminal cases. For
 8 purposes of this paragraph, “purging” means the
 9 removal and destruction of documents in the court file
 10 which have no legal, administrative, or historical
 11 value. Purging shall be done without reproduction of
 12 the removed documents. For purposes of this
 13 paragraph, “civil cases” does not include divorce,
 14 dissolution of marriage, child support, or paternity
 15 cases, or juvenile, mental health, probate, or
 16 adoption proceedings.”

RICHARD VARN

S-5219

1 Amend Senate File 2178 as follows:
 2 1. Page 2, line 25, by striking the word
 3 “written” and inserting the following: “express”.
 4 2. Page 3, by inserting after line 6, the
 5 following:
 6 “The provisions of this section do not apply to any
 7 of the following:
 8 1. The publication, printing, display, or use of
 9 the name or likeness of an individual in a printed,
 10 broadcast, telecast, or other news medium or
 11 publication as part of a bona fide news report,
 12 presentation, or noncommercial advertisement having a
 13 current or historical public interest and when the
 14 name or likeness is not used for commercial
 15 advertising purposes.
 16 2. The use of the name, portrait, photograph, or
 17 other likeness of the individual in connection with
 18 the resale or other distribution of literary, musical,
 19 or artistic productions or other articles of

20 merchandise or property when the individual has
 21 consented to the use of the individual's name,
 22 portrait, photograph, or likeness on or in connection
 23 with the initial sale or distribution, so long as the
 24 use does not differ materially in kind, extent, or
 25 duration from that authorized by the consent as fairly
 26 construed.

27 3. A photograph of an individual solely as a
 28 member of the public when the person is not named or
 29 otherwise identified in or in connection with the use
 30 of the photograph."

31 3. Page 7, by inserting after line 15 the
 32 following:

33 "Sec. ____ . NEW SECTION. 22A.11A DEFENSES --
 34 LIMITATION.

35 1. This chapter does not limit or eliminate any
 36 defense available to a person at common law in a cause
 37 of action brought against that person pursuant to this
 38 chapter.

39 2. An action brought pursuant to this chapter
 40 shall be brought within two years of the time of the
 41 occurrence which is the basis for the action."

42 4. Renumber as necessary.

TOM MANN, Jr.

S-5220

1 Amend Senate File 2235 as follows:

2 1. Page 2, by inserting after line 12 the
 3 following:

4 "This section does not limit the right of a person
 5 who controls a publication or other means of
 6 expression, who is not a school official, to edit,
 7 limit, or otherwise restrain official school
 8 publications in that publication or other means of
 9 expression."

EDGAR H. HOLDEN

S-5221

1 Amend Senate File 2223 as follows:

2 1. Page 1, line 31, by inserting after the word
 3 "shown." the following: "If the corrective action
 4 requires the employment of additional staff, the
 5 period of time specified for corrective action shall
 6 not be less than ten working days."

WILLIAM DIELEMAN

S-5222

1 Amend Senate File 2223 as follows:

2 1. Page 1, line 23, by inserting after the word
 3 "violation." the following: "The department of

4 inspections and appeals shall observe the trends in an
5 individual facility in perpetrating violations and
6 shall allow a minimum of two inspections of a health
7 care facility in order to investigate an individual
8 violation prior to the citing of a facility for a
9 class II violation."

WILLIAM DIELEMAN

S-5223

1 Amend Senate File 2223 as follows:
2 1. Page 1, line 32, by striking the word "five"
3 and inserting the following: "five two".
4 2. Page 1, line 33, by striking the words "one
5 thousand five" and inserting the following: "six".

WILLIAM DIELEMAN

S-5224

1 Amend Senate File 2223 as follows:
2 1. By striking page 1, line 11 through page 2,
3 line 1.
4 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5225

1 Amend Senate File 2223 as follows:
2 1. Page 2, by striking lines 2 through 24.

WILLIAM W. DIELEMAN

S-5226

1 Amend Senate File 2223 as follows:
2 1. Page 1, line 35, by striking the word "may"
3 and inserting the following: "may shall".

WILLIAM W. DIELEMAN

S-5227

1 Amend Senate File 2223 as follows:
2 1. Page 2, line 21, by striking the word "shall"
3 and inserting the following: "shall may".

WILLIAM W. DIELEMAN

S-5228

- 1 Amend Senate File 2223 as follows:
2 1. Page 2, line 8, by striking the words "~~may~~
3 shall" and inserting the following: "may".

WILLIAM W. DIELEMAN

S-5229

- 1 Amend Senate File 2223 as follows:
2 1. Page 1, line 10, by inserting after the word
3 "requirements." the following: "The provisions of
4 this paragraph shall be effective when the general
5 assembly has appropriated funds to make the basis for
6 establishing and maintaining the maximum medical
7 assistance rate for health care facilities the
8 seventy-fourth percentile of all facility per diems as
9 calculated from the latest unaudited compilation of
10 cost and statistical data."

WILLIAM W. DIELEMAN

S-5230

- 1 Amend Senate File 450 as follows:
2 1. Page 1, by inserting after line 22 the
3 following:
4 "2. COMPLIANCE WITH REGULATIONS. Motor vehicles,
5 as defined in section 321.1, which are subject to
6 registration and which are provided by a railroad
7 company and used to transport railroad workers to and
8 from their places of employment or during the course
9 of their employment shall:
10 a. Meet all state and federal regulations
11 pertaining to safe construction and maintenance of
12 motor vehicles, including their coupling devices,
13 lighting devices and reflectors, motor exhaust
14 systems, rear-vision mirrors, service and parking
15 brakes, steering mechanisms, tires, warning and
16 signaling devices, and windshield wipers.
17 b. Meet all state and federal requirements for
18 safety devices, first-aid kits, and sidewalls,
19 canopies, tailgates, or other means of retaining
20 freight safely.

21 c. Be operated in compliance with all state and
 22 federal regulations pertaining to driving, loading,
 23 carrying freight and employees, road warning devices,
 24 and the transportation of flammable and inflammable
 25 material.”
 26 2. Page 1, line 23, by striking the figure “2”
 27 and inserting the following: “3”.
 28 3. By striking page 1, line 29 through page 2,
 29 line 31 and inserting the following:
 30 “4. The director shall adopt rules requiring a
 31 motor vehicle, as defined in section 321.1, which is
 32 subject to registration and which is provided by a
 33 railroad company and used to transport railroad
 34 workers to and from their places of employment or
 35 during the course of their employment to be provided
 36 with a safe heating system to maintain a reasonable
 37 comfort level in those spaces of the vehicle where the
 38 workers are required to ride.”
 39 4. Page 2, line 32, by striking the figure “4”
 40 and inserting the following: “5”.
 41 5. Page 3, line 13, by striking the figure “5”
 42 and inserting the following: “6”.
 43 6. Page 3, line 15, by striking the figure “4”
 44 and inserting the following: “5”.
 45 7. Page 3, line 16, by striking the word “two”
 46 and inserting the following: “one”.
 47 8. Title page, line 1, by inserting after the
 48 word “relating” the following: “to the regulation of
 49 the operation of trains and”.

JAMES WELLS
 CALVIN HULTMAN

HOUSE AMENDMENT TO
 SENATE FILE 2060

S-5231

1 Amend Senate File 2060 as passed by the Senate as
 2 follows:
 3 1. Page 1, by inserting after line 10 the
 4 following:
 5 “Sec. 2. Section 96.7, subsection 2, paragraph c,
 6 subparagraph (2), Code Supplement 1987, is amended to
 7 read as follows:
 8 (2) A construction contributory employer, as
 9 defined under rules adopted by the division, which is
 10 newly subject to this chapter shall pay contributions

11 at the rate specified in the twenty-first benefit
12 ratio rank until the end of the calendar year in which
13 the employer's account has been chargeable with
14 benefits for twelve consecutive calendar quarters
15 immediately preceding the computation date."
16 2. Title page, line 3, by inserting after the
17 word "permanent," the words "by making a change
18 related to new construction employers,".
19 3. By renumbering, relettering, or redesignating
20 and correcting internal references as necessary.

S-5232

1 Amend Senate File 2201 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 123.3, subsection 12,
5 paragraph a, Code 1987, is amended to read as follows:
6 a. The person has such financial standing and good
7 reputation as will satisfy the administrator that the
8 person will comply with this chapter and all laws,
9 ordinances, and regulations applicable to the person's
10 operations under this chapter. However, the
11 administrator shall not require the person to post a
12 bond to meet the requirements of this paragraph."
13 2. By renumbering as required.

JOE J. WELSH

S-5233

1 Amend Senate File 2232 as follows:
2 1. By striking page 6, line 32 through page 7,
3 line 4.
4 2. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5234

1 Amend Senate File 2232 as follows:
2 1. By striking page 7, line 27 through page 8,
3 line 2, and inserting the following:
4 "Sec. ____ . Section 50.22, Code Supplement 1987, is
5 amended to read as follows:
6 50.22 SPECIAL PRECINCT BOARD TO DETERMINE
7 CHALLENGES.

8 Upon being reconvened, the special precinct
9 election board shall review the information upon the
10 envelopes bearing the special ballots, and all
11 evidence submitted in support of or opposition to the
12 right of each challenged person to vote in the
13 election. The board may divide itself into panels of
14 not less than three members each in order to hear and
15 determine two or more challenges simultaneously, but
16 each panel shall meet the requirements of section
17 49.12 as regards political party affiliation of the
18 members of each panel.

19 PARAGRAPH DIVIDED. The decision to count or reject
20 each ballot shall be made upon the basis of the
21 information given on the envelope containing the
22 special ballot, the evidence concerning the challenge,
23 the registration and the returned receipts of
24 registration. If the challenged voter's registration
25 was canceled in the same county where the person
26 attempted to vote because first class mail was
27 returned by the postal service during the four years
28 preceding the election in progress, the person's
29 ballot shall be accepted for counting and the
30 elector's registration shall be reinstated.

31 If a special ballot is rejected, the person casting
32 the ballot shall be notified by the commissioner
33 within ten days of the reason for the rejection, on
34 the form prescribed by the state commissioner pursuant
35 to section 53.25, and the envelope containing the
36 special ballot shall be preserved unopened and
37 disposed of in the same manner as spoiled ballots.
38 The special ballots which are accepted shall be
39 counted in the manner prescribed by section 53.24.
40 The commissioner shall make public the number of
41 special ballots rejected and not counted, at the time
42 of the canvass of the election."

43 2. Page 20, by striking lines 5 and 6 and
44 inserting the following:
45 "Sec. ____ . EFFECTIVE DATE.

46 1. This Act, being deemed of immediate importance,
47 takes effect upon enactment.

48 2. However, the amendment to section 43.11,
49 subsection 1, Code 1987, as enacted by this Act, takes
50 effect January 1, 1989, and all sections of this Act

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1 except the sections amending section 43.11, subsection
2 1, and section 50.22, Code Supplement 1987, take

3 effect July 1, 1988.”

4 3. By numbering and renumbering as necessary.

MICHAEL E. GRONSTAL
RICHARD F. DRAKE

S-5235

1 Amend Senate File 2256 as follows:

2 1. Page 1, by striking line 11 and inserting the
3 following: “criminalistics laboratory ~~shall~~ may be
4 received in evidence by the court in its discretion in
5 any”.

TOM MANN, Jr.

S-5236

1 Amend Senate File 2178 as follows:

2 1. Page 5, line 16, by inserting after the word
3 “matched.” the following: “For purposes of this
4 section, refusal by an individual whose records are
5 being matched to reasonably cooperate in verifying the
6 information produced by the matching program satisfies
7 the requirement that the information be independently
8 verified prior to denial, termination, suspension, or
9 reduction of any financial assistance, or other
10 adverse action being taken against the individual.”

TOM MANN, Jr.

S-5237

1 Amend Senate File 2039 as follows:

2 1. Page 1, by inserting after line 13 the
3 following:
4 “Sec. ____ . Section 321.34, Code Supplement 1987,
5 is amended by adding the following new subsection:
6 **NEW SUBSECTION. 10. COLLEGIATE PLATES.**
7 a. Upon application and payment of the proper
8 fees, the director may issue to the owner of a motor
9 vehicle, trailer, or travel trailer registered in this
10 state, collegiate registration plates. Upon receipt
11 of the collegiate registration plates, the applicant
12 shall surrender the regular registration plates to the
13 county treasurer.
14 b. Collegiate registration plates shall be
15 designed for each of the three state universities.
16 The colors of the collegiate registration plates shall
17 be as follows:

18 (1) Cardinal and gold for Iowa State University of
19 science and technology.

20 (2) Purple and old gold for the University of
21 Northern Iowa.

22 (3) Old gold and black for the state University of
23 Iowa.

24 The plates shall display an image of the mascot of
25 the respective universities.

26 c. The fees for a collegiate registration plate
27 are as follows:

28 (1) A registration fee of twenty-five dollars.

29 (2) A user fee of twenty-five dollars.

30 These fees are in addition to the regular annual
31 registration fee. The fees collected by the director
32 under this subsection shall be paid to the treasurer
33 of state. The registration fees shall be credited by
34 the treasurer of state to the road use tax fund. The
35 user fees shall be credited by the treasurer of state
36 to the respective universities to be used for
37 scholarships for students attending the universities.

38 d. The county treasurer shall validate collegiate
39 registration plates in the same manner as regular
40 registration plates are validated under this section
41 at an annual fee of five dollars in addition to the
42 regular annual registration fee.

43 Sec. 2. Section 321.166, subsection 5, Code 1987,
44 is amended to read as follows:

45 5. There shall be a marked contrast between the
46 color of the registration plates and the data which is
47 required to be displayed on the registration plates.
48 When a new series of registration plates is issued to
49 replace a current series, the new registration plates
50 shall be of a distinctively different color from the

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1 series which is replaced, however this does not apply
2 to collegiate registration plates issued under section
3 321.34, subsection 10.

4 Sec. 3. This Act takes effect January 1, 1989.”

5 2. Title, line 2, by inserting after the word
6 “characters” the following: “, and allowing the
7 issuance of collegiate registration plates for certain
8 vehicles and providing an effective date”.

JAMES D. WELLS

S-5238

1 Amend Senate File 2231 as follows:

2 1. Page 9, by inserting after line 19 the
3 following:

4 "Sec. ____ . Section 75.1, unnumbered paragraph 1,
5 Code 1987, is amended to read as follows:

6 When a proposition to authorize an issuance of
7 bonds by a county, township, school corporation, city,
8 or by any local board or commission, is submitted to
9 the electors, ~~such the~~ proposition shall not be deemed
10 carried or adopted, anything in the statutes to the
11 contrary notwithstanding, unless the vote in favor of
12 ~~such the~~ authorization is equal to at least sixty
13 percent of the total vote cast for and against ~~said~~
14 the proposition at ~~said the~~ election. However, if a
15 proposition to authorize an issuance of bonds by a
16 school corporation is submitted at a mail ballot
17 election pursuant to chapter 49A, the requirement is
18 reduced so that the vote in favor of the authorization
19 must only be greater than fifty percent of the total
20 vote cast for and against the proposition.

21 Sec. ____ . Section 296.6, Code 1987, is amended to
22 read as follows:

23 296.6 BONDS.

24 If the vote in favor of the issuance of ~~such the~~
25 bonds is equal to ~~at least sixty the required~~ percent
26 of the total vote cast for and against ~~said the~~
27 proposition at ~~said the~~ election as set forth in
28 section 75.1, the board of directors shall issue the
29 ~~same bonds~~ and make provision for payment thereof.

30 Sec. ____ . Section 298.18, unnumbered paragraph 5,
31 Code 1987, is amended to read as follows:

32 Notice of the election shall be given by the county
33 commissioner of elections according to section 49.53.

34 The election shall be held on a date not less than
35 four nor more than twenty days after the last
36 publication of the notice. At ~~such the~~ election the
37 ballot used for the submission of ~~said the~~ proposition
38 shall be in substantially the form for submitting
39 special questions at general elections. The county
40 commissioner of elections shall conduct the election
41 pursuant to the provisions of chapters 39 to 53 and
42 certify the results to the board of directors. ~~Such~~

43 The proposition shall not be deemed carried or adopted
44 unless the vote in favor of ~~such the~~ proposition is
45 equal to ~~at least sixty the required~~ percent of the
46 total vote cast for and against ~~said~~ proposition at
47 ~~said the~~ election as set forth in section 75.1.

48 Whenever such a proposition has been approved by the
49 voters of a school corporation as hereinbefore
50 provided, no further approval of the voters of ~~such~~

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1 ~~the~~ school corporation shall be required as a result
2 of any subsequent change in the boundaries of ~~such~~ the
3 school corporation.”

4 2. By numbering and renumbering as necessary.

MICHAEL E. GRONSTAL

S-5239

1 Amend Senate File 354 as follows:

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

4 “Sec. ____ . Section 321.180, subsection 1, un-
5 numbered paragraph 1, Code 1987, is amended to read as
6 follows:

7 Any person who is at least fourteen years of age
8 and who, except for the person’s lack of instructions
9 in operating a motor vehicle, would otherwise be
10 qualified to obtain an operator’s license, shall upon
11 meeting the requirements of section 321.186 other than
12 driving demonstration, and upon paying the required
13 fee, be issued a temporary instruction permit by the
14 department, entitling the permittee while having ~~such~~
15 the permit in the permittee’s immediate possession to
16 drive a motor vehicle upon the highways for a period
17 of two years from the date of issuance when
18 accompanied by a licensed operator or chauffeur who is
19 at least eighteen years of age, or an approved driver
20 education instructor, or a prospective driver
21 education instructor who is enrolled in and has been
22 specifically designated by a teacher education
23 institution with a safety education program approved
24 by the department of education, and who is actually
25 occupying a seat beside the driver; except that any
26 instruction permit issued to a person who is less than
27 sixteen years of age shall entitle ~~such~~ the permittee
28 to drive a motor vehicle upon the highways only when
29 accompanied by a parent or guardian, or an approved
30 driver education instructor, or a prospective driver
31 education instructor, who is enrolled in and has been
32 specifically designated by a teacher education
33 institution with a safety education program approved
34 by the department of education, or by any person who
35 is twenty-five years of age or more if written
36 permission is granted by the parent or guardian, who
37 is a holder of a valid operator’s or a chauffeur’s
38 license, and who is actually occupying a seat beside

39 the driver. If a permittee also has a school license
40 issued under section 321.194 and is found to be guilty
41 of operating a motor vehicle between the hours of 9:00
42 p.m. to 6:00 a.m. when not accompanied by another
43 person as required by this section, the department
44 shall revoke both the temporary instruction permit and
45 the school license issued to the person.”

46 2. Page 1, by inserting after line 28 the
47 following:

48 “Sec. ____ . Section 321.194, unnumbered paragraph
49 3, Code 1987, is amended to read as follows:

50 A license issued under this section is subject to

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1 suspension or revocation in like manner as any other
2 license or permit issued under a law of this state.
3 The department may also suspend a license upon
4 receiving satisfactory evidence that the licensee has
5 violated the restrictions of the license or has been
6 involved in one or more accidents chargeable to the
7 licensee. The department may suspend a license issued
8 under this section upon receiving a record of the
9 licensee’s conviction for one violation and shall
10 revoke the license upon receiving a record of
11 conviction for two or more violations of a law of this
12 state or a city ordinance regulating the operation of
13 motor vehicles on highways other than parking
14 violations as defined in section 321.210. If a
15 licensee also has a temporary instruction permit
16 issued under section 321.180 and is found to be guilty
17 of operating a motor vehicle between the hours of 9:00
18 p.m. to 6:00 a.m. when not accompanied by another
19 person as required under section 321.180, subsection
20 1, the department shall revoke both the temporary
21 instruction permit and the school license issued to
22 the person. After revoking a license under this
23 section the department shall not grant an application
24 for a new license or permit until the expiration of
25 one year or until the licensee’s sixteenth birthday
26 whichever is the longer period.”

27 3. Title page, line 1, by inserting after the
28 word “Act” the following: “relating to motor vehicle
29 licenses by requiring revocation of school licenses
30 and temporary instruction permits in certain
31 circumstances, and by”.

S-5240

1 Amend Senate File 354 as follows:

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

4 "Sec. 711. Section 321.194, unnumbered paragraph
5 1, Code 1987, is amended to read as follows:

6 Upon certification of a special need by the school
7 board or the superintendent of the applicant's school,
8 the department may issue a school license to a person
9 between the ages of ~~fourteen~~ fifteen and eighteen
10 years. The license shall entitle the holder, while
11 having the license in immediate possession, to operate
12 a motor vehicle during the hours of 6 a.m. to 9 p.m.
13 over the most direct and accessible route between the
14 licensee's residence and schools of enrollment and
15 between schools of enrollment for the purpose of
16 attending duly scheduled courses of instruction and
17 extracurricular activities at the schools or at any
18 time when accompanied by a parent or guardian, driver
19 education instructor, or prospective driver education
20 instructor who is a holder of a valid operator's or
21 chauffeur's license, and who is actually occupying a
22 seat beside the driver. The license shall expire on
23 the licensee's eighteenth birthday or upon issuance of
24 a restricted license under section 321.178, subsection
25 2 or operator's license."

26 2. Page 1, by inserting after line 28 the
27 following:

28 "Sec. ____ . Section 711 of this Act applies to
29 school licenses issued on or after the effective date
30 of this Act."

31 3. Title page, line 1, by inserting after the
32 word "Act" the following: "relating to school
33 licenses by prohibiting the issuance of a school
34 license to anyone under the age of fifteen and by".

35 4. Renumbering sections and correcting internal
36 references as necessary.

JIM LIND

S-5241

1 Amend Senate File 354 as follows:

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

4 "Sec. 710. Section 321.177, subsection 1, Code
5 1987, is amended to read as follows:

6 1. To any person, as an operator, who is under the
7 age of eighteen years, without the person's first
8 having successfully completed an approved driver
9 education course, in which case, the minimum age is
10 sixteen years. However, the department may issue a
11 school license as provided in section 321.194 to any
12 person who is at least fifteen years of age, or a
13 temporary instruction permit as provided in section
14 321.180; to any person who is at least fourteen years
15 of age. The department may issue a license restricted
16 for use only for motorized bicycles as provided in
17 section 321.189, subsection 2.

18 Sec. 711. Section 321.194, unnumbered paragraph 1,
19 Code 1987, is amended to read as follows:

20 Upon certification of a special need by the school
21 board or the superintendent of the applicant's school,
22 the department may issue a school license to a person
23 between the ages of ~~fourteen~~ fifteen and eighteen
24 years. The license shall entitle the holder, while
25 having the license in immediate possession, to operate
26 a motor vehicle during the hours of 6 a.m. to 9 p.m.
27 over the most direct and accessible route between the
28 licensee's residence and schools of enrollment and
29 between schools of enrollment for the purpose of
30 attending duly scheduled courses of instruction and
31 extracurricular activities at the schools or at any
32 time when accompanied by a parent or guardian, driver
33 education instructor, or prospective driver education
34 instructor who is a holder of a valid operator's or
35 chauffeur's license, and who is actually occupying a
36 seat beside the driver. The license shall expire on
37 the licensee's eighteenth birthday or upon issuance of
38 a restricted license under section 321.178, subsection
39 2 or operator's license."

40 2. Page 1, by inserting after line 28 the
41 following:

42 "Sec. ____ . Sections 710 and 711 of this Act apply
43 to school licenses issued on or after the effective
44 date of this Act."

45 3. Title page, line 1, by inserting after the
46 word "Act" the following: "relating to school
47 licenses by prohibiting the issuance of a school
48 license to anyone under the age of fifteen and by".

49 4. Renumbering sections and correcting internal
50 references as necessary.

S-5242

1 Amend Senate File 354 as follows:

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

4 "Sec. ____ . Section 321.194, unnumbered paragraph
5 1, Code 1987, is amended to read as follows:

6 Upon certification of a special need by the school
7 board or the superintendent of the applicant's school,
8 the department may issue a school license to a person
9 between the ages of fourteen and eighteen years.

10 After July 1, 1988, a person shall not be issued a
11 school license unless the person has successfully
12 completed an approved driver education course. The
13 license shall entitle the holder, while having the
14 license in immediate possession, to operate a motor
15 vehicle during the hours of 6 a.m. to 9 p.m. over the
16 most direct and accessible route between the
17 licensee's residence and schools of enrollment and
18 between schools of enrollment for the purpose of
19 attending duly scheduled courses of instruction and
20 extracurricular activities at the schools or at any
21 time when accompanied by a parent or guardian, driver
22 education instructor, or prospective driver education
23 instructor who is a holder of a valid operator's or
24 chauffeur's license, and who is actually occupying a
25 seat beside the driver. The license shall expire on
26 the licensee's eighteenth birthday or upon issuance of
27 a restricted license under section 321.178, subsection
28 2 or operator's license."

29 2. Title page, line 1, by inserting after the
30 word "Act" the following: "relating to school
31 licenses by prohibiting the issuance of a school
32 license to anyone who has not successfully completed
33 an approved driver education course and by".

JIM LIND

S-5243

1 Amend Senate File 2092 as follows:

2 1. Page 4, line 9, by inserting after the word
3 "cigars" the following: ", not to exceed five million
4 dollars in a fiscal year.".

JOE WELSH

S-5244

- 1 Amend Senate File 2160 as follows:
2 1. Page 1, by striking line 8 and inserting the
3 following: "if any, of the adjunctive procedures".
4 2. Page 1, by striking line 12 and inserting the
5 following: "adjunctive procedures set forth in".
6 3. Page 1, by striking lines 21 and 22 and
7 inserting the following: "licensee may utilize the
8 adjunctive procedures set forth in section 151.1,
9 subsection 3, and the".
10 4. Title page, by striking lines 3 and 4 and
11 inserting the following: "to utilize certain
12 adjunctive procedures."

CHARLES MILLER
WALLY D. HORN

S-5245

- 1 Amend Senate File 2202 as follows:
2 1. Page 1, by inserting after line 18 the
3 following:
4 "Sec. ____ . REPEAL. Section 80A.17, Code 1987, is
5 repealed."
6 2. Title page, line 4, by inserting after the
7 word "applicable," the following: "repealing
8 provisions relating to the confidentiality and
9 disclosure of certain records and lists,".
10 3. By numbering and renumbering as necessary.

JIM LIND

S-5246

- 1 Amend the Committee amendment, S-5129, to Senate
2 File 2154 as follows:
3 1. Page 1, after line 11, by inserting the
4 following:
5 " ____ . Page 14, by striking lines 21 through 24
6 and inserting the following:
7 "1. The majority leader of the senate and the
8 minority leader of the senate shall each appoint one
9 person to serve a term of six years. The speaker of
10 the house of representatives and the minority leader
11 of the house of representatives shall each appoint one
12 person to serve a term of four years.""

JOE WELSH

S-5247

- 1 Amend Senate File 2208 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following:
- 4 "Sec. 2. Section 123.47A, Code 1987, is repealed."

JIM LIND

S-5248

- 1 Amend Senate File 2238 as follows:
- 2 1. Page 24, by striking lines 23 through 35 and
- 3 inserting the following:
- 4 "Sec. 1001. Section 321A.3, subsection 4, Code
- 5 Supplement 1987, is amended to read as follows:
- 6 4. The abstract of operating record provided under
- 7 this section shall designate which speeding violations
- 8 convictions occurring on or after July 1, 1986, but
- 9 before May 12, 1987, are for violations of ten miles
- 10 per hour or less over the legal speed limit in speed
- 11 zones that have a legal speed limit equal to or
- 12 greater than thirty-five miles per hour but not
- 13 greater than fifty-five miles per hour. For speeding
- 14 convictions occurring on or after May 12, 1987, the
- 15 abstract provided under this section shall designate
- 16 which speeding violations are for ten miles per hour
- 17 or less over the legal speed limit in speed zones that
- 18 have a legal speed limit equal to or greater than
- 19 thirty-five miles per hour but not greater than fifty-
- 20 five miles per hour."
- 21 2. Page 29, by inserting after line 7, the
- 22 following:
- 23 "Sec. 1002. Section 516B.3, subsection 1, Code
- 24 Supplement 1987, is amended to read as follows:
- 25 1. The commissioner shall require that insurance
- 26 companies transacting business in this state not
- 27 consider speeding convictions occurring on or after
- 28 July 1, 1986, but before May 12, 1987, which are for
- 29 speeding violations for ten miles per hour or less
- 30 over the legal speed limit in speed zones that have a
- 31 legal speed limit greater than thirty-five miles per
- 32 hour or speeding convictions occurring on or after May
- 33 12, 1987, which are for speeding violations for ten
- 34 miles per hour or less over the legal speed limit in
- 35 speed zones that have a legal speed limit equal to or

36 greater than thirty-five miles per hour but not
37 greater than fifty-five miles per hour for the purpose
38 of establishing rates for motor vehicle insurance
39 charged by the insurer and shall require that
40 insurance companies not cancel or refuse to renew any
41 such policy for such violations. In any twelve-month
42 period, this section applies only to the first two
43 such violations which occur.”
44 3. Page 49, by inserting after line 22 the
45 following:
46 “Sec. ____ . Sections 1001 and 1002 of this Act,
47 being deemed of immediate importance, take effect upon
48 its enactment.”
49 4. Renumber as necessary.

COMMITTEE ON JUCIDIARY
DONALD V. DOYLE, Chairperson

S-5249

1 Amend amendment S-5237 to Senate File 2039 as
2 follows:
3 1. Page 1, line 18, by striking the words
4 “Cardinal and gold” and inserting the following:
5 “Gold characters on cardinal background”.
6 2. Page 1, line 20, by striking the words “Purple
7 and old gold” and inserting the following: “Old gold
8 characters on purple background”.
9 3. Page 1, line 22, by striking the words “Old
10 gold and black” and inserting the following: “Old
11 gold characters on black background”.

JAMES D. WELLS

S-5250

1 Amend the Wells amendment, S-5237, to Senate File
2 2039 as follows:
3 1. Page 1, by striking lines 24 and 25.
4 2. Page 2, line 4, by striking the word and
5 figures “January 1, 1989” and inserting the following:
6 “July 1, 1990”.

RICHARD F. DRAKE

S-5251

1 Amend amendment S-5237 to Senate File 2039 as
2 follows:

3 1. Page 1, by inserting after line 42 the
4 following:

5 "e. A collegiate registration plate may also be a
6 personalized registration plate, upon application and
7 payment of the fee under subsection 5, paragraph "a",
8 which is in addition to fees required under this
9 subsection."

JIM LIND
JAMES D. WELLS

S-5252

1 Amend Senate File 2272 as follows:

2 1. Page 1, line 2, by striking the words
3 "franchiser or distributor" and inserting the
4 following: "refiner".

5 2. Page 1, line 9, by striking the words
6 "franchiser or distributor" and inserting the
7 following: "refiner".

8 3. Page 1, by inserting after line 23, the
9 following:

10 "3. For purposes of this section, "refiner" means
11 a licensed distributor or franchiser who owns or
12 controls at least ten percent of an oil refining
13 facility."

14 4. By renumbering as necessary.

BEVERLY A. HANNON

S-5253

1 Amend the Amendment S-5147 to Senate File 2157 as
2 follows:

3 1. Page 2, line 15, by striking the words
4 "person's name, if known, and the".

5 2. Page 2, line 19, by striking the word and
6 figures "1 through 4" and inserting the following: "2
7 and 3".

8 3. Page 2, by striking lines 23 through 25 and
9 inserting the following: "forms provided by the
10 department, pursuant to subsections 1, 4, and 5 shall
11 not include the subject's name or address but may

12 include the subject's age, race, marital status, or
13 other information deemed necessary by the department
14 for epidemiological purposes."

JEAN LLOYD-JONES
BEVERLY A. HANNON
JIM R. RIORDAN
MICHAEL E. GRONSTAL
TOM MANN, Jr.
CHARLES BRUNER

S-5254

1 Amend Senate File 2280 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. ____ . Section 504A.6, subsection 4,
5 unnumbered paragraph 4, Code 1987, is amended to read
6 as follows:
7 At the time annual license fees are payable under
8 this chapter, a corporation which has elected to adopt
9 an assumed name shall pay to the secretary of state an
10 annual fee of five dollars for the assumed name.
11 However, if the assumed name was filed and became
12 effective in ~~December~~ April of any year, the first
13 annual fee of five dollars shall be paid at the time
14 of filing of the annual report in the second year
15 following the ~~December~~ April in which the assumed name
16 was filed."
17 2. Page 2, by inserting after line 3 the
18 following:
19 "Sec. ____ . Section 504A.67, subsection 2,
20 unnumbered paragraph 6, Code 1987, is amended to read
21 as follows:
22 At the time annual license fees are payable under
23 this chapter, a foreign corporation which has elected
24 to adopt an assumed name shall pay to the secretary of
25 state an annual fee of five dollars for the assumed
26 name. However, if the assumed name was filed and
27 became effective in ~~December~~ April of any year, the
28 first annual fee of five dollars shall be paid at the
29 time of filing of the annual report in the second year
30 following the ~~December~~ April in which the assumed name
31 was filed."
32 3. Page 3, by inserting after line 30 the
33 following:
34 "Sec. ____ . The provisions of this Act shall apply
35 to reports to be filed in 1989 for the 1988 calendar

36 year.”

37 4. Renumber as necessary.

RICHARD VARN

S-5255

1 Amend Senate File 2231 as follows:

2 1. Page 6, line 21, by striking the word

3 “chapter” and inserting the following: “section”.

4 2. Page 6, by striking lines 29 and 30 and

5 inserting the following: “COMMISSIONER -- OBJECTION.

6 1. Except as provided in subsection 3, even if no
7 request has been received from the governing”.

8 3. Page 7, line 4, by inserting after the word

9 “and” the following: “at least sixty days prior to
10 the date set for the election shall”.

11 4. Page 7, by inserting after line 7 the

12 following:

13 “3. The governing body may, by resolution, object
14 to the conduct of the election under this chapter.

15 The resolution must include a statement of the reasons

16 for the objection. If the resolution is filed with

17 the county commissioner no later than fifty-five days

18 prior to the date set for the election, the election

19 shall not be conducted under this chapter.”

20 5. By numbering and renumbering as necessary.

MICHAEL E. GRONSTAL

S-5256

1 Amend Senate File 2039 as follows:

2 1. Page 1, by inserting after line 13 the

3 following:

4 “Sec. ____ . Section 321.34, Code Supplement 1987,

5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 10. COLLEGIATE PLATES.

7 a. Upon application and payment of the proper

8 fees, the director may issue to the owner of a motor

9 vehicle, trailer, or travel trailer registered in this

10 state, collegiate registration plates. Upon receipt

11 of the collegiate registration plates, the applicant

12 shall surrender the regular registration plates to the

13 county treasurer.

14 b. Collegiate registration plates shall be

15 designed for each of the three state universities.

16 The colors of the collegiate registration plates shall

17 be as follows:

18 (1) Gold characters on cardinal background for
19 Iowa State University of science and technology.

20 (2) Old gold characters on purple background for
21 the University of Northern Iowa.

22 (3) Old gold characters on black background for
23 the state University of Iowa.

24 The plates shall display an image of the mascot of
25 the respective universities.

26 c. The fees for a collegiate registration plate
27 are as follows:

28 (1) A registration fee of twenty-five dollars.

29 (2) A user fee of twenty-five dollars.

30 These fees are in addition to the regular annual
31 registration fee. The fees collected by the director
32 under this subsection shall be paid to the treasurer
33 of state. The registration fees shall be credited by
34 the treasurer of state to the road use tax fund. The
35 user fees shall be credited by the treasurer of state
36 to the respective universities to be used for
37 scholarships for students attending the universities.

38 d. The county treasurer shall validate collegiate
39 registration plates in the same manner as regular
40 registration plates are validated under this section
41 at an annual fee of five dollars in addition to the
42 regular annual registration fee.

43 e. A collegiate registration plate may also be a
44 personalized registration plate, upon application and
45 payment of the fee under subsection 5, paragraph "a",
46 which is in addition to fees required under this
47 subsection.

48 Sec. ____ . Section 321.166, subsection 5, Code
49 1987, is amended to read as follows:

50 5. There shall be a marked contrast between the

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1 color of the registration plates and the data which is
2 required to be displayed on the registration plates.
3 When a new series of registration plates is issued to
4 replace a current series, the new registration plates
5 shall be of a distinctively different color from the
6 series which is replaced, however this does not apply
7 to collegiate registration plates issued under section
8 321.34, subsection 10."

9 2. Title page, line 1, by inserting after the
10 word "Act" the following: "relating to registration

11 plates by allowing the issuance of collegiate
12 registration plates for certain vehicles and by”.

JAMES D. WELLS
JIM LIND

S-5257

1 Amend Senate File 2039 as follows:
2 1. Page 1, by inserting after line 13 the
3 following:
4 “Sec. ____ . Section 321.34, Code Supplement 1987,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 10. CULTURAL PLATES.
7 a. Upon application and payment of the proper
8 fees, the director may issue to the owner of a motor
9 vehicle, trailer, or travel trailer registered in this
10 state, cultural registration plates. Upon receipt of
11 the cultural registration plates, the applicant shall
12 surrender the regular registration plates to the
13 county treasurer.
14 b. Cultural registration plates shall be of a
15 design designated by the Iowa state arts council.
16 c. The fees for a cultural registration plate are
17 as follows:
18 (1) A registration fee of twenty-five dollars.
19 (2) A user fee of twenty-five dollars.
20 These fees are in addition to the regular annual
21 registration fee. The fees collected by the director
22 under this subsection shall be paid to the treasurer
23 of state. The registration fees shall be credited by
24 the treasurer of state to the road use tax fund. The
25 user fees shall be credited by the treasurer of state
26 to the Iowa state arts council to be used for grants
27 to Iowa arts organizations and such moneys credited
28 are appropriated for such use.
29 d. The county treasurer shall validate cultural
30 registration plates in the same manner as regular
31 registration plates are validated under this section
32 at an annual fee of five dollars in addition to the
33 regular annual registration fee.
34 e. A cultural registration plate may also be a
35 personalized registration plate, upon application and
36 payment of the fee under subsection 5, paragraph “a”,
37 which is in addition to fees required under this
38 subsection.
39 Sec. ____ . Section 321.166, subsection 5, Code
40 1987, is amended to read as follows:
41 5. There shall be a marked contrast between the

42 color of the registration plates and the data which is
 43 required to be displayed on the registration plates.
 44 When a new series of registration plates is issued to
 45 replace a current series, the new registration plates
 46 shall be of a distinctively different color from the
 47 series which is replaced, however this does not apply
 48 to cultural registration plates issued under section
 49 321.34, subsection 10."

50 2. Title page, line 1, by inserting after the

Page 2

1 word "Act" the following: "relating to registration
 2 plates by allowing the issuance of cultural
 3 registration plates for certain vehicles and by".

JOY CORNING

S-5258

1 Amend the amendment, S-5256, to Senate File 2039 as
 2 follows:

3 1. Page 1, line 5, by striking the word
 4 "subsection" and inserting the following:
 5 "subsections".

6 2. Page 1, by inserting after line 47 the
 7 following:

8 **"NEW SUBSECTION. 11. CULTURAL PLATES.**

9 a. Upon application and payment of the proper
 10 fees, the director may issue to the owner of a motor
 11 vehicle, trailer, or travel trailer registered in this
 12 state, cultural registration plates. Upon receipt of
 13 the cultural registration plates, the applicant shall
 14 surrender the regular registration plates to the
 15 county treasurer.

16 b. Cultural registration plates shall be of a
 17 design designated by the Iowa state arts council.

18 c. The fees for a cultural registration plate are
 19 as follows:

20 (1) A registration fee of twenty-five dollars.

21 (2) A user fee of twenty-five dollars.

22 These fees are in addition to the regular annual
 23 registration fee. The fees collected by the director
 24 under this subsection shall be paid to the treasurer
 25 of state. The registration fees shall be credited by
 26 the treasurer of state to the road use tax fund. The
 27 user fees shall be credited by the treasurer of state
 28 to the Iowa state arts council to be used for grants
 29 to Iowa arts organizations and such moneys credited

30 are appropriated for such use.

31 d. The county treasurer shall validate cultural
32 registration plates in the same manner as regular
33 registration plates are validated under this section
34 at an annual fee of five dollars in addition to the
35 regular annual registration fee.

36 e. A cultural registration plate may also be a
37 personalized registration plate, upon application and
38 payment of the fee under subsection 5, paragraph "a",
39 which is in addition to fees required under this
40 subsection."

41 3. Page 2, line 8, by striking the figure "10"
42 and inserting the following: "10, and cultural
43 registration plates issued under section 321.34,
44 subsection 11".

45 4. Page 2, line 11, by inserting after the word
46 "collegiate" the following: "and cultural".

JOY CORNING

S-5259

1 Amend Senate File 2092 as follows:

2 1. Page 2, line 20, by striking the words "health
3 care,".

4 2. Page 2, line 20, by inserting after the word
5 "adaptation," the following: "medical decision-
6 support systems,".

7 3. Page 3, line 13, by inserting after the word
8 "project," the following: "the accessibility to the
9 project by handicapped persons as defined in section
10 601E.1,".

JAMES RIORDAN

S-5260

1 Amend Senate File 2259 as follows:

2 1. Page 7, by striking lines 14 and 15 and
3 inserting the following: "habitation. A tax
4 clearance form is not required to move an abandoned
5 mobile home. A tax clearance form is not required".

C. JOSEPH COLEMAN

S-5261

- 1 Amend House File 2102, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 1, by inserting after the word
- 4 "DEER" the following: "OF THE WHITETAIL SPECIES".
- 5 2. Page 1, by inserting after line 3 the
- 6 following:
- 7 "___ . This section applies to deer of the species
- 8 whitetail only."
- 9 3. By renumbering subsections.

HURLEY HALL

S-5262

- 1 Amend Senate File 2307 as follows:
- 2 1. Page 2, line 14, by striking the word
- 3 "corrections" and inserting the following: "public
- 4 safety".

DONALD V. DOYLE

S-5263

- 1 Amend the amendment, S-5215, to Senate File 2005 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 8, and in-
- 4 serting the following:
- 5 "___ . Page 1, by striking lines 2 through 21 and
- 6 inserting the following:
- 7 "The board of directors of each public school
- 8 district and the authorities in charge of each
- 9 nonpublic school shall adopt a student discipline
- 10 policy concerning the use of corporal punishment in
- 11 the school district or school.'"

WALLY E. HORN

S-5264

- 1 Amend Senate File 2092 as follows:
- 2 1. Page 4, by inserting after line 11 the
- 3 following:
- 4 "Sec. ___ . NEW SECTION. 455B.291 DEFINITIONS.
- 5 As used in this part, unless the context requires
- 6 otherwise:

- 7 1. "Authority" means the Iowa finance authority
8 established in section 220.2.
- 9 2. "Cost" means all costs, charges, expenses, or
10 other indebtedness incurred by a municipality and
11 determined by the director as reasonable and necessary
12 for carrying out all works and undertakings necessary
13 or incidental to the accomplishment of any project.
- 14 3. "Municipality" means the city, county, sanitary
15 district, or other governmental body or corporation
16 empowered to provide sewage collection and treatment
17 services, or any combination of two or more of such
18 governmental bodies or corporations acting jointly, in
19 connection with a project.
- 20 4. "Project" means the acquisition, construction,
21 reconstruction, extension, equipping, improvement, or
22 rehabilitation of any works and facilities useful for
23 the collection, treatment, and disposal of sewage and
24 industrial waste in a sanitary manner including
25 treatment works as defined in section 212 of the Clean
26 Water Act, or the implementation and development of
27 management programs established under sections 319 and
28 320 of the Clean Water Act.
- 29 5. "Clean Water Act" means the federal Water
30 Pollution Control Act of 1972, Pub. L. No. 92-500, as
31 amended by the Water Quality Act of 1987, Pub. L. No.
32 100-4, as published in 33 U.S.C. § 1251-1376.
- 33 6. "Sewage treatment works revolving loan fund" or
34 "revolving loan fund" means the sewage treatment works
35 revolving loan fund established in section 455B.295.
- 36 7. "Sewage treatment works administration fund" or
37 "administration fund" means the sewage treatment works
38 administration fund established in section 455B.295.
- 39 8. "Program" means the Iowa sewage treatment works
40 financing program created pursuant to section
41 455B.294.
- 42 9. "Executive director" means the executive
43 director of the Iowa finance authority.
- 44 Sec. ____ . NEW SECTION. 455B.292 FINDINGS.
- 45 The general assembly finds that the proper
46 construction, rehabilitation, operation, and
47 maintenance of modern and efficient sewer systems and
48 wastewater treatment works are essential to protecting
49 and improving the state's water quality; that
50 protecting water quality is an issue of concern to the

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- 1 citizens of the state; that in addition to protecting
2 and improving the state's water quality, adequate
3 wastewater treatment works are essential to economic

4 growth and development; that during the last several
5 years the amount of federal grant money available to
6 states and local governments for assistance in
7 constructing and improving wastewater treatment works
8 has sharply diminished and will likely continue to
9 diminish; and that it is proper for the state to
10 encourage local governments to undertake wastewater
11 treatment projects through the establishment of a
12 state mechanism to provide loans at the lowest
13 reasonable rates.

14 Sec. ____ . NEW SECTION. 455B.293 POLICY.

15 It is the policy of the general assembly that it is
16 in the public interest to establish a sewage treatment
17 works financing program and a revolving loan fund and
18 administration fund to make loans available from the
19 state to municipalities to acquire, construct,
20 reconstruct, extend, equip, and improve works and
21 facilities useful for the collection, treatment, and
22 disposal of sewage and industrial waste in a sanitary
23 manner.

24 Sec. ____ . NEW SECTION. 455B.294 ESTABLISHMENT OF
25 THE IOWA SEWAGE TREATMENT WORKS FINANCING PROGRAM.

26 The Iowa sewage treatment works financing program
27 is established for the purpose of making loans
28 available to municipalities to finance all or part of
29 the costs of projects. The program shall be a joint
30 and cooperative undertaking of the department and the
31 authority. The department and the authority may enter
32 into and provide any agreements, documents,
33 instruments, certificates, data, or information
34 necessary in connection with the operation,
35 administration, and financing of the program
36 consistent with this part, the rules of the department
37 and the commission, the rules of the authority, and
38 state law.

39 Sec. ____ . NEW SECTION. 455B.295 FUNDS AND
40 ACCOUNTS.

41 1. Two separate funds are established in the state
42 treasury, to be known as the "sewage treatment works
43 revolving loan fund", and the "sewage treatment works
44 administration fund".

45 2. The revolving loan fund shall include sums
46 appropriated to the revolving loan fund by the general
47 assembly, sums allocated to the state expressly for
48 the purposes of establishing a revolving loan fund
49 under the Clean Water Act, all receipts by the
50 revolving loan fund, and any other sums designated for

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1 deposit to the revolving loan fund from any public or
2 private source. All moneys appropriated to and
3 deposited in the revolving fund are appropriated and
4 shall be used for the sole purpose of making loans to
5 the municipalities to finance all or part of the cost
6 of projects. The moneys appropriated to and deposited
7 in the revolving loan fund shall not be used to pay
8 the nonfederal share of the cost of projects receiving
9 grants under the Clean Water Act. The moneys in the
10 revolving loan fund are not considered as a part of
11 the general fund of the state, are not subject to
12 appropriation for any other purpose by the general
13 assembly, and in determining a general fund balance
14 shall not be included in the general fund of the state
15 but shall remain in the revolving loan fund to be used
16 for its purposes. The revolving loan fund is a
17 dedicated fund under the administration and control of
18 the authority and subject to section 220.31. Moneys
19 on deposit in the revolving loan fund may be invested
20 at the direction of the authority, and the income from
21 the investments shall be credited to and deposited in
22 the revolving loan fund.

23 3. The sewage treatment works administration fund
24 shall include sums appropriated to the administration
25 fund by the general assembly, sums allocated to the
26 state for the express purposes of administering the
27 program authorized by the Clean Water Act, and all
28 receipts by the administration fund from any public or
29 private source. All moneys appropriated to and
30 deposited in the administration fund are appropriated
31 for and shall be used and administered by the
32 department to pay the costs and expenses associated
33 with the program, including administration of the
34 program, as may be determined by the department.

35 4. The department and the authority may establish
36 and maintain other funds or accounts determined to be
37 necessary to carry out the purposes of this part and
38 shall provide for the funding, administration,
39 investment, restrictions, and disposition of the funds
40 and accounts.

41 Sec. ____ . NEW SECTION. 455B.296 INTENDED USE
42 PLANS -- CAPITALIZATION GRANTS -- ACCOUNTING.

43 1. Each fiscal year beginning July 1, 1988, the
44 department may prepare and deliver intended use plans
45 and enter into capitalization grant agreements with
46 the administrator of the United States environmental
47 protection agency under the terms and conditions set
48 forth in Title VI of the Clean Water Act and federal

49 regulations adopted pursuant to the Act and may accept
50 capitalization grants for the revolving loan fund in

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1 accordance with payment schedules established by the
2 administrator. All payments from the administrator
3 shall be deposited in the revolving loan fund.

4 2. The department and the authority shall
5 establish fiscal controls and accounting procedures
6 during appropriate accounting periods for payments and
7 disbursements received and made by the revolving loan
8 fund, the administration fund, and other funds
9 established pursuant to section 455B.295, subsection
10 4, and to fund balances at the beginning and end of
11 the accounting periods.

12 Sec. ____ . NEW SECTION. 455B.297 LOANS TO
13 MUNICIPALITIES.

14 Moneys deposited in the revolving loan fund shall
15 be used for the sole purpose of making loans to
16 municipalities to finance the cost of projects in
17 accordance with the intended use plans developed by
18 the department under section 455B.296. The
19 municipalities to which loans are to be made, the
20 purposes of the loan, the amount of each loan, the
21 interest rate of the loan, and the repayment terms of
22 the loan, shall be determined by the director, in
23 accordance with rules adopted by the commission, in
24 compliance with and subject to the terms and
25 conditions of Title VI of the Clean Water Act and any
26 resolution, agreement, indenture, or other document of
27 the authority, and rules adopted by the authority,
28 relating to any bonds, notes, or other obligations
29 issued for the program which may be applicable to the
30 loan.

31 Sec. ____ . NEW SECTION. 455B.298 POWERS AND
32 DUTIES OF THE DIRECTOR.

33 The director shall:

34 1. Process and review loan applications to
35 determine if an application meets the eligibility
36 requirements set by the rules of the department.

37 2. Approve loan applications of municipalities
38 which satisfy the rules adopted by the commission, and
39 the intended use plan developed by the department
40 under section 455B.296.

41 3. Process and review all documents relating to
42 projects and the extending of loans.

43 4. Prepare and process, in coordination with the
44 authority, documents relating to the extending of
45 loans to municipalities, the sale and issuance of

46 bonds, notes, or other obligations of the authority
 47 relating to the program, and the administration of the
 48 program.

49 5. Include in the budget prepared pursuant to
 50 section 455A.4, subsection 1, paragraph c, an annual

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1 budget for the administration of the program and the
 2 use and disposition of amounts on deposit in the
 3 administration fund.

4 6. Charge each municipality receiving a loan from
 5 the revolving loan fund a loan origination fee and an
 6 annual loan servicing fee. The amount of the loan
 7 origination fees and the loan servicing fees
 8 established shall be relative to the amount of a loan
 9 made from the revolving loan fund. The director shall
 10 deposit the receipts from the loan origination fees
 11 and the loan servicing fees in the administration
 12 fund.

13 7. Consult with and receive the approval of the
 14 authority concerning the terms and conditions of loan
 15 agreements with municipalities as to the financial
 16 integrity of the loan.

17 8. Perform other acts and assume other duties and
 18 responsibilities necessary for the operation of the
 19 program.

20 Sec. ____ . NEW SECTION. 455B.299 ADOPTION OF
 21 RULES.

22 The commission shall adopt rules pursuant to
 23 chapter 17A appropriate for the administration of this
 24 part.

25 Sec. ____ . NEW SECTION. 220.131 IOWA SEWAGE
 26 TREATMENT WORKS FINANCING PROGRAM -- DEFINITIONS --
 27 FUNDING -- BONDS AND NOTES.

28 1. The authority shall cooperate with the
 29 department of natural resources in the creation,
 30 administration, and financing of the Iowa sewage
 31 treatment works financing program established in
 32 sections 455B.291 through 455B.299.

33 2. Terms used in this part have the meanings given
 34 them in sections 455B.101 and 455B.291 unless the
 35 context requires otherwise.

36 3. The authority may issue its bonds and notes for
 37 the purpose of funding the revolving loan fund created
 38 under section 455B.295 and defraying the costs of
 39 payment of the twenty percent state matching funds
 40 required for federal funds received for projects.

41 4. The authority may issue its bonds and notes for

42 the purposes established and may enter into one or
43 more lending agreements or purchase agreements with
44 one or more bondholders or noteholders containing the
45 terms and conditions of the repayment of and the
46 security for the bonds or notes. The authority and
47 the bondholders or noteholders or a trustee agent
48 designated by the authority may enter into agreements
49 to provide for any of the following:
50 a. That the proceeds of the bonds and notes and

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1 the investments of the proceeds may be received, held,
2 and disbursed by the authority or by a trustee or
3 agent designated by the authority.

4 b. That the bondholders or noteholders or a
5 trustee or agent designated by the authority may
6 collect, invest, and apply the amount payable under
7 the loan agreements or any other instruments securing
8 the debt obligations under the loan agreements.

9 c. That the bondholders or noteholders may enforce
10 the remedies provided in the loan agreements or other
11 instruments on their own behalf without the
12 appointment or designation of a trustee. If there is
13 a default in the principal of or interest on the bonds
14 or notes or in the performance of any agreement
15 contained in the loan agreements or other instruments,
16 the payment or performance may be enforced in
17 accordance with the loan agreement or other
18 instrument.

19 d. Other terms and conditions as deemed necessary
20 or appropriate by the authority.

21 5. The powers granted the authority under this
22 section are in addition to other powers contained in
23 this chapter. All other provisions of this chapter,
24 except section 220.28, subsection 4, apply to bonds or
25 notes issued and powers granted to the authority under
26 this section except to the extent they are
27 inconsistent with this section.

28 6. All bonds or notes issued by the authority in
29 connection with the program are exempt from taxation
30 by this state and the interest on the bonds or notes
31 is exempt from state income tax.

32 Sec. ____ . **NEW SECTION. 220.132 SECURITY --**
33 **RESERVE FUNDS -- PLEDGES -- NONLIABILITY --IRREVOCABLE**
34 **CONTRACTS.**

35 1. The authority may provide in the resolution,
36 trust agreement, or other instrument authorizing the
37 issuance of its bonds or notes pursuant to section
38 220.131 that the principal of, premium, and interest

39 on the bonds or notes are payable from any of the
40 following and may pledge the same to its bonds and
41 notes:
42 a. The income and receipts or other money derived
43 from the projects financed with the proceeds of the
44 bonds or notes.
45 b. The income and receipts or other money derived
46 from designated projects whether or not the projects
47 are financed in whole or in part with the proceeds of
48 the bonds or notes.
49 c. The amounts on deposit in the revolving loan
50 fund.

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1 d. The amounts payable to the department by
2 municipalities pursuant to loan agreements with
3 municipalities.
4 e. Any other funds or accounts established by the
5 authority in connection with the program or the sale
6 and issuance of its bonds or notes.
7 2. The authority may establish reserve funds, to
8 secure one or more issues of its bonds or notes. The
9 authority may deposit in a reserve fund established
10 under this subsection the proceeds of the sale of its
11 bonds or notes and other money which is made available
12 from any other source.
13 3. It is the intention of the general assembly
14 that a pledge made in respect of bonds or notes shall
15 be valid and binding from the time the pledge is made,
16 that the money or property so pledged and received
17 after the pledge by the authority shall immediately be
18 subject to the lien of the pledge without physical
19 delivery or further act, and that the lien of the
20 pledge shall be valid and binding as against all
21 parties having claims of any kind in tort, contract,
22 or otherwise against the authority whether or not the
23 parties have notice of the lien. Neither the
24 resolution, trust agreement, nor any other instrument
25 by which a pledge is created needs to be recorded or
26 filed under the Iowa uniform commercial code to be
27 valid, binding, or effective against the parties.
28 4. Neither the members of the authority nor
29 persons executing the bonds or notes are liable
30 personally on the bonds or notes or are subject to
31 personal liability or accountability by reason of the
32 issuance of the bonds or notes.
33 5. The bonds or notes issued by the authority are
34 not an indebtedness or other liability of the state or
35 of a political subdivision of the state within the

36 meaning of any constitutional or statutory debt
37 limitations but are special obligations of the
38 authority, and are payable solely from the income and
39 receipts or other funds or property of the department,
40 and the amounts on deposit in the revolving loan fund,
41 and the amounts payable to the department under its
42 loan agreements with the municipalities to the extent
43 that the amounts are designated in the resolution,
44 trust agreement, or other instrument of the authority
45 authorizing the issuance of the bonds or notes as
46 being available as security for such bonds or notes.
47 The authority shall not pledge the faith or credit of
48 the state or of a political subdivision of the state
49 to the payment of any bonds or notes. The issuance of
50 any bonds or notes by the authority does not directly,

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1 indirectly, or contingently obligate the state or a
2 political subdivision of the state to apply money
3 from, or levy or pledge any form of taxation whatever
4 to the payment of the bonds or notes.
5 6. The state pledges to and agrees with the
6 holders of bonds or notes issued under the Iowa sewage
7 treatment works financing program, that the state will
8 not limit or alter the rights and powers vested in the
9 authority to fulfill the terms of a contract made by
10 the authority with respect to the bonds or notes, or
11 in any way impair the rights and remedies of the
12 holders until the bonds or notes, together with the
13 interest on them including interest on unpaid
14 installments of interest, and all costs and expenses
15 in connection with an action or proceeding by or on
16 behalf of the holders, are fully met and discharged.
17 The authority is authorized to include this pledge and
18 agreement of the state, as it refers to holders of
19 bonds or notes of the authority, in a contract with
20 the holders.
21 Sec. ____ . NEW SECTION. 220.133 ADOPTION OF
22 RULES.
23 The authority shall adopt rules pursuant to chapter
24 17A to implement sections 220.131 and 220.132.
25 Sec. ____ . Sections 1 through 8 of this Act are
26 effective July 1, 1988.
27 Sec. ____ . This Act, being deemed of immediate
28 importance takes effect upon enactment."
29 2. Title page, line 2, by striking the words "to
30 assist communities" and inserting the following: "and
31 a sewage treatment works financing program to assist
32 communities in financing sewage treatment projects

33 and”.

34 3. Title page, line 4, by striking the word “the”

35 and inserting the following: “each”.

JIM RIORDAN
PAT DELUHERY

S-5265

1 Amend the amendment, S-5128, to Senate File 2018 as
2 follows:

3 1. Page 1, line 13, by inserting after the word
4 “who” the following: “, on or before the effective
5 date of this Act,”.

EDGAR HOLDEN

S-5266

1 Amend Senate File 2188 as follows:

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

4 “Sec. 40. Section 425.17, subsections 5 and 9,
5 Code 1987, are amended to read as follows:

6 5. “Claimant” means a person filing a claim for
7 credit or reimbursement under this division who has
8 attained the age of sixty-five years on or before
9 December 31 of the base year, or who is a surviving
10 spouse ~~having or an unmarried person who has been~~
11 granted a dissolution of marriage under chapter 598 or
12 has been granted a divorce or dissolution of marriage
13 recognized in this state if the surviving spouse or
14 the unmarried person has attained the age of fifty-
15 five years on or before December 31 of the base year,
16 or who is totally disabled and was totally disabled on
17 or before December 31 of the base year, and was
18 domiciled in this state during the entire base year
19 and is domiciled in this state at the time the claim
20 is filed or at the time of the person’s death in the
21 case of a claim filed by the executor or administrator
22 of the claimant’s estate. “Claimant” includes a
23 vendee in possession under a contract for deed and may
24 include one or more joint tenants or tenants in
25 common. In the case of a claim for rent constituting
26 property taxes paid, the claimant shall have rented
27 the property during any part of the base year. If a
28 homestead is occupied by two or more persons, and more
29 than one person is able to qualify as a claimant, the

30 persons may determine among them who will be the
31 claimant. If they are unable to agree, the matter
32 shall be referred to the director of revenue and
33 finance not later than October 31 of each year and the
34 director's decision shall be is final.

35 9. "Property taxes due" means property taxes
36 including any special assessments, but exclusive of
37 delinquent interest and charges for services, due on a
38 claimant's homestead in this state, but includes only
39 property taxes for which the claimant is liable and
40 which will actually be paid by the claimant. However,
41 if the claimant is a person whose property taxes have
42 been suspended under sections 427.8 and 427.9,
43 "property taxes due" means property taxes including
44 any special assessments, but exclusive of delinquent
45 interest and charges for services, due on a claimant's
46 homestead in this state, but includes only property
47 taxes for which the claimant is liable and which would
48 have to be paid by the claimant if the payment of the
49 taxes ~~have~~ has not been suspended pursuant to sections
50 427.8 and 427.9. "Property taxes due" shall be

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1 computed ~~with no~~ without a deduction for any credit
2 under this division or for any homestead credit
3 allowed under section 425.1. Each claim shall be
4 based upon the taxes due during the fiscal year next
5 following the base year. If a homestead is owned by
6 two or more persons as joint tenants or tenants in
7 common, and one or more of the persons are not a
8 ~~member~~ members of the claimant's household, "property
9 taxes due" is that part of property taxes due on the
10 homestead which equals the ownership percentage of the
11 claimant and the claimant's household. The county
12 treasurer shall include with the tax receipt a
13 statement that if the owner of the property is sixty-
14 five years of age or over or is totally disabled, or
15 is a surviving spouse of such person who or an
16 unmarried person who has been granted a dissolution of
17 marriage under chapter 598 or has been granted a
18 divorce or dissolution of marriage recognized in this
19 state and the surviving spouse or the unmarried person
20 is over fifty-five years of age, the person may be
21 eligible for the credit allowed under this division.
22 If a homestead is an integral part of a farm, the
23 claimant may use the total property taxes due for the
24 larger unit. If a homestead is an integral part of a
25 multidwelling or multipurpose building the property
26 taxes due for the purpose of this subsection shall be

27 prorated to reflect the portion which the value of the
 28 property that the household occupies as its homestead
 29 is to the value of the entire structure. For purposes
 30 of this subsection, "unit" refers to that parcel of
 31 property covered by a single tax statement of which
 32 the homestead is a part."

33 2. Page 1, by inserting after line 34 the
 34 following:

35 "Sec. ____ . Section 40 of this Act is effective
 36 January 1, 1989."

EDGAR H. HOLDEN

S-5267

1 Amend Senate File 2248 as follows:

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

4 "Section 1. Section 25A.2, subsection 3, Code
 5 Supplement 1987, is amended to read as follows:
 6 3. "Employee of the state" includes any one or
 7 more officers, agents, or employees of the state or
 8 any state agency, including members of the general
 9 assembly, and persons acting on behalf of the state or
 10 any state agency in any official capacity, temporarily
 11 or permanently in the service of the state of Iowa,
 12 whether with or without compensation but does not
 13 include a contractor doing business with the state.
 14 Professional personnel, including physicians,
 15 osteopathic physicians and surgeons, osteopathic
 16 physicians, optometrists and dentists, who render
 17 services to patients and inmates of state institutions
 18 under the jurisdiction of the department of human
 19 services or the Iowa department of corrections are to
 20 be considered employees of the state, whether the
 21 personnel are employed on a full-time basis or render
 22 services on a part-time basis on a fee schedule or
 23 other arrangement. Except as provided in section
 24 234.41, persons licensed to provide child foster care
 25 pursuant to section 237.4, and who are not otherwise
 26 employees of the state, are considered employees of
 27 the state for purposes of this chapter only, when
 28 acting as a licensee under chapter 237.

29 Sec. 2. **NEW SECTION. 217.11 DEPARTMENT TO**
 30 **PROVIDE CERTAIN VOLUNTEER SERVICES -- VOLUNTEER**
 31 **LIABILITY.**

32 1. The department of human services may establish
 33 volunteer programs designed to enhance the services
 34 provided by the department. Roles for volunteers may

35 include but shall not be limited to parent aides,
36 friendly visitors, commodity distributors, clerical
37 assistants, medical transporters, conservators, and
38 guardians. The department shall adopt rules for
39 programs which are established.

40 2. All volunteers registered with the department
41 and in compliance with departmental rules are
42 considered state employees for purposes of chapter
43 25A. However, this section does not except a
44 conservator or guardian from an action brought under
45 sections 658.1 or 658.3. This section does not
46 relieve a guardian or conservator from duties under
47 chapter 633.

48 Sec. 3. NEW SECTION. 357A.22 PERSONAL LIABILITY.

49 Except as otherwise provided in this chapter, a
50 director, officer, employee, or other personnel of the

Page 2

1 board are not liable on the district's debts or
2 obligations and a director, officer, employee, or
3 volunteer of the board is not personally liable in
4 that capacity, for a claim based upon an act or
5 omission of the person performed in the discharge of
6 the person's duties, except for any of the following:

7 1. A breach of the duty of loyalty to the
8 district.
9 2. Acts or omissions not in good faith or which
10 involve intentional misconduct or knowing violation of
11 the law.

12 3. A transaction from which the person derives an
13 improper personal benefit."

14 2. Page 1, line 1, by inserting after the figure
15 "491.5," the following: "subsection 8,"

16 3. Page 2, line 32, by striking the figure
17 "498.35" and inserting the following: "498.36".

18 4. Page 4, line 28, by striking the word "which"
19 and inserting the following: "~~which~~".

20 5. Title page, line 1, by striking the word
21 "the".

22 6. Title page, line 2, by striking the words "the
23 indemnification".

24 7. Title page, by striking lines 3 through 5 and
25 inserting the following: "liability of persons who
26 serve rural water districts, volunteer as guardians or

27 conservators, or who provide child foster care.”
28 8. By renumbering as necessary.

DONALD V. DOYLE

S-5268

1 Amend Senate File 2019 as follows:
2 1. Page 3, by inserting after line 19 the
3 following:
4 “___ . This chapter does not prohibit the
5 performance of respiratory care procedures by a first
6 responder, emergency rescue technician, emergency
7 medical technician-ambulance, or other person
8 functioning as part of a rescue unit.”
9 2. By numbering and renumbering as necessary.

C. JOSEPH COLEMAN

S-5269

1 Amend Senate File 2193 as follows:
2 1. Page 1, lines 9 and 10, by striking the words
3 “two weeks” and inserting the following: “ten
4 hours”.
5 2. Page 1, line 11, by striking the words “eight
6 weeks” and inserting the following: “forty hours”.

RICHARD J. VARN

S-5270

1 Amend Senate File 2256 as follows:
2 1. Page 1, line 25, by inserting after the word
3 “proceeding.” the following: “A party or the party’s
4 attorney in any other civil proceeding may require an
5 employee or technician to testify in person pursuant
6 to a subpoena.”

RICHARD VARN

S-5271

1 Amend Senate File 2271 as follows:
2 1. Page 1, line 9, by inserting after the word
3 “chapter.” the following: “When a bond has been

4 waived pursuant to section 12.44, the remedies
5 provided for under this paragraph are available in an
6 action against the public corporation.”

ALVIN MILLER

S-5272

1 Amend amendment, S-5147, to Senate File 2157 as
2 follows:

3 1. Page 1, line 40, by inserting after the word
4 “department.” the following: “Prior to withdrawing
5 blood for the purpose of performing a human
6 immunodeficiency virus-related test, the physician or
7 other practitioner shall inform the subject of the
8 test that the test is voluntary and may be performed
9 anonymously if requested. Prior to making the
10 required report, the physician or other practitioner
11 shall provide written information regarding the
12 partner notification program and shall inquire if the
13 person wishes to initiate participation in the program
14 by agreeing to have identifying information reported
15 to the department on a confidential basis.”

16 2. Page 2, by striking line 15, and inserting the
17 following: “person’s name or a confidential form of
18 identification known only to the physician or other
19 health practitioner requesting the test and the name
20 and address of”.

21 3. Page 2, line 19, by striking the words and
22 figures “1 through 4 of this section” and inserting
23 the following: “2 and 3”.

24 4. Page 2, by striking lines 23 through 25 and
25 inserting the following: “forms provided by the
26 department pursuant to subsections 1, 4, and 5 may
27 include the subject’s age, race, marital status, or
28 other information deemed necessary by the department
29 for epidemiological purposes, but shall not include
30 the subject’s name or address without the written
31 authorization of the subject.

32 The subject shall be provided with information
33 regarding the confidentiality measures followed by the
34 department and may request that the department
35 maintain the subject’s confidential file for the
36 purposes of partner notification, or for the inclusion
37 of the subject in research or treatment programs.”

38 5. Page 3, line 42, by inserting after the word
39 “persons” the following: “except reports,
40 information, and records necessary to honor the
41 requests made pursuant to section 135H.9”.

AL STURGEON
JEAN LLOYD-JONES

S-5273

- 1 Amend Senate File 2244 as follows:
- 2 1. Page 1, line 22, by inserting after the words
- 3 "departments of" the following: "economic
- 4 development,".

CALVIN O. HULTMAN

S-5274

- 1 Amend Senate File 2244 as follows:
- 2 1. Page 1, by striking lines 17 through 20 and
- 3 inserting the following: "regular appointments for
- 4 the unexpired term. The members shall be appointed by
- 5 the chairperson who shall be the director. The
- 6 governor shall be honorary chairperson. Members of
- 7 the council shall".
- 8 2. Page 1, line 22, by inserting after the words
- 9 "departments of" the following: "economic
- 10 development,".
- 11 3. Page 1, by striking line 35 and inserting the
- 12 following: "chairperson."
- 13 4. Page 2, by striking line 1 and inserting the
- 14 following:
- 15 "2. The chairperson shall".
- 16 5. Page 2, line 7, by striking the words "a
- 17 chairperson and other officers" and inserting the
- 18 following: "officers other than the chairperson".
- 19 6. Page 2, line 8, by striking the words
- 20 "chairperson and".

CALVIN O. HULTMAN

S-5275

- 1 Amend amendment S-5255 to Senate File 2231 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "____. Page 6, line 20, by striking the words "The
- 6 decision" and inserting the following: "Except as
- 7 provided in section 49A.12, subsection 4, the
- 8 decision"."

- 9 2. Page 1, line 6, by striking the words "subsec-
10 tion 3" and inserting the following: "subsections 3
11 and 4".
- 12 3. Page 1, by inserting after line 10 the fol-
13 lowing:
14 "____. Page 7, line 7, by inserting after the word
15 "decision." the following: "In the case of a
16 franchise election under section 364.2, the county
17 commissioner shall also forward a copy of the plan and
18 statement to the franchisee or proposed franchisee
19 concerned.""
- 20 4. Page 1, by inserting after line 19 the
21 following:
22 "4. In the case of a franchise election under sec-
23 tion 364.2, the franchisee or proposed franchisee
24 concerned also may object to the conduct of the
25 election under this chapter. The objection must be in
26 writing and must include a statement of reasons. If
27 the objection is filed with the county commissioner no
28 later than fifty-five days prior to the date set for
29 the election, the election shall not be conducted
30 under this chapter.""
- 31 5. By numbering, renumbering, and correcting
32 internal references as necessary.

MICHAEL E. GRONSTAL

S-5276

- 1 Amend Senate File 2188 as follows:
- 2 1. Page 1, by inserting before line 1 the
3 following:
4 "Sec. 30. Section 135D.22, subsection 2, Code
5 Supplement 1987, is amended to read as follows:
6 2. If the owner of the mobile home is an Iowa
7 resident, was totally disabled, as defined in section
8 425.17, subsection 6 on or before December 31 of the
9 base year, is a surviving spouse having attained the
10 age of fifty-five years on or before December 31 of
11 the base year or has attained the age of sixty-five
12 years on or before December 31 of the base year and
13 has an income when included with that of a spouse
14 which is less than five thousand dollars per year, no
15 annual tax shall be imposed on the mobile home. If
16 the income is five thousand dollars or more but less
17 than ~~twelve~~ ~~thirteen~~ thousand dollars, the annual tax
18 shall be computed as follows:
19 If the Household Annual Tax Per
20 Income is: Square Foot:

21	\$ 5,000-- 5,999.99	6.0 cents
22		<u>3.0</u>
23	6,000-- 6,999.99	10.0
24		<u>6.0</u>
25	7,000-- 7,999.99	12.0
26		<u>9.0</u>
27	8,000-- 8,999.99	14.0
28	<u>9,999.99</u>	<u>12.0</u>
29	9,000	
30	<u>10,000--11,999.99</u>	15.0
31	<u>12,000--12,999.99</u>	<u>17.0</u>

32 For purposes of this subsection "income" means
 33 income as defined in section 425.17, subsection 1, and
 34 "base year" means the calendar year preceding the year
 35 in which the claim for a reduced rate of tax is filed.
 36 The mobile home reduced rate of tax shall only be
 37 allowed on the mobile home in which the claimant is
 38 residing at the time in which the claim for a reduced
 39 rate of tax is filed.

40 Sec. 40. Section 135D.22, subsection 2, Code
 41 Supplement 1987, is amended to read as follows:
 42 2. If the owner of the mobile home is an Iowa
 43 resident, was totally disabled, as defined in section
 44 425.17, subsection 6 on or before December 31 of the
 45 base year, is a surviving spouse having attained the
 46 age of fifty-five years on or before December 31 of
 47 the base year or has attained the age of sixty-five
 48 years on or before December 31 of the base year and
 49 has an income when included with that of a spouse
 50 which is less than five thousand dollars per year, no

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1 annual tax shall be imposed on the mobile home. If
 2 the income is five thousand dollars or more but less
 3 than ~~twelve~~ thirteen thousand dollars, the annual tax
 4 shall be computed as follows:

5	If the Household	Annual Tax Per
6	Income is:	Square Foot:
7	\$ 5,000-- 5,999.99	6.0 cents
8		<u>2.0</u>
9	6,000-- 6,999.99	10.0
10		<u>4.0</u>
11	7,000-- 7,999.99	12.0
12		<u>6.0</u>
13	8,000-- 8,999.99	14.0
14		<u>8.0</u>
15	9,000-- 11,999.99	15.0
16	<u>9,999.99</u>	<u>10.0</u>
17	<u>10,000--10,999.99</u>	<u>12.0</u>

- 18 11,000--11,999.99 14.0
 19 12,000--12,999.99 17.0
 20 For purposes of this subsection "income" means
 21 income as defined in section 425.17, subsection 1, and
 22 "base year" means the calendar year preceding the year
 23 in which the claim for a reduced rate of tax is filed.
 24 The mobile home reduced rate of tax shall only be
 25 allowed on the mobile home in which the claimant is
 26 residing at the time in which the claim for a reduced
 27 rate of tax is filed."
 28 2. Page 1, line 35, by striking the words and
 29 figure "Section 1 of this Act is" and inserting the
 30 following: "Sections 1 and 30 of this Act are".
 31 3. Page 2, line 3, by striking the words and
 32 figure "Section 2 of this Act is" and inserting the
 33 following: "Sections 2 and 40 of this Act are".
 34 4. Title page, line 1, by inserting after the
 35 word "to" the following: "the mobile home annual
 36 tax,".
 37 5. Title page, line 3, by inserting after the
 38 word "of" the following: "the annual tax,".

LEONARD BOSWELL
 BEVERLY HANNON
 NORMAN GOODWIN

S-5277

- 1 Amend Senate File 2212 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 147.1, subsections 2 and 3,
 5 Code Supplement 1987, 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, funeral director,
 14 dietitian, mental health counselor, or social worker
 15 means a person 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, mortuary science,

22 mental health counseling, social work, or dietetics.

23 Sec. 2. Section 147.3, Code 1987, is amended to
24 read as follows:

25 147.3 QUALIFICATIONS.

26 An applicant for a license to practice a profession
27 under this title is not ineligible because of age,
28 citizenship, sex, race, religion, marital status or
29 national origin, although the application form may
30 require citizenship information. A board may consider
31 the past felony record of an applicant only if the
32 felony conviction relates directly to the practice of
33 ~~medicine, podiatry, osteopathy, osteopathic medicine~~
34 ~~and surgery, chiropractic, nursing, psychology,~~
35 ~~optometry, speech pathology, audiology, pharmacy,~~
36 ~~physical therapy, occupational therapy, cosmetology,~~
37 ~~barbering, mortuary science, social work or dietetics~~
38 the profession for which the applicant requests to be
39 licensed. Character references may be required, but
40 shall not be obtained from licensed members of the
41 profession.

42 Sec. 3. Section 147.13, Code 1987, is amended to
43 read as follows:

44 147.13 DESIGNATION OF BOARDS.

45 The examining boards provided in section 147.12
46 shall be designated as follows:

- 47 1. For medicine and surgery, and osteopathy, and
48 osteopathic medicine and surgery, medical examiners;
49 ~~for.~~
50 2. For psychology, psychology examiners; ~~for.~~

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- 1 3. For podiatry, podiatry examiners; ~~for.~~
2 4. For chiropractic, chiropractic examiners; ~~for.~~
3 5. For physical therapists and occupational
4 therapists, physical and occupational therapy
5 examiners; ~~for.~~
6 6. For nursing, board of nursing; ~~for.~~
7 7. For dentistry and dental hygiene, dental
8 examiners; ~~for.~~
9 8. For optometry, optometry examiners; ~~for.~~
10 9. For speech pathology and audiology, speech
11 pathology and audiology examiners; ~~for.~~
12 10. For cosmetology, cosmetology examiners; ~~for.~~
13 11. For barbering, barber examiners; ~~for.~~
14 12. For pharmacy, pharmacy examiners; ~~for.~~
15 13. For mortuary science, mortuary science
16 examiners; ~~for.~~
17 14. For social workers and mental health
18 counselors, social work and mental health counseling

19 examiners; ~~for,~~

20 15. For dietetics, dietetic examiners.

21 Sec. 4. Section 147.14, subsection 1, Code 1987,

22 is amended to read as follows:

23 1. For podiatry, cosmetology, barbering, and
24 mortuary science, ~~and social work~~; three members each,
25 licensed to practice the profession for which the
26 board conducts examinations, and two members who are
27 not licensed to practice the profession for which the
28 board conducts examinations and who shall represent
29 the general public. A quorum shall consist of a
30 majority of the members of the board.

31 Sec. 5. Section 147.14, Code 1987, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 12. For social work and mental
34 health counseling examiners, three members licensed to
35 practice social work; two members licensed to practice
36 mental health counseling; and two members who are not
37 licensed to practice social work or mental health
38 counseling and who shall represent the general public.
39 A majority of the members of the board constitutes a
40 quorum.

41 Sec. 6. Section 147.25, unnumbered paragraph 4,
42 Code 1987, is amended to read as follows:

43 In addition to any other fee provided by law, a fee
44 may be set by the respective examining boards for each
45 license and renewal of a license to practice ~~medicine,~~
46 ~~surgery, podiatry, osteopathy, osteopathic medicine~~
47 ~~and surgery, chiropractic, nursing, dentistry, dental~~
48 ~~hygiene, optometry, pharmacy, physical therapy,~~
49 ~~occupational therapy, social work, veterinary~~
50 ~~medicine, or dietetics~~ a profession, which fee shall

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1 be based on the annual cost of collecting information
2 for use by the department in the administration of the
3 system of health personnel statistics established by
4 this section. The fee shall be collected, transmitted
5 to the treasurer of state and deposited in the general
6 fund of the state in the manner in which license and
7 renewal fees of the respective professions are
8 collected, transmitted, and deposited in the general
9 fund.

10 Sec. 7. Section 147.74, Code Supplement 1987, is
11 amended by adding the following new unnumbered
12 paragraph after unnumbered paragraph 11:

13 NEW UNNUMBERED PARAGRAPH. A mental health
14 counselor licensed under chapter 154C and this chapter
15 may use the words "licensed mental health counselor"

16 after the person's name. A mental health counselor
 17 licensed under chapter 154C and this chapter who
 18 possesses a doctoral degree may use the prefix
 19 "Doctor" or "Dr." in conjunction with the person's
 20 name, but shall add after the person's name the words
 21 "Licensed Mental Health Counselor".

22 Sec. 8. Section 147.76, Code 1987, is amended to
 23 read as follows:

24 147.76 RULES ~~PROMULGATED~~ ADOPTED.

25 The examining boards for the various professions
 26 shall ~~promulgate~~ adopt all necessary and proper rules
 27 to implement and interpret the provisions of this
 28 chapter and chapters 148, 148A, 148C, 149, 150, 150A,
 29 151, 152, 153, 154, 154A, 154B, 154C, 155, and 156.

30 Sec. 9. Section 147.80, subsection 18, Code 1987,
 31 is amended to read as follows:

32 18. License to practice social work issued on the
 33 basis of an examination by the board of social work
 34 and mental health counseling examiners, or license to
 35 practice social work issued under a reciprocity
 36 agreement, or renewal of a license to practice social
 37 work.

38 Sec. 10. Section 147.80, Code 1987, is amended by
 39 adding the following new subsection after subsection
 40 18 and renumbering the subsequent subsections:

41 NEW SUBSECTION. 19. License to practice mental
 42 health counseling issued upon the basis of an
 43 examination given by the board of social work and
 44 mental health counseling examiners, license to
 45 practice mental health counseling issued under a
 46 reciprocal agreement, or renewal of a license to
 47 practice mental health counseling.

48 Sec. 11. Section 154C.1, Code 1987, is amended to
 49 read as follows:

50 154C.1 DEFINITIONS.

Page 4

1 As used in this chapter unless the context
 2 otherwise requires:

- 3 1. "Board" means the board of social work and
 4 mental health counseling examiners.
- 5 2. "Licensed mental health counselor" means a
 6 person licensed to practice mental health counseling.
- 7 3. "Licensed social worker" ~~or "licensee"~~ means a
 8 person licensed to practice social work.
- 9 4. "Licensee" means a person licensed under this
 10 chapter.
- 11 5. "Mental health counseling" means the provision
 12 of counseling services involving assessment, referral,

13 consultation, and the application of therapy, human
 14 development principles, learning theory, group
 15 dynamics, and the etiology of maladjustment and
 16 dysfunctional behavior to individuals, families, and
 17 groups for the purpose of promoting optimal mental
 18 health.

19 § 6. "Practice of licensed social work" means the
 20 professional activity of licensed social workers which
 21 is directed at enhancing, protecting, or restoring
 22 people's capacity for social functioning and includes
 23 the application of social work methods and values in
 24 evaluating personal and family problems and
 25 relationships, assisting persons and families with
 26 adjustment problems and reaching appropriate decisions
 27 about their lives, and counseling emotionally
 28 distressed individuals and families.

29 § 7. "Private practice of licensed social work"
 30 means the autonomous professional activity of a
 31 licensed social worker which is not under the auspices
 32 of a public or private nonprofit corporation.

33 Sec. 12. Section 154C.2, unnumbered paragraph 2,
 34 Code 1987, is amended to read as follows:

35 This chapter and chapter 147 do not prevent
 36 individuals not licensed as social workers or mental
 37 health counselors from working within their respective
 38 professions or occupations if they do not hold
 39 themselves out to the public as being licensed social
 40 workers or licensed mental health counselors. Section
 41 147.83 does not apply to persons who are not licensed
 42 as social workers licensees and do not hold themselves
 43 out as licensed social workers licensees.

44 Sec. 13. Section 154C.3, Code 1987, is amended to
 45 read as follows:

46 154C.3 REQUIREMENTS FOR LICENSE AS A ~~LICENSED~~
 47 ~~SOCIAL WORKER~~.

48 Each applicant for a license as a licensed social
 49 worker or a licensed mental health counselor shall
 50 meet the following requirements:

Page 5

1 1. Possess a master's or doctoral degree in social
 2 work from an accredited college or university approved
 3 by the board. For a license as a social worker, the
 4 degree shall be in social work. For a license as a
 5 mental health counselor, the degree shall be in
 6 counseling with courses in the field of mental health
 7 counseling or shall be a degree in an allied mental
 8 health field.

9 2. Pass an examination approved by the board for

10 ~~this the~~ purpose of licensure.

11 3. Have two years experience in the activities of
12 the practice of ~~social work~~ the profession for which
13 the applicant is requesting licensure.

14 Sec. 14. Section 154C.4, Code 1987, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 6. Educational, experiential, and
17 examinational standards for licensure as a mental
18 health counselor.

19 Sec. 15. Section 154C.5, unnumbered paragraph 1,
20 Code 1987, is amended to read as follows:

21 A ~~licensed social worker~~ licensee or a person
22 working under supervision of a licensee shall not
23 disclose or be compelled to disclose information
24 acquired from persons consulting that person in a
25 professional capacity except:

26 Sec. 16. TRANSITION -- NEW MEMBERS OF BOARD. The
27 members of the board of social work examiners shall
28 become members of the board of social work and mental
29 health counseling examiners and may continue to serve
30 the terms to which they were appointed. However,
31 service on both boards shall be considered together
32 for the purposes of section 147.19.

33 Notwithstanding section 147.19, for the initial
34 terms of the additional members of the board of social
35 work and mental health counseling examiners, the
36 governor shall appoint one member to serve a term of
37 one year and one member to serve a term of three
38 years. The initial appointees' successors shall be
39 appointed for terms of three years each, except that a
40 person chosen to fill a vacancy shall be appointed
41 only for the unexpired term of the board member
42 replaced.

43 In making the initial appointments to represent
44 mental health counselors on the board of social work
45 and mental health counseling examiners, the governor
46 shall appoint persons who meet the requirements of
47 section 154C.3, subsections 1 and 3, as amended by
48 this Act."

49 2. Title page, by striking line 2 and inserting
50 the following: "changing the name and composition of

Page 6

1 the board of social work examiners and adding powers
2 and duties of the board with respect to mental health
3 counselors,".

JOHN A. PETERSON

S-5278

- 1 Amend amendment S-5274 to Senate File 2244 as
- 2 follows:
- 3 1. Page 1, line 6, by inserting before the word
- 4 "governor" the following: "lieutenant".

C. W. BILL HUTCHINS

S-5279

- 1 Amend Senate File 2305 as follows:
- 2 1. Page 1, by inserting after line 10, the
- 3 following:
- 4 "For purposes of this section, "good faith" means
- 5 objectively reasonable, and not in violation of
- 6 clearly established statutory rights or other rights
- 7 of a person which a reasonable person would know or
- 8 should have known."

TOM MANN, Jr.

S-5280

- 1 Amend Senate File 2249 as follows:
- 2 1. Page 8, by striking lines 26 through 35 and
- 3 inserting the following:
- 4 "3. Section 203B.3, subsection 5, does not apply
- 5 to the newspaper, magazine, publication, or other
- 6 print media in which the advertising appears, or to
- 7 the radio station, television station, or other
- 8 electronic media which disseminates the advertising."

LARRY MURPHY

S-5281

- 1 Amend Senate File 2245 as follows:
- 2 1. Page 1, by inserting after line 10 the
- 3 following:
- 4 "The commission shall adopt rules regarding
- 5 reciprocity agreements with other states that have
- 6 equivalent laboratory certification requirements."

JOY CORNING

S-5282

1 Amend Senate File 2284 as follows:

- 2 1. Page 1, line 10, by striking the word "and"
 3 and inserting the following: "or".
 4 2. Page 1, line 32, by striking the word "an" and
 5 inserting the following: "a medical".
 6 3. Page 1, line 35, by inserting after the word
 7 "or" the following: "mental health".
 8 4. Page 2, lines 26 and 27, by striking the words
 9 "or to a utilization review agent or entity of the
 10 third-party payor." and inserting the following: "or
 11 to a utilization and quality review entity of, or
 12 contract with, the third-party payor.".

BEVERLY A. HANNON
 CHARLES BRUNER
 JULIA GENTLEMAN
 LARRY MURPHY

S-5283

1 Amend Senate File 2295 as follows:

- 2 1. Page 2, line 31, by striking the word
 3 "PROGRAMMING".
 4 2. Page 2, line 35, by inserting after the word
 5 "identification" the following: "and integration".
 6 3. Page 3, by striking lines 1 through 3 and
 7 inserting the following: "and their developmental
 8 needs."

BEVERLY A. HANNON
 LARRY MURPHY
 CHARLES BRUNER
 JIM LIND
 JOY CORNING

S-5284

1 Amend Senate File 2254 as follows:

- 2 1. Page 1, line 9, by inserting after the word
 3 "program" the following: "and submission of evidence
 4 of the classes taught by the administrator".
 5 2. Page 1, line 12, by inserting after the figure
 6 "260.8A." the following:
 7 "For purposes of this section, "evidence of the
 8 classes taught" means, for an endorsement which

9 applies to grades kindergarten through six, proof of
10 teaching in class for at least twenty hours, but for
11 an endorsement which applies to grades seven through
12 twelve, it means proof of teaching at least one class
13 for a quarter of a school year."

14 3. Page 1, line 28, by inserting after the word
15 "program" the following: "or submission of evidence
16 of the classes taught".

17 4. Page 2, line 1, by inserting after the word
18 "program" the following: "or teaching requirements".

19 5. Page 2, line 5, by inserting after the word
20 "program" the following: "or teaching requirements".

21 6. Title page, line 2, by inserting after the
22 word "programming" the following: "and teaching".

JIM LIND

S-5285

1 Amend Senate File 2234 as follows:

2 1. Page 1, by inserting after line 30 the fol-
3 lowing:

4 "Sec. ____ . STANDARDIZED SCHOOL CALENDAR STUDY.

5 It is the intent of the general assembly to have
6 regional standardized school calendars in effect by
7 the 1991-1992 school year. The districts shall
8 furnish information relating to their current
9 calendars and projected calendar requirements to the
10 department of education. The department of education
11 shall organize a committee to study the issues
12 involved in regional, standardized school calendars
13 and in moving to statewide school calendars. The
14 committee shall report to the department of education
15 and the department shall make recommendations to the
16 general assembly by January 1, 1990. The committee
17 shall include, but is not limited to, representatives
18 from the following organizations:

19 1. The public television and telecommunication
20 commission.

21 2. The merged area schools.

22 3. The area education agency media directors.

23 4. The area education agency superintendents.

24 5. The school district superintendents.

25 6. The school boards.

26 7. Teacher organizations.

27 8. The southwest Iowa project.

28 9. The board of regents.

29 The committee recommendations shall be based at
30 least in part on the eventual widespread use of

- 31 telecommunications and technology for the
 32 dissemination of school curricula.”
 33 2. Title page, line 1, by inserting after the
 34 word “date” the following: “and the calendar”.
 35 3. By renumbering as necessary.

LARRY MURPHY
 JIM LIND
 DALE TIEDEN
 WALLY HORN

S-5286

- 1 Amend Senate File 2268 as follows:
 2 1. Page 1, by striking lines 1 through 15.
 3 2. By renumbering sections.

LARRY MURPHY

S-5287

- 1 Amend House File 382, 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. 515.150 DEMOLITION
 6 RESERVE ON FIRE AND CASUALTY CLAIMS ON PROPERTY.
 7 1. An insurer shall reserve five thousand dollars
 8 or ten percent, whichever amount is greater, of the
 9 payment on a claim for damage to property on which it
 10 has issued a fire and casualty insurance policy as
 11 demolition cost reserve if the following are
 12 applicable:
 13 a. The property is located within the corporate
 14 limits of a city with a population of twenty thousand
 15 or more.
 16 b. The damage to the property renders it
 17 uninhabitable or unfit for the purpose for which it
 18 was intended, without repair.
 19 c. Proof of loss has been submitted by the
 20 policyholder for a sum in excess of seventy-five
 21 percent of the face value of the policy covering the
 22 building or other insured structure.
 23 2. An insurer which has received a proof of loss
 24 in excess of seventy-five percent of the face value of
 25 the policy covering a building or other insured
 26 structure, shall notify the city council of the city
 27 within which the property is located.

28 3. The city shall release all interest in the
 29 demolition cost reserve within ninety days after
 30 receiving notice of the existence of the demolition
 31 cost reserve unless the city has instituted legal
 32 proceedings for the demolition of said building or
 33 other insured structure, and has notified the insurer
 34 in writing of the institution of such legal pro-
 35 ceedings. Failure of the city to notify the insurer
 36 of such legal proceedings shall terminate the city's
 37 claim to any proceeds from the reserve.

38 4. A reserve for demolition costs shall no longer
 39 be required if:

40 a. The insurer has received notice from both the
 41 insured and the city council that the insured has com-
 42 menced repairs to the property or has commenced demo-
 43 lition of the property.

44 b. The city has failed to notify the insurer as
 45 provided under subsection 3.

46 5. If the city is required to demolish the damaged
 47 property at city expense, after instituting legal pro-
 48 ceedings, emergency actions, or obtaining waivers for
 49 the demolition of the building or other insured
 50 structure, the city shall present to the insurer the

Page 2

1 actual cost of demolition of the property, including
 2 engineering, legal, and other demolition project
 3 costs, and the insurer shall compensate the city for
 4 that actual cost of the demolition project up to the
 5 amount in the demolition cost reserve. Any amount
 6 left from the demolition cost reserve after the cost
 7 of demolition of the property is paid to the city
 8 shall be paid to the insured if the insured is
 9 entitled to the remaining proceeds under the policy.

10 6. The insurer is not liable for any amount in
 11 excess of the limits of liability set out by the
 12 policy.

13 7. Insurers complying with this section or
 14 attempting in good faith to comply with this section
 15 shall be immune from civil and criminal liability."

COMMITTEE ON LOCAL GOVERNMENT
 ALVIN V. MILLER, Chairperson

S-5288

1 Amend House File 2285 as passed by the House as
 2 follows:

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

5 "Sec. ____ . Section 99D.8, Code 1987, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 99D.8 HORSE OR DOG RACING LICENSES --APPLICATIONS.

9 A qualifying organization, as defined in section
10 513(d)(2)(C) of the Internal Revenue Code, as defined
11 in section 422.3, exempt from federal income taxation
12 under sections 501(c)(3), 501(c)(4), or 501(c)(5) of
13 the Internal Revenue Code, which is organized to
14 promote those purposes enumerated in section 99B.7,
15 subsection 3, paragraph "b", and which regularly
16 conducts, as one of its substantial exempt purposes,
17 an agricultural and educational fair or exposition for
18 the promotion of the horse, dog, or other livestock
19 breeding industries of the state, or an agency,
20 instrumentality, or political subdivision of the
21 state, may apply to the commission for a license to
22 conduct horse or dog racing. The application shall be
23 filed with the administrator of the commission at
24 least sixty days before the first day of the horse
25 race or dog race meeting which the organization
26 proposes to conduct, shall specify the day or days
27 when and the exact location where it proposes to
28 conduct racing, and shall be in a form and contain
29 information as the commission prescribes.

30 If any part of the net income of a license is
31 determined to be unrelated business taxable income as
32 defined in section 511 through 514 of the Internal
33 Revenue Code, the qualifying organization shall be
34 required to distribute the amount of net unrelated
35 business taxable income to organizations described in
36 section 501(c)(3) of the Internal Revenue Code in the
37 county in which it operates. Distributions to these
38 organizations made during the year in which the
39 unrelated business income was earned shall be treated
40 as included in the required distributions for this
41 purpose.

42 An organization which meets the requirements of
43 this section, as amended, on or before July 1, 1988,
44 shall be considered to have met the requirements of
45 this section on the date that its initial application
46 was originally filed."

47 2. Page 6, by inserting after line 10 the
48 following:

49 "Sec. ____ . Section 422.65, unnumbered paragraph 3,
50 Code 1987, is amended to read as follows:

Page 2

1 Quarterly, the director shall ~~certify to the~~
2 ~~treasurer of state the amounts to be paid~~ remit to
3 each city and county from the franchise tax fund. All
4 moneys received from the franchise tax are hereby
5 appropriated according to the provisions of this
6 section.”

7 3. Page 10, by inserting after line 15 the
8 following:

9 “Sec. ____ . Section 422A.2, subsection 2, Code
10 1987, is amended to read as follows:

11 2. All moneys in the local transient guest tax
12 fund shall be remitted at least quarterly by ~~the~~
13 ~~treasurer of state, pursuant to rules of the director~~
14 of revenue and finance, to each city in the amount
15 collected from businesses in that city and to each
16 county in the amount collected from businesses in the
17 unincorporated areas of the county.

18 Sec. ____ . Section 422B.10, subsection 2, Code
19 1987, is amended to read as follows:

20 2. The ~~treasurer of state, pursuant to rules of~~
21 ~~the director of revenue and finance, shall remit at~~
22 least quarterly to the board of supervisors, if the
23 tax was imposed in the unincorporated areas, and each
24 city where the tax was imposed its share of the
25 county’s account in the local sales and services tax fund as
26 computed under subsections 3 and 4.”

27 4. Title page, line 2, by inserting after the
28 word “taxes,” the following: “the state’s
29 administration of local option taxes,”.

COMMITTEE ON WAYS AND MEANS
CHARLES BRUNER, Chairperson

S-5289

1 Amend Senate File 2256 as follows:

2 1. Page 1, line 11, by inserting after the word
3 “evidence” the following: “, if determined to be
4 relevant.”.

TOM MANN, Jr.

S-5290

- 1 Amend Senate File 2178 as follows:
- 2 1. Page 3, by inserting after line 33 the
- 3 following:
- 4 "This section does not prohibit a person from
- 5 collecting, storing, or collating a mailing list, list
- 6 of customers or clients, or other similar list to be
- 7 used exclusively for the purpose of conducting the
- 8 person's business."

TOM MANN, Jr.

S-5291

- 1 Amend Senate File 2253 as follows:
- 2 1. Page 1, by inserting after line 11, the
- 3 following:
- 4 "Sec. 2. This Act takes effect July 1, 1990."

LARRY MURPHY

S-5292

- 1 Amend Senate File 2255 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 307.37, Code 1987, is amended
- 5 to read as follows:
- 6 307.37 MOTOR VEHICLE FRAUD AND ODOMETER LAW
- 7 ENFORCEMENT.
- 8 The department shall investigate and prosecute
- 9 violators of the laws concerning motor vehicle fraud
- 10 including, but not limited to, the state and federal
- 11 odometer law. The department shall refer available
- 12 evidence concerning a possible violation of the laws
- 13 concerning motor vehicle fraud including, but not
- 14 limited to, section 321.71 or the federal odometer law
- 15 or a rule or order issued under section 321.71 or the
- 16 federal odometer law, to the attorney general. The
- 17 attorney general, with or without the referral, may
- 18 institute appropriate criminal proceedings or may
- 19 direct the case to the appropriate county attorney to
- 20 institute appropriate criminal proceedings. The
- 21 attorney general may use those funds available to the
- 22 department for this purpose and law enforcement
- 23 agencies may be reimbursed for expenses incurred in

24 the enforcement of the state and federal odometer
25 those laws, rules, or orders with the approval of the
26 attorney general and concurrence by the department.
27 Sec. 2. Section 312.2, subsection 15, Code
28 Supplement 1987, is amended to read as follows:
29 15. The treasurer of state, before making the
30 allotments provided for in this section, shall credit
31 annually to the state department of transportation
32 from the road use tax fund an amount equal to twenty-
33 five cents on each title issuance for motor vehicle
34 fraud law enforcement purposes including, but not
35 limited to, the enforcement of state and federal
36 odometer law enforcement purposes laws. This
37 subsection is effective for the fiscal period
38 beginning July 1, 1984 and ending June 30, 1989.
39 Sec. 3. Section 321.24, unnumbered paragraph 3,
40 Code Supplement 1987, is amended to read as follows:
41 The certificate of title shall contain upon its
42 face the identical information required upon the face
43 of the registration receipt. In addition, the
44 certificate of title shall contain a statement of the
45 owner's title, the amount of tax paid pursuant to
46 section 423.7, the name and address of the previous
47 owner, and a statement of all security interests and
48 encumbrances as shown in the application, upon the
49 vehicle described, including the nature of the
50 security interest, date of notation, and name and

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1 address of the secured party. If the prior
2 certificate of title was a salvage, rebuilt, or
3 junking certificate of title in any other state, or if
4 the prior certificate of title in any other state
5 indicates that the vehicle was salvaged, rebuilt, or
6 junked, the new certificate of title shall contain the
7 same information and a salvage, rebuilt, or junking
8 designation shall be retained on all subsequent Iowa
9 title certificates for the vehicle. The department
10 shall adopt rules to determine how other states'
11 salvage, rebuilt, or junking designations are to be
12 indicated on Iowa titles. The certificate shall bear
13 the seal of the county treasurer or of the department,
14 and the signature of the county treasurer, the deputy
15 county treasurer, or the department director or deputy
16 designee. The certificate shall provide space for the
17 signature of the owner. The owner shall sign the
18 certificate of title in the space provided with pen
19 and ink upon its receipt. The certificate of title
20 shall contain upon the reverse side a form for

21 assignment of title or interest and warranty by the
 22 owner, for reassignments by a licensed dealer, and for
 23 application for a new certificate of title by the
 24 transferee as provided in this chapter. However,
 25 titles for mobile homes shall not be reassigned by
 26 licensed dealers. All certificates of title shall be
 27 typewritten or printed by other mechanical means.
 28 Sec. 4. Section 321.52, subsection 4, unnumbered
 29 paragraph 1, Code 1987, is amended to read as follows:
 30 a. A vehicle rebuilder or a motor vehicle dealer
 31 licensed under chapter 322, upon acquisition of a
 32 wrecked or salvage vehicle, shall surrender the
 33 certificate of title and registration receipt or
 34 manufacturer's or importer's statement of origin
 35 properly assigned, together with an application for a
 36 salvage certificate of title to the county treasurer
 37 of the county of residence of the purchaser or
 38 transferee within fourteen days after the date of
 39 assignment of the certificate of title for the wrecked
 40 or salvage motor vehicle. This subsection applies
 41 only to vehicles with a fair market value of five
 42 hundred dollars or more, based on the value before the
 43 vehicle became wrecked or salvage. Upon payment of a
 44 fee of two dollars, the county treasurer shall issue a
 45 salvage certificate of title which shall bear the word
 46 "SALVAGE" stamped or printed on the face of the title
 47 ~~in bold letters and coded~~ in a manner prescribed by
 48 the department. A salvage certificate of title may be
 49 assigned to any person. ~~Notwithstanding any other~~
 50 ~~provisions in this section a~~ A vehicle on which

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1 ownership has transferred to an insurer of the
 2 vehicle, as a result of a settlement with the owner of
 3 the vehicle arising out of damage to, or unrecovered
 4 theft of the vehicle, shall be deemed to be a wrecked
 5 or salvage vehicle and the insurer shall comply with
 6 this subsection to obtain a salvage certificate of
 7 title within fourteen days after the date of
 8 assignment of the certificate of title of the vehicle.
 9 Sec. 5. Section 321.52, subsection 4, unnumbered
 10 paragraph 2, Code 1987, is amended by striking the
 11 unnumbered paragraph and inserting in lieu thereof the
 12 following lettered paragraphs, and lettering the
 13 existing paragraphs of the subsection:
 14 b. When a wrecked or salvaged vehicle has been
 15 repaired, the owner may apply for a regular
 16 certificate of title by paying the appropriate fees
 17 and surrendering the salvage certificate of title and

18 a properly executed salvage theft examination
19 certificate. The county treasurer shall issue a
20 regular certificate of title which, if the wrecked or
21 salvaged vehicle is five model years old or less,
22 shall bear the word "REBUILT" stamped or printed on
23 the face of the title. The rebuilt designation shall
24 be included on every Iowa certificate of title issued
25 thereafter for the vehicle. However, if ownership of
26 a stolen vehicle has been transferred to an insurer
27 organized under the laws of this state or admitted to
28 do business in this state, or if the transfer was the
29 result of a settlement with the owner of the vehicle
30 arising from damage to or the unrecovered theft of the
31 vehicle, and if the insurer certifies to the county
32 treasurer on a form approved by the department that
33 the cost of repairs to all damage to the vehicle is
34 less than three thousand dollars, the county treasurer
35 shall issue the regular certificate of title without
36 the rebuilt designation.

37 c. A salvage theft examination shall be made by a
38 peace officer who has been specially certified and
39 recertified when required by the Iowa law enforcement
40 academy to do salvage theft examinations. The Iowa
41 law enforcement academy shall determine standards for
42 training and certification, conduct training, and may
43 approve alternative training programs which satisfy
44 the academy's standards for training and
45 certification. The owner of the salvage vehicle shall
46 make the vehicle available for examination at a time
47 and location designated by the peace officer doing the
48 examination. The owner may obtain a permit to drive
49 the vehicle to and from the examination location by
50 submitting a repair affidavit to the agency performing

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1 the examination stating that the vehicle is reasonably
2 safe for operation and listing the repairs which have
3 been made to the vehicle. The owner must be present
4 for the examination and have available for inspection
5 the salvage title, bills of sale for all essential
6 parts changed, and the repair affidavit. The
7 examination shall be for the purposes of determining
8 whether the vehicle or repair components have been
9 stolen. The examination is not a safety inspection
10 and a signed salvage theft examination certificate
11 shall not be construed by any court of law to be a
12 certification that the vehicle is safe to be operated.
13 There shall be no cause of action against the peace
14 officer or the agency conducting the examination or

15 the county treasurer for failure to discover or note
16 safety defects. If the vehicle passes the theft
17 examination, the peace officer shall indicate that the
18 vehicle passed examination on the salvage theft
19 examination certificate and, with regard to a vehicle
20 which is required to bear the word "REBUILT" stamped
21 or printed on the face of the title, shall permanently
22 identify the vehicle as "rebuilt" on the driver's door
23 jamb or other area on the vehicle as designated by the
24 department. A removal or alteration of this rebuilt
25 identification is a violation of section 321.92. The
26 repair affidavit, permit, and salvage theft
27 examination certificate shall be on controlled forms
28 prescribed and furnished by the department. The owner
29 shall pay a fee of fifty dollars upon completion of
30 the examination. The agency performing the
31 examinations shall retain forty dollars of the fee and
32 shall pay five dollars of the fee to the department
33 and five dollars of the fee to the Iowa law
34 enforcement academy to provide for the special
35 training, certification, and recertification of
36 officers as required by this subsection.
37 The provision of this subsection requiring a
38 salvage theft examination by a peace officer specially
39 certified or recertified by the Iowa law enforcement
40 academy to do salvage theft examinations shall become
41 effective July 1, 1989. Salvage theft examinations
42 conducted before July 1, 1989, shall be made by peace
43 officers authorized to do so by the state department
44 of transportation or the department of public safety
45 who are qualified, as determined by those agencies, to
46 conduct salvage theft examinations. The state
47 department of transportation shall adopt rules in
48 accordance with chapter 17A to carry out this section,
49 including transition rules allowing for salvage theft
50 examinations prior to July 1, 1989.

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1 Sec. 6. Section 321.52, subsection 4, unnumbered
2 paragraph 3, Code 1987, is amended to read as follows:
3 d. For purposes of this subsection a "wrecked or
4 salvage vehicle" means a damaged vehicle subject to
5 registration and having a gross vehicle weight rating
6 of less than thirty thousand pounds, for which the
7 cost of repair exceeds fifty percent of the fair
8 market value of the vehicle, as determined in
9 accordance with rules adopted by the department,
10 before it became damaged.
11 Sec. 7. Section 321.92, Code 1987, is amended to

12 read as follows:

13 321.92 ALTERING OR CHANGING NUMBERS.

14 1. FRAUDULENT INTENT. No person shall with
 15 fraudulent intent, deface, destroy, or alter the
 16 vehicle identification number or component part number
 17 or other distinguishing number or identification mark
 18 of a vehicle or component part, including a rebuilt
 19 identification, nor shall ~~any a~~ person place or stamp
 20 ~~any a~~ serial, engine, or other number or mark upon a
 21 vehicle or component part, except one assigned thereto
 22 by the department. ~~Any A~~ violation of this provision
 23 is a felony punishable as provided in section 321.483.

24 This subsection ~~shall~~ does not prohibit the
 25 restoration of an original vehicle identification
 26 number, component part number, or other number or mark
 27 when ~~such the~~ restoration is made by the department,
 28 nor prevent ~~any a~~ manufacturer from placing, in the
 29 ordinary course of business, numbers or marks upon
 30 vehicles or component parts.

31 2. VEHICLES WITHOUT IDENTIFICATION NUMBERS. ~~Any A~~
 32 person who knowingly buys, receives, disposes of,
 33 sells, offers for sale, or has in the person's
 34 possession ~~any a~~ vehicle, or ~~any a~~ component part of a
 35 vehicle, from which the vehicle identification number,
 36 rebuilt identification, or component part number has
 37 been removed, defaced, covered, altered, or destroyed
 38 for the purpose of concealing or misrepresenting the
 39 identity of the vehicle or component part is guilty of
 40 a simple misdemeanor."

JOE J. WELSH

S-5293

1 Amend Senate File 2266 as follows:

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

4 "Sec. ____ . Section 472.8, Code 1987, is amended to
 5 read as follows:

6 472.8 NOTICE OF ASSESSMENT.

7 The applicant, or the owner or any lienholder or
 8 encumbrancer of any land described in the application,
 9 may, at any time after the appointment of the
 10 commissioners, have the damages to the lands of any
 11 such owner assessed by giving the other party, if a
 12 resident of this state, ~~ten~~ twenty days' notice, in
 13 writing. ~~Such~~ The notice shall specify the day and
 14 the hour when the commissioners will view the

15 premises, and be served in the same manner as original
16 notices.”

BERL E. PRIEBE

S-5294

- 1 Amend Senate File 2233 as follows:
2 1. Page 1, by striking lines 23 through 27.

ROBERT M. CARR

S-5295

- 1 Amend Senate File 2310 as follows:
2 1. By striking page 2, line 34 through page 3,
3 line 6 and inserting the following:
4 “8. DIVISION FOR THE BLIND
5 For salaries and support of not more than one
6 hundred two and five-tenths full-time equivalent
7 positions annually, maintenance, and miscellaneous
8 purposes.”
9 2. By striking page 17, line 27 through page 24,
10 line 14.
11 3. Title page, by striking lines 2 through 4 and
12 inserting the following: “human rights, the
13 department of elder affairs, and the department of
14 public health.”

COMMITTEE ON STATE GOVERNMENT
ROBERT M. CARR, Chairperson

S-5296

- 1 Amend House File 2277, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 13 the
4 following:
5 “Sec. ____ . Section 294A.15, Code Supplement 1987,
6 is amended by adding the following new unnumbered
7 paragraph after unnumbered paragraph 1:
8 NEW UNNUMBERED PARAGRAPH. A plan adopted by the
9 board of directors of a school district or area
10 education agency may include as a part of the plan a
11 proposal that continues a performance-based pay plan
12 or a supplemental pay plan, or a combination of the
13 two pay plans, that meets the criteria listed in

14 section 294A.14 and was in effect in the school
15 district or area education agency prior to July 1,
16 1987. The budget for the plan submitted to the
17 department of education shall include both the phase
18 III moneys, and general fund moneys equal to those
19 used prior to July 1, 1987, for programs that would
20 have met the criteria listed in section 294A.14.”

21 2. By striking page 3, line 35 through page 4,
22 line 1, and inserting the following: “state
23 resources. The payments shall be separate from state
24 aid payments made pursuant to sections”.

25 3. Page 4, line 20, by striking the figure “3”
26 and inserting the following: “4”.

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-5297

1 Amend Senate File 2285 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “Section 1. Section 321.23, subsection 1, Code
5 1987, is amended to read as follows:

6 1. If the vehicle to be registered is a specially
7 constructed, reconstructed, remanufactured or foreign
8 vehicle, such fact shall be stated in the application.

9 A fee of ten dollars shall be paid by the person
10 making the application upon issuance of a certificate
11 of title by the county treasurer. If the vehicle is a
12 foreign vehicle which has been registered outside of
13 this state, the county treasurer shall indicate on the
14 certificate of title the name of the state or country
15 in which the vehicle was last registered prior to
16 being registered in this state and the county
17 treasurer shall continue to indicate the name of such
18 state or country on all subsequent certificates of
19 title issued for the vehicle. With reference to every
20 specially constructed or reconstructed motor vehicle
21 subject to registration the application shall be
22 accompanied by a statement from the department
23 authorizing the motor vehicle to be titled and
24 registered in this state. The department shall cause
25 a physical inspection to be made of all specially
26 constructed or reconstructed motor vehicles, upon
27 application for a certificate of title by the owner,
28 to determine whether the motor vehicle is in a safe
29 operating condition and that the integral component
30 parts are properly identified and that the rightful

31 ownership is established before issuing the owner the
32 authority to have the motor vehicle registered and
33 titled. With reference to every foreign vehicle which
34 has been registered outside of this state the owner
35 shall surrender to the treasurer all registration
36 plates, registration cards, and certificates of title,
37 or, if the vehicle to be registered is from a nontitle
38 state, the evidence of foreign registration and
39 ownership as may be prescribed by the department
40 except as provided in subsection 2.

41 Sec. 2. Section 321.24, unnumbered paragraph 3,
42 Code Supplement 1987, is amended to read as follows:

43 The certificate of title shall contain upon its
44 face the identical information required upon the face
45 of the registration receipt. In addition, the
46 certificate of title shall contain a statement of the
47 owner's title, the amount of tax paid pursuant to
48 section 423.7, the name and address of the previous
49 owner, and a statement of all security interests and
50 encumbrances as shown in the application, upon the

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1 vehicle described including the nature of the security
2 interest, date of notation, and name and address of
3 the secured party. If the vehicle has been previously
4 registered outside of this state, the certificate of
5 title shall contain the name of the last such state or
6 country in which the vehicle was registered. The
7 certificate shall bear the seal of the county
8 treasurer or of the department, and the signature of
9 the county treasurer, the deputy county treasurer, or
10 the department director or deputy designee. The
11 certificate shall provide space for the signature of
12 the owner. The owner shall sign the certificate of
13 title in the space provided with pen and ink upon its
14 receipt. The certificate of title shall contain upon
15 the reverse side a form for assignment of title or
16 interest and warranty by the owner, for reassignments
17 by a licensed dealer, and for application for a new
18 certificate of title by the transferee as provided in
19 this chapter. However, titles for mobile homes shall
20 not be reassigned by licensed dealers. All
21 certificates of title shall be typewritten or printed
22 by other mechanical means.

23 Sec. 3. Section 307.37, Code 1987, is amended to
24 read as follows:

25 307.37 MOTOR VEHICLE FRAUD AND ODOMETER LAW
26 ENFORCEMENT.

27 The department shall investigate and prosecute

28 violators of the laws concerning motor vehicle fraud
29 including, but not limited to, the state and federal
30 odometer law. The department shall refer available
31 evidence concerning a possible violation of the laws
32 concerning motor vehicle fraud including, but not
33 limited to, section 321.71 or the federal odometer law
34 or a rule or order issued under section 321.71 or the
35 federal odometer law, to the attorney general. The
36 attorney general, with or without the referral, may
37 institute appropriate criminal proceedings or may
38 direct the case to the appropriate county attorney to
39 institute appropriate criminal proceedings. The
40 attorney general may use those funds available to the
41 department for this purpose and law enforcement
42 agencies may be reimbursed for expenses incurred in
43 the enforcement of ~~the state and federal odometer~~
44 those laws, rules, or orders with the approval of the
45 attorney general and concurrence by the department.
46 Sec. 4. Section 321.52, subsection 4, Code 1987,
47 is amended to read as follows:
48 4. a. A vehicle rebuilder or a motor vehicle
49 dealer licensed under chapter 322, upon acquisition of
50 a wrecked or salvage vehicle, shall surrender the

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1 certificate of title and registration receipt or
2 manufacturer's or importer's statement of origin
3 properly assigned, together with an application for a
4 salvage certificate of title to the county treasurer
5 of the county of residence of the purchaser or
6 transferee within fourteen days after the date of
7 assignment of the certificate of title for the wrecked
8 or salvage motor vehicle. This subsection applies
9 only to vehicles with a fair market value of five
10 hundred dollars or more, based on the value before the
11 vehicle became wrecked or salvage. Upon payment of a
12 fee of two dollars, the county treasurer shall issue a
13 salvage certificate of title which shall bear the word
14 "SALVAGE" stamped on the face of the title in bold
15 letters and coded in a manner prescribed by the
16 department. A salvage certificate of title may be
17 assigned to any person.
18 b. Notwithstanding any other provisions in this
19 section a vehicle on which ownership has transferred
20 to an insurer of the vehicle, as a result of a
21 settlement with the owner of the vehicle arising out
22 of damage to, or unrecovered theft of the vehicle,
23 shall be deemed to be a wrecked or salvage vehicle and
24 the insurer shall comply with this subsection to

25 obtain a salvage certificate of title within fourteen
26 days after the date of assignment of the certificate
27 of title of the vehicle. The insurer shall not
28 transfer title of the vehicle except to an authorized
29 vehicle recycler licensed under chapter 321H, an
30 authorized vehicle recycler licensed in another state,
31 or the owner from whom the vehicle was transferred to
32 the insured.

33 c. When a wrecked or salvage vehicle has been
34 repaired or rebuilt, that person shall make
35 application for a certificate of title to the county
36 treasurer of the county of residence of the owner, and
37 shall surrender the salvage certificate of title
38 issued for the vehicle and a properly executed salvage
39 theft examination certificate. A verification
40 Verification of the vehicle identification number of
41 the vehicle and the salvage theft examination
42 certificate, and a review of the vehicle's replaced or
43 repaired component parts shall be made by a peace
44 officer of the state department of transportation, the
45 department of public safety, county sheriff or police
46 department of cities with a population exceeding five
47 thousand persons, or a person designated by the
48 director of public safety or the director of
49 transportation. The person making application for the
50 certificate of title shall provide a photograph of the

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1 vehicle showing its damaged condition prior to its
2 repair or rebuilding to aid in the review of the
3 vehicle's replaced or repaired component parts. The
4 applicant shall also provide a list of the component
5 parts of the vehicle which were replaced or repaired
6 and shall provide documentation of replaced parts
7 showing where they were obtained and, if a replacement
8 part is used, the applicant shall provide the vehicle
9 identification number of the vehicle from which the
10 replacement part originated. If an applicant fails to
11 provide the photograph, list, or necessary
12 documentation, the vehicle shall be deemed to be a
13 rebuilt motor vehicle.

14 A salvage theft examination shall be made by a
15 peace officer who has been specially trained,
16 certified, and recertified when required, by the Iowa
17 law enforcement academy to do salvage theft
18 examinations. The owner of the salvage vehicle shall
19 make the vehicle available for examination at a time
20 and location designated by the peace officer doing the

21 examination. The owner may obtain a permit to drive
22 the vehicle to and from the examination location by
23 submitting a repair affidavit to the agency performing
24 the examination stating that the vehicle is reasonably
25 safe for operation and listing the repairs which have
26 been made to the vehicle. The owner must be present
27 for the examination and have available for inspection
28 the salvage title, bills of sale for all essential
29 parts changed, and the repair affidavit. The
30 examination shall be for the purposes of determining
31 whether the vehicle or repair components have been
32 stolen. The examination is not a safety inspection
33 and a signed salvage theft examination certificate
34 shall not be construed by any court of law to be a
35 certification that the vehicle is safe to be operated.
36 There shall be no cause of action against the peace
37 officer or the agency conducting the examination or
38 the county treasurer for failure to discover or note
39 safety defects. The repair affidavit, permit, and
40 salvage theft examination certificate shall be on
41 controlled forms prescribed and furnished by the
42 department. The owner shall pay a fee of fifty
43 dollars upon completion of the examination. The
44 agency performing the examinations shall retain forty
45 dollars of the fee and shall pay five dollars of the
46 fee to the department and five dollars of the fee to
47 the Iowa law enforcement academy to provide for the
48 special training, certification, and recertification
49 of officers as required by this subsection.
50 PARAGRAPH DIVIDED. The verification, salvage theft

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1 examination, and review of replaced and repaired
2 component parts shall be made on forms provided by the
3 department and signed by the peace officer or the
4 appropriately designated person and the verification,
5 salvage theft examination, and component parts review
6 form shall be surrendered by the owner to the county
7 treasurer at the time application is made for a
8 certificate of title. Upon payment of the appropriate
9 fees and surrender of the appropriate documents the
10 county treasurer shall issue a certificate of title to
11 the person making application. If the component parts
12 review indicates that the motor vehicle is a rebuilt
13 motor vehicle, the certificate of title and each
14 subsequently issued certificate of title for the
15 vehicle shall bear the word "REBUILT" stamped on the
16 face of the title in bold letters.

17 For purposes of this lettered paragraph, "rebuilt
18 motor vehicle" means a wrecked or salvage vehicle
19 which has been repaired or rebuilt by means of
20 repairing or replacing two or more of the vehicle's
21 major component parts, and a "major component part"
22 means the rear clip, cowl, frame, body, cab, front end
23 assembly, or front clip, as those terms are defined by
24 rules adopted by the department.

25 The component parts review provisions of this
26 lettered paragraph do not apply to vehicles being
27 registered under section 321.115 and the certificate
28 of title issued to such vehicles shall not bear the
29 word "REBUILT" stamped on the face of the title.

30 d. For purposes of this subsection a "wrecked or
31 salvage vehicle" means a damaged vehicle for which the
32 cost of repair exceeds fifty percent of the fair
33 market value of the vehicle before it became damaged.

34 Sec. 5. Section 321H.3, unnumbered paragraph 1,
35 Code 1987, is amended to read as follows:

36 Except for educational institutions, ~~people~~
37 ~~licensed as new or used vehicle dealers under chapter~~
38 ~~322~~; people engaged in a hobby not for profit, people
39 engaged in the business of purchasing bodies, parts of
40 bodies, frames or component parts of vehicles only for
41 sale as scrap metal or a person licensed under the
42 provisions of this chapter as an authorized vehicle
43 recycler, a person in this state shall not engage in
44 the business of:

45 Sec. 6. The state department of transportation
46 shall adopt rules which allow authorized vehicle
47 recyclers, as defined in chapter 321H, to meet the
48 definition of transporter, as defined in chapter 321,
49 so that transporter plates may be issued for
50 authorized vehicle recyclers.

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1 Sec. 7. Sections 1, 2, 3, 5, and 6 of this Act
2 take effect July 1 following its enactment. Section 4
3 of this Act takes effect January 1 following this
4 Act's enactment. However, the state department of
5 transportation shall adopt rules as required for
6 implementation of section 4 of this Act prior to
7 January 1 following this Act's enactment."

JOHN JENSEN

S-5298

- 1 Amend Senate File 2261 as follows:
- 2 1. Page 1, line 10, by striking the word "twenty-
- 3 five" and inserting the following: "fourteen".
- 4 2. Page 1, line 13, by striking the word "twenty-
- 5 five" and inserting the following: "fourteen".
- 6 3. Page 1, line 20, by inserting after the word
- 7 "dog" the following: ", or standing stallion or
- 8 standing stud dog which has stood one year or longer
- 9 in this state. These funds shall be paid to
- 10 qualifying animals, according to rules adopted by the
- 11 department pursuant to chapter 17A, as follows:
- 12 ninety percent to the breeder of the winning dog,
- 13 thoroughbred horse, standardbred horse, or quarter
- 14 horse of each respective class, and ten percent to the
- 15 current owner of the standing stallion or stud dog.
- 16 Unclaimed moneys from the fund shall be added to the
- 17 moneys paid to the breeder of the winning dog,
- 18 thoroughbred horse, standardbred horse, or quarter
- 19 horse".
- 20 4. Page 3, by striking lines 16 and 17.
- 21 5. Page 3, by striking lines 21 and 22.
- 22 6. Page 3, by striking lines 25 through 29.
- 23 7. By renumbering as necessary.

BERL E. PRIEBE

S-5299

- 1 Amend Senate File 2263 as follows:
- 2 1. Page 1, lines 5 and 6, by striking the words
- 3 "paragraphs a and b, Code 1987, are" and inserting the
- 4 following: "paragraph a, Code 1987, is".
- 5 2. Page 1, by striking lines 12 through 17.
- 6 3. Title, by striking lines 2 through 4, and
- 7 inserting the following: "use of certain drugs on
- 8 racing".

WILLIAM DIELEMAN

S-5300

- 1 Amend Senate File 2263 as follows:
- 2 1. By striking the enacting clause.

WILLIAM DIELEMAN

S-5301

1 Amend Senate File 2263 as follows:

2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting the following:
4 "subsections".

5 2. Page 1, by inserting after line 4 the
6 following:

7 "NEW SUBSECTION. 21. To require licensees to
8 indicate in their racing programs those horses to
9 which the drugs lasix or phenylbutazone were
10 administered within ten days before the race or to
11 which the drugs are to be administered before the
12 race."

RICHARD VARN

S-5302

1 Amend Senate File 2286 as follows:

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

4 "Sec. __. NEW SECTION. 307B.25 FEES ON FREIGHT
5 NOT TAXED.

6 The authority shall collect, on a per ton basis,
7 freight rates which are reasonable and competitive on
8 all transported items other than grain which is sub-
9 ject to an excise tax imposed under sections 307B.40
10 through 307B.47. Fees under this section shall be
11 imposed on shipments which initiate or terminate on
12 rail lines owned or financially assisted by the
13 authority. Moneys collected under this section shall
14 be remitted to the treasurer of state who shall credit
15 the moneys to the special railroad facility fund."

C. JOSEPH COLEMAN

S-5303

1 Amend Senate File 2188 as follows:

2 1. Page 1, by inserting after line 34 the
3 following:

4 "Sec. 50. Section 425.23, subsection 3, paragraph
5 a, Code 1987, is amended to read as follows:

6 a. Any person who is eligible to file a claim for
7 credit for property taxes due and who has a household
8 income of ~~five~~ seven thousand dollars or less and who

9 has a special assessment levied against the homestead
10 may file a claim with the county treasurer that the
11 claimant had a household income of ~~five~~ seven thousand
12 dollars or less and that a special assessment is
13 presently levied against the homestead. The
14 department shall provide to the respective county
15 treasurers such forms as are necessary for the
16 administration of this subsection. The claim shall be
17 filed not later than September 30 of each year. Upon
18 the filing of the claim, no penalty or interest for
19 late payment shall accrue against the amount of the
20 special assessment due and payable. The claim filed
21 by the claimant shall constitute a claim for credit of
22 an amount equal to the actual amount due and payable
23 upon the special assessment payable during the fiscal
24 year against the homestead of the claimant or an
25 amount equal to the annual payment of the special
26 assessment levied against the homestead of the
27 claimant and payable in annual installments through
28 the period of years provided by the governing body of
29 the city, whichever is less. The department of
30 revenue and finance shall, upon the filing of the
31 claim with the department by the county treasurer, pay
32 that amount of the special assessment during the
33 current fiscal year to the county treasurer. The
34 county treasurer shall submit the claims to the
35 director of revenue and finance not later than October
36 15 of each year. The director of revenue and finance
37 shall certify the amount of reimbursement due each
38 county for special assessment credits allowed under
39 this subsection. The amount of reimbursement due each
40 county shall be paid by the director of revenue and
41 finance on October 20 of each year, drawn upon
42 warrants payable to the respective county treasurer.
43 There is appropriated annually from the general fund
44 of the state to the department of revenue and finance
45 an amount sufficient to carry out the provisions of
46 this subsection. The county treasurer shall credit
47 any moneys received from the department against the
48 amount of the special assessment due and payable on
49 the homestead of the claimant.
50 Sec. ____ . Section 50 of this Act is retroactive to

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1 January 1, 1988, for special assessments levied on or
2 after that date."

LARRY MURPHY
CHARLES BRUNER
LEONARD L. BOSWELL

S-5304

1 Amend Senate File 2263 as follows:
2 1. Page 1, by inserting after line 17 the
3 following:
4 "Sec. 3. This Act, being deemed of immediate
5 importance, takes effect upon enactment."
6 2. Title page, line 5, by inserting after the
7 word "commission" the following: ", and providing an
8 effective date".

BERL E. PRIEBE

S-5305

1 Amend House File 2066, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 4, by striking the word "three"
4 and inserting the following: "two and one-half".
5 2. Page 1, by striking lines 5 through 8.
6 3. Page 1, line 12, by striking the figure
7 "109.124".

COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chairperson

S-5306

1 Amend House File 2066, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 4, by striking the word "three"
4 and inserting the following: "two and one-half".
5 2. Page 1, by striking lines 5 through 8.
6 3. Page 1, line 12, by striking the figure
7 "109.124".
8 4. Title page, by striking lines 2 and 3, and

9 inserting the following: "dimension for a snare
10 trap".

COMMITTEE ON NATURAL RESOURCES
KENNETH SCOTT, Chairperson

S-5307

1 Amend House File 2117 as passed by the House as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 595.5, Code 1987, is amended
6 to read as follows:
7 595.5 SURNAME ADOPTED.
8 ~~Upon marriage either~~ A party may request on the
9 application for a marriage license a name change to
10 that of the other party or to some other surname
11 mutually agreed upon by the parties. The names used
12 on the marriage license shall become the legal names
13 of the parties to the marriage. The marriage license
14 shall contain a statement that when a name change is
15 requested and affixed to the marriage license, the new
16 name is the legal name of the requesting party. If a
17 party requests a name change, other than a change of
18 surname to that of the other spouse or to a ~~hyphenated~~
19 combination of the surnames of both spouses, the party
20 shall request approval of the court pursuant to
21 chapter 674 and shall submit to the court the
22 information required by section 674.2; ~~and upon~~ Upon
23 approval of the court and solemnization of the
24 marriage, the clerk of ~~the~~ the district court shall send a
25 certified copy of the return of marriage to the
26 recorder's office in every county in this state where
27 real property is owned by either of the parties. The
28 judge may approve the name change. The new names and
29 the immediate former names shall appear on the return
30 of marriage, and the return of marriage shall be
31 recorded in the miscellaneous records in the
32 recorder's office. An individual ~~can~~ shall have only
33 one legal name at any one time."
34 2. Title, line 1, by inserting after the word
35 "changes" the following: "on an application for
36 marriage or".

DALE L. TIEDEN
DONALD V. DOYLE

S-5308

1 Amend Senate File 2268 as follows:
2 1. Page 1, line 34, by striking the word
3 "seventy-two" and inserting the following: "seventy-
4 one".
5 2. Page 2, by inserting after line 26 the
6 following:
7 "Sec. ____ . Section 376.4, unnumbered paragraph 1,
8 Code Supplement 1987, is amended to read as follows:
9 An eligible elector of a city may become a
10 candidate for an elective city office by filing with
11 the city clerk a valid petition requesting that the
12 elector's name be placed on the ballot for that
13 office. The petition must be filed not more than
14 ~~seventy-two~~ seventy-one days nor less than forty-seven
15 days before the date of the election, and must be
16 signed by eligible electors equal in number to at
17 least two percent of those who voted to fill the same
18 office at the last regular city election, but not less
19 than ten persons. Nomination petitions shall be filed
20 not later than five o'clock p.m. on the last day for
21 filing."

ALVIN V. MILLER

S-5309

1 Amend Senate File 2262 as follows:
2 1. Page 1, line 7, by inserting after the words
3 "a product" the following: ", other than meat,".
4 2. Page 1, line 8, by striking the word "meat,".

JOHN E. SOORHOLTZ

S-5310

1 Amend Senate File 2238 as follows:
2 1. Page 7, by inserting after line 21 the
3 following:
4 "Sec. ____ . Section 114.9, Code 1987, is amended to
5 read as follows:
6 114.9 ORGANIZATION OF THE BOARD -- STAFF.
7 The board shall elect annually from its members a
8 chairperson and a vice chairperson. The administrator
9 of the professional licensing and regulation division
10 of the department of commerce shall hire and provide

11 staff to assist the board in implementing this
 12 chapter. The board shall hold at least one meeting at
 13 the seat of government location of the board's
 14 principal office, and meetings shall be called at
 15 other times by the administrator at the request of the
 16 chairperson or four members of the board. At any
 17 meeting of the board, a majority of members
 18 constitutes a quorum."

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

21 "Sec. ____ . Section 116.3, subsection 2, unnumbered
 22 paragraph 2, Code 1987, is amended to read as follows:
 23 The board shall meet as often as deemed necessary,
 24 but shall hold at least one meeting per year at the
 25 seat of government location of the board's principal
 26 office."

27 3. Page 8, by inserting after line 25 the
 28 following:

29 "Sec. ____ . Section 117.50, Code 1987, is amended
 30 to read as follows:

31 117.50 MEETINGS.

32 The real estate examining board shall hold at least
 33 one meeting per year at the seat of government
 34 location of the board's principal office and shall
 35 elect a chairperson annually. A majority of the
 36 members of the board shall constitute a quorum."

37 4. Page 10, by inserting after line 10 the
 38 following:

39 "Sec. ____ . Section 118A.4, Code 1987, is amended
 40 to read as follows:

41 118A.4 ORGANIZATION OF THE BOARD -- MEETINGS --
 42 QUORUM.

43 The board shall elect annually from its members a
 44 chairperson and vice chairperson. The duties of the
 45 officers shall be such as are usually performed by
 46 such officers. The board shall hold at least one
 47 meeting each year at the seat of government location
 48 of the board's principal office, and meetings shall be
 49 called at other times by the secretary at the request
 50 of the chairperson or four members of the board. A

Page 2

1 majority of the members shall constitute a quorum. No
 2 action at any meeting can be taken without the
 3 affirmative votes of a majority of the members of the
 4 board."

5 5. Page 24, by striking lines 23 through 35 and
 6 inserting the following:

7 "Sec. 1001. Section 321A.3, subsection 4, Code

8 Supplement 1987, is amended to read as follows:

9 4. The abstract of operating record provided under
10 this section shall designate which speeding violations
11 occurring on or after July 1, 1986, but before May 12,
12 1987, are for violations of ten miles per hour or less
13 over the legal speed limit in speed zones that have a
14 legal speed limit equal to or greater than thirty-five
15 miles per hour but not greater than fifty-five miles
16 per hour. For speeding violations occurring on or
17 after May 12, 1987, the abstract provided under this
18 section shall designate which speeding violations are
19 for ten miles per hour or less over the legal speed
20 limit in speed zones that have a legal speed limit
21 equal to or greater than thirty-five miles per hour
22 but not greater than fifty-five miles per hour."

23 6. Page 29, by inserting after line 7, the
24 following:

25 "Sec. 1002. Section 516B.3, subsection 1, Code
26 Supplement 1987, is amended to read as follows:
27 1. The commissioner shall require that insurance
28 companies transacting business in this state not
29 consider speeding violations occurring on or after
30 July 1, 1986, but before May 12, 1987, which are for
31 speeding violations for ten miles per hour or less
32 over the legal speed limit in speed zones that have a
33 legal speed limit greater than thirty-five miles per
34 hour or speeding violations occurring on or after May
35 12, 1987, which are for speeding violations for ten
36 miles per hour or less over the legal speed limit in
37 speed zones that have a legal speed limit equal to or
38 greater than thirty-five miles per hour but not
39 greater than fifty-five miles per hour for the purpose
40 of establishing rates for motor vehicle insurance
41 charged by the insurer and shall require that
42 insurance companies not cancel or refuse to renew any
43 such policy for such violations. In any twelve-month
44 period, this section applies only to the first two
45 such violations which occur."

46 7. Page 49, by inserting after line 24 the
47 following:

48 "Sec. ____ . Sections 1001 and 1002 of this Act,
49 being deemed of immediate importance, take effect upon
50 its enactment."

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1 8. Renumber as necessary.

COMMITTEE ON JUCIDIARY
DONALD V. DOYLE, Chairperson

S-5311

- 1 Amend Senate File 2019 as follows:
2 1. Page 3, line 21, by striking the figure "1985"
3 and inserting the following: "1988".

EDGAR H. HOLDEN
JULIA GENTLEMAN

S-5312

- 1 Amend Senate File 2103 as follows:
2 1. Page 1, line 20, by striking the words
3 "economic development purposes" and inserting the
4 following: "a water supply and distribution system".
5 2. Page 1, line 21, by inserting after the word
6 "area" the following: "and the transfer is approved
7 by each of the local tax jurisdictions affected by the
8 transfer".
9 3. Page 1, by inserting after line 20 the
10 following:
11 "Sec. ____ . This Act is repealed effective December
12 31, 1988.
13 Sec. ____ . This Act, being deemed of immediate
14 importance, takes effect upon enactment."
15 4. Title page, line 3, by inserting after the
16 word "purposes" the following: "and providing an
17 effective date".

JOHN W. JENSEN
WALLY E. HORN

S-5313

- 1 Amend amendment, S-5209, to Senate File 2235 as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:
5 " ____ . Page 1, by striking lines 3 and 4 and
6 inserting the following:
7 "Except as limited by this section and as provided
8 by a policy of the board of directors of a school,
9 students of a school have the right to exercise
10 freedom of speech and of".
11 ____ . Page 1, by striking lines 29 and 30 and
12 inserting the following:
13 "The board of directors of a school shall adopt a

- 14 policy concerning student expression, which shall
 15 include reasonable".
 16 ____ . Page 1, line 33, by striking the word "code"
 17 and inserting the following: "policy".
 18 ____ . Page 1, line 34, by inserting after the word
 19 "editors" the following: "and school officials
 20 responsible for the supervision".
 21 2. By renumbering as necessary.

WALLY HORN
 JOY CORNING

S-5314

- 1 Amend House File 578 as passed by the House as
 2 follows:
 3 1. Page 1, by striking lines 9 through 12 and
 4 inserting the following: "given a registration for a
 5 registration fee of five dollars per annum permitting
 6 the driving of ~~said the~~ motor vehicle upon the public
 7 roads to and from ~~said fair state and county fairs~~ or
 8 other ~~place~~ places of entertainment or education ~~for a~~
 9 registration fee of five dollars per annum for
 10 exhibition or educational purposes and to and from
 11 service stations for the purpose of receiving
 12 necessary maintenance."

COMMITTEE ON TRANSPORTATION
 C. JOSEPH COLEMAN, Chairperson

S-5315

- 1 Amend Senate File 2261 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. Section 99D.12, unnumbered paragraph
 5 1, Code 1987, is amended to read as follows:
 6 A licensee shall deduct the breakage from the pari-
 7 mutuel pool which shall be distributed to the breeders
 8 of Iowa-foaled horses and Iowa-whelped dogs in the
 9 manner described in section 99D.22. Purse supplements
 10 shall be paid, by the race track licensee, during the
 11 race meet in which the supplements are earned. Not
 12 more than five percent of the purse supplements shall
 13 be carried over. The remainder of the breakage shall

- 14 be distributed as follows:"
15 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5316

- 1 Amend Senate File 2262 as follows:
2 1. Page 3, line 33, by striking the following:
3 "including emergency rules,".

DALE L. TIEDEN

S-5317

- 1 Amend House File 102 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 25, by inserting after the word
4 "officer" the following: "or a corrections officer".
5 2. Page 1, by inserting after line 34 the
6 following:
7 "5. This section may be enforced through a civil
8 action.
9 a. A person who violates this section or who aids
10 in the violation of this section is liable to an
11 aggrieved employee or applicant for employment for
12 affirmative relief including reinstatement or hiring,
13 with or without back pay, or any other equitable
14 relief as the court deems appropriate including
15 attorney fees and court costs.
16 b. When a person commits, is committing, or
17 proposes to commit, an act in violation of this
18 section, an injunction may be granted through an
19 action in district court to prohibit the person from
20 continuing such acts. The action for injunctive
21 relief may be brought by an aggrieved employee or
22 applicant for employment, the county attorney, or the
23 attorney general.
24 In an action brought under this subsection alleging
25 that an employer has required or requested a polygraph
26 examination in violation of this section, the employer
27 has the burden of proving that the requirements of
28 this section were met."
29 3. By renumbering as necessary.

COMMITTEE ON BUSINESS AND
LABOR RELATIONS
JAMES D. WELLS, Chairperson

S-5318

1 Amend Senate File 2162 as follows:
2 1. Page 1, by striking lines 11 through 19 and
3 inserting the following: "each of the three state
4 universities. The collegiate registration plates
5 shall be designated as follows:
6 (1) The letters "ISU" followed by a four-digit
7 number all in gold on a cardinal background for Iowa
8 State University of science and technology.
9 (2) The letters "UNI" followed by a four-digit
10 number all in old gold on a purple background for the
11 University of Northern Iowa.
12 (3) The letters "UI" followed by a four-digit
13 number all in old gold on a black background for the
14 state University of Iowa."
15 2. Page 2, line 11, by striking the word and
16 figures "January 1, 1989" and inserting the following:
17 "July 1, 1990".

JAMES D. WELLS

S-5319

1 Amend Senate File 2262 as follows:
2 1. Page 2, line 15, by inserting after the word
3 "vendors." the following: "In developing standards
4 related to meat, the department shall consult with
5 Iowa-based packers, processors, retailers, producers and
6 consumers."

JOHN E. SOORHOLTZ

S-5320

1 Amend Senate File 2238 as follows:
2 1. Page 11, by inserting before line 4 the
3 following:
4 "Sec. 25. Section 123.24, Code Supplement 1987, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 4. The administrator may refuse
7 to sell alcoholic liquor to a class "E" liquor control
8 licensee who tenders a check or electronic funds
9 transfer which is subsequently dishonored until the
10 outstanding obligation is satisfied.
11 Sec. 26. Section 123.92, unnumbered paragraph 2,
12 Code 1987, is amended to read as follows:

13 Every liquor control licensee and class "B" beer
 14 permittee shall furnish proof of financial
 15 responsibility ~~either~~ by the existence of a liability
 16 insurance policy ~~or by posting bond~~ in such an amount
 17 ~~as~~ determined by the division."
 18 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY
 DONALD V. DOYLE, Chairperson

S-5321

1 Amend House File 2233 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 4, by striking the word "chapter"
 4 and inserting the following: "section".

COMMITTEE ON JUDICIARY
 DONALD V. DOYLE, Chairperson

S-5322

1 Amend Senate File 2267 as follows:

DIVISION S—5322B

2 1. Page 1, line 18, by inserting after the word
 3 "'Label'" the following: ", as used in subsection 2,
 4 paragraph "h",".
 5 2. Page 1, line 25, by inserting after the word
 6 "'Seller'" the following: ", as used in subsection 2,
 7 paragraph "h",".
 8 3. Page 1, line 27, by inserting after the word
 9 "'Buyer'" the following: ", as used in subsection 2,
 10 paragraph "h",".
 11 4. Page 2, lines 2 and 3 by striking the words
 12 "and a public offense".
 13 5. Page 2, by striking lines 8 through 14 and
 14 inserting the following:
 15 "(1) Has been performance tested by a third-party
 16 testing agency that has been authorized by the Iowa
 17 department of public health. The testing agency shall
 18 use approved methods of performance testing determined
 19 to be appropriate by the state hygienic laboratory.
 20 (2) Has met the performance testing requirements
 21 specified in the testing protocol."

DIVISION S—5322A

22 6. Page 2, lines 27 and 28, by striking the words
 23 “limited, to” and inserting the following: “limited
 24 to.”

DIVISION S—5322B (cont'd.)

25 7. Page 3, by striking line 15 and inserting the
 26 following: “compiled by the Iowa department of public
 27 health.”

28 8. Page 3, by striking lines 17 through 19 and
 29 inserting the following: “a water treatment system
 30 shall be compiled by the Iowa department of public
 31 health, reviewed annually, and updated as necessary.
 32 The consumer information pamphlet shall be”.

33 9. Page 3, by striking line 23 and inserting the
 34 following: “The Iowa department of public health
 35 shall adopt rules pursuant to chapter 17A and charge
 36 all fees necessary to”.

37 10. Page 3, lines 25 and 26, by striking the
 38 words “and a public offense”.

39 11. Page 3, by inserting after line 30, the
 40 following:

41 “NEW LETTERED PARAGRAPH. j. It is an unlawful
 42 practice for a person to make any representation or
 43 claim that the seller’s water treatment system has
 44 been approved or endorsed by any agency of the state.”

MICHAEL E. GRONSTAL

S-5323

1 Amend Senate File 2281 as follows:

2 1. Page 1, by striking lines 8, 9, and 10, and
 3 inserting the following: “entered if notice to the
 4 defendant is served with the notice of garnishment to
 5 the garnishee who shall deliver the notice to the
 6 defendant with the remainder of or in lieu of the
 7 defendant’s earnings. The garnishee shall state in
 8 answer to the service of notice of garnishment whether
 9 or not service of notice was delivered to the
 10 defendant.”

RICHARD VARN
 DONALD V. DOYLE

S-5324

- 1 Amend the Committee amendment, S-5211, to Senate
- 2 File 2167 as follows:
- 3 1. Page 1, line 21, by inserting after the word
- 4 "device" the following: "Three tip-up fishing devices
- 5 may be used in addition to the two lines with no more
- 6 than two hooks per line, as specified in section
- 7 109.72."

DALE L. TIEDEN

S-5325

- 1 Amend Senate File 2261 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 99D.12, Code 1987, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Purse supplements shall
- 7 be distributed to the breeders of Iowa-foaled horses
- 8 in the manner described in section 99D.22, by the race
- 9 track licensee, during the race meet in which the
- 10 supplements are earned. Not more than five percent of
- 11 the purse supplements shall be carried over."
- 12 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-5326

- 1 Amend House File 468 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 6, line 30, by inserting after the word
- 4 "river." the following: "However, during the first
- 5 excursion season, the commission shall license only
- 6 three excursion gambling boats, one licensed for
- 7 operation on the Mississippi river, one licensed for
- 8 operation on lakes or reservoirs, and one licensed for
- 9 operation on a river other than the Mississippi river
- 10 and the Missouri river."

WILLIAM W. DIELEMAN

S-5327

- 1 Amend the Committee amendment S-5128 to Senate File
- 2 2018 as follows:
- 3 1. Page 1, line 11, by inserting after the figure

- 4 "225C.42" the following: "which assure that families
- 5 retain the greatest possible flexibility in
- 6 determining appropriate use of the subsidy".
- 7 2. Page 1, line 17, by inserting after the word
- 8 "individuals" the following: "or persons with
- 9 developmental disabilities".
- 10 3. Page 1, line 31, by striking the word "care"
- 11 and inserting the following: "a service".
- 12 4. Page 2, by inserting after line 26 the
- 13 following:
- 14 "____. Page 5, line 13, by inserting after the
- 15 word "members" the following: "including eligibility
- 16 criteria, availability of family support services and
- 17 parent satisfaction with the program".

ROBERT M. CARR
 EDGAR H. HOLDEN

S-5328

- 1 Amend Senate File 2162 as follows:
- 2 1. Page 1, line 2, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 1, by inserting after line 35 the
- 6 following:
- 7 "NEW SUBSECTION. 11. CULTURAL PLATES.
- 8 a. Upon application and payment of the proper
- 9 fees, the director may issue to the owner of a motor
- 10 vehicle, trailer, or travel trailer registered in this
- 11 state, cultural registration plates. Upon receipt of
- 12 the cultural registration plates, the applicant shall
- 13 surrender the regular registration plates to the
- 14 county treasurer.
- 15 b. Cultural registration plates shall be of a
- 16 design designated by the Iowa state arts council.
- 17 c. The fees for a cultural registration plate are
- 18 as follows:
- 19 (1) A registration fee of twenty-five dollars.
- 20 (2) A user fee of twenty-five dollars.
- 21 These fees are in addition to the regular annual
- 22 registration fee. The fees collected by the director
- 23 under this subsection shall be paid to the treasurer
- 24 of state. The registration fees shall be credited by
- 25 the treasurer of state to the road use tax fund. The
- 26 user fees shall be credited by the treasurer of state
- 27 to the Iowa state arts council to be used for grants
- 28 to Iowa arts organizations and such moneys credited
- 29 are appropriated for such use.

30 d. The county treasurer shall validate cultural
31 registration plates in the same manner as regular
32 registration plates are validated under this section
33 at an annual fee of five dollars in addition to the
34 regular annual registration fee.

35 e. A cultural registration plate may also be a
36 personalized registration plate, upon application and
37 payment of the fee under subsection 5, paragraph "a",
38 which is in addition to fees required under this
39 subsection.

40 3. Page 2, line 10, by inserting after the figure
41 "10" the following: "or to cultural registration
42 plates issued under section 321.34, subsection 11".

43 4. Title page, line 1, by inserting after the
44 word "collegiate" the following: "or cultural".

JOY CORNING

S-5329

1 Amend House File 2194 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 24 the
4 following:

5 "Sec. ____ . Section 99E.20, Code Supplement 1987,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 4. Notwithstanding subsection 2
8 of this section, all moneys received from the sale of
9 pull-tab tickets shall be credited to the special
10 pull-tab fund which is created in the office of the
11 treasurer of state. The moneys in the fund shall be
12 used to cover copayments for persons eligible to
13 receive benefits under the medical assistance program
14 and for the payment of benefits conferred under the
15 federal Sixth Omnibus Budget Reconciliation Act to
16 supplemental security income related groups whose
17 income does not exceed one hundred fifty percent of
18 the federal nonfarm poverty level. Services shall not
19 be covered and funds shall not be expended until
20 moneys from the sale of pull-tab tickets are received
21 under this chapter. Any moneys remaining in the fund
22 shall remain in the fund and are subject to
23 appropriation by the general assembly."

- 24 2. By renumbering sections and correcting
25 internal references as necessary.

COMMITTEE ON STATE GOVERNMENT
ROBERT M. CARR, Chairperson

S-5330

- 1 Amend Senate File 93 as follows:

DIVISION S—5330A

- 2 1. Page 3, by striking lines 19 through 21 and
3 inserting the following: "Iowa a license fee of one
4 hundred dollars."
5 2. Page 3, line 23, by striking the word "four".
6 3. Page 3, by striking lines 24 through 26 and
7 inserting the following: "two hundred dollars."

DIVISION S—5330B

- 8 4. Page 8, by inserting after line 30 the
9 following:
10 "Sec. 22. This Act takes effect January 1, 1990."

CHARLES BRUNER

S-5331

- 1 Amend House File 2076, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 27 the
4 following:
5 "Sec. ____ . NEW SECTION. 275.55A ATTENDANCE IN
6 OTHER DISTRICT.
7 A pupil enrolled in ninth, tenth, or eleventh grade
8 during the school year preceding the effective date of
9 a dissolution proposal, who was a resident of the
10 school district that dissolved, may enroll in any
11 school district to which territory of the school
12 district that dissolved was attached until that
13 pupil's graduation from high school. Notwithstanding
14 section 282.24, the district of residence of the
15 pupil, determined in the dissolution proposal, shall
16 pay tuition to the school district selected by the
17 pupil in an amount not to exceed the district cost per
18 pupil of the district of residence and the school

19 district selected by the pupil shall accept that
20 tuition payment and enroll the pupil.”
21 2. By numbering and renumbering sections as
22 necessary.

BERL E. PRIEBE

S-5332

1 Amend Senate File 2299 as follows:
2 1. Page 4, line 5, by inserting after the word
3 “survey.” the following: “However, a plat of survey
4 shall not be required for land surveys requested by a
5 landowner or another person for the purpose of staking
6 the location of easements or property boundaries or
7 for any other purpose which is not directly related to
8 correcting boundaries and descriptions of land or to
9 the division of land.”

EDGAR H. HOLDEN

S-5333

1 Amend the Committee amendment, S-5287, to House
2 File 382, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 1, by striking line 9 and inserting the
5 following: “payment for damages to the property
6 excluding personal property on which it”.
7 2. Page 1, line 27, by inserting after the word
8 “located.” the following: “The notice shall be made
9 by certified mail within five working days after
10 receipt of the proof of loss.”

ALVIN V. MILLER

S-5334

1 Amend Senate File 2247 as follows:
2 1. By striking page 2, line 17, through page 3,
3 line 2, and inserting the following:
4 “Sec. ____ . Section 206.12, subsection 7, Code
5 Supplement 1987, is amended by striking the subsection
6 and inserting in lieu thereof the following:
7 7. a. Each licensee under section 206.8 who sells
8 pesticides at retail or who applies pesticides in this
9 state shall file an annual report with the secretary

10 of agriculture in a form specified by the secretary of
 11 agriculture and in accordance with the following:
 12 (1) For each individually labeled pesticide
 13 product sold by a licensee, if gross retail sales of
 14 that brand by the licensee are ten thousand dollars or
 15 more, a licensee shall include in the report the
 16 individual label name and amount of each pesticide
 17 sold at retail or applied in this state for each month
 18 of the previous year for each business location owned
 19 or operated by the licensee, and any additional
 20 information which the secretary may, by rule, require
 21 in order to determine pesticide use within the state.
 22 (2) For each labeled pesticide product sold at
 23 retail or applied in this state by a licensee, if the
 24 gross retail sales of that labeled product by the
 25 licensee are less than ten thousand dollars, a
 26 licensee shall report the total gross receipts of
 27 those pesticides sold at retail.
 28 b. The report required shall be filed at the time
 29 of payment for licensure or annually on or before July
 30 1. The information collected shall remain
 31 confidential. Public reporting concerning the
 32 information collected shall be done in a manner which
 33 does not identify a specific brand name in the report.
 34 Sec.____. Section 206.23, subsection 1, Code 1987,
 35 is amended to read as follows:
 36 1. An advisory committee to the secretary is
 37 created. The advisory committee shall have the
 38 following members:
 39 a. The dean, college of veterinary medicine, Iowa
 40 State University of science and technology, or the
 41 dean's designee;
 42 b. The dean, college of medicine, University of
 43 Iowa, or the dean's designee;
 44 c. An entomologist, botanist, geneticist,
 45 horticulturist, agronomist and two persons
 46 representing the general public appointed by the
 47 secretary. ~~Appointive members of the advisory~~
 48 ~~committee shall serve terms of four years.~~
 49 d. A manufacturer of pesticides, a distributor of
 50 pesticides, a retail pesticide dealer, and a pesticide

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1 applicator appointed by the secretary.
 2 Appointed members of the advisory committee shall
 3 serve terms of four years."

JIM RIORDAN
RICHARD VARN
HURLEY W. HALL
BERL E. PRIEBE
CALVIN O. HULTMAN
PAT DELUHERY

S-5335

- 1 Amend the Committee amendment, S-5207, to Senate
2 File 2019, as follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 " ____ . Page 2, by striking lines 27 through 32 and
6 inserting the following: "respiratory care
7 practitioner. A person working in the field of
8 respiratory care on July 1, 1985 shall be permitted to
9 continue to do so except that the person shall not be
10 entitled to designate or refer to themselves as a
11 "respiratory care practitioner" or use the letters
12 R.C.P. after the person's name."
13 2. Page 1, line 2, by striking the words "15
14 through 19 and" and inserting the following: "8
15 through 30."
16 3. Page 1, by striking lines 3 and 4.
17 4. By renumbering as necessary.

EDGAR H. HOLDEN
JULIA GENTLEMAN

S-5336

- 1 Amend Senate File 2019 as follows:
2 1. Page 2, by striking lines 27 through 32 and
3 inserting the following: "respiratory care
4 practitioner. A person working in the field of
5 respiratory care on July 1, 1985 shall be permitted to
6 continue to do so except that the person shall not be
7 entitled to designate or refer to themselves as a
8 "respiratory care practitioner" or use the letters
9 R.C.P. after the person's name."
10 2. Page 3, by striking lines 8 through 30.

EDGAR H. HOLDEN
JULIA GENTLEMAN

S-5337

1 Amend Senate File 2246 as follows:

2 1. By striking page 1, line 13 through page 2,
3 line 10, and inserting the following:

4 "2. Any person who negligently violates section
5 455B.183 or section 455B.186 or any condition or
6 limitation included in any permit issued under section
7 455B.183, or who negligently introduces into a sewer
8 system or into a publicly owned treatment works any
9 pollutant or hazardous substance which the person knew
10 or reasonably should have known could cause personal
11 injury or property damage or, other than in compliance
12 with all applicable federal and state requirements or
13 permits, negligently causes a treatment works to
14 violate any water quality standard, effluent standard,
15 pretreatment standard or condition of a permit issued
16 to the treatment works pursuant to section 455B.183 is
17 guilty of a serious misdemeanor punishable, on
18 conviction, by a fine of not more than twenty-five
19 thousand dollars for each day of violation or by
20 imprisonment for not more than one year, or both.
21 However, if the conviction is for a second or
22 subsequent violation committed by a person under this
23 subsection, the person is guilty of an aggravated
24 misdemeanor which, on conviction, is punishable by a
25 fine of not more than fifty thousand dollars for each
26 day of violation or by imprisonment for not more than
27 two years, or both.

28 Any person who knowingly violates section 455B.183
29 or section 455B.186 or any condition or limitation
30 included in any permit issued under section 455B.183,
31 or who knowingly introduces into a sewer system or
32 into a publicly owned treatment works any pollutant or
33 hazardous substance which the person knew or
34 reasonably should have known could cause personal
35 injury or property damage or, other than in compliance
36 with all applicable federal and state requirements or
37 permits, knowingly causes a treatment works to violate
38 any water quality standard, effluent standard,
39 pretreatment standard or condition of a permit issued
40 to the treatment works pursuant to section 455B.183 is
41 guilty of an aggravated misdemeanor punishable, on
42 conviction, by a fine of not more than fifty thousand
43 dollars for each day of violation or by imprisonment
44 for not more than two years, or both. However, if the
45 conviction is for a second or subsequent violation
46 committed by a person under this subsection, the
47 person is guilty of a class "D" felony which, on

48 conviction, is punishable by a fine of not more than
49 one hundred thousand dollars for each day of violation
50 or by imprisonment for not more than five years, or

Page 2

1 both.

2 As used in this subsection, "hazardous substance"
3 means hazardous substance as defined in section
4 455B.381 or section 455B.411."

5 2. Page 3, by striking lines 6 through 14 and
6 inserting the following: "hazardous waste facility
7 permit, is guilty of a class "D" felony and upon
8 conviction shall be punished by a fine of not more
9 than fifty thousand dollars for each day of violation
10 or imprisonment for not more than five years, or both.
11 If the conviction is for a violation committed after a
12 first conviction under this section, the person is
13 guilty of a class "C" felony and shall be punished by
14 a fine of not more than one hundred thousand dollars
15 for each day of violation or imprisonment for not more
16 than ten years, or both."

17 3. Page 3, by striking lines 21 through 30 and
18 inserting the following: "adopted pursuant to 42
19 U.S.C. § 9601-9675 is guilty of a class "D" felony and
20 upon conviction shall be punished by a fine of not
21 more than fifty thousand dollars for each day of
22 violation or imprisonment for not more than five
23 years, or both. If the conviction is for a violation
24 committed after a first conviction under this section,
25 the person is guilty of a class "C" felony and shall
26 be punished by a fine of not more than one hundred
27 thousand dollars for each day of violation or
28 imprisonment for not more than ten years, or both."

29 4. By striking page 3, line 35 through page 4,
30 line 8, and inserting the following: "U.S.C. § 6925
31 or § 6926 is guilty of a class "D" felony and upon
32 conviction shall be punished by a fine of not more
33 than fifty thousand dollars for each day of violation
34 or imprisonment for not more than five years, or both.
35 If the conviction is for a violation committed after a
36 first conviction under this section, the person is
37 guilty of a class "C" felony and shall be punished by
38 a fine of not more than one hundred thousand dollars
39 for each day of violation or imprisonment for not more
40 than ten years, or both."

41 5. Page 4, by inserting after line 8 the
42 following:

43 "Sec. 7. NEW SECTION. 716B.5 ENFORCEMENT.
44 The attorney general or the county attorney for the

45 county in which a violation occurs is responsible for
46 enforcement of this chapter.”

RICHARD VARN

S-5338

- 1 Amend the Committee amendment, S-5317, to House
- 2 File 102, as amended and passed by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 24 through 28.

LINN FUHRMAN

S-5339

- 1 Amend Senate File 2251 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 “Sec. ____ . Section 256.10, Code 1987, is amended
- 5 to read as follows:
- 6 **256.10 EMPLOYMENT OF PROFESSIONAL STAFF.**
- 7 The salary of the director shall be fixed by the
- 8 governor within a range established by the general
- 9 assembly. Appointments to the professional staff of
- 10 the department shall be without reference to political
- 11 party affiliation, religious affiliation, sex, or
- 12 marital status, but shall be based solely upon
- 13 fitness, ability, and proper qualifications for the
- 14 particular position. The professional staff shall
- 15 serve at the discretion of the director. A member of
- 16 the professional staff shall not be dismissed for
- 17 cause without at least ninety days' notice, except in
- 18 cases of conviction of a felony or cases involving
- 19 moral turpitude. In cases of procedure for dismissal,
- 20 the accused has the same right to notice and hearing
- 21 as teachers in the public school systems ~~as provided~~
- 22 ~~in section 279.27 to the extent that it is applicable.~~
- 23 Sec. ____ . Section 261.45, subsection 1, Code
- 24 Supplement 1987, is amended to read as follows:
- 25 1. Is a teacher employed on a full-time basis
- 26 under ~~sections 279.18 through 279.19~~ section 279.14 in
- 27 a school district in this state, is a teacher in an
- 28 approved nonpublic school in this state, or is a
- 29 certified teacher at the Iowa braille and sight-saving
- 30 school or the Iowa school for the deaf.
- 31 Sec. ____ . Section 262.9, subsection 2, Code
- 32 Supplement 1987, is amended to read as follows:

33 2. Elect a president of each of the institutions
34 of higher learning; a superintendent of each of the
35 other institutions; a treasurer and a secretarial
36 officer for each institution annually; professors,
37 instructors, officers, and employees; and fix their
38 compensation. Sections 279.12 through 279.19 and
39 ~~section 279.27~~ 279.14 apply to employees of the Iowa
40 braille and sight-saving school and the state school
41 for the deaf, who are certificated pursuant to chapter
42 260. In following those sections in chapter 279, the
43 references to boards of directors of school districts
44 shall be interpreted to apply to the board of regents.
45 Sec. ____ . Section 275.33, subsection 1, Code 1987,
46 is amended to read as follows:
47 1. The terms of employment of superintendents,
48 principals, and teachers, for the school year
49 following the effective date of the formation of the
50 new district shall not be affected by the formation of

Page 2

1 the new district, except in accordance with the
2 provisions of ~~sections 279.15 to 279.18 and section~~
3 279.24 and the authority and responsibility to offer
4 new contracts or to continue, modify, or terminate
5 existing contracts pursuant to sections 279.12,
6 ~~279.18; 279.15 to 279.20,~~ 279.21, 279.23, and 279.24
7 for the school year beginning with the effective date
8 of the reorganization shall be transferred from the
9 boards of the existing districts to the board of the
10 new district on the third Tuesday of January prior to
11 the school year the reorganization is effective.
12 Sec. ____ . Section 275.56, Code 1987, is amended to
13 read as follows:
14 275.56 INCREASING ENROLLMENT.
15 If the enrollment of a school district increases or
16 is expected to increase because an adjacent district
17 has dissolved or is expected to dissolve, the board of
18 directors of the school district shall determine
19 whether there is a need to hire additional
20 certificated or noncertificated employees. If the
21 board of directors determines that there is a need to
22 hire additional employees, the board shall determine
23 the nature and number of the necessary new positions.
24 Individuals who were employees of the dissolved
25 district may apply for the new positions. The board
26 shall hire those applicants who were employees of the
27 dissolved district whenever the applicant is
28 certificated for the new position or, in the case of
29 noncertificated personnel, is otherwise qualified. If

30 two employees of the dissolved district apply for a
 31 single certificated position, the applicant who is
 32 best qualified in the opinion of the board shall be
 33 hired. The board is not required to hire applicants
 34 who were employees of the dissolved district if the
 35 district has been dissolved for one or more school
 36 years. Applicants who are re-employed under this
 37 section shall maintain in the re-employing district
 38 vacation, salary or alternatively placement on a
 39 salary schedule based on the employee's years of
 40 experience; and sick leave; and completion of
 41 probationary status as defined by section 279.19.

42 Sec. ____ . Section 279.23, unnumbered paragraph 3,
 43 Code Supplement 1987, is amended to read as follows:
 44 An administrator's contract shall be governed by
 45 the provisions of this section and sections 279.23A,
 46 279.24, and 279.25 and not by section 279.13. For
 47 purposes of this section and sections 279.23A, 279.24,
 48 and 279.25, the term "administrator" includes school
 49 superintendents, assistant superintendents,
 50 educational directors, principals, assistant

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1 principals, and other certified school supervisors as
 2 defined under section 20.4.

3 Sec. ____ . Sections 279.13, 279.15, 279.16, 279.17,
 4 279.18, 279.19, 279.19A, 279.19B, and 279.27, Code
 5 1987, are repealed."

6 2. Title page, line 2, by inserting after the
 7 word "Act" the following: ", repealing certain
 8 statutory provisions relating to the discharge of
 9 teachers, and providing other properly related
 10 matters".

11 3. By renumbering as necessary.

LINN FUHRMAN

S-5340

1 Amend Senate File 2169 as follows:

2 1. Page 9, by striking lines 2 through 13 and
 3 inserting the following:

4 "4. The board shall formulate guidelines and adopt
 5 rules for the consideration of applications from
 6 persons seeking to become licensed physician
 7 assistants. An applicant for a license to practice as
 8 a physician assistant shall submit the fee prescribed

9 by the board and evidence of the applicant's current
10 registration with the board as a physician assistant.
11 In conjunction with the physician assistant
12 submission, the applicant's supervising physician or
13 physicians shall submit information with respect to
14 the supervising physician's professional background
15 and specialty, and a plan for supervision of the
16 physician assistant. In addition the physician
17 assistant applicant and the supervising physician or
18 physicians shall submit a description of how the
19 physician assistant is to function."

WILLIAM W. DIELEMAN

S-5341

1 Amend Senate File 2310 as follows:
2 1. Page 6, by inserting after line 18, the
3 following:
4 "It is the intent of the general assembly that the
5 following elements be included in the certificate of
6 need process:
7 a. Notification, in place of review, is required
8 for a reduction in bed capacity. If beds are not
9 staffed for a period of one year, the health care
10 facility shall notify the health facilities council
11 that the number of beds of the health care facility
12 has been reduced. The provisions of this subsection
13 do not prohibit the conversion of beds for new
14 purposes without going through the certificate of need
15 process if the cost of conversion is below the two
16 hundred fifty thousand dollar threshold level.
17 b. A certificate of need is required for a
18 hospital air transport service. For the purposes of
19 paragraph "d" hospital air transport services projects
20 are subject to the one-year moratorium.
21 c. A waiver of the certificate of need shall be
22 provided for life care communities which have a ratio
23 of one to four nursing beds to total resident beds,
24 and which provide disclosure of financial information.
25 d. A one-year moratorium is established on a new
26 institutional health service or changed institutional
27 health service project as defined by section 135.61,
28 subsection 19, and on hospital air transport services
29 if the institutional health facility is a hospital or
30 a subsidiary of the hospital, and for which contracts
31 have not been let as of March 15, 1988, unless
32 notification or waiver is provided in lieu of the
33 requirement of a certificate of need pursuant to

34 paragraph "a" or "c". However, if a hospital displays
 35 an urgent and compelling need to provide a new
 36 institutional health service or changed institutional
 37 health service, the hospital may appeal to the health
 38 facilities council and may be granted approval of the
 39 costs for leasing or purchasing.
 40 e. A legislative interim study committee shall be
 41 established to develop new criteria for the health
 42 facilities council to use in determining approval for
 43 a health service project."

AL STURGEON

S-5342

1 Amend amendment S-5334 to Senate File 2247 as
 2 follows:
 3 1. Page 1, lines 17 and 18 by striking the words
 4 "for each month of".

JIM RIORDAN

S-5343

1 Amend Senate File 2247 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 206.2, subsection 12, Code
 5 Supplement 1987, is amended to read as follows:
 6 12. "Commercial applicator" means any person;
 7 ~~corporation, or employee of a person or corporation~~
 8 who enters into a contract or an agreement for the
 9 sake of monetary payment and agrees to perform a
 10 service by applying any pesticide or servicing any
 11 device but ~~shall~~ does not include a farmer trading
 12 work with another, a person employed by a farmer not
 13 solely as a pesticide applicator who applies pesticide
 14 as an incidental part of the person's general duties,
 15 or a person who applies pesticide as an incidental
 16 part of a custom farming operation."
 17 2. By renumbering as necessary.

WILLIAM PALMER
 DAVID READINGER

S-5344

1 Amend Senate File 2075 as follows:

2 1. Page 1, by striking lines 1 through 5.

3 2. Page 1, lines 12 and 13, by striking the words
4 "if the person is not responsible for the care of the
5 child".

6 3. Page 1, by striking line 14 and inserting the
7 following: "information released to the department
8 shall be limited to a conviction".

9 4. Page 1, line 18, by inserting after the word
10 "abuse," the following: "The department shall
11 establish procedures for determining when a records
12 check under this section is necessary."

13 5. Page 1, by striking lines 19 through 27, and
14 inserting the following:

15 "Sec. ____ . NEW SECTION. 232.83 CHILD SEXUAL
16 ABUSE INVOLVING A PERSON NOT RESPONSIBLE FOR THE CARE
17 OF THE CHILD.

18 1. A complaint related to circumstances involving
19 a child who is alleged to be a victim of an offense
20 defined in chapter 709, 726, or 728 and an alleged
21 offender who is not a person responsible for the care
22 of the child shall be handled pursuant to section
23 232.81.

24 2. Anyone authorized to conduct a preliminary
25 investigation in response to a complaint may apply
26 for, or the court on its own motion may enter an ex
27 parte order authorizing a physician or hospital to
28 conduct an outpatient physical examination or
29 authorizing a physician, a psychologist certified
30 under section 154B.7, or a community mental health
31 center accredited pursuant to chapter 230A to conduct
32 an outpatient mental examination of a child if
33 necessary to identify the nature, extent, and causes
34 of any injuries, emotional damage, or other such needs
35 of a child as specified in section 232.2, subsection
36 6, paragraphs "c", "e", or "f", provided that all of
37 the following apply:

38 a. The parent, guardian, or legal custodian is
39 absent, or though present, was asked and refused to
40 authorize the examination.

41 b. There is not enough time to file a petition and
42 hold a hearing under this chapter.

43 c. The parent, guardian, or legal custodian has
44 not provided care and treatment related to their
45 child's alleged victimization."

46 6. Page 2, by inserting after line 4 the
47 following:

48 "Sec. ____ . NEW SECTION. 709.13 CHILD IN NEED OF
49 ASSISTANCE COMPLAINTS.

50 During or following an investigation into

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1 allegations of violations of this chapter or of
 2 chapter 726 or 728 involving an alleged victim under
 3 the age of eighteen and an alleged offender who is not
 4 a person responsible for the care of the child, anyone
 5 with knowledge of the alleged offense may file a
 6 complaint pursuant to section 232.83 alleging the
 7 child to be a child in need of assistance. In all
 8 cases, the complaint shall be filed by any peace
 9 officer with knowledge of the investigation when the
 10 peace officer has reason to believe that the alleged
 11 victim may require treatment as a result of the
 12 alleged offense and that the child's parent, guardian,
 13 or custodian will be unwilling or unable to provide
 14 the treatment."

15 7. Title page, lines 1 and 2, by striking the
 16 words "by expanding the definition of child in need of
 17 assistance,".

18 8. Title page, line 3, by inserting after the
 19 word "abuse," the following: "by providing for
 20 examination of a child, by providing for filing
 21 complaints of alleged child sexual abuse,".

22 9. By renumbering as necessary.

CHARLES BRUNER
 TOM MANN, Jr.
 DONALD DOYLE

S-5345

1 Amend the amendment, S-5277, to Senate File 2212 as
 2 follows:

3 1. Page 1, line 14, by inserting after the word
 4 "dietitian," the following: "marital and family
 5 therapist,".

6 2. Page 1, line 21, by inserting after the word
 7 "science," the following: "marital and family
 8 therapy,".

9 3. Page 2, by striking lines 17 and 18 and
 10 inserting the following:
 11 "14. For social workers, marital and family
 12 therapists, and mental health counselors, social work,
 13 marital and family therapy, and mental health
 14 counseling".

15 4. Page 2, line 33, by inserting after the word
 16 "work" the following: ", marital and family
 17 therapy,".

18 5. Page 2, line 35, by inserting after the word

19 "work;" the following: "two members licensed to
20 practice marital and family therapy;"

21 6. Page 2, line 37, by inserting after the word
22 "work" the following: ", marital and family
23 therapy,".

24 7. Page 3, line 12, by striking the words
25 "paragraph after" and inserting the following:
26 "paragraphs after".

27 8. Page 3, by inserting after line 12 the
28 following:

29 "NEW UNNUMBERED PARAGRAPH. A marital and family
30 therapist licensed under chapter 154D and this chapter
31 may use the words "licensed marital and family
32 therapist" after the person's name or signify the same
33 by the use of the letters "L.M.F.T." after the
34 person's name. A marital and family therapist
35 licensed under chapter 154C and this chapter who
36 possesses a doctoral degree may use the prefix
37 "Doctor" or "Dr." in conjunction with the person's
38 name, but shall add after the person's name the words
39 "Licensed Marital and Family Therapist"."

40 9. Page 3, line 33, by inserting after the word
41 "work" the following: ", marital and family
42 therapy,".

43 10. Page 3, line 39, by striking the words
44 "subsection after" and inserting the following:
45 "subsections after".

46 11. Page 3, by inserting after line 40 the
47 following:

48 "NEW SUBSECTION. 19. License to practice marital
49 and family therapy issued upon the basis of an
50 examination given by the board of social work, marital

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1 and family therapy, and mental health counseling
2 examiners, license to practice marital and family
3 therapy issued under a reciprocal agreement, or
4 renewal of a license to practice marital and family
5 therapy."

6 12. Page 3, line 41, by striking the figure "19"
7 and inserting the following: "20".

8 13. Page 3, line 43, by inserting after the word
9 "work" the following: ", marital and family
10 therapy,".

11 14. Page 4, line 3, by inserting after the word
12 "work" the following: ", marital and family
13 therapy,".

14 15. Page 4, by inserting after line 4, the
15 following:

16 "2. "Licensed marital and family therapist" means
 17 a person licensed to practice marital and family
 18 therapy."

19 16. Page 4, line 5, by striking the figure "2."
 20 and inserting the following: "3".

21 17. Page 4, line 7, by striking the figure "3"
 22 and inserting the following: "4".

23 18. Page 4, line 9, by striking the figure "4"
 24 and inserting the following: "5".

25 19. Page 4, by inserting after line 10 the
 26 following:

27 6. "Marital and family therapy" means the
 28 application of principles and methods of marital and
 29 family therapy and other therapeutic techniques in the
 30 assessment and resolution of emotional conflict,
 31 modification of perceptions and behavior, and
 32 alteration and establishment of attitudes and patterns
 33 of interaction relative to marriage, family life, and
 34 interpersonal relationships.

35 20. Page 4, line 11, by striking the figure "5"
 36 and inserting the following: "7".

37 21. Page 4, line 19, by striking the figure "6"
 38 and inserting the following: "8".

39 22. Page 4, line 29, by striking the figure "7"
 40 and inserting the following: "9".

41 23. Page 4, line 36, by inserting after the word
 42 "workers" the following: ", marital and family
 43 therapists."

44 24. Page 4, line 40, by inserting after the word
 45 "workers" the following: ", marital and family
 46 therapists."

47 25. Page 4, line 49, by inserting after the word
 48 "worker" the following: ", marital and family
 49 therapist."

50 26. Page 5, line 4, by inserting after the word

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1 "work." the following: "For a license as a marital
 2 and family therapist, the degree shall be in marital
 3 and family therapy or its equivalent or from a program
 4 approved by the board."

5 27. Page 5, line 17, by inserting after the word
 6 "licensure" the following: "as a marital and family
 7 therapist and licensure".

8 28. Page 5, line 28, by inserting after the word
 9 "work" the following: ", marital and family
 10 therapy,".

11 29. Page 5, line 35, by inserting after the word
 12 "work" the following: ", marital and family

13 therapy.”

14 30. Page 5, by striking line 37 and inserting the
15 following: “one year, one member to serve a term of
16 two years, and two members to serve terms of three”.

17 31. Page 5, by inserting after line 42 the
18 following:

19 “For two years after the effective date of this
20 Act, the board members appointed to represent marital
21 and family therapists shall only be required to
22 possess a master’s or doctoral degree in marital and
23 family therapy, or its equivalent, from an accredited
24 college or university.”

25 32. Page 5, line 44, by inserting after the word
26 “work” the following: “, marital and family
27 therapy.”

28 33. By striking page 5, line 49, through page 6,
29 line 3, and inserting the following:

30 “___ . Title page, by striking lines 1 and 2 and
31 inserting the following: “An Act relating to the
32 credentialing of persons in certain related health
33 care professions; changing the name and composition of
34 the board of social work examiners and adding powers
35 and duties of the board with respect to marital and
36 family therapists and mental health counselors,”.”

JOHN A. PETERSON

S-5346

1 Amend Senate File 2252 as follows:

2 1. Page 3, by striking lines 12 through 24.

3 2. By renumbering as necessary.

RICHARD VARN

S-5347

1 Amend Senate File 2178 as follows:

2 1. Page 7, by inserting after line 15, the

3 following:

4 “Sec. ___ . NEW SECTION. 22A.11A EFFECT ON PUBLIC
5 RECORDS.

6 This chapter does not cause information which is a
7 matter of public record to become confidential or to
8 be considered personal or distinctly private

9 information.”
10 2. Renumber as necessary.

TOM MANN, Jr.

S-5348

1 Amend Senate File 2263 as follows:
2 1. Page 1, by striking lines 1 through 11 and
3 inserting the following:
4 “Section 1. Section 99D.25, subsection 1,
5 paragraph b, Code 1987, is amended to read as
6 follows.”

WILLIAM W. DIELEMAN

S-5349

1 Amend Senate File 2212 as follows:
2 1. Page 5, by striking lines 5 and 6 and
3 inserting the following:
4 “3. Have at least two years of postdegree
5 experience, supervised by a mental health
6 professional, in assessing mental health problems and
7 needs of individuals used in providing appropriate
8 mental health services for those individuals.”
9 2. By striking page 5, line 22 through page 6,
10 line 4, and inserting the following:
11 “A licensed mental health counselor or a person
12 working under the supervision of a licensed mental
13 health counselor is subject to chapter 228.”

MICHAEL E. GRONSTAL

S-5350

1 Amend the Committee amendment, S-5288, to House
2 File 2285 as follows:
3 1. Page 1, line 31, by striking the word
4 “license” and inserting the following: “licensee”.

MICHAEL GRONSTAL

S-5351

1 Amend Senate File 2307 as follows:
2 1. By striking everything after the enacting

3 clause and inserting the following:

4 "Section 1. NEW SECTION. 622.107 PHYSICAL
5 CRIMINAL EVIDENCE -- CENTRAL REGISTRY.

6 1. The Iowa department of public safety shall
7 establish and maintain a central registry of
8 individuals convicted of any crime identified by the
9 department pursuant to subsection 4. The department
10 shall provide for the collection and recording of test
11 results obtained from a physical specimen used to
12 determine the genetic makeup of the individual. The
13 test results may be used to identify an individual by
14 matching those results with the results of a
15 subsequent test of a subsequent physical specimen
16 obtained as a result of the investigation of any
17 crime, or obtained from a person convicted of any
18 crime identified by the department pursuant to
19 subsection 4. A physical specimen collected during an
20 investigation from an individual who is not convicted
21 and any test results from the specimen shall be
22 destroyed.

23 A test result recorded at the central registry and
24 used for criminal identification purposes is
25 admissible, subject to the rules of evidence, in any
26 subsequent criminal proceeding involving a crime
27 identified by the department pursuant to subsection 4
28 if a physical specimen is collected as a result of the
29 investigation of the subsequent criminal act.
30 Physical specimens shall be obtained and tested as the
31 result of a conviction of a crime identified by the
32 department pursuant to subsection 4, as the result of
33 a proper search warrant, and pursuant to sections
34 906.18 and 907.14.

35 3. Access to the information collected and
36 recorded at the central registry is limited to a
37 county attorney involved in a prosecution of a crime
38 identified by the department pursuant to subsection 4,
39 an attorney for a defendant in the criminal action if
40 the defendant has previously submitted a physical
41 specimen, or pursuant to court order, and shall be
42 limited to test results obtained from a physical
43 specimen of the defendant. Access is limited to any
44 information or specimen which may have been obtained
45 from the defendant involved in the prosecution.

46 4. The department shall establish a list of public
47 offenses for which a conviction shall result in a
48 physical specimen being obtained for testing from the
49 person convicted. The results of the test shall be
50 recorded and preserved at the central registry. The

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1 list of public offenses shall include only offenses
2 which are felonies or crimes under chapter 709, as
3 determined by the department. The department shall
4 consider the probability of a physical specimen being
5 discovered during the investigation of the public
6 offense, the relevance of physical evidence with
7 respect to the public offense committed, and other
8 factors which the department deems important in
9 determining whether to list the public offense
10 pursuant to this subsection.

11 Sec. 2. NEW SECTION. 906.18 CONDITION FOR
12 PAROLE.

13 A person convicted of a public offense included on
14 the list established under section 622.107, subsection
15 4, who is otherwise eligible for parole under this
16 chapter, shall submit a physical specimen to be tested
17 and the results shall be handled pursuant to section
18 622.107 as a condition of that parole.

19 Sec. 3. NEW SECTION. 907.14 CONDITION FOR
20 PROBATION.

21 A person convicted of a public offense included on
22 the list established under section 622.107, subsection
23 4, who is otherwise eligible for probation under this
24 chapter, shall submit a physical specimen to be tested
25 and the results shall be handled pursuant to section
26 622.107 as a condition of that probation.

27 Sec. 4. The Iowa department of public safety shall
28 establish a plan of implementation and prepare a
29 proposed budget including costs of creating the
30 central registry, the continuing costs of
31 administering the registry, and the costs associated
32 with the collection and testing of physical specimens.
33 The department shall establish a preliminary list of
34 public offenses for which a physical specimen may be
35 collected and the rationale for including each public
36 offense on the list.

37 The department shall also examine the possibility
38 of establishing a regional and national central
39 registry within this state to accomplish the purposes
40 of identification as set forth in this Act on a
41 regional and national basis. This examination shall
42 include, but not be limited to, the cost of
43 establishing and operating the regional or national
44 central registry. The department shall report the
45 results of the study required under this section to
46 the general assembly by July 1, 1989.

47 Sec. 5. Sections 1 through 3 of this Act take
48 effect on July 1, 1990."

49 2. Title page, line 4, by striking the word
50 "corrections" and inserting the following: "public

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1 safety".

RICHARD VARN

S-5352

1 Amend House File 2285 as passed by the House as
2 follows:

3 1. Page 6, by inserting after line 28 the
4 following:

5 "Sec. ____ . Section 422.72, subsection 4, Code
6 Supplement 1987, is amended to read as follows:

7 4. A person violating subsection 1, 2, ~~or 3,~~ or 6
8 is guilty of a serious misdemeanor.

9 Sec. ____ . Section 422.72, Code Supplement 1987, is
10 amended by adding the following new subsection:

11 NEW SUBSECTION. 6. The department may enter into
12 a written informational exchange agreement for tax
13 administration purposes with a city or county which is
14 entitled to receive funds due to a local hotel and
15 motel tax, a local sales and services tax, or in the
16 case of the franchise tax, has a financial institution
17 located within the city or county. The written
18 informational exchange agreement shall designate no
19 more than two paid city or county employees that have
20 access to actual return information relating to that
21 city's or county's receipts from a local hotel and
22 motel tax, a local sales and services tax, and state
23 franchise tax.

24 City or county employees designated to have access
25 to information under this subsection are deemed to be
26 officers and employees of the state for purposes of
27 the restrictions and penalties pursuant to subsection
28 1 pertaining to confidential information. The
29 department may refuse to enter into a written
30 informational exchange agreement if the city or county
31 does not agree to pay the actual cost of providing the
32 information and the department may refuse to abide by
33 a written informational exchange agreement if the city
34 or county does not promptly pay the actual cost of the
35 information or take reasonable precautions to protect
36 the information's confidentiality."

37 2. Title page, line 2, by inserting after the

38 word "taxes," the following: "the state's
39 administration of local option taxes,".

MICHAEL E. GRONSTAL

S-5353

1 Amend Senate File 2247 as follows:
2 1. Page 1, by striking lines 31 through 35, and
3 inserting the following: "furnished by the secretary,
4 and the secretary shall set the registration fee
5 annually at one-fifth of one percent of gross sales
6 within this state with a minimum fee of two hundred
7 fifty dollars and a maximum fee of three thousand
8 dollars for each and every brand and".

BERL E. PRIEBE

S-5354

1 Amend Senate File 2247 as follows:
2 1. Page 1, line 4, by striking the word "greater"
3 and inserting the following: "lesser".

BERL PRIEBE

S-5355

1 Amend Senate File 2284 as follows:
2 1. Page 3, by inserting after line 27 the
3 following:
4 "Sec. ____ . Section 230.15, unnumbered paragraph 1,
5 Code 1987, is amended to read as follows:
6 A mentally ill person and a person legally liable
7 for the person's support remain liable for the support
8 of the mentally ill person as provided in this
9 section. Persons legally liable for the support of a
10 mentally ill person include the spouse of the mentally
11 ill person, any person bound by contract for support
12 of the mentally ill person, and, with respect to
13 mentally ill persons under eighteen years of age only,
14 the father and mother of the mentally ill person. The
15 county auditor, subject to the direction of the board
16 of supervisors, shall enforce the obligation created
17 in this section as to all sums advanced by the county.
18 The liability to the county incurred by a mentally ill
19 person or a person legally liable for the person's

20 support under this section is limited to an amount
 21 equal to one hundred percent of the cost of care and
 22 treatment of the mentally ill person at a state mental
 23 health institute for one hundred twenty days of
 24 hospitalization. This limit of liability may be
 25 reached by payment of the cost of care and treatment
 26 of the mentally ill person subsequent to a single
 27 admission or multiple admissions to a state mental
 28 health institute or, if the person is not discharged
 29 as cured, subsequent to a single transfer or multiple
 30 transfers to a county care facility pursuant to
 31 section 227.11. After reaching this limit of
 32 liability, a mentally ill person or a person legally
 33 liable for the person's support is liable to the
 34 county for the care and treatment of the mentally ill
 35 person at a state mental health institute or, if
 36 transferred but not discharged as cured, at a county
 37 care facility in an amount ~~not in excess of the~~
 38 ~~average minimum cost of the maintenance of a~~
 39 ~~physically and mentally healthy individual residing in~~
 40 ~~the individual's own home, which standard shall be~~
 41 ~~established and may from time to time be revised by~~
 42 ~~the department of human services determined by the~~
 43 ~~department of human services. All income and~~
 44 ~~resources available to such person shall be considered~~
 45 ~~in determining the amount for which such person is~~
 46 ~~liable. A monthly allowance for personal needs of the~~
 47 ~~mentally ill person equal to the amount permitted for~~
 48 ~~persons eligible for medical assistance under chapter~~
 49 ~~249A shall be determined.~~ A lien imposed by section
 50 230.25 shall not exceed the amount of the liability

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1 which may be incurred under this section on account of
 2 any mentally ill person.”
 3 2. Title, line 1, by inserting after the word
 4 “information” the following: “, and to the liability
 5 for the cost of care and treatment for a mentally ill
 6 person”.

LEE W. HOLT

S-5356

1 Amend amendment S-5268 to Senate File 2019 as
 2 follows:
 3 1. Page 1, line 7, by inserting after the word

4 "technician-ambulance," the following: "advanced
5 emergency medical care provider".

C. JOSEPH COLEMAN

S-5357

1 Amend Senate File 448 as follows:
2 1. Page 2, line 13, by inserting after the word
3 "by" the following: "state".

C. JOSEPH COLEMAN

S-5358

1 Amend Senate File 2162 as follows:
2 1. Page 1, by striking lines 11 through 19 and
3 inserting the following: "each of the three state
4 universities. The collegiate registration plates
5 shall be designated as follows:
6 (1) The letters "ISU" followed by a four-digit
7 number all in cardinal on a gold background for Iowa
8 State University of science and technology.
9 (2) The letters "UNI" followed by a four-digit
10 number all in purple on a gold background for the
11 University of Northern Iowa.
12 (3) The letters "UI" followed by a four-digit
13 number all in black on a gold background for the state
14 University of Iowa."
15 2. Page 2, line 11, by striking the word and
16 figures "January 1, 1989" and inserting the following:
17 "July 1, 1990".

JAMES D. WELLS
RICHARD F. DRAKE

S-5359

1 Amend Senate File 2296 as follows:
2 1. Page 2, line 7, by inserting after the word
3 "services" the following: ", provided that the
4 qualifications of personnel providing the services
5 shall be equal to or exceed the qualifications of

6 personnel licensed in this state to provide those same
7 services”.

JOHN A. PETERSON

S-5360

1 Amend House File 105, 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 441.2, Code 1987, is amended
6 to read as follows:

7 441.2 CONFERENCE BOARD.

8 In each county and each city having an assessor
9 there shall be established a conference board. In
10 counties the conference board shall consist of the
11 mayors of all incorporated cities in the county whose
12 property is assessed by the county assessor, one
13 representative from the board of directors of each
14 high school district of the county, who is a resident
15 of the county, said board of directors appointing said
16 representative for a one-year term and notifying the
17 clerk of the conference board as to their
18 representative, and members of the board of
19 supervisors. In cities having an assessor the
20 conference board shall consist of the members of the
21 city council, school board and county board of
22 supervisors. In the counties the chairperson of the
23 board of supervisors shall act as chairperson of the
24 conference board, in cities having an assessor the
25 mayor of the city council shall act as chairperson of
26 the conference board. In any action taken by the
27 conference board, the mayors of all incorporated
28 cities in the county whose property is assessed by the
29 county assessor shall constitute one voting unit, the
30 members of the city board of education or one
31 representative from the board of directors of each
32 high school district of the county shall constitute
33 one voting unit, the members of the city council shall
34 constitute one voting unit, and the county board of
35 supervisors shall constitute one voting unit, each
36 unit having a single vote and no action shall be valid
37 except by the vote of not less than two out of the
38 three units. The majority vote of the members present
39 of each unit shall determine the vote of the unit.
40 The ~~assessor board~~ shall be appoint a clerk of the
41 conference board who may be a member of the board or

42 another qualified person except the assessor or an
43 employee of the assessor's office."
44 2. Title page, line 1, by inserting after the
45 word "appointment" the following: "and duties".

LEONARD BOSWELL
ALVIN V. MILLER

S-5361

1 Amend Senate File 2259 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 562C.1 DEFINITIONS.
5 Unless the context otherwise requires, in this
6 chapter:
7 1. "Demolisher" means demolisher as defined in
8 section 321.89.
9 2. "Junkyard" means junkyard as defined in section
10 306C.1.
11 3. "Lienholder" includes any government
12 subdivision with authority to levy a tax on abandoned
13 personal property.
14 4. "Personal property" includes personal property
15 of the mobile home owner in the abandoned mobile home,
16 on the mobile home lot, in the immediate vicinity of
17 the abandoned mobile home and the mobile home lot, and
18 in any storage area provided by the real property
19 owner for the use of the mobile home owner.
20 5. "Real property owner" means the owner or other
21 lawful possessor of real property upon which a mobile
22 home is located.
23 Sec. 2. NEW SECTION. 562C.2 REMOVAL -- NOTICE TO
24 SHERIFF.
25 1. A real property owner may remove or cause to be
26 removed a mobile home and other personal property
27 which is unlawfully parked, placed, or abandoned on
28 that real property, and may cause the mobile home and
29 personal property to be placed in storage until the
30 owner of the personal property pays a fair and
31 reasonable charge for removal, storage, or other
32 expense incurred, including reasonable attorneys'
33 fees, or until a judgment of abandonment is entered
34 pursuant to section 562C.8. The real property owner
35 or the real property owner's agent is not liable for
36 damages caused to the mobile home and personal
37 property by the removal or storage unless the damage
38 is caused willfully or by gross negligence.
39 2. The real property owner shall notify the

40 sheriff of the county where the real property is
41 located of the removal of the mobile home and other
42 personal property.
43 a. If the mobile home owner can be determined, and
44 if the real property owner so requests, the sheriff
45 shall notify the mobile home owner of the removal by
46 restricted certified mail. If the mobile home owner
47 cannot be determined, and the real property owner so
48 requests, the sheriff shall give notice by one
49 publication in one newspaper of general circulation in
50 the area where the mobile home and personal property

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1 was unlawfully parked, placed, or abandoned. If the
2 mobile home and personal property have not been
3 claimed by the owner within six months after notice is
4 given, the mobile home and personal property shall be
5 sold by the sheriff at a public or private sale.
6 After deducting costs of the sale the net proceeds
7 shall be applied to the cost of removal and storage of
8 the property. The remainder, if any, shall be paid to
9 the county treasurer.

10 b. If the real property owner removes the mobile
11 home and personal property but does not request that
12 the sheriff notify the mobile home owner, the real
13 property owner shall proceed with an action for
14 abandonment as provided in sections 562C.3 through
15 562C.9.

16 Sec. 3. NEW SECTION. 562C.3 ACTION FOR
17 ABANDONMENT -- JURISDICTION.

18 A real property owner not requesting notification
19 by the sheriff as provided in section 562C.2 may bring
20 an action alleging abandonment in the court within the
21 county where the real property is located. The action
22 shall be tried as an equitable action. Unless
23 commenced as a small claim, the petition shall be
24 presented to a district judge. Upon receipt of the
25 petition, the court shall order a hearing not later
26 than fourteen days from the date of the order.

27 Sec. 4. NEW SECTION. 562C.4 NOTICE.

28 1. Personal service pursuant to rule of civil
29 procedure 56.1 shall be made upon the mobile home
30 owner not less than ten days before the hearing. If
31 personal service cannot be completed in time to give
32 the mobile home owner the minimum notice required by
33 this section, the court may set a new hearing date.

34 2. If personal service cannot be made on the
35 mobile home owner because the mobile home owner is
36 avoiding service or cannot be found, service may be

37 made by mailing a copy of the petition and notice of
38 hearing to the mobile home owner's last known address
39 and publishing the notice in one newspaper of general
40 circulation in the county where the petition is filed.
41 If the mobile home owner's address is not known to the
42 real property owner, service may be made pursuant to
43 rule of civil procedure 60 except that service is
44 complete seven days after the initial publication.
45 The court shall set a new hearing date if necessary to
46 allow the ten-day minimum notice required under
47 subsection 1 of this section.
48 3. In addition to notifying the mobile home owner,
49 the real property owner shall notify all lienholders
50 of record and any other known claimant to the mobile

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1 home or personal property by restricted certified mail
2 addressed to the last known address of record and sent
3 not less than ten days before the hearing. The notice
4 shall describe the mobile home and personal property
5 and shall state the date and time at which the hearing
6 is scheduled, and the lienholder's or claimant's right
7 to assert a claim to the mobile home or personal
8 property at the hearing. The notice shall also state
9 that the failure of the lienholder or claimant to
10 assert a claim to the mobile home or personal property
11 is deemed a waiver of all right, title, claim, and
12 interest in the mobile home and personal property and
13 is deemed consent to the sale or disposal of the
14 mobile home and personal property. If it is
15 impossible to determine with reasonable certainty the
16 identity or address of all lienholders, notice shall
17 be made pursuant to rule of civil procedure 61.
18 Sec. 5. NEW SECTION. 562C.5 CHANGE OF VENUE.
19 In an action under this chapter a change of place
20 of trial may be had as in other cases.
21 Sec. 6. NEW SECTION. 562C.6 PRIORITY OF
22 ASSIGNMENT.
23 An action under this chapter shall be accorded
24 reasonable priority for assignment to assure prompt
25 disposition.
26 Sec. 7. NEW SECTION. 562C.7 REMEDY NOT
27 EXCLUSIVE.
28 An action under this chapter may be brought in
29 connection with a claim for monetary damages,
30 possession, or recovery as provided in section 562B.25
31 or 562B.30 or chapter 648.
32 Sec. 8. NEW SECTION. 562C.8 JUDGMENT.
33 1. If the court determines that the mobile home

34 and personal property have been abandoned, judgment
35 shall be entered in favor of the real property owner
36 for the reasonable costs of removal, storage, notice,
37 and attorneys' fees; any other expenses incurred for
38 preserving the mobile home and personal property or
39 for bringing the action; and, if the action is brought
40 in conjunction with one for monetary damages, the
41 amount of monetary damages assessed.

42 2. If the mobile home owner, lienholder, or other
43 claimant asserts a claim to the property, the judgment
44 shall be satisfied before the mobile home owner,
45 lienholder, or other claimant may take possession of
46 the mobile home or personal property.

47 3. If no claim is asserted to the mobile home or
48 personal property or if the judgment is not satisfied
49 at the time of entry, an order shall be entered
50 allowing the real property owner to sell or otherwise

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1 dispose of the mobile home and personal property
2 pursuant to section 562C.9. If a claimant satisfies
3 the judgment at the time of entry, the court shall
4 enter an order permitting and directing the claimant
5 to remove the mobile home or personal property from
6 its location within a reasonable time to be fixed by
7 the court. The court shall also determine the amount
8 of further rent or storage charges to be paid by the
9 claimant to the real property owner at the time of
10 removal.

11 Sec. 9. NEW SECTION. 562C.9 DISPOSAL --
12 PROCEEDS.

13 1. Pursuant to an order for disposal under section
14 562C.8, subsection 3, the real property owner shall
15 dispose of the mobile home and personal property by
16 public or private sale in a commercially reasonable
17 manner. If the personal property owner, lienholder,
18 or other claimant has asserted a claim to the mobile
19 home or personal property, that person shall be
20 notified of the sale by restricted certified mail not
21 less than five days before the sale. The notice is
22 deemed given upon the mailing. The real property
23 owner may buy at any public sale, and if the mobile
24 home or personal property is of a type customarily
25 sold in a recognized market or is the subject of
26 widely distributed standard price quotations, the real
27 property owner may buy at a private sale.

28 2. A sale pursuant to subsection 1 transfers to
29 the purchaser for value, all of the mobile home
30 owner's rights in the mobile home and personal

31 property, and discharges the real property owner's
32 interest in the mobile home and personal property and
33 any security interest or lien whose holder was given
34 notice of the sale as provided in subsection 1. The
35 purchaser takes free of all rights and interests even
36 though the real property owner fails to comply with
37 the requirements of this chapter or of any judicial
38 proceedings, if the purchaser acts in good faith.
39 3. The proceeds of the sale of mobile home and
40 personal property shall be distributed as follows:
41 a. First, to satisfy the real property owner's
42 judgment obtained under section 562C.8.
43 b. Second, to satisfy any indebtedness secured by
44 a security interest or lien in the mobile home or
45 personal property if written notification of demand of
46 the secured interest or lien is received before
47 distribution of the proceeds is completed. If
48 requested by the real property owner, the holder of a
49 security interest or lien shall furnish reasonable
50 proof of the interest, and unless done, the real

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1 property owner need not comply with the demand. In
2 cases of uncertainty, the real property owner may pay
3 the amount demanded, or so much thereof as is
4 available from remaining proceeds, to the sheriff for
5 disbursement as the court subsequently directs.
6 c. Any surplus remaining after the proceeds are
7 distributed shall be held by the real property owner
8 for one year. If the mobile home owner fails to claim
9 the surplus in that time, the surplus may be retained
10 by the real property owner. If a deficiency remains
11 after distribution of the proceeds, the mobile home
12 owner is liable for the amount of the deficiency.
13 4. Notwithstanding subsections 1 through 3, the
14 real property owner may propose to retain the mobile
15 home and personal property in satisfaction of the
16 judgment obtained pursuant to section 562C.8. Written
17 notice of the proposal shall be sent to the mobile
18 home owner, lienholder, or other claimant, if that
19 person has asserted a claim to the mobile home or
20 personal property in the judicial proceedings. If the
21 real property owner receives objection in writing from
22 a person entitled to be sent notice, within twenty-one
23 days after the notice was sent, the real property
24 owner shall dispose of the mobile home and personal
25 property pursuant to subsection 1. If no written
26 objection is received by the real property owner
27 within twenty-one days after the notice was sent, the

28 mobile home and personal property may be retained.
29 Retention of the mobile home and personal property
30 discharges the judgment of the mobile home owner and
31 any security interest or lien in the mobile home or
32 personal property whose holder was given notice as
33 provided in this subsection.

34 5. If the real property owner has made a good
35 faith attempt to sell the mobile home and personal
36 property pursuant to subsection 1 but is unsuccessful
37 and elects not to retain the mobile home and personal
38 property pursuant to subsection 4, the real property
39 owner may dispose of the mobile home and personal
40 property to a demolisher or junkyard. Proceeds from
41 the disposition shall be distributed pursuant to
42 subsection 3.

43 Sec. 10. NEW SECTION. 562C.10 LIMITATION ON
44 LIABILITY.

45 1. A real property owner who disposes of a mobile
46 home or personal property in accordance with this
47 chapter is not liable for damages by reason of the
48 removal, sale, or disposal of the mobile home and
49 personal property unless the damage is caused
50 willfully or by gross negligence. Upon a motion to

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1 the district court and a showing that the real
2 property owner is not proceeding in accordance with
3 this chapter, the court may enjoin the real property
4 owner from proceeding further and a determination for
5 the proper disposition of the mobile home and personal
6 property shall be made. If disposition of the
7 personal property has not occurred in accordance with
8 this chapter, the personal property owner has a right
9 to recover from the real property owner, any loss
10 caused by failure to comply with this chapter.

11 2. The fact that a better price could have been
12 obtained by a sale at a different time or in a
13 different method from that selected by the real
14 property owner is not of itself sufficient to
15 establish that the sale was not made in a commercially
16 reasonable manner. If the real property owner sells
17 the mobile home and personal property in the usual
18 manner in any recognized market or if the real
19 property owner sells at the price current in the
20 market at the time of the real property owner's sale
21 or if the real property owner has otherwise sold in
22 conformity with reasonable commercial practices among
23 dealers in the type of mobile home or personal
24 property sold, the real property owner has sold in a

25 commercially reasonable manner.

26 Sec. 11. Section 135D.24, subsection 6, Code
 27 Supplement 1987, is amended to read as follows:
 28 6. Before a mobile home may be moved from its
 29 present site by the owner or the owner's assignee, a
 30 tax clearance statement in the name of the owner must
 31 be obtained from the county treasurer of the county
 32 where the present site is located certifying that
 33 taxes are not owing under this section for previous
 34 years and that the taxes have been paid for the
 35 current tax period. However, a tax clearance
 36 statement ~~shall~~ is not be required for a mobile home
 37 in a manufacturer's or dealer's stock which is not
 38 used as a place for human habitation. A tax clearance
 39 form is not required to move an abandoned mobile home.
 40 A tax clearance form is not required in eviction cases
 41 provided the mobile home park owner or manager advises
 42 the county treasurer that the tenant is being evicted.
 43 If a dealer acquires a mobile home from a person other
 44 than a manufacturer, the person shall provide a tax
 45 clearance statement in the name of the owner of record
 46 to the dealer. The tax clearance statement shall be
 47 provided by the county treasurer ~~and shall be made out~~
 48 in quadruplicate in a method prescribed by the
 49 department of transportation. Two copies are to be
 50 provided to the company or person transporting the

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1 mobile home with one copy to be carried in the vehicle
 2 transporting the mobile home. One copy is to be
 3 forwarded to the county treasurer of the county in
 4 which the mobile home is to be relocated and one copy
 5 is to be retained by the county treasurer issuing the
 6 tax clearance statement.

7 Sec. 12. Section 321.90, subsection 2, paragraph
 8 b, Code 1987, is amended to read as follows:
 9 b. The application shall set out the name and
 10 address of the applicant, and the year, make, model,
 11 and serial number of the motor vehicle, if
 12 ascertainable, together with any other identifying
 13 features, and shall contain a concise statement of the
 14 facts surrounding the abandonment, or a statement that
 15 the title of the motor vehicle is lost or destroyed,
 16 or the reasons for the defect of title in the owner.
 17 The applicant shall execute an affidavit stating that
 18 the facts alleged are true and that no material fact
 19 has been withheld. An order for disposal obtained
 20 pursuant to section 562C.8, subsection 3, satisfies
 21 the application requirements of this paragraph.

22 Sec. 13. Section 321.90, subsection 2, paragraph
23 c, Code 1987, is amended to read as follows:
24 c. If the police authority finds that the
25 application is executed in proper form, and shows that
26 the motor vehicle has been abandoned upon the property
27 of the applicant, or if it shows that the motor
28 vehicle is not abandoned but that the applicant
29 appears to be the rightful owner, the police authority
30 shall follow appropriate notification procedures as
31 set forth in section 321.89, subsection 3, except that
32 in the case of an order for disposal obtained pursuant
33 to section 562C.8, subsection 3, no notification is
34 required.
35 Sec. 14. Section 321.90, subsection 2, paragraph
36 g, Code 1987, is amended to read as follows:
37 g. Any proceeds from the sale of an abandoned
38 motor vehicle to a demolisher under this section, by
39 one other than the owner of the vehicle, except the
40 sale of a vehicle pursuant to an order for disposal
41 obtained pursuant to section 562C.8, subsection 3,
42 shall first be applied to that person's expenses in
43 effecting the sale, including storage, towing, and
44 disposal charges, and any surplus shall be distributed
45 in accordance with section 321.89, subsection 4. The
46 proceeds from the sale of a vehicle disposed of
47 pursuant to section 562C.8, subsection 3, shall be
48 distributed in accordance with section 562C.9.
49 Sec. 15. Section 562B.13, subsection 3, Code 1987,
50 is amended by adding the following new paragraph:

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1 NEW PARAGRAPH. c. To remove, store, and dispose
2 of a mobile home if it is abandoned as defined in
3 section 562B.27.
4 Sec. 16. Section 562B.27, Code 1987, is amended by
5 striking the section and inserting in lieu thereof the
6 following:
7 **562B.27 REMEDIES FOR ABANDONMENT -- REQUIRED**
8 **REGISTRATION.**
9 1. A tenant is considered to have abandoned a
10 mobile home when the tenant has been absent from the
11 mobile home without reasonable explanation for thirty
12 days or more during which time there is a default of
13 rent three days after rent is due, or the rental
14 agreement is terminated pursuant to section 562B.25.
15 2. When a mobile home is abandoned on a mobile
16 home space:
17 a. The landlord shall follow the procedure in
18 chapter 562C for disposing of abandoned personal

19 property to dispose of the mobile home. However, in
 20 addition to any notice given pursuant to chapter 562C,
 21 the landlord may notify the legal owner or lienholder
 22 of the mobile home and communicate to that person that
 23 the person is liable for any costs incurred for the
 24 mobile home space, including rent and utilities due
 25 and owing. However, the person is only liable for
 26 costs incurred ninety days before the landlord's
 27 communication and costs for which liability is
 28 incurred after the landlord's communication.

29 b. The mobile home shall not be removed from the
 30 mobile home space without a signed written agreement
 31 from the landlord showing clearance for removal, that
 32 all debts are paid in full, or an agreement reached
 33 with the legal owner or lienholder and the landlord.

34 c. An action pursuant to chapter 562C may be
 35 combined with an action for possession under chapter
 36 648 or an action for damages under section 562B.30.

37 3. A required standardized registration form shall
 38 be filled out by each tenant upon the rental of a
 39 mobile home space, showing the mobile home make, year,
 40 serial number, and also showing if the mobile home is
 41 paid for, if there is a lien on the mobile home, and
 42 if so the lienholder, and the name of the legal owner
 43 of the mobile home. The registration forms shall be
 44 kept on file with the landlord as long as the mobile
 45 home is on the mobile home space within the mobile
 46 home park. The tenant shall give notice to the
 47 landlord within ten days of any new lien, change of
 48 existing lien, or settlement of lien.

49 Sec. 17. Section 648.19, Code 1987, is amended to
 50 read as follows:

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1 648.19 NO JOINDER OR COUNTERCLAIM -- EXCEPTION.

2 An action of this kind shall not be brought in
 3 connection with any other action, with the exception
 4 of a claim for rent or recovery as provided in
 5 sections 562A.24, 562A.32, 562B.22, ~~or~~ 562B.25, or
 6 562B.27, nor shall it be made the subject of
 7 counterclaim."

8 2. Title page, by striking lines 1 and 2 and
 9 inserting the following: "An Act relating to the
 10 disposal of abandoned mobile homes and abandoned
 11 personal property of the abandoned mobile home owner."

RICHARD VARN

S-5362

- 1 Amend Senate File 2106 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "state" the following: ", on or after January 1,
- 4 1989".

RICHARD VARN

S-5363

- 1 Amend Senate File 2255 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "choice" the following: "or offer to transmit the
- 4 prescription to a pharmacy of the patient's choice".
- 5 2. By striking page 1, line 22 through page 3,
- 6 line 7.

LARRY MURPHY

S-5364

- 1 Amend Senate File 2075 as follows:
- 2 1. Page 1, by inserting after line 5 the
- 3 following:
- 4 "Sec. ____ . Section 232.2, subsection 6, Code
- 5 Supplement 1987, is amended by adding the following
- 6 new lettered paragraph:
- 7 NEW LETTERED PARAGRAPH. n. Who is a chronic
- 8 runaway. As used in this paragraph, "chronic runaway"
- 9 means a child who is voluntarily absent without
- 10 permission from the child's home or placement for a
- 11 period of time exceeding one week, or who is
- 12 voluntarily absent without permission from the child's
- 13 home or placement for a period of time exceeding
- 14 twelve hours on each of three or more separate
- 15 occasions in a twelve-month period, and whose health,
- 16 safety, and welfare are at risk."

AL STURGEON
RAY TAYLOR
JOE WELSH
LEE W. HOLT

S-5365

- 1 Amend Senate File 2024 as follows:
- 2 1. Page 1, line 3, by striking the word "Six" and
- 3 inserting the following: "~~Six~~ Eight".
- 4 2. Page 1, line 16, by striking the word "two"
- 5 and inserting the following: "four".
- 6 3. Page 1, line 21, by striking the word "member"
- 7 and inserting the following: "members".
- 8 4. Page 1, line 21, by striking the word "May"
- 9 and inserting the following: "July".

RICHARD J. VARN
RAY TAYLOR

S-5366

- 1 Amend House File 2285 as passed by the House as
- 2 follows:
- 3 1. Page 6, by inserting after line 28 the
- 4 following:
- 5 "Sec. ____ . Section 422.72, subsection 4, Code
- 6 Supplement 1987, is amended to read as follows:
- 7 4. A person violating subsection 1, 2, ~~or~~ 3, or 6
- 8 is guilty of a serious misdemeanor.
- 9 Sec. ____ . Section 422.72, Code Supplement 1987, is
- 10 amended by adding the following new subsection:
- 11 **NEW SUBSECTION. 6.** The department may enter into
- 12 a written informational exchange agreement for tax
- 13 administration purposes with a city or county which is
- 14 entitled to receive funds due to a local hotel and
- 15 motel tax or a local sales and services tax. The
- 16 written informational exchange agreement shall
- 17 designate no more than two paid city or county
- 18 employees that have access to actual return
- 19 information relating to that city's or county's
- 20 receipts from a local hotel and motel tax and a local
- 21 sales and services tax.
- 22 City or county employees designated to have access
- 23 to information under this subsection are deemed to be
- 24 officers and employees of the state for purposes of
- 25 the restrictions and penalties pursuant to subsection
- 26 1 pertaining to confidential information. The
- 27 department may refuse to enter into a written
- 28 informational exchange agreement if the city or county
- 29 does not agree to pay the actual cost of providing the
- 30 information and the department may refuse to abide by
- 31 a written informational exchange agreement if the city
- 32 or county does not promptly pay the actual cost of the
- 33 information or take reasonable precautions to protect
- 34 the information's confidentiality."

35 2. Title page, line 2, by inserting after the
 36 word "taxes," the following: "the state's
 37 administration of local option taxes,".

MICHAEL E. GRONSTAL

S-5367

1 Amend Senate File 2311 as follows:
 2 1. Page 5, line 30, by inserting after the word
 3 "fund" the following: "including an inexpensively
 4 bound report which contains the name, gender, place of
 5 residence, official title, salary received during the
 6 fiscal year beginning July 1, 1986, and ending June
 7 30, 1987, base salary as computed on July 1 of the
 8 current fiscal year, and traveling and subsistence
 9 expense of the personnel of each of the departments,
 10 boards, and commissions of the state government,
 11 except personnel who receive an annual salary of less
 12 than one thousand dollars, which shall be published by
 13 September 1, 1988, and upon the request of the
 14 superintendent, the head of each department, board, or
 15 commission shall furnish the data covering that agency
 16 and the report shall be distributed upon request
 17 without charge to each member of the general assembly,
 18 elected state officer, and department head and other
 19 persons may purchase a copy for a fee not less than
 20 the amount required to print the copy".

EDGAR H. HOLDEN
 C. JOSEPH COLEMAN

S-5368

1 Amend Senate File 2311 as follows:
 2 1. Page 12, by striking lines 12 through 15.
 3 2. Renumber sections and correct internal
 4 references as necessary.

EDGAR H. HOLDEN

S-5369

1 Amend Senate File 2273 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. 1970 Iowa Acts, chapter 1004, section

5 2, is repealed.

6 Sec. 2. The state department of transportation may
7 resume construction of the uncompleted rest areas and
8 rest area buildings on the interstate highway system.
9 The state department of transportation shall designate
10 by January 1, 1992 those uncompleted rest areas and
11 rest area buildings which it elects to complete, and
12 report those designations to the state transportation
13 commission. If the state department of transportation
14 elects not to complete the construction of an
15 uncompleted rest area or rest area building, the
16 department shall sell the land acquired by the
17 department for the rest area back to the adjacent
18 landowners.”
19 2. Title page, by striking lines 1 and 2, and
20 inserting the following: “An Act relating to the
21 establishment and construction of rest areas and rest
22 area buildings.”

LINN FUHRMAN
LEONARD L. BOSWELL

S-5370

1 Amend Senate File 2297 as follows:
2 1. Page 4, line 27, by inserting after the word
3 “class.” the following: “As a condition to receiving
4 a minimum acceptable, or higher, rating, a financial
5 institution shall not offer or issue a credit card
6 with an interest rate greater than the then current
7 average United States treasury bill rate of interest
8 for the past year plus ten percentage points.”

MICHAEL E. GRONSTAL

S-5371

1 Amend amendment, S-5209, to Senate File 2235 as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:
5 “___ . Page 1, by striking lines 3 and 4 and
6 inserting the following:
7 “Except as limited by this section and as provided
8 by a policy of the board of directors of a school,
9 students of a school have the right to exercise
10 freedom of speech and of”.

- 11 ____ . Page 1, by striking lines 29 and 30 and
12 inserting the following:
13 “The board of directors of a school shall adopt a
14 policy concerning student expression, which shall
15 include reasonable”.
- 16 ____ . Page 1, line 33, by striking the word “code”
17 and inserting the following: “policy”.
- 18 ____ . Page 1, line 34, by inserting after the word
19 “editors” the following: “and school officials
20 responsible for the supervision”.
- 21 2. Page 1, by inserting after line 13 the
22 following:
23 “____ . Page 2, by striking lines 13 through 17.”
24 3. By renumbering as necessary.

WALLY E. HORN

S-5372

- 1 Amend House File 2283, as amended, passed, and
2 reprinted by the House as follows:

DIVISION S—5372A

- 3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section 172C.1, subsection 8,
6 paragraph a, Code 1987, is amended to read as follows:
7 a. Founded for the purpose of farming and the
8 ownership of agricultural land in which ~~the majority~~
9 two-thirds of the voting stock is held by and ~~the~~
10 majority two-thirds of the stockholders are persons
11 related to each other as spouse, parent, grandparent,
12 lineal ascendants of grandparents or their spouses and
13 other lineal descendants of the grandparents or their
14 spouses, or persons acting in a fiduciary capacity for
15 persons so related;”.

DIVISION S—5372B

- 16 2. Page 1, line 23, by striking the words “one
17 thousand” and inserting the following: “two thousand
18 five hundred”.
- 19 3. Page 2, line 23, by striking the words “for a
20 period of more than twenty days”.
- 21 4. Page 7, line 5, by striking the words
22 “purchase or”.

DIVISION S—5372A (cont'd.)

- 23 5. Page 8, by inserting after line 12, the
 24 following:
 25 "Sec. ____ . Section 1 of this Act takes effect on
 26 January 1, 1989."
 27 6. Title page, line 9, by inserting after the
 28 words "restrictions on" the following: "family farm
 29 corporations and".
 30 7. Title page, line 11, by striking the words
 31 "and providing penalties" and inserting the following:
 32 "providing penalties; and providing an effective date
 33 for a provision".
 34 8. By renumbering as necessary.

COMMITTEE ON AGRICULTURE
 BERL E. PRIEBE, Chairperson

S-5373

- 1 Amend Senate File 2240 as follows:
 2 1. Page 1, by inserting after line 18 the
 3 following:
 4 "If a person engaged in the business of
 5 construction is self-employed and does not employ
 6 other persons in the business, the person is not a
 7 "contractor" for purposes of this chapter.
 8 If a person engaged in the business of construction
 9 employs other persons in the business, the person is
 10 not a "contractor" for purposes of this chapter if the
 11 annual gross receipts from the business of construc-
 12 tion for the prior and current calendar year each
 13 total ten thousand dollars or less."

ROBERT M. CARR
 EDGAR H. HOLDEN

S-5374

- 1 Amend Senate File 2310 as follows:
 2 1. Page 21, by inserting after line 31, the
 3 following:
 4 "Sec. ____ . Section 7E.6, subsection 5, Code 1987,
 5 is amended by striking the subsection."
 6 2. Page 23, by inserting after line 24, the
 7 following:
 8 "Sec. ____ . Section 135.62, subsection 2, paragraph
 9 c, Code 1987, is amended to read as follows:

10 c. Meetings. The council shall hold an
11 organizational meeting in July of each odd-numbered
12 year, or as soon thereafter as the new appointee or
13 appointees are confirmed and have qualified. Other
14 meetings shall be held at least once each month, and
15 may be held more frequently if necessary to enable the
16 council to expeditiously discharge its duties.
17 Meeting dates shall be set upon adjournment or by call
18 of the chairperson upon five days' notice to the other
19 members. Each member of the council shall receive ~~an~~
20 ~~annual salary of three thousand dollars and~~
21 reimbursement for actual expenses while engaged in
22 official duties.”
23 3. By renumbering as necessary.

AL STURGEON

S-5375

1 Amend Senate File 2310 as follows:
2 1. Title page, line 1, by inserting after the
3 words “appropriations to” the following: “the Iowa
4 state civil rights commission,”.

AL STURGEON

S-5376

1 Amend Senate File 2205 as follows:
2 1. Page 2, line 2, by inserting after the figure
3 “479A.18.” the following: “When inspecting for safety
4 standard compliance, the board shall apply only United
5 States department of transportation safety standards.”
6 2. Page 6, by inserting after line 28, the
7 following:
8 “11. This section does not preclude the
9 application of provisions for protecting or restoring
10 property contained in agreements independently
11 executed by the pipeline company and the landowner if
12 the provisions are not inconsistent with state law or
13 with rules adopted by the board.”
14 3. Page 9, line 25, by striking the word “until”
15 and inserting the following: “unless”.

MICHAEL E. GRONSTAL

S-5377

1 Amend House File 529 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 2, by striking lines 31 through 33 and
 4 inserting the following: "state agency can provide
 5 the goods or services at a competitive price. The
 6 documentation".
 7 2. Page 3, by striking lines 11 through 23 and
 8 inserting the following: "rule, provide for
 9 exemptions from this chapter.
 10 ____ . However, this chapter shall not be construed
 11 to impair cooperative agreements between Iowa state
 12 industries and private enterprise."
 13 3. Page 5, by inserting after line 8 the
 14 following:
 15 "Sec. ____ . NEW SECTION. 246.815 SALE OF
 16 PRODUCTS.
 17 1. Iowa state industries may produce and sell
 18 products to any tax-supported institution or
 19 governmental subdivision in any level of government
 20 which includes the state, county, city, or school
 21 corporation. Iowa state industries may sell products
 22 to employees of those entities.
 23 2. Iowa state industries may sell products to
 24 nonprofit organizations including parochial schools,
 25 churches, or fraternal organizations.
 26 3. Iowa state industries may sell products to
 27 nonprofit health care facilities serving Medicaid or
 28 social security patients."

JOHN A. PETERSON
 DONALD V. DOYLE
 EUGENE FRAISE

S-5378

1 Amend the amendment, S-5351, to Senate File 2307 as
 2 follows:
 3 1. Page 2, by striking lines 11 through 46.
 4 2. Page 2, by striking line 47 and inserting the
 5 following:
 6 "Sec. 2. This Act takes".
 7 3. Page 2, by inserting after line 48 the
 8 following:
 9 "____ . Title page, lines 2 and 3, by striking the
 10 words "and establishing certain requirements for their
 11 early release".
 12 4. Renumber as necessary.

TOM MANN, Jr.

S-5379

- 1 Amend Senate File 2297 as follows:
- 2 1. Page 1, by striking lines 9 and 10.
- 3 2. Page 2, line 10, by striking the word
- 4 "director" and inserting the following:
- 5 "institution's regulator".
- 6 3. Page 2, line 11, by striking the word
- 7 "director" and inserting the following: "regulator".
- 8 4. Page 2, line 15, by striking the word
- 9 "director" and inserting the following: "regulator of
- 10 a class of financial institutions".
- 11 5. Page 2, line 17, by inserting after the word
- 12 "institution" the following: "of that class".
- 13 6. Page 2, line 30, by striking the word
- 14 "director" and inserting the following: "regulator".
- 15 7. Page 2, by striking line 35 and inserting the
- 16 following: "the institution's regulator. The
- 17 regulator may order an expansion or".
- 18 8. Page 3, line 2, by striking the word
- 19 "department" and inserting the following:
- 20 "regulator".
- 21 9. Page 3, line 4, by striking the word
- 22 "department" and inserting the following: "regulator
- 23 for each class of financial institution".
- 24 10. Page 3, line 32, by striking the word
- 25 "department" and inserting the following: "financial
- 26 institution's regulator".
- 27 11. Page 4, line 13, by striking the word
- 28 "director" and inserting the following: "regulator".
- 29 12. Page 4, line 14, by striking the word "each"
- 30 and inserting the following: "the regulator's".
- 31 13. Page 4, line 19, by striking the word
- 32 "director" and inserting the following: "regulator".
- 33 14. Page 4, line 20, by striking the word "each"
- 34 and inserting the following: "the".
- 35 15. Page 4, line 21, by striking the words "each
- 36 class" and inserting the following: "an unacceptable
- 37 rating,".
- 38 16. Page 5, line 17, by striking the word
- 39 "director" and inserting the following: "regulator".
- 40 17. Page 5, line 24, by striking the word
- 41 "director" and inserting the following: "regulator".
- 42 18. Page 5, line 31, by striking the word
- 43 "director" and inserting the following: "regulator".
- 44 19. By renumbering as necessary.

MICHAEL E. GRONSTAL

S-5380

1 Amend Senate File 2304 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 13B.1, Code 1987, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 13B.1 DEFINITIONS.

8 As used in this chapter unless the context
9 otherwise requires:

10 1. "Appointed attorney" means an attorney
11 appointed and compensated by the state to represent an
12 indigent defendant.

13 2. "Department" means the department of
14 inspections and appeals.

15 3. "Financial statement" means a full written
16 disclosure of all assets, liabilities, current income,
17 dependents, and other information required to
18 determine if a client qualifies for legal assistance
19 at public expense.

20 4. "State public defender" means the state public
21 defender appointed pursuant to this chapter.

22 Sec. 2. Section 13B.2, Code 1987, is amended to
23 read as follows:

24 13B.2 POSITION ESTABLISHED.

25 The position of state ~~appellate~~ public defender is
26 established within the department of inspections and
27 appeals. The governor shall appoint the state
28 ~~appellate~~ public defender, who shall serve at the
29 pleasure of the governor, subject to confirmation by
30 the senate, no less frequently than once every four
31 years, whether or not there has been a new ~~appellate~~
32 state public defender appointed during that time, and
33 shall establish the ~~appellate state public~~ public defender's
34 salary.

35 Sec. 3. Section 13B.3, Code 1987, is amended to
36 read as follows:

37 13B.3 QUALIFICATIONS OF APPELLATE STATE PUBLIC
38 DEFENDER.

39 Only persons admitted to practice law in this state
40 shall be appointed ~~appellate state public~~ public defender or
41 assistant ~~appellate state public~~ public defender.

42 Sec. 4. Section 13B.4, Code 1987, is amended to
43 read as follows:

44 13B.4 JURISDICTION OF APPELLATE STATE PUBLIC
45 DEFENDER.

46 The ~~appellate state public~~ public defender shall represent
47 indigents on appeal in criminal cases and on appeal in

48 proceedings to obtain postconviction relief when
49 appointed to do so by the district court in which the
50 judgment or order was issued, and may represent

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1 indigents in proceedings instituted pursuant to
2 chapter 908, and shall not engage in the private
3 practice of law. The court may, upon the application
4 of the indigent or the indigent's trial attorney, or
5 on its own motion, appoint the appellate state public
6 defender to represent the indigent on appeal or on
7 appeal in postconviction proceedings.

8 Sec. 5. Section 13B.5, Code 1987, is amended to
9 read as follows:

10 13B.5 STAFF.

11 The appellate state public defender may appoint
12 assistant appellate state public defenders who,
13 subject to the direction of the appellate state public
14 defender, shall have the same duties as the appellate
15 state public defender and shall not engage in the
16 private practice of law. The salaries of the staff
17 shall be fixed by the appellate state public defender.
18 The appellate state public defender and the appellate
19 state public defender's staff shall receive actual and
20 necessary expenses, including travel at the state rate
21 set forth in section 18.117.

22 Sec. 6. Section 13B.6, Code 1987, is amended to
23 read as follows:

24 13B.6 ACCOUNT ESTABLISHED.

25 1. There is established in the state general fund
26 an account to be known as the appellate state public
27 defender operating account. The appellate state
28 public defender may bill a county for services
29 rendered to the county by the office of the appellate
30 state public defender. Receipts shall be deposited in
31 the operating account established under this section.
32 There is appropriated from the state general fund all
33 amounts deposited in the appellate state public
34 defender operating account for use in maintaining the
35 operations of the office of appellate state public
36 defender.

37 2. The department of inspections and appeals shall
38 provide internal accounting and related fiscal
39 services for the appellate state public defender.

40 Sec. 7. Section 13B.7, Code 1987, is amended to
41 read as follows:

42 13B.7 SUPERVISORY DUTY.

43 The appellate state public defender may supervise
44 the provision of legal services, funded by an

45 appropriation to the Iowa department of corrections,
46 to inmates of adult correctional institutions in civil
47 cases involving prison litigation.
48 Sec. 8. NEW SECTION. 13B.8 OFFICE OF LOCAL
49 PUBLIC DEFENDER.
50 1. The state public defender may establish or

Page 3

1 abolish local public defender offices. In determining
2 whether to establish or abolish a local public
3 defender office, the state public defender shall
4 consider the following:
5 a. The number of cases or potential cases where a
6 local public defender is or would be involved.
7 b. The population of the area served or to be
8 served.
9 c. The willingness of the local private bar to
10 participate in cases where a public defender is or
11 would be involved.
12 d. Other factors which the state public defender
13 deems to be important.
14 Before establishing or abolishing a local public
15 defender office, the state public defender shall
16 provide a written report detailing the reasons for the
17 action to be taken to the justice systems
18 appropriations subcommittee, the chairperson, vice-
19 chairperson, and ranking member of the senate
20 committee on judiciary, and the chairperson, vice-
21 chairperson, and ranking member of the house of
22 representatives committee on judiciary and law
23 enforcement. The report shall contain a statement of
24 the estimated fiscal impact of the action taken. Any
25 action taken in establishing or abolishing a local
26 public defender office shall only take effect upon the
27 approval of the general assembly. If the state public
28 defender proposes to abolish a local public defender
29 office prior to the beginning of any regular session
30 of the general assembly and the general assembly takes
31 no action regarding that proposal during the first
32 ninety days of the first regular session occurring
33 after the proposal is made, the office shall be
34 abolished.
35 2. The state public defender may appoint a local
36 public defender and may remove the local public
37 defender for cause. The local public defender must be
38 an attorney admitted to the practice of law before the
39 Iowa supreme court.
40 3. The compensation of the local public defender
41 and staff of the local public defender offices shall

42 be fixed by the state public defender.

43 4. The state public defender shall provide
44 suitable office space, furniture, equipment, and
45 supplies for the office of local public defender out
46 of funds appropriated to the department for this
47 purpose.

48 Sec. 9. NEW SECTION. 13B.9 POWERS AND DUTIES OF
49 LOCAL PUBLIC DEFENDERS.

50 1. The local public defender shall do all of the

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1 following:

2 a. Represent without fee an indigent person who is
3 under arrest or charged with a crime if the indigent
4 person requests it or the court orders it. The local
5 public defender shall counsel and defend an indigent
6 defendant at every stage of the criminal proceedings
7 and prosecute before or after conviction any appeals
8 or other remedies which the local public defender
9 considers to be in the interest of justice unless the
10 court or the administrator appoints other counsel.

11 b. Make an initial determination of indigence as
12 required under section 815.9 prior to the initial
13 arraignment or other initial court appearance.

14 c. Make an annual report to the state public
15 defender. The report shall include all cases handled
16 by the local public defender during the preceding
17 calendar year.

18 2. The local public defender may appoint the
19 number of assistant indigent defenders, clerks,
20 investigators, stenographers, and other employees as
21 approved by the state public defender. An assistant
22 local public defender must be an attorney licensed to
23 practice before the Iowa supreme court. Appointments
24 shall be made in the manner prescribed by the state
25 public defender.

26 Sec. 10. NEW SECTION. 13B.10 DETERMINATION OF
27 INDIGENCY.

28 1. For purposes of this chapter, a determination
29 of indigency shall be made pursuant to section 815.9.

30 2. A determination of indigence shall not be made
31 except upon the basis of information contained in a
32 detailed financial statement submitted by the person
33 or by the person's parent, guardian, or custodian.
34 The financial statement shall be in the form
35 prescribed by the board. If a person is determined to
36 be indigent and given legal assistance, the financial
37 statement shall be filed in the person's court file
38 and with the administrator.

39 3. A person who knowingly submits a false
 40 financial statement for the purpose of obtaining legal
 41 assistance at public expense commits a fraudulent
 42 practice. As used in this subsection "legal
 43 assistance" includes appointed counsel, transcripts,
 44 witness fees and expenses, and any other goods or
 45 services required by law to be provided to an indigent
 46 person at public expense.

47 4. The district court shall decide, based upon the
 48 financial statement and other relevant information,
 49 whether the person is indigent. An indigent defender
 50 may make a temporary determination of indigency prior

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1 to the initial arraignment or other initial court
 2 appearance.

3 Sec. 11. Section 331.321, subsection 2, Code
 4 Supplement 1987, is amended by striking the
 5 subsection.

6 Sec. 12. Section 331.322, subsection 5, Code
 7 Supplement 1987, is amended to read as follows:

8 5. Furnish offices within the county for the
 9 sheriff, and at the county seat for the recorder,
 10 treasurer, auditor, county attorney, county surveyor
 11 or engineer, county assessor, and city assessor. ~~If~~
 12 ~~the office of public defender is established, the~~
 13 ~~board shall furnish the public defender's office as~~
 14 ~~provided in section 331.776.~~ The board shall furnish
 15 the officers with fuel, lights, and office supplies.
 16 However, the board is not required to furnish the
 17 county attorney ~~or public defender~~ with law books.
 18 The board shall not furnish an office also occupied by
 19 a practicing attorney to an officer other than the
 20 county attorney ~~or public defender~~.

21 Sec. 13. Section 602.1302, subsection 2, Code
 22 Supplement 1987, is amended by striking the
 23 subsection.

24 Sec. 14. A public office providing indigent
 25 defense which is in existence on December 31, 1988,
 26 shall become an office of a local public defender
 27 under the authority and supervision of the state
 28 public defender unless the state public defender
 29 determines the office should cease to operate.

30 Sec. 15. REPEALS. Sections 331.775 through
 31 331.777, Code 1987, are repealed. However, this Act
 32 shall not affect the existing terms of office for the
 33 appellate defender or public defenders. This Act does
 34 not authorize a reduction in compensation or employee
 35 benefits provided by the state or a county to any

36 employee of the state appellate defender's office or a
37 public defender's office.

38 Sec. 16. This Act does not affect a contract in
39 effect at the time of enactment of this section
40 relating to office space, or other services or
41 equipment to be provided to a public defender.
42 However, a county or public defender shall not enter
43 into a contract for any services to be provided to the
44 public defender after enactment of this section
45 without the approval of the department of inspections
46 and appeals.

47 Sec. 17. For the period beginning January 1, 1989,
48 and ending June 30, 1989, the judicial branch shall
49 reimburse the department of inspections and appeals
50 out of funds appropriated to the judicial branch for

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1 the costs of adult indigent defense and costs of
2 juvenile proceedings including attorney and witness
3 fees.

4 Sec. 18. EFFECTIVE DATES.

5 1. Section 15 of this Act, being deemed of
6 immediate importance, is effective upon enactment.

7 2. Sections 1 through 14 and section 16 of this
8 Act are effective January 1, 1989."

9 2. Title page, by striking lines 1 through 4 and
10 inserting the following: "An Act relating to the
11 administration of legal representation of indigent
12 persons in criminal cases by local public defenders,
13 and the state public defender's office, and providing
14 an effective date."

TOM MANN, Jr.
DONALD V. DOYLE

S-5381

1 Amend Senate File 2310 as follows:

2 1. Page 23, by inserting after line 24, the
3 following:

4 "Sec. ____ . Section 144.46, Code 1987, is amended
5 to read as follows:

6 144.46 FEE FOR COPY OF RECORD.

7 The department by rule shall establish fees based
8 on the average administrative cost which shall be
9 collected by the state registrar or the clerk of the
10 district court for each certified copy or short form
11 certification of certificates or records, or for a

12 search of the files or records when no copy is made,
 13 or when no record is found on file. Fees collected by
 14 the state registrar under this section shall be
 15 deposited in the general fund of the state. Fifty
 16 percent of the fees collected by the state registrar
 17 under this section for certified copies or short form
 18 certification of certificates or records, or for
 19 searches of the files or records which require search
 20 for or retrieval of records from the state archives
 21 shall be credited to the account of the historical
 22 division of the department of cultural affairs in
 23 accordance with section 303.9. Fees collected by the
 24 clerk of the district court shall be deposited in the
 25 court revenue distribution account established under
 26 section 602.8108. A fee shall not be collected from a
 27 political subdivision or agency of this state.”

WILLIAM W. DIELEMAN

S-5382

1 Amend Senate File 2312 as follows:
 2 1. Page 1, by striking lines 17 through 19 and
 3 inserting the following:
 4 “It is the intent of the general assembly that as a
 5 condition, limitation, and qualification of the
 6 appropriation in this subsection, the arts division
 7 shall expend moneys to develop a basic art education”.
 8 2. Page 1, line 24, by striking the word “fifty-
 9 six” and inserting the following: “fifty-seven”.
 10 3. Page 1, line 27, by inserting after the word
 11 “that” the following: “as a condition, limitation,
 12 and qualification of the appropriation in this
 13 subsection”.
 14 4. Page 1, line 28, by striking the word “of” and
 15 inserting the following: “employed by”.
 16 5. By striking page 1, line 35 through page 2,
 17 line 2, and inserting the following:
 18 “It is the intent of the general assembly that as a
 19 condition, limitation, and qualification of the
 20 appropriation in this subsection, the library division
 21 shall expend moneys for open access of”.
 22 6. Page 2, by striking lines 10 through 12 and
 23 inserting the following:
 24 “It is the intent of the general assembly that as a
 25 condition, limitation, and qualification of the
 26 appropriation in this subsection, the public
 27 broadcasting division shall expend moneys for the
 28 replacement of the”.

29 7. Page 2, line 28 by inserting after the word
30 "that" the following: "as a condition, limitation,
31 and qualification of funds appropriated in section 1,
32 subsection 3, of this Act,".
33 8. Page 3, line 9, by striking the word "The" and
34 inserting the following: "As a condition, limitation,
35 and qualification of funds appropriated in section 1,
36 subsection 4, of this Act, the".
37 9. Page 5, by striking lines 10 through 12 and
38 inserting the following:
39 "It is the intent of the general assembly that as a
40 condition, limitation, and qualification of the
41 appropriation in this section, the college aid
42 commission shall expend moneys for the occupational
43 therapist loan".
44 10. Page 5, line 20, by inserting after the
45 figure "261.19." the following: "Notwithstanding
46 section 261.19, for the fiscal year beginning July 1,
47 1988, the subvention shall be used for the admission
48 and education of students enrolled in each of the four
49 years of classes in the college of osteopathic
50 medicine and surgery."

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1 11. Page 6, line 8, by inserting after the word
2 "condition" the following: ", limitation, and
3 qualification".
4 12. Page 7, line 13, by inserting after the word
5 "program." the following: "Allocation of moneys to
6 institutions of higher education shall be made in the
7 same manner as that provided in section 261.85 with
8 the additional five hundred thousand dollars
9 appropriated in this section allocated by the
10 commission on the basis of need as determined by the
11 portion of the federal formula for distribution of
12 work-study funds that relates to the current need of
13 institutions."
14 13. Page 10, line 26, by inserting after the word
15 "condition" the following: ", limitation, and
16 qualification".
17 14. Page 11, by striking lines 12 through 14 and
18 inserting the following:
19 "It is the intent of the general assembly that as a
20 condition, limitation, and qualification of the
21 appropriation in this subsection, the department of
22 education shall expend moneys".
23 15. Page 11, line 15, by striking the word
24 "used".
25 16. Page 11, lines 17 and 18, by striking the

26 words and figure "at least twenty-five thousand
 27 (25,000) dollars".
 28 17. Page 11, by striking lines 23 through 25 and
 29 inserting the following:
 30 "It is the intent of the general assembly that as a
 31 condition, limitation, and qualification of the
 32 appropriation in this subsection, the department of
 33 education shall expend moneys".
 34 18. By striking page 11, line 35 through page 12,
 35 line 2, and inserting the following:
 36 "It is the intent of the general assembly that as a
 37 condition, limitation, and qualification of the
 38 appropriation in this subsection, the department of
 39 education shall expend moneys to".
 40 19. Page 12, by striking lines 12 through 14, and
 41 inserting the following:
 42 "It is the intent of the general assembly that as a
 43 condition, limitation, and qualification of the
 44 appropriation in this subsection, the department of
 45 education shall expend moneys to".
 46 20. Page 12, by striking lines 26 through 28, and
 47 inserting the following:
 48 "It is the intent of the general assembly that as a
 49 condition, limitation, and qualification of the
 50 appropriation in this subsection, the department of

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1 education shall expend moneys for".
 2 21. Page 14, line 10, by inserting after the word
 3 "that" the following: "as a condition, limitation,
 4 and qualification of the appropriation in this
 5 subsection,".
 6 22. Page 15, line 21, by inserting after the word
 7 "that" the following: "as a condition, limitation,
 8 and qualification of the appropriation in this
 9 subsection,".
 10 23. Page 20, line 14, by striking the words
 11 "fewer than twenty-six" and inserting the following:
 12 "twenty-five or fewer".
 13 24. Page 24, line 4, by inserting after the word
 14 "condition" the following: ", limitation, and
 15 qualification".
 16 25. Page 24, by striking lines 16 through 22.
 17 26. Page 24, line 30, by inserting after the word
 18 "that" the following: "as a condition, limitation,
 19 and qualification".
 20 27. Page 25, line 24, by inserting after the word
 21 "condition" the following: ", limitation, and
 22 qualification".

23 28. Page 26, line 1, by inserting after the word
 24 "condition" the following: ", limitation, and
 25 qualification".
 26 29. Page 26, line 9, by inserting after the word
 27 "condition" the following: ", limitation, and
 28 qualification".
 29 30. Page 27, by striking line 27 and inserting
 30 the following:
 31 " \$112,840,955".
 32 31. Page 27, line 28, by inserting after the word
 33 "that" the following: "as a condition, limitation,
 34 and qualification".
 35 32. By striking page 27, line 32, through page
 36 28, line 1.
 37 33. Page 28, by inserting after line 19 the
 38 following:
 39 "f. Iowa state water resources research institute
 40 For research approved by the panel created in 1984
 41 Iowa Acts, chapter 1303, section 20:
 42 \$ 65,000".
 43 34. Page 28, line 25, by inserting after
 44 the word "that" the following: "as a condition, limitation,
 45 and qualification".
 46 35. Page 29, line 18, by inserting after
 47 the word "condition" the following: ", limitation, and
 48 qualification".
 49 36. Page 29, line 24, by inserting after the
 50 word "interest" the following: "to campus improvements

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1 that are of benefit to students and have been accepted by
 2 the institution's student government or".

RICHARD VARN

S-5383

1 Amend Senate File 2312 as follows:
 2 1. Page 18, line 34, by striking the word
 3 "Effective" and inserting the following:
 4 "1. Effective".
 5 2. Page 19, by inserting after line 22 the
 6 following:
 7 "Effective July 1, 1988, the board of directors of
 8 merged area II shall continue to operate the
 9 attendance center located at Calmar and the board of
 10 directors of merged area X shall continue to operate
 11 the attendance center located at Peosta."

12 3. Page 19, line 29, by striking the word "The"
13 and inserting the following:
14 "2. The".
15 4. Page 20, by inserting after line 1 the
16 following:
17 "3. Effective July 1, 1988, the board of directors
18 of merged area II is the public employer of the
19 employees at the attendance center located at Calmar
20 and the board of directors of merged area X is the
21 public employer of the employees at the attendance
22 center located at Peosta. The terms of employment of
23 nonsupervisory employees of merged area I are not
24 affected by the change in employers except as provided
25 in sections 279.15, 279.18, and 279.24. The authority
26 and responsibility to offer new contracts to
27 employees, or to continue, modify, or terminate
28 existing contracts pursuant to sections 279.12 through
29 279.21, 279.23, and 279.24 for the school year
30 beginning July 1, 1988, is transferred from the board
31 of directors of merged area I to the respective boards
32 of directors of merged areas II and X.
33 Personnel functions of the board of directors of
34 merged area I are transferred to the respective boards
35 of directors of merged areas II and X. If, as a
36 result of the transfer of employment of employees of
37 merged area I, more than one collective bargaining
38 agreement would be in effect, the collective
39 bargaining agreement of the merged area school with
40 the highest number of contact hours is the collective
41 bargaining agreement on the effective date of this Act
42 and it shall continue in effect until a successor
43 agreement is negotiated, and employees are
44 automatically accreted to the bargaining unit of that
45 collective bargaining agreement without action by the
46 public employment relations board. If, as a result of
47 the transfer of employment of employees of merged area
48 I only one collective bargaining agreement is in
49 effect, that agreement shall continue in full force
50 and effect until a successor agreement is negotiated

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1 and the employees of the merged area that are not
2 organized for collective bargaining purposes are
3 automatically accreted to the bargaining unit of that
4 collective bargaining agreement without further action
5 by the public employment relations board. The
6 receiving merged area is the public employer of the
7 collective bargaining unit."

JOE WELSH

S-5384

- 1 Amend Senate File 2240 as follows:
- 2 1. Page 3, by striking lines 9 through 19.
- 3 2. Renumber as necessary.

CALVIN O. HULTMAN

S-5385

- 1 Amend Senate File 2240 as follows:
- 2 1. Page 1, line 22, by striking the word
- 3 "annually".

CALVIN O. HULTMAN

S-5386

- 1 Amend the Committee amendment, S-5288, to House
- 2 File 2285 as passed by the House as follows:
- 3 1. Page 1, line 36, by inserting after the word
- 4 "to" the following: "political subdivisions in the
- 5 state and".

MICHAEL GRONSTAL

S-5387

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 8, by inserting after line 9 the
- 3 following:
- 4 "Of the funds appropriated by this section, it is
- 5 the intent of the general assembly that the department
- 6 of revenue and finance shall expend one hundred
- 7 seventy-six thousand eight hundred three (176,803)
- 8 dollars to employ additional auditors for tax auditing
- 9 and collection purposes."

WILLIAM W. DIELEMAN

S-5388

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 1, line 35, by striking the figure
- 3 "15,415" and inserting the following: "8,009".

BEVERLY HANNON

S-5389

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 1, line 11, by striking the figure
- 3 "72,470" and inserting the following: "62,000".

BEVERLY HANNON

S-5390

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 8, by inserting after line 9 the
- 3 following:
- 4 "The department shall review the net fiscal
- 5 impact of joining the multistate tax commission,
- 6 including convening a meeting with officials from
- 7 the multistate tax commission, the department, and
- 8 the fiscal committee of the legislative council
- 9 prior to October 1, 1988. The state may join
- 10 the multistate tax commission if it is determined
- 11 that joining the commission would increase state
- 12 tax collections in substantial excess of the cost
- 13 of joining the commission."

CHARLES BRUNER

S-5391

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 11, by inserting after line 7 the
- 3 following:
- 4 "Sec. ____ . Notwithstanding section 8.55, the
- 5 moneys in the Iowa economic emergency fund on the
- 6 effective date of this Act are transferred to the
- 7 general fund of the state. Funds transferred to the
- 8 general fund of the state shall be used to defray
- 9 expenses incurred for the fiscal year beginning July
- 10 1, 1988, and ending June 30, 1989."
- 11 2. Amend the title page, line 7, by inserting

- 12 after the word "state," the following: "transferring
- 13 moneys in the Iowa economic emergency fund to the
- 14 general fund of the state,".
- 15 3. Renumber sections and correct internal
- 16 references as necessary.

JOE J. WELSH

S-5392

- 1 Amend Senate File 2311 as follows:
- 2 1. Page 8, lines 34 and 35, by striking the words
- 3 and figure "one million three hundred ninety-three
- 4 thousand three hundred sixty-two (1,393,362)" and
- 5 inserting the following: "one million two hundred
- 6 eighteen thousand three hundred sixty-two
- 7 (1,218,362)".
- 8 2. Page 9, lines 2 and 3, by striking the words
- 9 and figure "one million three hundred five thousand
- 10 four hundred twenty-one (1,305,421)" and inserting the
- 11 following: "one million two hundred thirty thousand
- 12 four hundred twenty-one (1,230,421)".
- 13 3. Page 9, line 6, by striking the word "thirty-
- 14 three" and inserting the following: "twenty-nine".

JOE WELSH

S-5393

- 1 Amend Senate File 2311 as follows:
- 2 1. By striking page 12, line 12 through page 18,
- 3 line 8.
- 4 2. Title, lines 6 and 7, by striking the words
- 5 "increasing fees collected by the office of the
- 6 secretary of state,".

DALE L. TIEDEN

S-5394

- 1 Amend Senate File 2178 as follows:
- 2 1. Page 2, line 29, by inserting after the word
- 3 "compelling." the following: "News organizations
- 4 approved by resolution of the senate upon affirmation
- 5 that they will not disclose, publish, publicize,
- 6 transfer, transmit, or otherwise communicate
- 7 information about a senator which is other than

8 laudatory shall be exempted from this section and may
9 even publish the likenesses and indicia of identity of
10 a senator, section 22A.4 notwithstanding, when
11 depicting them in a laudatory manner.”

JIM LIND

S-5395

1 Amend Senate File 2309 as follows:
2 1. Page 1, line 18, by striking the figure
3 “515,000” and inserting the figure “510,000”.
4 2. Page 3, line 14, by striking the figure
5 “14,535” and inserting the figure “19,535”.

EDGAR H. HOLDEN

S-5396

1 Amend amendment, S-5219, to Senate File 2178 as
2 follows:
3 1. Page 1, by inserting after line 30 the
4 following:
5 “4. The use of the name, portrait, photograph, or
6 other likeness of the individual in connection with a
7 fund-raising effort for a charitable or political
8 organization so long as the person is not portrayed in
9 a defamatory manner.”

JIM LIND

S-5397

1 Amend Senate File 2178 as follows:
2 1. Page 3, line 6, by inserting after the word
3 “consent.” the following: “The American writers guild
4 shall provide written consent forms signed by authors
5 whose books are maintained by public libraries so that
6 those libraries may loan those authors’ books. One
7 such form shall suffice for each library. The senate
8 shall by resolution give consent on behalf of authors
9 who have passed away and are thus beyond even the
10 jurisdiction of the general assembly. Any person in
11 this state who has an idea must register that idea

12 with the secretary of the senate or suffer the use of
13 that idea by another.”

JIM LIND

S-5398

1 Amend amendment, S-5219, to Senate File 2178 as
2 follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 “4. The use of the name, portrait, photograph, or
6 other likeness of the individual in connection with an
7 association newsletter, political newsletter, or
8 social club newsletter.”

JIM LIND

S-5399

1 Amend amendment, S-5219, to Senate File 2178 as
2 follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 “4. The use of the name, portrait, photograph, or
6 other likeness of an individual in connection with a
7 school yearbook.”

JIM LIND

S-5400

1 Amend amendment, S-5219, to Senate File 2178 as
2 follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 “4. The use of the name, portrait, photograph, or
6 other likeness of the individual in connection with a
7 group picture or collection of pictures representing a
8 member of the Iowa house of representatives or the
9 Iowa senate.”

JIM LIND

S-5401

1 Amend Senate File 2309 as follows:

- 2 1. Page 1, line 25, by inserting after the word
3 "contracts." the following: "A contracted
4 advertisement shall not directly refer to or contain
5 the personal appearance or representation of any
6 elected state official."
7 2. Page 2, line 8, by inserting after the word
8 "contracts." the following: "An advertisement under
9 the marketing contract shall not directly refer to or
10 contain the personal appearance or representation of
11 any elected state official."
12 3. Page 4, line 24, by inserting after the word
13 "program." the following: "An advertisement or
14 display shall not directly refer to or contain the
15 personal appearance or representation of any elected
16 state official."

MICHAEL E. GRONSTAL

S-5402

1 Amend Senate File 2311 as follows:

- 2 1. Page 8, by inserting after line 9 the
3 following:
4 "Notwithstanding any other provisions, not more
5 than one million (1,000,000) dollars of the funds
6 received in payment of taxes to the state of Iowa from
7 audits conducted by the department of revenue and
8 finance shall be transferred to the general fund of
9 the state but shall be placed in a special account
10 within the department of revenue and finance and may
11 be used by the director of the department to hire or
12 retain not more than thirty-three full-time equivalent
13 positions to conduct audits and investigations and
14 initiate tax collection proceedings and enforcements,
15 provided the director of the department determines
16 that the effect of the use of the funds for this
17 purpose will result in collecting an additional two
18 dollars in tax collections for every dollar expended
19 in fiscal year 1989, and result in at least three
20 dollars collected for every dollar expended over a
21 longer time period. The director shall report at
22 least quarterly to the fiscal committee of the
23 legislative council when the general assembly is not
24 in session and to the general assembly when the
25 general assembly is in session, on the personnel and
26 support services provided, the funds expended, the tax
27 obligations established, and the taxes collected under
28 the provisions of this paragraph."

CHARLES BRUNER

S-5403

- 1 Amend Senate File 2310 as follows:
- 2 1. Page 1, line 33, by striking the figure
- 3 "60,000" and inserting the following: "57,414.50".
- 4 2. Page 2, line 8, by striking the figure
- 5 "110,000" and inserting the following: "107,171".
- 6 3. Page 2, line 33, by striking the figure
- 7 "52,000" and inserting the following: "57,414.50".

JIM LIND

S-5404

- 1 Amend Senate File 2310 as follows:
- 2 1. Page 6, by inserting after line 18, the
- 3 following:
- 4 "Notwithstanding chapter 135, division VI, it is
- 5 the intent of the general assembly that the following
- 6 elements be included in the certificate of need
- 7 process:
- 8 a. Notification, in place of review, is required
- 9 for a reduction in bed capacity. If beds are not
- 10 staffed for a period of one year, the health care
- 11 facility shall notify the health facilities council
- 12 that the number of beds of the health care facility
- 13 has been reduced. A certificate of need shall not be
- 14 required for the conversion of beds for new purposes
- 15 if the cost of conversion is below two hundred fifty
- 16 thousand dollars, and the facility notifies the health
- 17 facilities council of any reduction in bed capacity.
- 18 b. A certificate of need is required for the
- 19 purchase or leasing by a hospital of an air
- 20 transportation system for transportation of patients.
- 21 For the purposes of paragraph "d" air transportation
- 22 system projects are subject to the one-year
- 23 moratorium.
- 24 c. A waiver of the certificate of need shall be
- 25 provided for life care facilities which provide a
- 26 ratio of one nursing bed to four total resident beds,
- 27 which provide disclosure of financial information to
- 28 the department, and which receive approval of
- 29 financial disclosure from the department.
- 30 For the purposes of this paragraph, the following
- 31 definitions apply:
- 32 (1) "Life care" means the furnishing of nursing

33 care or personal care services pursuant to an
34 agreement, whether the nursing care or personal care
35 services are provided in the facility or in another
36 setting designated by the agreement, to an individual
37 not related by consanguinity or affinity to the
38 provider furnishing the living unit, for an entrance
39 fee.

40 (2) "Entrance fee" means an initial or deferred
41 transfer to a provider of a sum of money or other
42 property made or promised to be made as full or
43 partial consideration for acceptance of a specified
44 person as a resident in a facility for the duration of
45 the person's life or for a period which exceeds one
46 year. An accommodation fee, admission fee, or other
47 fee of similar form and application is considered to
48 be an entrance fee.

49 (3) "Life care facility" or "facility" means a
50 place which provides life care.

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1 (4) "Living unit" means a room, apartment,
2 cottage, or other area within a facility set aside for
3 the exclusive use or control of one or more specified
4 persons.

5 (5) "Nursing care" means those services pertaining
6 to the curative, restorative, and preventive aspects
7 of nursing services that are performed by or under the
8 supervision of a registered or licensed nurse.
9 "Nursing care" does not include general health service
10 such as nutritional counseling, exercise programs, or
11 other preventive medicine techniques.

12 (6) "Personal care services" means assistance with
13 meals, dressing, movement, bathing, or other personal
14 needs of maintenance or other direct supervision and
15 oversight of the physical and mental well-being of a
16 person. "Personal care services" does not include
17 general health services such as nutritional
18 counseling, exercise programs, or other preventive
19 medicine techniques.

20 (7) "Provider" means a person who owns or operates
21 a facility.

22 (8) "Resident" or "potential resident" means a
23 person entitled to receive life care in a facility
24 pursuant to an agreement and the payment of an
25 entrance fee.

26 (9) "Disclosure of financial information" means
27 information required by rule of the Iowa department of
28 public health relative to the capability of a life
29 care facility to ensure the safety of funds and

30 properties entrusted to the facility for the purpose
31 of assuring the provision of life care agreed to by
32 the resident or potential resident and the provider.
33 d. A one-year moratorium is established on a new
34 institutional health service or changed institutional
35 health service project as defined by section 135.61,
36 subsection 19, if the institutional health facility is
37 a hospital or a subsidiary of a hospital, and on an
38 air transportation system project of a hospital or
39 subsidiary of a hospital for which a contract for the
40 new institutional health service or changed
41 institutional health service project has not been
42 approved for a certificate of need on or before March
43 15, 1988, unless notification or waiver is provided in
44 lieu of the requirement of a certificate of need
45 pursuant to paragraph "a" or "c". However, if a
46 hospital or a subsidiary of a hospital displays an
47 urgent and compelling need to provide a new
48 institutional health service or changed institutional
49 health service, the hospital may appeal to the health
50 facilities council and may be granted approval for the

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1 project. The Iowa department of public health shall,
2 by rule, define an "urgent and compelling need," and
3 shall establish the criteria for approval of a project
4 for which an appeal is made. For the purposes of this
5 paragraph, the moratorium and the appeal process apply
6 to all projects included in this paragraph for which
7 payment is provided through a lease or purchase
8 arrangement by a hospital or a subsidiary of a
9 hospital.

10 e. The legislative council shall establish a
11 legislative interim study committee to develop new
12 criteria for use by the health facilities council to
13 use in the determination of approval for a health
14 service project."

AL STURGEON

S-5405

1 Amend Senate File 2310 as follows:

DIVISION S—5405B

2 1. By striking page 2, line 34 through page 3,
3 line 6 and inserting the following:

4 "8. DIVISION FOR THE BLIND
 5 For salaries and support of not more than one
 6 hundred two and five-tenths full-time equivalent
 7 positions annually, maintenance, and miscellaneous
 8 purposes:"

DIVISION S—5405A

9 2. By striking page 17, line 27 through page 21,
 10 line 19.

DIVISION S—5405B (cont'd.)

11 3. By striking page 21, line 20, through page 24,
 12 line 14.

DIVISION S—5405C

13 4. Title page, by striking lines 2 through 4 and
 14 inserting the following: "human rights, the
 15 department of elder affairs, and the department of
 16 public health."

JOE J. WELSH

S-5406

1 Amend Senate File 2310 as follows:
 2 1. Page 2, line 10, by striking the words "five
 3 and one-half" and inserting the following: "two".
 4 2. Page 2, line 13, by striking the figure
 5 "134,000" and inserting the following: "79,000".
 6 3. Page 2, by inserting after line 33 the
 7 following:
 8 "Sec. ____ . There is appropriated from the general
 9 fund of the state to the criminal and juvenile justice
 10 planning agency of the department of human rights for
 11 the fiscal year beginning July 1, 1988, and ending
 12 June 30, 1989, for general operations the sum of two
 13 hundred fifty thousand nine hundred forty (250,940)
 14 dollars, or so much thereof as is necessary, and as a
 15 condition, limitation, and qualification of this
 16 appropriation there shall be transferred from the
 17 department of management four full-time equivalent
 18 positions to the criminal and juvenile justice
 19 planning agency, there shall be transferred from the
 20 department of corrections one full-time equivalent
 21 position to the criminal and juvenile justice planning
 22 agency, and there shall be transferred from the

23 children, youth, and family division of the department
 24 of human rights three point five full-time equivalent
 25 positions to the criminal and juvenile justice
 26 planning agency and the funds appropriated by this
 27 section may be expended by the criminal and juvenile
 28 justice agency for salaries and benefits of these
 29 eight point five full-time equivalent positions in the
 30 criminal and juvenile justice planning agency.”

31 4. Page 17, by inserting after line 15 the
 32 following:

33 “Sec. ____ . Section 80C.1, Code 1987, is amended to
 34 read as follows:

35 80C.1 CRIMINAL AND JUVENILE JUSTICE PLANNING
 36 AGENCY CREATED.

37 The criminal and juvenile justice planning agency
 38 is created in the department of ~~management~~ human
 39 rights. The agency is responsible for coordinating
 40 criminal and juvenile justice activities in the state
 41 including planning, research, program implementation,
 42 and the administration of grants and other funds. The
 43 agency is under the direct supervision of the ~~director~~
 44 ~~of the department of management~~. ~~The director shall~~
 45 ~~appoint the administrator of the agency~~ criminal and
 46 juvenile justice advisory council created in section
 47 80C.2. The director of the criminal and juvenile
 48 justice planning agency shall be appointed by and
 49 serve at the pleasure of the council. As used in this
 50 section and sections 80C.2 to 80C.4, unless the

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1 context otherwise requires, “agency” means the
 2 criminal and juvenile justice planning agency created
 3 in this section.

4 Sec. ____ . Section 80C.2, unnumbered paragraph 1,
 5 Code 1987, is amended to read as follows:

6 The criminal and juvenile justice advisory council
 7 is created to advise the governor and legislature and
 8 advise the agency in the performance of its duties and
 9 to perform other duties as required by law. The
 10 council consists of ~~twelve~~ thirteen members. The
 11 governor shall appoint seven members each for a four-
 12 year term beginning and ending as provided in section
 13 69.19 and subject to confirmation by the senate as
 14 follows:

15 Sec. ____ . Section 80C.2, Code 1987, is amended by
 16 adding the following new subsection:

17 NEW SUBSECTION. 4. The coordinator of the
 18 department of human rights is an ex officio, nonvoting
 19 member of the council.

20 Sec. ____ . Section 80C.3, subsection 2, Code 1987,
21 is amended to read as follows:

22 2. ~~Co-ordinate~~ Maintain an Iowa statistical
23 analysis center for the purpose of coordinating with
24 data resource agencies to provide data and analytical
25 information to federal, state and local governments,
26 and assist agencies in the use of criminal and
27 juvenile justice data. The criminal and juvenile
28 justice planning agency and the statistical analysis
29 center are considered criminal justice agencies for
30 purposes of receiving criminal history data."

31 5. Amend the title, line 3, by inserting after
32 the word "health," the following: "transferring the
33 criminal and juvenile justice planning agency to the
34 department of human rights,".

35 6. Renumber sections and correct internal
36 references as necessary.

JOE J. WELSH

S-5407

1 Amend Senate File 2310 as follows:

2 1. Page 1, line 16, by striking the word "four"
3 and inserting the following: "five".

4 2. Page 1, line 19, by striking the figure
5 "83,000" and inserting the following: "104,000".

6 3. Page 1, by striking lines 24 through 28.

DAVID M. READINGER
AL STURGEON

S-5408

1 Amend Senate File 2310 as follows:

2 1. Page 16, line 19, by inserting after the word
3 "division." the following: "If the moneys generated
4 for deposit in the separate fund created under section
5 601K.117 are less than fifty thousand (50,000)
6 dollars, an amount which is equal to the amount
7 generated for deposit in the fund shall be
8 appropriated to the division of deaf services of the

9 department of human rights for the year beginning July
10 1, 1988, and ending June 30, 1989.”

JIM LIND

S-5409

- 1 Amend Senate File 2240 as follows:
- 2 1. Page 4, line 6, by inserting after the word
- 3 “state” the following: “, unless the contractor is
- 4 currently registered with the corporate division of
- 5 the office of the secretary of state or any other
- 6 agency of the state”.

LINN FUHRMAN
JOE J. WELSH

S-5410

- 1 Amend the amendment, S-5339, to Senate File 2251 as
- 2 follows:
- 3 1. Page 3, by inserting after line 5 the
- 4 following:
- 5 “Sec. ____ . EFFECTIVE DATE.
- 6 1. Section 1 of this Act takes effect July 1,
- 7 1988.
- 8 2. All other sections of this Act take effect July
- 9 1, 1990.”
- 10 2. Page 3, line 9, by inserting after the word
- 11 “teachers,” the following: “providing an effective
- 12 date,”.
- 13 3. By renumbering as necessary.

LINN FUHRMAN

S-5411

- 1 Amend Senate File 2309 as follows:
- 2 1. Page 5, line 24, by striking the words “five
- 3 hundred” and inserting the following: “four hundred
- 4 eighty”.
- 5 2. Page 5, line 24, by striking the figure
- 6 “(500,000)” and inserting the following: “(480,000)”.

LEONARD BOSWELL

S-5412

1 Amend Senate File 2310 as follows:

2 1. Page 15, by striking lines 29 through 33 and
3 inserting the following:

4 "f. Notwithstanding the provisions of section 8.33
5 or any other provision of law, any balance remaining
6 in the decentralized indigent obstetrical patient
7 program fund on June 30, 1988, shall remain in the
8 fund and be available for expenditure in the fiscal
9 year ending on June 30, 1989.

10 For the decentralized indigent obstetrical patient
11 program for salaries and support of not more than one
12 full-time equivalent position annually, maintenance,
13 and miscellaneous purposes there is appropriated an
14 amount which is the difference between the balance
15 remaining in the fund on June 30, 1988, and the amount
16 of seven hundred seventy thousand (770,000) dollars.
17 If the provisions of House File 2447 regarding the
18 federal Sixth Omnibus Budget Reconciliation Act are
19 not enacted, the amount appropriated shall be an
20 amount which is the difference between the balance
21 remaining in the fund on June 30, 1988, and the amount
22 of one million seventy thousand (1,070,000) dollars."

RICHARD VARN
CHARLES BRUNER

S-5413

1 Amend Senate File 2240 as follows:

2 1. Page 2, by striking lines 31 and 32 and
3 inserting the following: "products and services
4 provided."

BERL E. PRIEBE

S-5414

1 Amend Senate File 2240 as follows:

2 1. By striking page 6, line 15 through page 7,
3 line 2.
4 2. Renumber as necessary.

C. JOSEPH COLEMAN

S-5415

- 1 Amend Senate File 2309 as follows:
- 2 1. Page 1, line 10, by striking the figure
- 3 "246,827" and inserting the following: "746,827".
- 4 2. Page 1, line 18, by striking the figure
- 5 "515,000" and inserting the following: "1,303,000".
- 6 3. Page 2, line 1, by striking the figure
- 7 "190,000" and inserting the following: "1,397,000".
- 8 4. Page 5, by striking lines 12 through 27.
- 9 5. By renumbering as necessary.

JACK RIFE

S-5416

- 1 Amend Senate File 2309 as follows:
- 2 1. Page 1, line 30, by striking the word
- 3 "thirteen" and inserting the following: "twelve".
- 4 2. Page 1, line 32, by striking the figure
- 5 "770,623" and inserting the following: "716,623".
- 6 3. Page 1, by inserting after line 32 the
- 7 following:
- 8 "____. For the operation and maintenance of the
- 9 film office, including salaries and support for not
- 10 more than one full-time equivalent position:
- 11 \$ 114,000".
- 12 4. Page 3, line 32, by striking the figure
- 13 "346,287" and inserting the following: "286,287".

JACK RIFE

S-5417

- 1 Amend Senate File 2240 as follows:
- 2 1. Page 3, line 4, by striking the words "two
- 3 hundred" and inserting the following: "twenty-five".

JIM RIORDAN

S-5418

- 1 Amend Senate File 2309 as follows:
- 2 1. Page 1, line 10, by striking the figure
- 3 "246,827" and inserting the following: "266,827".
- 4 2. Page 5, line 24, by striking the words "five
- 5 hundred" and inserting the following: "four hundred".

6 eighty".

7 3. Page 5, line 24, by striking the figure

8 "(500,000)" and inserting the following: "(480,000)".

LEONARD BOSWELL

S-5419

1 Amend Senate File 2235 as follows:

2 1. Page 1, by striking lines 3 and 4 and

3 inserting the following:

4 "Except as limited by this section and as provided

5 by a policy of the board of directors of a school,

6 students of a school have the right to exercise

7 freedom of speech and of".

8 2. Page 1, by striking lines 29 and 30 and

9 inserting the following:

10 "The board of directors of a school shall adopt a

11 policy concerning student expression, which shall

12 include reasonable".

13 3. Page 1, line 33, by striking the word "code"

14 and inserting the following: "policy".

15 4. Page 1, line 34, by inserting after the word

16 "editors" the following: "and school officials

17 responsible for the supervision".

18 5. Page 2, by striking lines 13 through 17.

WALLY E. HORN

S-5420

1 Amend Senate File 2122 as follows:

2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. Section 12A.1, Code 1987, is amended

5 by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. The legislature finds

7 that the present government of the Union of Soviet

8 Socialist Republics, (the Soviet Union), through its

9 legally sanctioned policies of repression of internal

10 dissent; restrictions on free emigration and travel;

11 noncompliance with international treaties, including

12 the Geneva Accords, SALT I, and SALT II; abuse of

13 psychiatric hospitals for the imprisonment of

14 political prisoners; use of slave labor in the gulag

15 prison camps; continued hostile occupation of the

16 northern Japanese islands; unlawful occupation of the

17 independent country of Afghanistan and conduct of the
18 Afghan war against civilians; and comprehensive
19 restrictions on freedom of the press, freedom of
20 expression, and freedom of free assembly and
21 association; are violative of both the substance and
22 the intent of Iowa laws protecting individuals from
23 unjust discrimination and Iowa's guarantees of due
24 process, among other rights. Therefore, the
25 legislature intends that state funds and funds
26 administered by the state shall not be invested or
27 deposited in financial institutions or companies, or
28 their subsidiaries or affiliates, making loans to or
29 doing business with or in the Soviet Union."

30 2. Page 1, by inserting after line 14 the
31 following:

32 "Sec. ____ . Section 12A.2, subsection 8, Code 1987,
33 is amended to read as follows:

34 8. "Strategic products or services" means articles
35 designated as arms, ammunition and implements of war
36 in 22 C.F.R. §121, and data processing equipment and
37 computers sold for military or police use, or for use
38 in connection with the pass system as practiced in the
39 Republic of South Africa or the Soviet Union.

40 Sec. ____ . Section 12A.2, Code 1987, is amended by
41 adding the following new subsections:

42 NEW SUBSECTION. 9. "Union of Soviet Socialist
43 Republics" or the "Soviet Union", includes the
44 government, an agency, or an instrumentality of the
45 Soviet Union, including business entities operated by
46 the Soviet Union, and any territory under the
47 administration, legal or illegal, of the Soviet Union,
48 including the individual Socialist Republics and
49 occupied Afghanistan.

50 NEW SUBSECTION. 10. "Doing business in the Soviet

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1 Union" means conducting or performing manufacturing,
2 assembling, or warehousing, or other operations within
3 the Soviet Union.

4 NEW SUBSECTION. 11. "Doing business with the
5 Soviet Union" means directly or indirectly supplying
6 strategic products or services for use by the
7 government of the Soviet Union or for use by the
8 military or civil authorities in the Soviet Union.
9 This includes, but is not limited to, transactions
10 carried out through intermediary corporations or
11 business entities operated by the Soviet Union.

12 Sec. ____ . Section 12A.3, subsection 1, Code 1987,
13 is amended by adding the following new unnumbered

14 paragraph:

15 NEW UNNUMBERED PARAGRAPH. The treasurer of state
16 shall not invest or deposit funds belonging to the
17 state of Iowa in a financial institution which has
18 made a loan, after July 1, 1988, to the Soviet Union,
19 or in the stocks, securities, or other obligations of
20 such a financial institution or of any company doing
21 business in or with the Soviet Union.

22 Sec. ____ . Section 12A.3, subsection 2, Code 1987,
23 is amended by adding the following new unnumbered
24 paragraph:

25 NEW UNNUMBERED PARAGRAPH. The state board of
26 regents shall not invest or deposit funds belonging to
27 the institutions under the control of the state board
28 of regents in a financial institution which has made a
29 loan, after July 1, 1988, to the Soviet Union, or in
30 the stocks, securities, or other obligations of such a
31 financial institution or of any company doing business
32 in or with the Soviet Union.

33 Sec. ____ . Section 12A.3, subsection 3, Code 1987,
34 is amended by adding the following new unnumbered
35 paragraph:

36 NEW UNNUMBERED PARAGRAPH. The department of
37 personnel shall not invest or deposit funds from the
38 Iowa public employment retirement fund in a financial
39 institution which has made a loan, after July 1, 1988,
40 to the Soviet Union, or in the stocks, securities, or
41 other obligations of such a financial institution or
42 of any company doing business in or with the Soviet
43 Union.”

44 3. Page 1, by inserting after line 16 the
45 following:

46 “Sec. ____ . Section 12A.4, subsection 1, Code 1987,
47 is amended to read as follows:

48 1. The treasurer of state, the state board of
49 regents, and the department of personnel shall make no
50 additional investments of the type prohibited under

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1 section 12A.3, with respect to the Republic of South
2 Africa, subsequent to June 30, 1985, or with respect
3 to the Soviet Union, subsequent to June 30, 1988. The
4 sale of securities and investments held by the
5 treasurer of state, the state board of regents, and
6 the department of personnel on July 1, 1985, that are
7 prohibited under section 12A.3, with respect to the
8 Republic of South Africa, shall be completed by July
9 1, 1990, and with respect to the Soviet Union, shall
10 be completed by July 1, 1993, unless prior thereto to

11 the relevant date the general assembly determines that
12 substantial and fundamental progress in establishing
13 human rights policies in the Republic of South Africa
14 or the Soviet Union has occurred, as appropriate.
15 Subject to any such action of the general assembly not
16 less than ~~one fifth~~ one-fifth of the value of the
17 investments held on July 1, 1985, with respect to the
18 Republic of South Africa, shall be sold in the year
19 beginning July 1, 1988. Subject to subsequent action
20 of the general assembly not less than one-fifth of the
21 value of the investments held on July 1, 1988, with
22 respect to the Soviet Union, shall be sold in the year
23 beginning July 1, 1991.

24 Sec. ____ . Section 12A.4, subsection 2, Code 1987,
25 is amended to read as follows:

26 2. As long as funds remain in investments that
27 would be prohibited under section 12A.3, the
28 treasurer, the board of regents, and the department of
29 personnel shall:

30 a. File with the general assembly, not later than
31 January 20 of each year, a report listing all South
32 Africa-related or Soviet Union-related investments
33 administered by the treasurer, the board of regents,
34 or the department of personnel and their value as of
35 the preceding December 31.

36 b. Exercise their right to vote stock in any
37 election in order to require the company doing
38 business in or with either the Republic of South
39 Africa or the Soviet Union to divest itself of
40 investments in the Republic of South Africa or the
41 Soviet Union, as appropriate, and to cease doing
42 business in or with the Republic of South Africa and
43 the Soviet Union or to prevent the company from
44 entering into any investment or business in or with
45 either the Republic of South Africa or the Soviet
46 Union.

47 Sec. ____ . Section 12A.5, subsection 1, Code 1987,
48 is amended to read as follows:

49 1. The treasurer of state shall maintain a list of
50 companies that do business in or with either the

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1 Republic of South Africa or the Soviet Union. The
2 list shall be developed with reference to information
3 obtained from the United States department of commerce
4 and Arthur D. Little, Inc. and other authoritative
5 sources. The treasurer shall mail written
6 notification to each company on the divestiture list.
7 Sec. ____ . Section 12A.5, subsection 2, Code 1987,

8 is amended to read as follows:

- 9 2. A financial institution or other company
 10 ineligible to receive investments or deposits may
 11 establish eligibility if documentary evidence is
 12 submitted to the treasurer of state. The evidence
 13 must be sufficient to establish that the financial
 14 institution or company has adopted a written policy
 15 that prohibits the lending of its assets to or doing
 16 business with either the Republic of South Africa or
 17 the Soviet Union. As used in this section,
 18 "documentary evidence" includes, but is not limited
 19 to, an executed affidavit by an appropriate officer of
 20 the financial institution or company, in a form
 21 prepared by the treasurer of state, attesting to the
 22 fact that the financial institution or company
 23 prohibits the lending of its assets or doing business
 24 with either the Republic of South Africa or the Soviet
 25 Union. The treasurer of state shall attempt to verify
 26 compliance by checking sources of information not
 27 affiliated with the financial institution."
 28 4. Title page, line 2, by inserting after the
 29 word "Africa" the following: "or the Soviet Union".
 30 5. Title page, line 4, by inserting after the
 31 word "principles" the following: "and prohibiting the
 32 treasurer of state from purchasing a security issued
 33 by or depositing money in a financial institution
 34 participating in loans to the Soviet Union,
 35 prohibiting funds of the Iowa public employee's
 36 retirement system or institutions controlled by the
 37 state board of regents from being invested or
 38 deposited in financial institutions or companies which
 39 invest in or do business with or in the Soviet Union,
 40 providing for divestiture of the investments, and
 41 providing for civil penalties".
 42 6. By renumbering as necessary.

RAY TAYLOR

S-5421

- 1 Amend Senate File 2296 as follows:
 2 1. Page 4, by inserting after line 1 the
 3 following:
 4 "Sec. ____ . RESPONSIBILITIES OF THE DEPARTMENT OF
 5 HUMAN SERVICES. The department of human services
 6 shall amend its title XIX plan to include area
 7 education agencies as eligible title XIX providers and
 8 to include as reimbursable medical expenditures
 9 physical therapy, occupational therapy, psychological

10 evaluations, psychotherapy, speech therapy, and
 11 audiological services provided by an area education
 12 agency under an individualized education plan
 13 established pursuant to the federal Education for All
 14 Handicapped Children Act of 1975, Pub. L. No. 94-142,
 15 or under an individualized family service plan
 16 established pursuant to the federal Education of the
 17 Handicapped Amendments of 1986, Pub. L. No. 99-457.
 18 It is the intent of the general assembly that the plan
 19 amendments be submitted prior to July 1, 1988, so that
 20 reimbursement for services can be made for the period
 21 beginning July 1, 1988. The department shall adopt
 22 rules to be effective immediately upon filing with the
 23 administrative rules coordinator, or at a stated date
 24 less than thirty-five days after filing, indexing, and
 25 publication. The rules also shall provide that the
 26 services provided under the title XIX plan shall be
 27 considered separate and distinct from other services
 28 provided under title XIX and shall not limit the
 29 rights of title XIX clients to receive services from
 30 other providers as long as those services meet
 31 standards of appropriateness and necessity. The area
 32 education agencies shall determine their costs
 33 incurred in recording and billing the medical
 34 assistance program title XIX for services, and these
 35 costs shall be recovered from federal funds recovered
 36 from the title XIX program, not to exceed five percent
 37 of the amount recovered.”

CHARLES BRUNER
 LARRY MURPHY
 RICHARD VARN

S-5422

1 Amend Senate File 2254 as follows:
 2 1. By striking page 1, line 11 through page 2,
 3 line 11, and inserting the following: “unless an
 4 exemption has been obtained from the board. The board
 5 shall adopt rules under chapter 17A that define when
 6 an exemption should be issued for an administrator.
 7 The rules shall include but not be limited to the
 8 following:
 9 1. The board may issue an exemption if the
 10 administrator is within one year of retirement.
 11 2. The board may issue an exemption if the
 12 administrator will retire within the next five-year
 13 period following the renewal date and completion of
 14 the staff development program would cause extreme

- 15 hardship.
- 16 3. The board may issue an exemption in the form of
- 17 a deadline extension for any administrator if
- 18 completion of the staff development program within
- 19 five years would constitute an extreme hardship. The
- 20 administrator shall be responsible for completion of
- 21 any future requirements, however, in addition to those
- 22 for which the deadline has been extended.”
- 23 2. Title page, line 3, by striking the words “and
- 24 creating a panel”.

JOY CORNING

S-5423

- 1 Amend Senate File 2005 as follows:
- 2 1. Page 1, by striking lines 4 through 8 and
- 3 inserting the following: “punishment upon a student.”

JOY CORNING

S-5424

- 1 Amend Senate File 2312 as follows:
- 2 1. Page 2, by striking line 25 and inserting the
- 3 following:
- 4 “..... \$ 179,284
- 5 It is the intent of the general assembly that as a
- 6 condition, limitation, and qualification of the
- 7 appropriation in this subsection, the Terrace Hill
- 8 commission shall expend moneys for the replacement or
- 9 repair of all porches at Terrace Hill.”
- 10 2. Page 34, line 26, by striking the word and
- 11 figure “subsection 5” and inserting the following:
- 12 “subsections 5 and 6”.

LEE HOLT

S-5425

- 1 Amend Senate File 2296 as follows:
- 2 1. Page 2, line 7, by inserting after the word
- 3 “services.” the following: “If it is determined that
- 4 services are required from other service providers,
- 5 these providers shall be reimbursed for those
- 6 services.”

JOHN A. PETERSON

S-5426

1 Amend House File 2192, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 106.4, Code 1987, is amended
 6 to read as follows:
 7 106.4 OPERATION OF UNNUMBERED VESSELS PROHIBITED.
 8 Every vessel except as provided in ~~section sections~~
 9 106.6 and 106.6A on the waters of this state under the
 10 jurisdiction of the commission shall be numbered. A
 11 person shall not operate, maintain or give permission
 12 for the operation or maintenance of any vessel on such
 13 waters unless the vessel is numbered in accordance
 14 with this chapter or in accordance with applicable
 15 federal laws or in accordance with a federally
 16 approved numbering system of another state and unless
 17 the certificate of number awarded to the vessel is in
 18 full force and effect.
 19 Sec. 2. NEW SECTION. 106.6A EXEMPTION FROM
 20 DISPLAY OF REGISTRATION AND CAPACITY NUMBERS.
 21 The following vessels are exempt from displaying a
 22 registration number and a passenger capacity number as
 23 required in section 106.5:
 24 1. Authentically constructed native American
 25 styled craft including birchbark canoes, dugout
 26 canoes, reed boats, and skin-covered canoes or boats.
 27 2. Historically styled craft such as keel boats
 28 used only during historic recreations or public
 29 demonstrations."
 30 2. Title page, by striking the word
 31 "registration" and inserting the following:
 32 "displaying registration and passenger capacity
 33 numbers".

COMMITTEE ON NATURAL RESOURCES
 KENNETH SCOTT, Chairperson

S-5427

1 Amend Senate File 2282 as follows:
 2 1. Page 1, by striking lines 6 through 9, and
 3 inserting the following: "reasonable attorney fees
 4 after default and referral to an attorney who is not a
 5 salaried employee of the seller or lessor or of the

6 assignee of the seller or lessor. Attorney's fees
7 under this section shall not exceed the lesser of:
8 1. One hundred dollars.
9 2. Fifteen percent of the unpaid principal.
10 However, the court may".

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-5428

1 Amend House File 185 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. 729.5 PROHIBITING
6 VIOLATIONS OF AN INDIVIDUAL'S CIVIL RIGHTS --
7 PENALTIES.

8 1. Persons within the state of Iowa have the right
9 to be free from any violence, or intimidation by
10 threat of violence, committed against their persons or
11 property because of their race, color, religion,
12 ancestry, national origin, political affiliation, or
13 sex.

14 2. A person who, by force or threat of force,
15 willfully injures, intimidates or interferes with, or
16 attempts to injure, intimidate or interfere with, or
17 oppresses or threatens any other person in the free
18 exercise or enjoyment of any right or privilege
19 secured to that person by the constitution or laws of
20 the state of Iowa or by the constitution or laws of
21 the United States, is upon conviction, guilty of a
22 class "D" felony.

23 3. A person who conspires with another person or
24 persons to injure, oppress, threaten, or intimidate or
25 interfere with any citizen in the free exercise or
26 enjoyment of any right or privilege secured to that
27 person by the constitution or laws of the state of
28 Iowa or by the constitution or laws of the United
29 States, and in furtherance of the conspiracy assembles
30 with one or more persons for the purpose of teaching
31 any technique or means capable of causing property
32 damage, bodily injury or death when the person or
33 persons intend to employ those techniques or means to
34 violate this section, is on conviction, guilty of a
35 class "D" felony.

36 4. The fact that a person committed a felony or
37 misdemeanor, or attempted to commit a felony, because
38 of the victim's race, color, religion, nationality, or

39 country of origin, shall be considered a circumstance
40 in aggravation of any crime in imposing sentence.

41 5. This section does not make unlawful the
42 teaching of any technique in self-defense.

43 6. This section does not make unlawful any
44 activity of:

45 a. Law enforcement officials of this or any other
46 jurisdiction while engaged in the lawful performance
47 of their official duties;

48 b. Federal officials required to carry firearms
49 while engaged in the lawful performance of their
50 official duties;

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1 c. Members of the armed forces of the United
2 States or the national guard while engaged in the
3 lawful performance of their official duties; or

4 d. Any conservation commission, law enforcement
5 agency, or any agency licensed to provide security
6 services, or any hunting club, gun club, shooting
7 range, or other organization or entity whose primary
8 purpose is to teach the safe handling or use of
9 firearms, archery equipment, or other weapons or
10 techniques employed in connection with lawful sporting
11 or other lawful activity."

12 2. Title page, by striking lines 1 through 4 and
13 inserting the following: "An Act relating to
14 violations of a person's civil rights and providing
15 penalties."

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-5429

1 Amend amendment, S-5369, to Senate File 2273 as
2 follows:

3 1. Page 1, line 16, by striking the word "shall"
4 and inserting the following: "may".

ROBERT M. CARR

S-5430

1 Amend Senate File 2234 as follows:

2 1. Page 1, by striking lines 5 through 7 and

3 inserting the following: "shall begin ~~no sooner than~~
 4 the day after the first day Monday of September and
 5 shall continue ~~for at least one hundred eighty days~~
 6 until, but not including, the last Monday in May,
 7 except as provided in".

JIM LIND

S-5431

1 Amend House File 2405, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 23, by inserting after line 10 the
 4 following:
 5 "Sec. ____ . Section 97B.74, unnumbered paragraph 1,
 6 Code 1987, 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 previous
 15 period of membership service, may elect in writing to
 16 the 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 1987, is amended by striking the unnumbered
 29 paragraph."

EDGAR H. HOLDEN

S-5432

1 Amend Senate File 2025 as follows:
 2 1. Page 1, by striking lines 27 and 28 and
 3 inserting the following: "from the nominees. The
 4 governor shall rotate appointments of student members

5 among the institutions so that during a six-year
6 period each institution has had one of its students as
7 a member for two years."

WALLY HORN

S-5433

1 Amend Senate File 2284 as follows:
2 1. Page 3, line 1, by inserting after the word
3 "teams." the following: "In evaluating the
4 information released in accordance with this section,
5 the independent mental health professional or
6 utilization review entity shall determine whether the
7 individual, otherwise entitled to benefits, received
8 treatment for a similar mental health condition prior
9 to the effective date of the third-party payor
10 coverage under which benefits are claimed. Benefits
11 may be denied on the basis of such information only if
12 professional services were provided prior to the
13 effective date of the third-party payor coverage, and
14 if the coverage so provides."

WILLIAM D. PALMER
BEVERLY A. HANNON

S-5434

1 Amend the amendment, S-5210, to Senate File 2240,
2 as follows:
3 1. Page 1, by striking lines 2 through 38, and
4 inserting the following:
5 "— . Page 1, by striking lines 11 through 18 and
6 inserting the following:
7 "As used in this chapter, unless the context
8 otherwise requires, "contractor" means a person who
9 engages in the business of constructing, installing,
10 improving, repairing, altering, adding to, subtracting
11 from, moving, dismantling, wrecking, or demolishing
12 buildings, structures, erections, excavations,
13 projects, developments, or other internal or external
14 improvements to real estate or attachments to real
15 estate, including but not limited to bridges,
16 highways, roads, streets, airports, railroads, parking
17 facilities, dams, drainage ditches, sewers, water or
18 gas mains, tanks, towers, wells, pipelines, sidewalks,
19 and grounds and fences in connection with improved
20 real estate, and whose annual gross receipts from such

21 business for the prior and current calendar year each
22 total more than five thousand dollars.

23 "Contractor" includes a person who engages in the
24 business of providing one or more of these related
25 services to another contractor.

26 A person is exempt from chapter 549 compliance if
27 that person engaged in the business of construction is
28 self-employed, does not employ other persons in the
29 business, and does not work with or for other persons
30 in the same phases of construction."

JIM RIORDAN

S-5435

1 Amend House File 2344 as passed by the House as
2 follows:

3 1. Page 1, by striking lines 9 through 14 and
4 inserting the following: "related to acquired immune
5 deficiency syndrome. In reference to employment,
6 under this chapter, "disability" also means the
7 physical or mental condition of a person which
8 constitutes a substantial handicap, but is unrelated
9 to such person's ability to engage in a particular
10 occupation."

11 2. Page 1, line 20, by inserting after the words
12 "virus or" the following: "to".

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-5436

1 Amend House File 2189 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 17, by inserting after the word
4 "information" the following: "unless after
5 reasonable efforts are made, the department is unable
6 to identify the subject's address".

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-5437

1 Amend Senate File 2312 as follows:

2 1. Page 34, by inserting after line 21 the

3 following:

4 "Sec. ____ . Section 442.31, unnumbered paragraph 1,
5 Code 1987, is amended to read as follows:

6 For the school year beginning July 1, 1981 and
7 succeeding school years, boards of school districts,
8 individually or jointly with the boards of other
9 school districts, requesting to use additional
10 allowable growth for gifted and talented children
11 programs, may annually submit program plans for gifted
12 and talented children programs and budget costs,
13 including requests for additional allowable growth for
14 funding the programs, to the department of education
15 and to the applicable gifted and talented children
16 advisory council, if an advisory council has been
17 established, as provided in this chapter. ~~A district
18 shall not identify more than three percent of its
19 budget enrollment for the budget year as gifted and
20 talented if the district is requesting to use
21 additional allowable growth to finance the program.~~

22 Sec. ____ . Section 442.35, Code 1987, is amended to
23 read as follows:

24 442.35 FUNDING.

25 The budget of an approved gifted and talented
26 children program for a school district, after
27 subtracting funds received from other sources for that
28 purpose, shall be funded annually on a basis of one-
29 fourth or more from the district cost of the school
30 district and up to three-fourths by an increase in
31 allowable growth as defined in section 442.7. The
32 approved budget for a gifted and talented children
33 program shall not exceed an amount equal to one and
34 two-tenths percent of the district cost per pupil of
35 the district multiplied by the budget enrollment of
36 the district. Annually, the department of management
37 shall establish a modified allowable growth for each
38 such district equal to the difference between the
39 approved budget for the gifted and talented children
40 program for that district and the sum of the amount
41 funded from the district cost of the school district
42 plus funds received from other sources."

LARRY MURPHY
RICHARD VARN

S-5438

1 Amend Senate File 2268 as follows:

2 1. Page 1, by striking lines 1 through 15.

3 2. Page 5, by inserting after line 17 the

4 following:

5 "Sec. ____ . Section 476.6, Code Supplement 1987, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 17. WATER COSTS FOR FIRE
8 PROTECTION IN CERTAIN CITIES. In a city furnished
9 water by a public utility subject to rate regulation,
10 all or part of the costs of fire hydrants and other
11 improvements, maintenance, and operations for the
12 purpose of providing adequate water production,
13 storage, and distribution for public fire protection
14 may be included in the basic rate or charge assessed
15 to residential, commercial, and industrial consumers
16 located in the city. The costs added to the basic
17 rate or charge under this subsection is subject to the
18 approval of the city council and shall not be assessed
19 separately to the city."

20 3. By renumbering sections.

ALVIN V. MILLER

S-5439

1 Amend Senate File 2312 as follows:

2 1. Page 20, by inserting after line 1 the
3 following:

4 "Sec. ____ . NEW SECTION. 263.8A NATIONAL CENTER.

5 The state board of regents shall establish and
6 maintain at Iowa City as an integral part of the state
7 University of Iowa the national center for talented
8 and gifted education. The national center shall
9 provide programs to assist classroom teachers to teach
10 gifted and talented students in regular classrooms.

11 A national center endowment fund is established at
12 the state University of Iowa and gifts and grants to
13 the national center shall be deposited in the fund and
14 interest earned on moneys in the fund may be expended
15 by the state University of Iowa for the purposes for
16 which the national center was established."

17 2. Page 23, by inserting after line 16 the
18 following:

19 "Sec. ____ . Section 302.1A, Code Supplement 1987,
20 as amended by Senate File 2036, 1988 Iowa Acts, is
21 amended to read as follows:

22 302.1A TRANSFER OF INTEREST.

23 1. The department of revenue and finance shall
24 transfer the interest earned on the permanent school
25 fund to the first in the nation in education
26 foundation and to the national center for gifted and
27 talented education in the manner provided in this

28 section.

29 2. Prior For a transfer of interest earned to the
30 first in the nation in education foundation, prior to
31 July 1, October 1, January 1, and March 1 of each
32 year, the governing board of the first in the nation
33 in education foundation established in section 257A.2
34 shall certify to the director of revenue and finance
35 the cumulative total value of contributions received
36 under section 257A.7 for deposit in the fund and for
37 the use of the foundation. The cumulative total value
38 of contributions received includes the value of the
39 amount deposited in the national center endowment fund
40 established in section 263.8A in excess of eight
41 hundred seventy-five thousand dollars. The value of
42 in-kind contributions shall be based upon the fair
43 market value of the contribution determined for income
44 tax purposes.
45 PARAGRAPH DIVIDED. The portion of the permanent
46 school fund that is equal to the cumulative total
47 value of contributions, less the portion of the
48 permanent school fund dedicated to the national center
49 for gifted and talented education, is dedicated to the
50 first in the nation in education foundation for that

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1 year. The interest ~~from~~ earned on this dedicated
2 amount shall be transferred by the department of
3 revenue and finance to the credit of the first in the
4 nation in education foundation.
5 3. For a transfer of interest earned to the
6 national center endowment fund established in section
7 263.8A, prior to July 1, October 1, January 1, and
8 March 1 of each year, the state University of Iowa
9 shall certify to the department of revenue and finance
10 the cumulative total value of contributions received
11 and deposited in the national center endowment fund.
12 The department of revenue and finance shall dedicate
13 the interest earned on a portion of the permanent
14 school fund to the national center in the manner
15 provided in this subsection. The portion of the
16 permanent school fund that is used to determine the
17 dedicated amount of interest earned for a year shall
18 equal one-half the cumulative total value of the
19 contributions deposited in the national center
20 endowment fund, not to exceed eight hundred seventy-
21 five thousand dollars. The department of revenue and
22 finance shall transmit the interest earned on the
23 dedicated amount to the state University of Iowa for
24 the use of the national center for gifted and talented

25 education.

26 4. The remaining portion of the interest earned on
27 the permanent school fund shall become a part of the
28 permanent school fund.”

29 3. By numbering and renumbering sections and
30 correcting internal references as necessary.

RICHARD VARN
LARRY MURPHY
JOY CORNING

S-5440

1 Amend House File 2283, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 1 and 2, and
4 inserting the following:

5 “Section 1. Section 172C.1, subsections 8 and 11,
6 Code 1987, are amended to read as follows:

7 8. “Family farm corporation” means a corporation:

8 a. Founded for the purpose of farming and the
9 ownership of agricultural land in which the majority
10 of the voting stock is held by and the majority of the
11 stockholders are persons related to each other as
12 spouse, parent, grandparent, lineal ascendants of
13 grandparents or their spouses and other lineal
14 descendants of the grandparents or their spouses, or
15 persons acting in a fiduciary capacity for persons so
16 related;

17 b. All of its stockholders are natural persons or
18 persons acting in a fiduciary capacity for the benefit
19 of natural persons or family trusts as defined in
20 subsection 11 of this section; and

21 c. Sixty percent of the gross revenues of the
22 corporation over the last consecutive three-year
23 period comes from farming; and

24 d. The person managing or supervising the day-to-
25 day farming operations on the agricultural land must
26 be a voting stockholder of the corporation and must be
27 related to a majority of the other stockholders as
28 provided in paragraph “a.”

29 2. Page 8, by inserting after line 12 the
30 following:

31 “Sec. ____ . Section 1 of this Act takes effect on
32 January 1, 1989.”

33 3. Title page, line 9, by inserting after the
34 words “restrictions on” the following: “family farm
35 corporations and”.

- 36 4. Title page, line 11, by striking the words
37 "and providing penalties" and inserting the following:
38 "providing penalties; and providing effective dates".
39 5. By renumbering as necessary.

LARRY MURPHY

S-5441

- 1 Amend Senate File 2312 as follows:
2 1. Page 30, by striking lines 4 through 12.

JOHN W. JENSEN
BERL E. PRIEBE

S-5442

- 1 Amend Senate File 2246 as follows:
2 1. Page 1, line 29, by inserting after the word
3 "dollars" the following: "for each day of violation".
4 2. Page 1, line 30, by striking the words ", for
5 each day of violation".
6 3. Page 1, line 32, by striking the word
7 "section" and inserting the following: "subsection".
8 4. Page 1, line 34, by inserting after the word
9 "dollars" the following: "for each day of violation".
10 5. Page 1, line 35, by striking the words ", for
11 each day of violation".
12 6. Page 2, line 2, by inserting after the word
13 "dollars" the following: "for each day of violation".
14 7. Page 2, line 3, by striking the words ", for
15 each day of violation".
16 8. Page 2, line 5, by striking the word "section"
17 and inserting the following: "subsection".
18 9. Page 2, line 6, by inserting after the word
19 "dollars" the following: "for each day of violation".
20 10. Page 2, lines 7 and 8, by striking the words
21 "for each day of violation".
22 11. Page 3, line 8, by inserting after the word
23 "dollars" the following: "for each day of violation".
24 12. Page 3, line 9, by striking the words ", for
25 each day of violation".
26 13. Page 3, line 13, by inserting after the word
27 "dollars" the following: "for each day of violation".
28 14. Page 3, line 14, by striking the words ", for
29 each day of violation".
30 15. Page 3, line 23, by inserting after the word
31 "dollars" the following: "for each day of violation".

32 16. Page 3, lines 24 and 25, by striking the
 33 words “, for each day of violation”.

34 17. Page 3, line 28, by inserting after the word
 35 “dollars” the following: “for each day of violation”.

36 18. Page 3, lines 29 and 30, by striking the
 37 words “, for each day of violation”.

38 19. Page 4, line 2, by inserting after the word
 39 “dollars” the following: “for each day of violation”.

40 20. Page 4, line 3, by striking the words “, for
 41 each day of violation”.

42 21. Page 4, line 7, by inserting after the word
 43 “dollars” the following: “for each day of violation”.

44 22. Page 4, line 8, by striking the words “, for
 45 each day of violation”.

46 23. Page 4, by inserting after line 8 the
 47 following:
 48 “Sec. 7. NEW SECTION. 716B.5 ENFORCEMENT.
 49 The attorney general or the county attorney for the
 50 county in which a violation occurs is responsible for

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1 enforcement of this chapter.”

CALVIN O. HULTMAN

S-5443

1 Amend Senate File 2189 as follows:
 2 1. Page 1, by striking lines 13 through 17 and
 3 inserting the following: “morals, or welfare.”
 4 2. Title page, by striking line 2 and inserting
 5 the following: “state-owned lands.”

KENNETH SCOTT
 BERL E. PRIEBE

S-5444

1 Amend Senate File 2240 as follows:
 2 1. By striking page 3, line 33 through page 4,
 3 line 1, and inserting the following: “by this
 4 chapter.”

JIM LIND

S-5445

- 1 Amend Senate File 2240 as follows:
 2 1. Page 4, line 35, by striking the words "within
 3 a" and inserting the following: "within".
 4 2. Page 5, line 1, by striking the words
 5 "reasonable time thereafter" and inserting the
 6 following: "seven days".

JIM LIND

S-5446

- 1 Amend Senate File 2312 as follows:
 2 1. Page 29, line 31, by inserting after the
 3 period the following new sentences: "From the funds
 4 appropriated in section 43, subsection 2, paragraph
 5 b, subparagraph (1), an amount equal to the nonfederal
 6 share of the disproportionate share adjustment paid
 7 to the university hospitals shall be transferred to
 8 the department of human services' medical assistance
 9 budget, and an equal amount shall be transferred to
 10 the administering agency for the grant program
 11 established in Senate File 2192, if enacted by the
 12 general assembly. Such transfers shall be made on at
 13 least a quarterly basis."

CHARLES BRUNER
RICHARD VARNHOUSE AMENDMENT TO
SENATE FILE 2196

S-5447

- 1 Amend Senate File 2196, 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 307A.2, Code 1987, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. The commission shall
 8 identify, within the primary road system, a network of
 9 commercial and industrial highways. The improvement
 10 of this network shall be considered in the development
 11 of the long-range program and plan of improvements
 12 under this section.
 13 Sec. 2. Section 312.1, Code 1987, is amended by
 14 adding the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
16 453.7, subsection 2, interest or earnings on
17 investments or time deposits of the moneys in the road
18 use tax fund and the funds to which moneys from the
19 road use tax fund are credited shall be credited to
20 the respective funds which generated the interest or
21 earnings.

22 Sec. 3. Section 312.2, subsection 17, Code
23 Supplement 1987, is amended to read as follows:

24 17. The treasurer of state, before making the
25 allotments provided for in this section, shall credit
26 monthly from the road use tax fund to the public
27 transit assistance fund, created under section 601J.6,
28 an amount equal to ~~one-fortieth~~ one-twentieth of the
29 revenue credited to the road use tax fund under
30 section 423.24, subsection 1, paragraph "b".

31 Sec. 4. Section 312.2, Code Supplement 1987, is
32 amended by adding the following new subsection:

33 NEW SUBSECTION. 20. The treasurer of state,
34 before making the allotments provided for in this
35 section, shall credit annually from the revenue to be
36 credited to the road use tax fund under section
37 423.24, subsection 1, paragraph "b", the sum of one
38 million dollars to the state department of
39 transportation for the purpose of acquiring,
40 constructing, and improving recreational trails within
41 the state. Unobligated portions of this allotment
42 shall remain available to the state department of
43 transportation for the purposes for which the funds
44 are originally allocated. The state department of
45 transportation shall adopt rules under chapter 17A to
46 establish procedures for the expenditure of the funds
47 allotted under this subsection.

48 Sec. 5. Section 312.2, Code Supplement 1987, is
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 21. The treasurer of state shall

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1 credit for the fiscal period beginning July 1, 1988,
2 and ending March 31, 1990, the moneys received under
3 section 314.20 to the living roadway trust fund, which
4 is created in the office of the treasurer of state.
5 The moneys in this fund shall be used exclusively for
6 the development of alternative roadside vegetation for
7 living windbreaks, wildlife habitat, roadside erosion
8 control, and esthetic purposes. The moneys shall only
9 be expended adjacent to streets and highways. The
10 state department of transportation and the department
11 of natural resources shall jointly establish standards

12 relating to the type of projects available for
13 assistance. Of the moneys in the fund, fifty-six
14 percent shall be expended for state department of
15 transportation projects. Thirty percent shall be
16 expended on county projects and fourteen percent shall
17 be expended for city projects. Any city or county
18 which has a project which qualifies for the use of
19 these funds shall submit a request for the funds to
20 the state department of transportation. The state
21 department of transportation and the department of
22 natural resources shall determine which projects
23 qualify for the funds and which projects shall be
24 funded if the requests for the funds exceed the
25 availability of the funds. Funds allocated under this
26 subsection shall be in addition to expenditures
27 currently made for the purposes specified in this
28 subsection. Beginning April 1, 1990, the moneys in
29 the fund shall be allocated between the state,
30 counties, and cities in the same proportion that the
31 road use tax funds are allocated under section 312.2,
32 subsections 1, 2, 3, and 4.

33 Sec. 6. Section 313.4, Code 1987, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 5. During the fiscal year
36 beginning July 1, 1990, and ending June 30, 1991, and
37 each subsequent fiscal year, the department shall
38 spend from the primary road fund an amount of not less
39 than thirty million dollars for the network of
40 commercial and industrial highways.

41 Sec. 7. Section 313.8, Code 1987, is amended to
42 read as follows:

43 313.8 IMPROVEMENT OF PRIMARY SYSTEM.
44 The department shall proceed to the improvement of
45 the primary road system as rapidly as funds become
46 available therefor until the entire mileage of the
47 primary road system is built to established grade,
48 bridged and surfaced with pavement or other surface
49 suited to the traffic on such road. Improvements
50 shall be made and carried out in such manner as to

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1 equalize the condition of the primary roads and
2 accessibility for commercial and industrial economic
3 development purposes, as nearly as possible, in all
4 sections of the state.

5 Sec. 8. NEW SECTION. 314.15 ENVIRONMENTAL
6 PROTECTION.

7 Highway construction and reconstruction shall not
8 cause unnecessary destruction of the natural or

9 historic heritage of the state. Accordingly, the
10 following features shall be protected in the design,
11 construction, and reconstruction of highways:

12 1. WOODLANDS. All natural woodland removed shall
13 be replaced by plantings of the same species mix on
14 the same number of acres as the woodland removed on
15 similar terrain as close as possible to the
16 construction site, or by purchase of an equal number
17 of acres of natural woodland in the general vicinity
18 for public ownership and preservation.

19 2. WETLANDS. All natural wetlands removed shall
20 be replaced by purchase of natural wetlands in the
21 same general vicinity for public ownership and
22 preservation.

23 3. PUBLIC PARKS. Highways constructed through
24 publicly owned parks, preserves, and recreation areas
25 shall be designed to blend aesthetically with the
26 areas and to minimize noise as requested by the public
27 entity owning the land. Highways crossing rivers,
28 streams, or wetlands and their associated riparian
29 vegetation within publicly owned areas shall be built
30 on structures to minimize damage to aesthetic and
31 natural values. Any land taken from publicly owned
32 parks, preserves, or recreation areas for highway
33 construction shall be replaced by purchase of an equal
34 or greater number of acres for public use, to be
35 chosen in cooperation with the public entity owning
36 the land.

37 4. PRIME AGRICULTURAL LAND. Topsoil shall be
38 removed and stockpiled and shall be made available at
39 no cost to the former landowner or other landowners
40 whose land was purchased for the highway construction.
41 Excess topsoil shall be utilized for landscaping.

42 Sec. 9. NEW SECTION. 314.20 UTILITY EASEMENTS ON
43 HIGHWAY RIGHT-OF-WAY.

44 The department shall develop an accommodation plan
45 for the longitudinal utility use of freeway right-of-
46 way, in consultation with the utilities board. The
47 plan shall be consistent with the rules of the federal
48 highway administration of the United States department
49 of transportation and shall be submitted to the
50 federal highway administration for its approval by

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1 January 1, 1989. In developing the plan, the
2 department shall provide for extended payment and
3 lease agreements to provide continuous funding for the
4 living roadway trust fund. The plan shall provide for
5 charges for the use of the right-of-way and all moneys

6 collected shall be credited to the living roadway
7 trust fund established in section 312.2, subsection
8 21, and shall be used by the department for the
9 planting and maintenance of alternative roadside
10 vegetation on interstate highways.

11 Sec. 10. Section 315.3, Code 1987, is amended by
12 adding the following new subsection:

13 **NEW SUBSECTION. 3.** The state transportation
14 commission may authorize the temporary transfer of
15 funds between the department's share of the RISE fund
16 under section 315.4 and the primary road fund in an
17 amount not to exceed forty million dollars at one
18 time. Transferred funds shall be repaid not later
19 than July 1, 1993. The commission shall manage the
20 RISE fund to ensure that funds will be available to
21 meet contract obligations on approved RISE projects.

22 Sec. 11. Section 321.122, subsection 1, paragraph
23 a, Code 1987, is amended to read as follows:

24 a. For a combined gross weight of three tons or
25 less ~~forty-five~~ sixty-five dollars and a vehicle which
26 is more than ten model years old ~~thirty-five~~ fifty-
27 five dollars and a vehicle which is more than thirteen
28 model years old forty-five dollars and a vehicle which
29 is more than fifteen years old thirty-five dollars.

30 Sec. 12. Section 321.122, subsection 1, paragraph
31 b, Code 1987, is amended to read as follows:

32 b. For a combined gross weight exceeding three
33 tons, the annual registration fee shall be as set
34 forth in the following schedule:

35 For a combined gross	And not	The annual	
36 weight exceeding:	exceeding:	registration fee	
		shall be:	
38 3 Tons	4 Tons	\$	60
		<u>80</u>	
40 4 Tons	5 Tons	\$	70
		<u>90</u>	
42 5 Tons	6 Tons	\$	85
		<u>105</u>	
44 6 Tons	7 Tons	\$	110
		<u>130</u>	
46 7 Tons	8 Tons	\$	145
		<u>165</u>	
48 8 Tons	9 Tons	\$	180
		<u>200</u>	
50 9 Tons	10 Tons	\$	215

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1		<u>235</u>	
2	10 Tons	11 Tons	\$ 250

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1 provided in this division.

2 Sec. 14. Section 324.3, unnumbered paragraph 4,
3 Code 1987, is amended to read as follows:

4 For the privilege of operating motor vehicles in
5 this state an excise tax of ~~fourteen cents per gallon~~
6 beginning July 1, 1985 and ending December 31, 1985,
7 and fifteen cents per gallon for the period beginning
8 January 1, 1986, and ending March 31, 1988, and
9 seventeen cents per gallon for the period beginning
10 April 1, 1988, and ending December 31, 1988, and
11 nineteen cents per gallon beginning January 1, 1989,
12 and ending June 30, 1992, is imposed upon the use of
13 gasohol used for any purpose except as otherwise
14 provided in this division.

15 Sec. 15. Section 324.34, unnumbered paragraph 1,
16 Code 1987, is amended to read as follows:

17 For the privilege of operating motor vehicles in
18 this state, there is imposed an excise tax on the use,
19 as defined in section 324.33, of special fuel in a
20 motor vehicle. The tax rate on special fuel for
21 diesel engines is ~~sixteen and one-half cents per~~
22 gallon for the period beginning July 1, 1985 and
23 ending December 31, 1985, is seventeen and one-half
24 cents per gallon for the period beginning January 1,
25 1986 and ending December 31, 1986, and is eighteen and
26 one-half cents per gallon for the period beginning
27 January 1, 1987, and ending March 31, 1988, and is
28 twenty and one-half cents per gallon for the period
29 beginning April 1, 1988, and ending December 31, 1988,
30 and twenty-two and one-half cents per gallon beginning
31 January 1, 1989. On all other special fuel the per
32 gallon rate is the same as the motor fuel tax.

33 Sec. 16. Section 324.34, unnumbered paragraph 9,
34 Code 1987, is amended to read as follows:

35 For natural gas used as a special fuel the rate of
36 tax that is equivalent to the motor fuel tax shall be
37 ~~thirteen sixteen~~ sixteen cents per hundred cubic feet adjusted
38 to a base temperature of sixty degrees Fahrenheit and
39 a pressure of fourteen and seventy-three hundredths
40 pounds per square inch absolute. The tax on natural
41 gas shall attach at the time of delivery into
42 equipment for compressing the gas for subsequent
43 delivery into the fuel supply tank of a motor vehicle
44 and shall be paid over to the department by the person
45 operating the compressing equipment under the
46 applicable provisions for users or dealers. Natural
47 gas used as a special fuel shall be delivered into
48 compressing equipment through sealed meters certified

49 for accuracy by the department of agriculture and land
50 stewardship.

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1 Sec. 17. There is appropriated from the road use
2 tax fund to the legislative service bureau the sum of
3 three hundred thousand (300,000) dollars, or so much
4 thereof as may be necessary, for the purpose of
5 carrying out a study of the needs for the total road
6 network and the mechanisms for the distribution of the
7 revenues derived from fuel taxes, vehicle registration
8 fees, license fees, the use tax on vehicles, and other
9 sources of the road use tax fund. The study shall be
10 independently conducted but administered by a steering
11 committee composed of two members appointed by the
12 state transportation commission, two members appointed
13 by the Iowa state association of counties, and two
14 members appointed by the league of Iowa
15 municipalities. The steering committee shall report
16 the findings of the study to the governor, the chief
17 clerk of the house of representatives, and the
18 secretary of the senate not later than January 31,
19 1989.

20 Sec. 18. There is appropriated from the public
21 transit assistance fund to the legislative service
22 bureau the sum of seventy-five thousand (75,000)
23 dollars, or so much thereof as may be necessary, for
24 the purpose of carrying out a study of the mechanisms
25 for the distribution of the public transit assistance
26 fund. All sources of funding for public transit shall
27 be considered for purposes of this study. The study
28 shall be independently conducted but administered by a
29 steering committee composed of two members appointed
30 by the state transportation commission, two members
31 appointed by the regional transit systems, two members
32 appointed by the large urban transit systems, and two
33 members appointed by the small urban transit systems.
34 The steering committee shall report the findings of
35 the study to the governor, the chief clerk of the
36 house of representatives, and the secretary of the
37 senate not later than January 31, 1989.

38 Sec. 19. There is appropriated from the road use
39 tax fund to the legislative service bureau the sum of
40 fifty thousand (50,000) dollars, or so much thereof as
41 is necessary, for the purpose of conducting a study to
42 develop an immediate long-range policy for the
43 planting and maintenance of alternative roadside
44 vegetation adjacent to the streets and highways in the
45 state. The study shall be independently conducted by

46 a consultant employed by a steering committee composed
47 of two members appointed by the state transportation
48 commission, two members appointed by the Iowa state
49 association of counties, and two members appointed by
50 the league of Iowa municipalities. The steering

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1 committee shall report the findings of the study to
2 the governor, the chief clerk of the house of
3 representatives, and the secretary of the senate not
4 later than January 31, 1989.

5 Sec. 20. There is appropriated from the road use
6 tax fund for the fiscal year beginning July 1, 1988,
7 and ending June 30, 1989, for the purpose of replacing
8 lost federal highway funds, to the primary road fund
9 the sum of twelve million seven hundred eighty-eight
10 thousand one hundred forty-four (12,788,144) dollars,
11 to the farm-to-market road fund the sum of three
12 million fifty-four thousand six hundred eighty-eight
13 (3,054,688) dollars, to the secondary road fund of the
14 counties the sum of nine hundred forty-one thousand
15 four hundred fifty-five (941,455) dollars, and to the
16 street construction fund of the cities the sum of
17 seven hundred eleven thousand one hundred thirty-one
18 (711,131) dollars.

19 Sec. 21. There is appropriated from the road use
20 tax fund for the fiscal year beginning July 1, 1989,
21 and ending June 30, 1990, for the purpose of replacing
22 lost federal highway funds, to the primary road fund
23 the sum of twenty million nine hundred thirty-two
24 thousand (20,932,000) dollars, to the farm-to-market
25 road fund the sum of five million (5,000,000) dollars,
26 to the secondary road fund of the counties the sum of
27 one million five hundred forty-one thousand
28 (1,541,000) dollars, and to the street construction
29 fund of the cities the sum of one million one hundred
30 sixty-four thousand (1,164,000) dollars.

31 Sec. 22. There is appropriated from the road use
32 tax fund for the fiscal year beginning July 1, 1988,
33 and ending June 30, 1989, to the primary road fund for
34 the commercial and industrial network of highways the
35 sum of eleven million nine hundred seventy-four
36 thousand three hundred seventy-five (11,974,375)
37 dollars, to the secondary road fund of the counties
38 the sum of nine million nine hundred fifty-eight
39 thousand two hundred eighty-one (9,958,281) dollars,
40 and to the street construction fund of the cities the
41 sum of five million nine hundred eighty-seven thousand
42 one hundred eighty-eight (5,987,188) dollars.

43 Sec. 23. There is appropriated from the road use
44 tax fund for the fiscal period beginning July 1, 1989,
45 and ending March 31, 1990, to the primary road fund
46 for the commercial and industrial network of highways
47 the sum of ten million four hundred thousand
48 (10,400,000) dollars, to the secondary road fund of
49 the counties the sum of eight million seven hundred
50 thousand (8,700,000) dollars, and to the street

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1 construction fund of the cities the sum of five
2 million two hundred thousand (5,200,000) dollars.
3 Sec. 24. Beginning April 1, 1990, the treasurer of
4 state shall, each month before distributing funds
5 allotted from the road use tax fund under section
6 312.2, credit to a separate fund held by the treasurer
7 of state the following amounts:
8 1. From the moneys allotted to the primary road
9 fund, one-twelfth of twenty-eight million three
10 hundred thousand dollars.
11 2. From the moneys allotted to the secondary road
12 fund of the counties, one-twelfth of eleven million
13 three hundred thousand dollars.
14 3. From the moneys allotted to the farm-to-market
15 road fund, one-twelfth of three million six hundred
16 thousand dollars.
17 4. From the moneys allotted to the street
18 construction fund of the cities, one-twelfth of six
19 million eight hundred thousand dollars.
20 The moneys in this separate fund, together with
21 interest or earnings on investments or time deposits
22 of the moneys, shall be restored to the road use tax
23 fund upon completion of the study required by section
24 17 of this Act and action by the general assembly on
25 the formula for allocating road use tax funds between
26 jurisdictions.
27 Sec. 25. Sections 2, 3, and 4 of this Act take
28 effect July 1 following enactment.
29 Sec. 26. Sections 11 and 12 of this Act take
30 effect July 1 following enactment for vehicle
31 registrations subject to renewal and new vehicle
32 registrations on or after that date for vehicles
33 registered for a combined gross weight of five tons or
34 less.
35 Sec. 27. Section 12 of this Act takes effect
36 December 1 following enactment for vehicle
37 registrations subject to renewal and new vehicle
38 registrations on or after that date for vehicles
39 registered for a combined gross weight exceeding five

40 tons.

41 Sec. 28. Section 16 of this Act takes effect April
42 1 following enactment.

43 Sec. 29. This Act, being deemed of immediate
44 importance, takes effect upon its enactment.”

45 2. Amend the title, lines 6 through 9, by
46 striking the words “providing for a performance and
47 efficiency audit of state transportation and the RISE
48 program as it relates to job creation and economic
49 development.”.

S-5448

1 Amend the amendment, S-5317, to House File 102 as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 24 through 28 and
5 inserting the following:

6 “A person who in good faith brings an action under
7 this subsection alleging that an employer has required
8 or requested a polygraph examination in violation of
9 this section shall establish that sufficient evidence
10 exists upon which a reasonable person could find that
11 a violation has occurred. Upon proof that sufficient
12 evidence exists upon which a finding could be made
13 that a violation has occurred as required under this
14 paragraph, the employer has the burden of proving that
15 the requirements of this section were met.””

LINN FUHRMAN
RICHARD VARN

S-5449

1 Amend Senate File 2312 as follows:

2 1. Page 8, by inserting after line 18 the
3 following:

4 “Sec. ____ . Section 261.9, subsections 4 and 7,
5 Code Supplement 1987, are amended to read as follows:

6 4. “Qualified student” means a ~~full-time~~ resident
7 student who has established financial need and who is
8 making satisfactory progress toward graduation.

9 7. “~~Half-time~~ Part-time resident student” means an
10 individual resident of Iowa who is enrolled at an
11 accredited private institution in a course of study
12 including at least ~~six~~ three semester hours or the
13 trimester or quarter equivalent of ~~six~~ three semester
14 hours. “Course of study” does not include

15 correspondence courses.

16 Sec. ____ . Section 261.10, Code 1987, is amended to
17 read as follows:

18 261.10 WHO QUALIFIED.

19 A tuition grant may be awarded to ~~any~~ a resident of
20 Iowa who is admitted and in attendance as a full-time
21 or ~~half-time~~ part-time resident student at ~~any~~ an
22 accredited private institution and who establishes
23 financial need.

24 Sec. ____ . Section 261.11, Code 1987, is amended to
25 read as follows:

26 261.11 EXTENT OF GRANT.

27 A qualified full-time resident student may receive
28 tuition grants for not more than eight semesters of
29 undergraduate study or the trimester or quarter
30 equivalent. A qualified ~~half-time~~ part-time resident
31 student may receive tuition grants for not more than
32 sixteen semesters of undergraduate study or the
33 trimester or quarter equivalent.

34 Sec. ____ . Section 261.12, subsection 2, Code 1987,
35 is amended to read as follows:

36 2. The amount of a tuition grant to a qualified
37 ~~half-time~~ part-time student enrolled in a course of
38 study including at least six semester hours for the
39 fall and spring semesters, or the trimester or quarter
40 equivalent, shall be one-half the amount which would
41 be paid for a qualified full-time student under the
42 ~~provisions of subsection 1.~~

43 The amount of a tuition grant to a qualified part-
44 time student enrolled in a course of study including
45 at least three semester hours but fewer than six
46 semester hours for the fall and spring semesters, or
47 trimester or quarter equivalent, shall be one-fourth
48 the amount which would be paid for a qualified full-
49 time student under subsection 1."

50 2. By renumbering as necessary.

LARRY MURPHY

S-5450

1 Amend Senate File 2312 as follows:

2 1. Page 11, by striking lines 23 through 34.

DALE L. TIEDEN

S-5451

1 Amend Senate File 2312 as follows:
2 1. Page 11, line 22, by inserting after the word
3 "students." the following: "The law-related education
4 program shall include the legislative lawmaking
5 process. Educational materials for this segment of
6 the program shall be developed by the law-related
7 education centers in consultation with the legislative
8 council."

BILL HUTCHINS

S-5452

1 Amend the House amendment, S-5447, to Senate File
2 2196, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 32 the
5 following:
6 "Sec. ____ . Section 312.2, Code Supplement 1987, is
7 amended by adding the following new subsection:
8 NEW SUBSECTION. 22. Beginning January 1, 1989,
9 the treasurer of state, before making the allotments
10 provided for in this section, shall credit monthly
11 from the revenue to be credited to the road use tax
12 fund, an amount equal to one-twelfth of two cents of
13 the moneys received from two cents of the increase of
14 the excise tax on motor fuel and special fuel to the
15 primary road fund, the secondary road fund, the farm-
16 to-market road fund, and the street construction fund
17 of the cities in the percentage required under
18 subsections 1, 2, 3, and 4 of this section."
19 2. Page 9, by striking lines 3 through 19 and
20 inserting the following:
21 "Sec. ____ . Beginning April 1, 1988, the amount
22 raised from two cents of the increase of the excise
23 tax on motor fuel and special fuel shall be allocated
24 to replace moneys lost by the reduction in federal
25 highway funds allocated to the state. If the amounts
26 appropriated are in excess of the amount of funds
27 received from two cents of the increase of the excise
28 tax on motor fuel and special fuel, the amounts
29 appropriated shall be reduced proportionately on the
30 basis of the reductions in revenues.
31 Beginning April 1, 1990, the treasurer of state
32 shall, each month before distributing funds allotted
33 from the road use tax fund under section 312.2, credit
34 to a separate fund held by the treasurer of state the
35 following amounts:
36 1. From the moneys to be allotted to the primary

37 road fund from two cents of the excise tax on motor
38 and special fuel, one-twelfth of forty-five percent of
39 those moneys.

40 2. From the moneys to be allotted to the secondary
41 road fund from two cents of the excise tax on motor
42 fuel and special fuel, one-twelfth of twenty-eight
43 percent of those moneys.

44 3. From the moneys to be allotted to the farm-to-
45 market road fund from two cents of the excise tax on
46 motor fuel and special fuel, one-twelfth of nine
47 percent of those moneys.

48 4. from the moneys to be allotted to the street
49 construction fund of the cities from two cents of the
50 excise tax on motor fuel and special fuel, one-twelfth

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1 of eighteen percent of those moneys.”

2 3. Renumber sections and correct internal
3 references as necessary.

JACK RIFE

S-5453

1 Amend Senate File 2312 as follows:

2 1. Page 14, line 21, by striking the figure
3 “100,000” and inserting the following: “150,000”.

JACK RIFE

S-5454

1 Amend the House amendment, S-5447, to Senate File
2 2196 as follows:

3 1. Page 6, by inserting after line 14, the
4 following:

5 “Sec. ____ . **NEW SECTION. 324.3A REDUCED RATE OF**
6 **TAX FOR CERTAIN DEALERS.**

7 Notwithstanding the rate of tax imposed under
8 section 324.3, the excise tax on motor fuel delivered
9 to a qualified dealer is reduced as provided in this
10 section.

11 1. The excise tax on motor fuel delivered to a
12 qualified dealer located not more than eight miles
13 from the border of a state contiguous to Iowa which
14 has in effect a motor fuel tax which makes the Iowa
15 motor fuel tax uncompetitive is reduced to be five

16 cents per gallon in excess of the motor fuel tax in
17 effect for the contiguous state.

18 2. The excise tax on motor fuel delivered to a
19 qualified dealer located more than eight miles but not
20 more than sixteen miles from the border of a state
21 contiguous to Iowa which has in effect a motor fuel
22 tax which makes the Iowa motor fuel tax uncompetitive
23 is reduced to be six cents per gallon in excess of the
24 motor fuel tax in effect for the contiguous state.

25 3. The excise tax on motor fuel delivered to a
26 qualified dealer located more than sixteen miles but
27 not more than twenty-four miles from the border of a
28 state contiguous to Iowa which has in effect a motor
29 fuel tax which makes the Iowa motor fuel tax
30 uncompetitive is reduced to be seven cents per gallon
31 in excess of the motor fuel tax in effect for the
32 contiguous state.

33 4. The excise tax on motor fuel delivered to a
34 qualified dealer located more than twenty-four miles
35 but not more than thirty-two miles from the border of
36 a state contiguous to Iowa which has in effect a motor
37 fuel tax which makes the Iowa motor fuel tax
38 uncompetitive is reduced to be eight cents per gallon
39 in excess of the motor fuel tax in effect for the
40 contiguous state.

41 As used in this section, a "qualified dealer" means
42 a dealer located within the distances provided under
43 subsections 1 through 4 measured by the shortest
44 distance from the border of the contiguous state. If
45 a qualified dealer is located within the corporate
46 limits of a city, all dealers within the corporate
47 limits of the city are qualified dealers.

48 As used in this section, a "motor fuel tax in
49 effect for the contiguous state" means the total
50 excise, sales or use taxes in effect in the contiguous

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1 state on the sale of motor fuel expressed in cents per
2 gallon. The department of revenue and finance shall
3 adopt rules pursuant to chapter 17A establishing the
4 methodology for ascertaining the motor fuel tax in
5 effect for contiguous states. As used in this
6 section, a contiguous state has a "motor fuel tax
7 which makes the Iowa motor fuel tax uncompetitive" if
8 the excise tax on motor fuel under section 324.3
9 exceeds the motor fuel tax in effect for the
10 contiguous state by more than five cents per gallon.

11 If more than one contiguous state has in effect a
12 motor fuel tax which makes the Iowa motor fuel tax

13 uncompetitive, the excise tax for a qualified dealer
 14 located not more than thirty-two miles from the
 15 borders of two such contiguous states is the excise
 16 tax under the application of subsections 1 through 4
 17 which results in the lowest excise tax to the
 18 qualified dealer.

19 A qualified dealer shall be allowed a credit by the
 20 distributor for the amount of the reduction in motor
 21 fuel tax allowed and a qualified dealer, before
 22 receiving the credit, shall be registered by the
 23 department of revenue and finance. The department of
 24 revenue and finance shall adopt rules pursuant to
 25 chapter 17A for registering dealers and accounting for
 26 credits by distributors.

27 This section only applies to qualified dealers who
 28 would experience a reduction in the excise tax on
 29 motor fuel through its application.”

30 2. Page 6, by inserting after line 50 the
 31 following:

32 “Sec. ____ . NEW SECTION. 324.34A REDUCED RATE OF
 33 TAX FOR CERTAIN DEALERS.

34 Notwithstanding the rate of tax imposed under
 35 section 324.34, the excise tax on special fuel for
 36 diesel engines delivered to a qualified dealer is
 37 reduced as provided in this section.

38 1. The excise tax on special fuel for diesel
 39 engines delivered to a qualified dealer located not
 40 more than eight miles from the border of a state
 41 contiguous to Iowa which has in effect a tax on
 42 special fuel for diesel engines which makes the Iowa
 43 excise tax on special fuel for diesel engines
 44 uncompetitive is reduced to be seven and one-half
 45 cents per gallon in excess of the tax on special fuel
 46 for diesel engines in effect for the contiguous state.

47 2. The excise tax on special fuel for diesel
 48 engines delivered to a qualified dealer located more
 49 than eight miles but not more than sixteen miles from
 50 the border of a state contiguous to Iowa which has in

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1 effect a tax on special fuel for diesel engines which
 2 makes the Iowa excise tax on special fuel for diesel
 3 engines uncompetitive is reduced to be eight and one-
 4 half cents per gallon in excess of the tax on special
 5 fuel for diesel engines in effect for the contiguous
 6 state.

7 3. The excise tax on special fuel delivered to a
 8 qualified dealer located more than sixteen miles but
 9 not more than twenty-four miles from the border of a

10 state contiguous to Iowa which has in effect a tax on
11 special fuel for diesel engines which makes the Iowa
12 excise tax on special fuel for diesel engines
13 uncompetitive is reduced to be nine and one-half cents
14 per gallon in excess of the tax on special fuel for
15 diesel engines in effect for the contiguous state.

16 4. The excise tax on special fuel delivered to a
17 qualified dealer located more than twenty-four miles
18 but not more than thirty-two miles from the border of
19 a state contiguous to Iowa which has in effect a tax
20 on special fuel for diesel engines which makes the
21 Iowa excise tax on special fuel for diesel engines
22 uncompetitive is reduced to be ten and one-half cents
23 per gallon in excess of the tax on special fuel for
24 diesel engines in effect for the contiguous state.

25 As used in this section, a "qualified dealer" means
26 a dealer located within the distances provided under
27 subsections 1 through 4 measured by the shortest
28 distance from the border of the contiguous state. If
29 a qualified dealer is located within the corporate
30 limits of a city, all dealers within the corporate
31 limits of the city are qualified dealers.

32 As used in this section, a "tax on special fuel for
33 diesel engines in effect for the contiguous state"
34 means the total excise, sales or use taxes in effect
35 in the contiguous state on the sale of special fuel
36 for diesel engines expressed in cents per gallon. The
37 department of revenue and finance shall adopt rules
38 pursuant to chapter 17A establishing the methodology
39 for ascertaining the tax on special fuel for diesel
40 engines in effect for contiguous states. As used in
41 this section, a contiguous state has a "tax on special
42 fuel for diesel engines which makes the Iowa excise
43 tax on special fuel for diesel engines uncompetitive"
44 if the excise tax on special fuel for diesel engines
45 under section 324.34 exceeds the tax on special fuel
46 for diesel engines in effect for the contiguous state
47 by more than seven and one-half cents per gallon.

48 If more than one contiguous state has in effect a
49 tax on special fuel for diesel engines which makes the
50 Iowa excise tax on special fuel for diesel engines

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1 uncompetitive, the excise tax for a qualified dealer
2 located not more than thirty-two miles from the
3 borders of two such contiguous states is the excise
4 tax under the application of subsections 1 through 4
5 which results in the lowest excise tax to the
6 qualified dealer.

7 A qualified dealer shall be allowed a credit by the
8 distributor for the amount of the reduction in excise
9 tax on special fuel for diesel engines allowed and a
10 qualified dealer, before receiving the credit, shall
11 be registered by the department of revenue and
12 finance. The department of revenue and finance shall
13 adopt rules pursuant to chapter 17A for registering
14 dealers and accounting for credits by distributors.
15 This section only applies to qualified dealers who
16 would experience a reduction in the excise tax on
17 special fuel for diesel engines through its
18 application.”

19 3. Page 9, by inserting before line 27 the
20 following:

21 “Sec. ____ . SEVERABILITY. If any provision of this
22 Act or the application thereof to any person is
23 invalid, the invalidity shall not affect the
24 provisions or application of this Act which can be
25 given effect without the invalid provisions or
26 application, and to this end the provisions of this
27 Act are severable.”

LEONARD L. BOSWELL

S-5455

1 Amend Senate File 2312 as follows:
2 1. Page 11, line 30, by inserting after the word
3 “terminal.” the following: “A school district
4 receiving money for a pilot project shall require that
5 teachers, administrators, and other school employees
6 use the equipment only for educational purposes.
7 Personal use of the equipment shall be prohibited
8 except in the case of emergency situations.”

JIM LIND

S-5456

1 Amend the House amendment S-5447, to Senate
2 File 2196, as amended, passed and reprinted by
3 the Senate, as follows:
4 1. Page 9, by inserting after line 26 the
5 following:
6 “Sec. 25. As a condition of the appropriations
7 made in this Act and as a condition of the
8 imposition of taxes provided under this Act, if
9 intermediate care facilities under the title XIX

10 budget of the department of human services are not
11 funded at the 74th percentile level on January 1, 1989
12 or aid to dependent children payments are not
13 increased by 6.5% by January 1, 1989 through other
14 laws, intermediate care facilities shall be funded
15 at the 74th percentile level and aid to dependent
16 children payments shall be increased by 6.5% through
17 transfer from receipts from the use tax necessary
18 to fund those increases within the department of
19 human services' title XIX and aid to dependent
20 children budget line items."

CHARLES BRUNER

S-5457

1 Amend Senate File 2283 as follows:
2 1. Page 1, lines 10 and 11, by striking the words
3 "water slide,"
4 2. Page 1, by striking lines 16 through 21.
5 3. Page 1, lines 23 and 24, by striking the words
6 ", spas, water slides, and bathing beaches" and
7 inserting the following: "and spas".
8 4. Page 2, line 1, by striking the words ", spas,
9 and bathing beaches" and inserting the following:
10 "and spas".
11 5. Page 2, line 6, by striking the words ", spas,
12 and bathing beaches" and inserting the following:
13 "and spas".
14 6. Page 2, lines 13 and 14, by striking the words
15 ", spas, and bathing beaches" and inserting the fol-
16 lowing: "and spas".
17 7. Page 3, line 21, by striking the words
18 "bathing beach,".
19 8. Page 3, line 29, by striking the words
20 "bathing beach,".
21 9. Title page, line 2, by striking the words
22 "bathing beaches,".

JIM LIND

S-5458

1 Amend Senate File 2312 as follows:
2 1. Page 24, by inserting after line 22 the
3 following:
4 "____. As a further condition of the appropriation
5 made in paragraph "a", the state board of regents

6 shall provide for holding a personnel management
7 seminar to be attended by the president of the state
8 board of regents and the presidents of the three
9 institutions of higher education. The seminar shall
10 include but not be limited to personnel practices,
11 hiring, discipline, discharge, affirmative action, and
12 labor law.”

RICHARD VARN
BILL HUTCHINS

S-5459

1 Amend the House amendment, S-5447, to Senate File
2 2196, as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 6, by inserting after line 14 the
5 following:

6 “Sec. ____ . NEW SECTION. 324.3A REDUCED RATE OF
7 TAX FOR CERTAIN DEALERS.

8 1. Notwithstanding the rate of tax imposed under
9 section 324.3, the excise tax on motor fuel delivered
10 to a qualified dealer located within a city in Iowa
11 which is contiguous to a bordering state or located
12 within three hundred yards of the border of a state
13 contiguous to Iowa shall be equal to the motor fuel
14 tax in effect for the contiguous state. As used in
15 this section, a “motor fuel tax in effect for the
16 contiguous state” means the total excise, sales or use
17 taxes in effect in the contiguous state on the sale of
18 motor fuel expressed in cents per gallon. The
19 department of revenue and finance shall adopt rules
20 pursuant to chapter 17A establishing the methodology
21 for ascertaining the motor fuel tax in effect for
22 contiguous states.

23 2. If a qualified dealer is located within a city
24 in Iowa which is contiguous to more than one
25 contiguous state or located within three hundred yards
26 of more than one contiguous state the excise tax for
27 the qualified dealer shall be the excise tax under the
28 application of subsection 1 which results in the
29 lowest excise tax to the qualified dealer.

30 3. A qualified dealer shall be allowed a credit by
31 the distributor for the amount of the reduction in
32 motor fuel tax allowed and a qualified dealer, before
33 receiving the credit, shall be registered by the
34 department of revenue and finance. The department of
35 revenue and finance shall adopt rules pursuant to
36 chapter 17A for registering dealers and accounting for

37 credits by distributors.

38 4. This section only applies to qualified dealers
39 who would experience a reduction in the excise tax on
40 motor fuel through its application.”

41 2. Page 6, by inserting after line 50 the
42 following:

43 “Sec. ____ . **NEW SECTION. 324.34A REDUCED RATE OF**
44 **TAX FOR CERTAIN DEALERS.**

45 1. Notwithstanding the rate of tax imposed under
46 section 324.34, the excise tax on special fuel for
47 diesel engines delivered to a qualified dealer located
48 within a city in Iowa which is contiguous to a
49 bordering state or located within three hundred yards
50 of the border of a state contiguous to Iowa shall be

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1 equal to the motor fuel tax in effect for the
2 contiguous state. As used in this section, the “tax
3 on special fuel for diesel engines in effect for the
4 contiguous state” means the total excise, sales or use
5 taxes in effect in the contiguous state on the sale of
6 special fuel for diesel engines expressed in cents per
7 gallon. The department of revenue and finance shall
8 adopt rules pursuant to chapter 17A establishing the
9 methodology for ascertaining the tax on special fuel
10 for diesel engines in effect for contiguous states.

11 2. If a qualified dealer is located within a city
12 in Iowa which is contiguous to more than one
13 contiguous state or located within three hundred yards
14 of more than one contiguous state, the excise tax for
15 the dealer shall be the excise tax under the
16 application of subsection 1 which results in the
17 lowest excise tax to the qualified dealer.

18 3. A qualified dealer shall be allowed a credit by
19 the distributor for the amount of the reduction in
20 excise tax on special fuel for diesel engines allowed
21 and a qualified dealer, before receiving the credit,
22 shall be registered by the department of revenue and
23 finance. The department of revenue and finance shall
24 adopt rules pursuant to chapter 17A for registering
25 dealers and accounting for credits by distributors.

26 4. This section only applies to qualified dealers
27 who would experience a reduction in the excise tax on
28 motor fuel for diesel engines through its
29 application.”

30 3. Page 9, by inserting before line 27 the
31 following:

32 “Sec. ____ . **SEVERABILITY.** If any provision of this
33 Act or the application thereof to any person is

34 invalid, the invalidity shall not affect the
 35 provisions or application of this Act which can be
 36 given effect without the invalid provisions or
 37 application, and to this end the provisions of this
 38 Act are severable.”
 39 4. Renumber sections as necessary.

LEONARD L. BOSWELL

S-5460

1 Amend Senate File 2312 as follows:
 2 1. Page 29, by inserting after line 25 the
 3 following:
 4 “Sec. ____ . As a condition, limitation, and
 5 qualification of the appropriations made in section
 6 43, subsection 2, paragraph “a”, subparagraph (1);
 7 section 43, subsection 3, paragraph “a”; and section
 8 43, subsection 4, sales by an institution of computer
 9 equipment, computer software, and computer supplies to
 10 students and faculty at the institution are retail
 11 sales for the purpose of chapter 422, Division IV.”

JIM LIND

S-5461

1 Amend Senate File 2312 as follows:
 2 1. By striking page 18, line 34 through page 20,
 3 line 1 and inserting the following:
 4 “Sec. 30.
 5 1. Notwithstanding section 280A.24, the state
 6 board of education shall not approve the
 7 reclassification request of an area vocational school
 8 to expand its curriculum to qualify as an area
 9 community college until the requirements of this
 10 section have been met.
 11 2. An area community college for which the state
 12 board of education approved the creation of an arts
 13 and sciences division after February 1, 1988, and
 14 prior to the effective date of this Act, shall not
 15 implement curricular changes until the requirements of
 16 this section have been met.
 17 This subsection does not apply if the area
 18 community college has substantially detrimentally
 19 relied on the approval by the state board of
 20 education.

21 3. The following studies shall be conducted and
22 written reports of the results of the studies
23 transmitted to the state board and the general
24 assembly by February 1, 1989:

25 a. The legislative fiscal bureau and the
26 department of management shall jointly conduct fiscal
27 impact studies relating to the effect on the state
28 budget of the reclassification of the area vocational
29 school to an area community college and of the
30 creation of a separate arts and sciences division at
31 the area community college.

32 b. The department of education shall conduct
33 educational impact studies which shall include, but
34 not be limited to, the effect of the reclassification,
35 and the effect of the creation of the separate
36 division, on enrollment at other postsecondary
37 institutions located in the merged area, student
38 access to educational opportunity, and also the number
39 of students within the school's service area in need
40 of the expanded services.

41 4. The written reports of each study shall be
42 considered by the general assembly and the state
43 board. The state board shall not make decisions under
44 subsection 1 or 2 before July 1, 1989."

JOE J. WELSH
WILMER RENSINK
ROBERT CARR

S-5462

1 Amend the House amendment, S-5447, to Senate File
2 2196, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 1, line 5, through page 9,
5 line 49, and inserting the following:

6 "Section 1. Notwithstanding the present law, for
7 the period beginning April 1, 1988, and ending March
8 31, 1990, the state shall use fifty million dollars of
9 the revenues each year from the increase of one cent
10 in the sales, service, and use tax to reimburse
11 counties for mental health costs. If the amount of
12 funds available are insufficient to reimburse one
13 hundred percent of the costs, the amount of the
14 reimbursements shall be reduced proportionately.
15 Notwithstanding section 422.69, subsection 3, and
16 section 423.24, the remainder of the revenues
17 collected during the period beginning April 1, 1988,
18 and ending March 31, 1990, from one cent of the sales,

19 service, and use tax shall be credited to the road use
20 tax fund.

21 Sec. ____ . Section 422.43, subsections 1, 2, 6, and
22 10, Code Supplement, 1987, are amended to read as
23 follows:

24 1. There is imposed a tax of four percent, except
25 that for the period beginning April 1, 1988, and
26 ending March 31, 1990, the tax rate shall be five
27 percent, upon the gross receipts from all sales of
28 tangible personal property, consisting of goods,
29 wares, or merchandise, except as otherwise provided in
30 this division, sold at retail in the state to
31 consumers or users; a like rate of tax upon the gross
32 receipts from the sales, furnishing or service of gas,
33 electricity, water, heat, and communication service,
34 including the gross receipts from such sales by any
35 municipal corporation furnishing gas, electricity,
36 water, heat, and communication service to the public
37 in its proprietary capacity, except as otherwise
38 provided in this division, when sold at retail in the
39 state to consumers or users; a like rate of tax upon
40 the gross receipts from all sales of tickets or
41 admissions to places of amusement, fairs, and athletic
42 events except those of elementary and secondary
43 educational institutions; and a like rate of tax upon
44 that part of private club membership fees or charges
45 paid for the privilege of participating in any
46 athletic sports provided club members.

47 2. There is imposed a tax of four percent like
48 rate of tax upon the gross receipts derived from the
49 operation of all forms of amusement devices and games
50 of skill, games of chance, raffles, and bingo games as

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1 defined in chapter 99B, operated or conducted within
2 the state of Iowa, the tax to be collected from the
3 operator in the same manner as is provided for the
4 collection of taxes upon the gross receipts of tickets
5 or admission fees as provided in this section. The
6 tax shall also be imposed upon the gross receipts
7 derived from the sale of lottery tickets or shares
8 pursuant to chapter 99E. The tax on the lottery
9 tickets or shares shall be included in the sales price
10 and distributed to the general fund as provided in
11 section 99E.10.

12 6. There is imposed a tax of four percent like
13 rate of tax upon the gross receipts from the sales of
14 optional service or warranty contracts which provide
15 for the furnishing of labor and materials and require

16 the furnishing of any taxable service enumerated under
17 this section. The gross receipts are subject to tax
18 even if some of the services furnished are not
19 enumerated under this section. For the purpose of
20 this division, the sale of an optional service or
21 warranty contract is a sale of tangible personal
22 property. Additional sales, services, or use tax
23 shall not be levied on services, parts, or labor
24 provided under optional service or warranty contracts
25 which are subject to tax under this section.

26 10. There is imposed a tax of four percent, except
27 that for the period beginning April 1, 1988, and
28 ending March 31, 1990, the tax rate shall be five
29 percent, upon the gross receipts from the rendering,
30 furnishing, or performing of services as defined in
31 section 422.42.

32 Sec. ____ . Section 423.2, Code 1987, is amended to
33 read as follows:

34 423.2 IMPOSITION OF TAX.

35 An excise tax is imposed on the use in this state
36 of tangible personal property purchased for use in
37 this state, at the rate of four percent, except that
38 for the period beginning April 1, 1988, and ending
39 March 31, 1990, the tax rate shall be five percent, of
40 the purchase price of the property. The excise tax is
41 imposed upon every person using the property within
42 this state until the tax has been paid directly to the
43 county treasurer or the state department of
44 transportation, to a retailer, or to the department.

45 An excise tax is imposed on the use in this state of
46 services enumerated in section 422.43 at the rate of
47 four percent. This tax is applicable where services
48 are rendered, furnished, or performed in this state or
49 where the product or result of the service is used in
50 this state. This tax is imposed on every person using

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1 the services or the product of the services in this
2 state until the user has paid the tax either to an
3 Iowa use tax permit holder or to the department.

4 Sec. ____ . This Act, being deemed of immediate
5 importance, takes effect April 1 following enactment."

LEONARD BOSWELL
DON GETTINGS

S-5463

1 Amend Senate File 2251 as follows:

2 1. Page 1, line 12, by inserting after the word
3 "discharge" the following: "procedures".

4 2. Page 1, line 17, by inserting after the word
5 "parties." the following: "For the purposes of this
6 section, the term "procedure" does not include
7 criteria or matters of substance."

8 3. Page 1, by inserting after line 22 the
9 following:

10 "Sec. ____ . Section 256.10, Code 1987, is amended
11 to read as follows:

12 256.10 EMPLOYMENT OF PROFESSIONAL STAFF.

13 The salary of the director shall be fixed by the
14 governor within a range established by the general
15 assembly. Appointments to the professional staff of
16 the department shall be without reference to political
17 party affiliation, religious affiliation, sex, or
18 marital status, but shall be based solely upon
19 fitness, ability, and proper qualifications for the
20 particular position. The professional staff shall
21 serve at the discretion of the director. A member of
22 the professional staff shall not be dismissed for
23 cause without at least ninety days' notice, except in
24 cases of conviction of a felony or cases involving
25 moral turpitude. In cases of procedure for dismissal,
26 the accused has the same right to notice and hearing
27 as ~~teachers~~ administrators in the public school
28 systems as provided in section ~~279.27~~ 279.25 to the
29 extent that it is applicable.

30 Sec. ____ . Section 261.45, subsection 1, Code
31 Supplement 1987, is amended to read as follows:

32 1. Is a teacher employed on a full-time basis
33 under ~~sections 279.13 through 279.19~~ section 279.12 in
34 a school district in this state, is a teacher in an
35 approved nonpublic school in this state, or is a
36 certified teacher at the Iowa braille and sight-saving
37 school or the Iowa school for the deaf.

38 Sec. ____ . Section 262.9, subsection 2, Code
39 Supplement 1987, is amended to read as follows:

40 2. Elect a president of each of the institutions
41 of higher learning; a superintendent of each of the
42 other institutions; a treasurer and a secretarial
43 officer for each institution annually; professors,
44 instructors, officers, and employees; and fix their
45 compensation. Sections ~~279.12 through 279.19~~ and
46 ~~section 279.27~~ 279.14 apply to employees of the Iowa
47 braille and sight-saving school and the state school
48 for the deaf, who are certificated pursuant to chapter
49 260. In following those sections in chapter 279, the
50 references to boards of directors of school districts

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1 shall be interpreted to apply to the board of regents.

2 Sec. ____ . Section 275.33, subsection 1, Code 1987,
3 is amended to read as follows:

4 1. The terms of employment of superintendents; and
5 principals, ~~and teachers~~, for the school year
6 following the effective date of the formation of the
7 new district shall not be affected by the formation of
8 the new district, except in accordance with the
9 provisions of ~~sections 279.15 to 279.18 and section~~
10 279.24 and the authority and responsibility to offer
11 new contracts or to continue, modify, or terminate
12 existing contracts pursuant to sections 279.12,
13 ~~279.18, 279.15 to 279.20,~~ 279.21, 279.23, and 279.24
14 for the school year beginning with the effective date
15 of the reorganization shall be transferred from the
16 boards of the existing districts to the board of the
17 new district on the third Tuesday of January prior to
18 the school year the reorganization is effective.

19 Sec. ____ . Section 279.19, unnumbered paragraph 2,
20 Code 1987, is amended by striking the paragraph.

21 Sec. ____ . Section 279.19, unnumbered paragraph 3,
22 Code 1987, is amended to read as follows:

23 The board's decision to terminate a probationary
24 teacher's contract shall be final and binding unless
25 the termination was based upon an alleged violation of
26 a constitutionally guaranteed right of the teacher or
27 an alleged violation of public employee rights of the
28 teacher under section 20.10.

29 Sec. ____ . Section 279.23, unnumbered paragraph 3,
30 Code Supplement 1987, is amended to read as follows:

31 An administrator's contract shall be governed by
32 the provisions of this section and sections 279.23A,
33 279.24, and 279.25 ~~and not by section 279.13~~. For
34 purposes of this section and sections 279.23A, 279.24,
35 and 279.25, the term "administrator" includes school
36 superintendents, assistant superintendents,
37 educational directors, principals, assistant
38 principals, and other certified school supervisors as
39 defined under section 20.4.

40 Sec. ____ . REPEALS. Sections 279.13, 279.15,
41 279.16, 279.17, 279.18, 279.19A, 279.19B, and 279.27,
42 Code 1987, are repealed.

43 Sec. ____ . EFFECTIVE DATE.

44 1. Section 1 of this Act takes effect July 1,
45 1988.

46 2. All other sections of this Act take effect July
47 1, 1990."

48 4. Title page, line 2, by inserting after the

49 word "Act" the following: ", repealing certain
50 statutory provisions relating to the discharge of

Page 3

1 teachers, providing an effective date, and providing
2 other properly related matters".
3 5. By renumbering as necessary.

LINN FUHRMAN

S-5464

1 Amend House File 2285 as passed by the House as
2 follows:
3 1. Page 3, by inserting after line 9 the
4 following:
5 "Sec. ____ . Section 421.17, subsection 23,
6 paragraphs e and g, Code Supplement 1987, are amended
7 to read as follows:
8 e. Upon notice of entitlement to a refund or
9 rebate, the college aid commission or its servicer
10 shall send written notification to the defaulter, and
11 a copy of the notice to the department of revenue and
12 finance, of the commission's assertion of its rights
13 to all or a portion of the defaulter's refund or
14 rebate and the entitlement to recover the amount of
15 the default through the setoff procedure, the basis of
16 the assertion, the defaulter's opportunity to request
17 that a joint income tax refund or rebate be divided
18 between spouses, the defaulter's opportunity to give
19 written notice of intent to contest the claim, and the
20 fact that failure to contest the claim by written
21 application for a hearing before a specified date will
22 result in a waiver of the opportunity to contest the
23 claim, causing final setoff by default. Upon
24 application, the commission shall grant a hearing
25 pursuant to chapter 17A. An appeal taken from the
26 decision of a hearing officer and any subsequent
27 appeals shall be taken pursuant to chapter 17A.
28 g. The department of revenue and finance shall,
29 after notice has been sent to the defaulter by the
30 college aid commission or its servicer, set off the
31 amount of the default against the defaulter's income
32 tax refund or rebate if both the amount of the default
33 and the refund or rebate are at least fifty dollars.
34 The department shall refund any balance of the income
35 tax refund or rebate to the defaulter. The department
36 of revenue and finance shall periodically transfer the

37 amount set off to the college aid commission. If the
38 defaulter gives written notice of intent to contest
39 the claim, the commission shall hold the refund or
40 rebate until final disposition of the contested claim
41 pursuant to chapter 17A or by court judgment. The
42 commission shall notify the defaulter in writing upon
43 completion of setoff."

RAY TAYLOR
CHARLES BRUNER

S-5465

1 Amend Senate File 2312 as follows:
2 1. Page 30, by inserting after line 3 the
3 following:
4 "Sec. ____ . The legislative council is requested to
5 establish an interim study committee to conduct a
6 comprehensive study of existing and projected higher
7 education needs and facilities. The study shall
8 include, but not be limited to, the following:
9 1. The current and projected fiscal needs of
10 private colleges, vocational and technical schools,
11 area community colleges, and state board of regents'
12 institutions.
13 2. The current and projected enrollment of
14 traditional and nontraditional students utilizing or
15 in need of particular higher education offerings.
16 3. The duplication and distribution of
17 institutional programs and services throughout the
18 state.
19 4. Methods available for matching needs with
20 resources to provide an efficient delivery system.
21 5. Coordination and articulation of curriculum
22 with the primary and secondary school systems.
23 The committee shall consist of legislators of both
24 houses and be bipartisan in composition. The
25 committee shall develop recommendations to submit in a
26 report to the legislative council and the members of
27 the general assembly which convenes in 1989."

LARRY MURPHY
RICHARD VARN

S-5466

1 Amend Senate File 2314 as follows:
2 1. Page 15, by inserting after line 25 the

3 following:

4 "Sec. ____ . NEW SECTION. 29A.58A USE OF
5 FACILITIES FOR GOVERNMENT COMMODITIES DISTRIBUTION.
6 National guard facilities shall be available at no
7 charge for the purpose of government commodity program
8 distributions. The adjutant general shall adopt
9 reasonable requirements concerning notification of the
10 distribution for scheduling and cleanup after the
11 monthly distribution."

LARRY MURPHY

S-5467

1 Amend the amendment S-5461 to Senate File 2312, as
2 follows:

3 1. Page 1, line 6, by striking the words "shall
4 not" and inserting the following: "may".
5 2. Page 1, line 9, by inserting after the word
6 "college" the following: "but shall not authorize the
7 school to grant the associate of arts degree to its
8 graduates".
9 3. Page 1, by striking lines 28 and 29 and
10 inserting the following: "budget of the authorization
11 for the associate of arts degree for the school and of
12 the".
13 4. Page 1, line 34, by striking the word
14 "reclassification" and inserting the following:
15 "authorization for the degree".

LARRY MURPHY
DALE TIEDEN

S-5468

1 Amend the House amendment, S-5447, to Senate File
2 2196 as follows:

3 1. Page 4, by inserting after line 21 the
4 following:
5 "Sec. ____ . Section 315.3, Code 1987, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 4. When projects are proposed for
8 funding under this chapter, the department shall
9 consider a variety of factors including, but not
10 limited to:
11 a. The total number of jobs to be created or
12 retained.
13 b. The size of the business receiving assistance.

14 c. The potential for future growth in the industry
15 represented by the business being considered for
16 assistance.

17 d. The quality of the jobs to be created.

18 e. The impact of the proposed project on the
19 economy of the political subdivision.

20 f. The impact of the proposed project on other
21 businesses in competition with the business being
22 considered for assistance. The department shall
23 identify existing businesses within an industry in
24 competition with the business being considered for
25 assistance. The department shall determine the
26 probability that the proposed financial assistance
27 will displace employees of the existing businesses and
28 shall consider the level of excess production capacity
29 within an industry when making this determination. In
30 determining the impact on businesses in competition
31 with the business being considered for assistance,
32 jobs created as a result of other jobs being displaced
33 elsewhere in the state shall not be considered direct
34 jobs created.

35 g. The level of compliance of the business with
36 OSHA and other business safety regulations, the
37 quality of the business' relations with labor, the
38 level of fairness in its dealings with its employees,
39 and the amount of business ethics shown by the
40 business.

41 Sec. ____ . Section 315.5, Code 1987, is amended by
42 adding the following new unnumbered paragraph:
43 NEW UNNUMBERED PARAGRAPH. If an applicant shall
44 fail or has failed to complete all necessary
45 agreements, including but not limited to,
46 environmental permits within six months of commission
47 approval of a project, all such approvals shall be
48 voided. Voided projects shall not be eligible for
49 reapproval for a period of one year from the date of
50 voiding the original approval."

JOHN PETERSON
AL STURGEON

S-5469

- 1 Amend Senate File 2282 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "transaction," the following: "providing for an

4 annual percentage rate of interest of eighteen percent
5 or less."

TOM MANN, Jr.

S-5470

1 Amend Senate File 2251 as follows:

2 1. Page 1, by inserting after line 22 the
3 following:

4 "Certificated employees discharged for the purpose
5 of reductions in force or for other cause shall follow
6 the procedures for staff reduction or the discipline
7 and discharge procedures, as applicable, that are
8 provided in their collective bargaining agreement.
9 Discharged certificated employees who do not have
10 procedures for staff reduction or discipline and
11 discharge procedures in a collective bargaining
12 agreement shall follow the termination procedures
13 provided under sections 279.13 through 279.19, and
14 section 279.27. For the purposes of this section, the
15 term "certificated employee" means a teacher who is
16 certified under chapter 260."

EDGAR H. HOLDEN

S-5471

1 Amend Senate File 2139 as follows:

2 1. Page 2, by inserting after line 10 the
3 following:

4 "Sec. 4. Section 103A.21, Code 1987, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 4. The person in control of a
7 building or structure who is served with an order
8 pursuant to section 103A.19, subsection 3, or an order
9 by the commissioner, for a violation of Chapter 104A
10 or the rules of this chapter which pertain to
11 handicapped accessibility, who fails to comply within
12 thirty days after service or within the time fixed by
13 the local building official or the commissioner for
14 compliance, whichever is longer, has committed a
15 simple misdemeanor and is subject to a civil penalty
16 not to exceed two hundred dollars for each day of
17 failure or neglect after the expiration of the fixed
18 time. The penalty shall be recovered in the name of
19 the state and paid into the treasury of the political

20 subdivision which issued the order or to the treasurer
21 of state if the order is issued by the commissioner.
22 This section applies to buildings or facilities which
23 commence construction on or after July 1, 1989.”

JEAN LLOYD-JONES
LARRY MURPHY
EUGENE S. FRAISE

S-5472

1 Amend House File 2283, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 1 and 2, and
4 inserting the following:
5 “Section 1. Section 172C.1, subsections 8 and 11,
6 Code 1987, are amended to read as follows:
7 8. “Family farm corporation” means a corporation:
8 a. Founded for the purpose of farming and the
9 ownership of agricultural land in which the majority
10 of the voting stock is held by and the majority of the
11 stockholders are persons related to each other as
12 spouse, parent, grandparent, lineal ascendants of
13 grandparents or their spouses and other lineal
14 descendants of the grandparents or their spouses, or
15 persons acting in a fiduciary capacity for persons so
16 related;
17 b. All of its stockholders are natural persons or
18 persons acting in a fiduciary capacity for the benefit
19 of natural persons or family trusts as defined in
20 subsection 11 of this section; and
21 c. Sixty percent of the gross revenues of the
22 corporation over the last consecutive three-year
23 period comes from farming; and
24 d. The person managing or supervising the day-to-
25 day farming operations on the agricultural land must
26 be a voting stockholder of the corporation and must be
27 related to a majority of the other stockholders as
28 provided in paragraph “a.”
29 2. Page 8, by inserting after line 12 the
30 following:
31 “Sec. ____ . Section 1 of this Act takes effect on
32 January 1, 1989.”
33 3. Title page, line 9, by inserting after the
34 words “restrictions on” the following: “family farm
35 corporations and”.
36 4. Title page, line 11, by striking the words
37 “and providing penalties” and inserting the following:
38 “providing penalties; and providing for an effective

39 date”.

40 5. By renumbering as necessary.

LARRY MURPHY
 JIM RIORDAN
 DALE TIEDEN
 JOHN W. JENSEN
 BERL E. PRIEBE
 RICHARD VARN

S-5473

1 Amend Senate File 2314 as follows:
 2 1. Page 30, by striking lines 21 through 23
 3 and inserting the following: “ending June 30, 1989.”

DALE L. TIEDEN
 EMIL J. HUSAK

S-5474

1 Amend Senate File 2314 as follows:
 2 1. Page 19, by inserting after line 18 the
 3 following:
 4 “Sec. ____ . Section 312.2, subsection 17, Code
 5 Supplement 1987, is amended to read as follows:
 6 17. The treasurer of state, before making the
 7 allotments provided for in this section, shall credit
 8 monthly from the road use tax fund to the public
 9 transit assistance fund, created under section 601J.6,
 10 from revenue credited to the road use tax fund under
 11 section 423.24, subsection 1, paragraph “b”, an amount
 12 equal to one fortieth of the revenue credited to the
 13 road use tax fund under section 423.24, subsection 1,
 14 paragraph “b”.”

DON GETTINGS

S-5475

1 Amend Senate File 2314 as follows:
 2 1. Page 24, by inserting after line 34 the
 3 following:
 4 “Sec. ____ . Section 321A.3, subsection 2, Code
 5 Supplement 1987, is amended to read as follows:
 6 2. A sheriff may provide an abstract of the
 7 operating record of a person to the person or an

8 individual authorized by the person. The sheriff
9 shall charge a fee of ~~four~~ five dollars for each
10 abstract which the sheriff shall transfer to the
11 director quarterly. The sheriff may charge an
12 additional fee sufficient to cover costs incurred by
13 the sheriff in producing the abstract."

DON GETTINGS

S-5476

- 1 Amend Senate File 2199 as follows:
- 2 1. Title page, line 1, by striking the words
- 3 "relating to" and inserting the following: "providing
- 4 for the".
- 5 2. Title page, line 1, by striking the words
- 6 "copies of".

BERL E. PRIEBE

S-5477

- 1 Amend Senate File 2314 as follows:
- 2 1. Page 8, by striking lines 8 through 19.

JOE WELSH
LEE W. HOLT

S-5478

- 1 Amend Senate File 2314 as follows:
- 2 1. Page 5, lines 5 and 6, by striking the word
- 3 "twenty-three" and inserting the following: "five".
- 4 2. Page 5, line 23, by striking the word "five"
- 5 and inserting the following: "twenty-three".

DON GETTINGS

S-5479

- 1 Amend amendment S-5360 to House File 105 as
- 2 amended, passed and reprinted by the House as follows:

- 3 1. Page 1, line 40, by striking the word "clerk"
 4 and inserting the following: "clerk secretary".

EUGENE FRAISE

S-5480

- 1 Amend Senate File 2277 as follows:
 2 1. Page 1, line 13, by inserting after the word
 3 "However," the words "a subpoena issued under section
 4 421.17 or".

BOB CARR

S-5481

- 1 Amend Senate File 2103 as follows:
 2 1. Page 1, line 4, by inserting after the words
 3 "property or" the following: "an".
 4 2. Page 1, lines 10 and 11, by striking the words
 5 "of this section" and inserting the following: "of
 6 this section".
 7 3. Page 1, by striking lines 17 through 21 and
 8 inserting the following: "The portion of taxes
 9 mentioned in subsection 2 of this section may be
 10 pledged to pay the indebtedness of a municipality for
 11 a water supply and distribution system outside of the
 12 urban renewal area and the transfer is approved by
 13 each of the local taxing jurisdictions affected by the
 14 transfer.
 15 Sec. 3. This Act is repealed effective December
 16 31, 1988.
 17 Sec. 4. This Act, being deemed of immediate
 18 importance, takes effect upon enactment."
 19 4. Title page, line 2, by striking the words
 20 "sale or other use" and inserting the following:
 21 "transfer".
 22 5. Title page, line 3, by inserting after the
 23 word "purposes" the following: "and providing an
 24 effective date".

JOHN JENSEN

S-5482

- 1 Amend Senate File 2314 as follows:
 2 1. Page 34, by inserting before line 18 the

3 following:

4 "Sec. ____ . The legislative council shall cause an
5 audit to be made of moneys appropriated to the state
6 department of transportation. There is appropriated
7 from the primary road fund such moneys as necessary
8 for making this audit."

C. JOSEPH COLEMAN

S-5483

1 Amend Senate File 2314 as follows:

2 1. Page 19, by striking lines 20 through 27.

LEE HOLT

S-5484

1 Amend House File 2283, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 10, by inserting after the figure
4 "172C.1" the following: "or to a family farm
5 corporation, family trust, or family farm limited
6 partnership".

7 2. Page 3, line 11, by inserting after the word
8 "owner," the following: "family farm corporation,
9 family trust, or family farm limited partnership".

10 3. Page 3, line 15, by inserting after the word
11 "owner" the following: "family farm corporation,
12 family trust, or family farm limited partnership".

AL STURGEON

S-5485

1 Amend Senate File 2314 as follows:

2 1. Page 2, by striking lines 15 and 16, and
3 inserting the following:

4 "Sec. 5. Notwithstanding section 384.15,
5 subsection 7, paragraph "b", there is appropriated
6 from the unencumbered and unobligated funds remaining
7 in the law enforcement training reimbursement fund on
8 June 30, 1988, to the department of public".

RICHARD VANDE HOEF
ALVIN MILLER

S-5486

- 1 Amend Senate File 2251 as follows:
 2 1. Page 1, by inserting after line 22 the
 3 following:
 4 “Certificated employees discharged for the purpose
 5 of reductions in force or for other cause shall follow
 6 the provisions for staff reduction procedures or
 7 discipline and discharge, as applicable, that are
 8 provided in their collective bargaining agreement.
 9 Discharged certificated employees who do not have
 10 collective bargaining agreements which address staff
 11 reduction procedures or discipline and discharge shall
 12 follow the termination procedures provided under
 13 sections 279.13 through 279.19, and section 279.27.
 14 For the purposes of this section, the term
 15 “certificated employee” means a teacher who is
 16 certified under chapter 260.”

EDGAR H. HOLDEN

S-5487

- 1 Amend Senate File 2314 as follows:
 2 1. Page 14, by striking lines 1 through 3 and
 3 inserting the following:
 4 “The state department of transportation shall
 5 complete the Greenfield field facility by June 30,
 6 1991.”

DONALD GETTINGS

S-5488

- 1 Amend Senate File 2314 as follows:
 2 1. Page 25, by striking lines 7 through 10 and
 3 inserting the following: “impose a fee of two dollars
 4 for each operating record viewed in excess of twenty-
 5 five in any one calendar day. The director shall
 6 transfer the moneys”.

WILLIAM D. PALMER
JOE J. WELSH

S-5489

- 1 Amend Senate File 2314 as follows:
2 1. Page 17, line 15, by striking the word
3 "twelve" and inserting the following: "eight".

BERL E. PRIEBE

S-5490

- 1 Amend Senate File 2314 as follows:
2 1. By striking page 9, line 23 through page 10,
3 line 12.
4 2. Page 11, line 8, by striking the words "five
5 point" and inserting the following: "thirty-one
6 point".
7 3. Page 11, line 10, by striking the figure
8 "14,356,250" and inserting the following:
9 "15,156,250".
10 4. By striking page 16, line 9 through page 17,
11 line 11.
12 5. Page 17, by inserting before line 12 the
13 following:
14 "Sec. ____ . Section 307.37, Code 1987, is amended
15 to read as follows:
16 307.37 MOTOR VEHICLE FRAUD AND ODOMETER LAW
17 ENFORCEMENT.
18 The department shall investigate and prosecute
19 violators of the laws concerning motor vehicle fraud
20 including, but not limited to, the state and federal
21 odometer law. The department shall refer available
22 evidence concerning a possible violation of the laws
23 concerning motor vehicle fraud including, but not
24 limited to, section 321.71 or the federal odometer law
25 or a rule or order issued under section 321.71 or the
26 federal odometer law, to the attorney general. The
27 attorney general, with or without the referral, may
28 institute appropriate criminal proceedings or may
29 direct the case to the appropriate county attorney to
30 institute appropriate criminal proceedings. The
31 attorney general may use those funds available to the
32 department for this purpose and law enforcement
33 agencies may be reimbursed for expenses incurred in
34 the enforcement of the state and federal odometer
35 those laws, rules, or orders with the approval of the
36 attorney general and concurrence by the department."
37 6. Page 19, by striking line 12 and inserting the
38 following: "state department of transportation from

39 the road”.

40 7. By striking page 20, line 3 through page 23,
41 line 28.

42 8. Page 24, line 3, by striking the words “and
43 enforce” and inserting the following: “and enforce”.

44 9. By striking page 26, line 4 through page 30,
45 line 1.

46 10. By striking page 33, line 27, through page
47 34, line 17.

WILLIAM DIELEMAN

S-5491

1 Amend Senate File 2314 as follows:

2 1. Page 10, line 31, by striking the word “fifty-
3 two” and inserting the following: “forty-eight”.

4 2. Page 10, line 33, by striking the figure
5 “3,068,632” and inserting the following: “2,934,438”.

6 3. Page 11, line 35, by striking the words “three
7 hundred one” and inserting the following: “two
8 hundred eighty-seven”.

9 4. Page 12, line 2, by striking the figure
10 “18,802,617” and inserting the following:
11 “18,075,395”.

RICHARD VANDE HOEF
C. JOSEPH COLEMAN

S-5492

1 Amend Senate File 2314 as follows:

2 1. Page 24, by striking lines 29 through 34 and
3 inserting the following: “or court officials. The
4 director shall transfer one-fifth of the moneys
5 collected under this section to the treasurer of state
6 to be credited to the abstract fee fund created under
7 section 321A.3A.”

8 2. Page 25, by striking lines 10 and 11 and
9 inserting the following: “calendar day.”

RICHARD DRAKE

S-5493

1 Amend Senate File 2314 as follows:

2 1. Page 24, by striking lines 29 through 34 and

3 inserting the following: "or court officials. The
 4 director shall transfer one-fifth of the moneys
 5 collected under this section to the treasurer of state
 6 to be credited to the abstract fee fund created under
 7 section 321A.3A."

RICHARD DRAKE

S-5494

1 Amend Senate File 2314 as follows:
 2 1. Page 33, line 10, by inserting after the word
 3 "government" the following: "receiving appropriations
 4 under this Act".

JOE WELSH

S-5495

1 Amend Senate File 2314 as follows:
 2 1. By striking page 9, line 23 through page 10,
 3 line 12.
 4 2. Page 11, line 8, by striking the word "five
 5 point" and inserting the following: "thirty-one
 6 point".
 7 3. Page 11, line 10, by striking the figure
 8 "14,356,250" and inserting the following:
 9 "15,156,250".
 10 4. By striking page 16, line 9 through page 17,
 11 line 11.
 12 5. Page 17, by inserting before line 12 the
 13 following:
 14 "Sec. ____ . Section 307.37, Code 1987, is amended
 15 to read as follows:
 16 307.37 MOTOR VEHICLE FRAUD AND ODOMETER LAW
 17 ENFORCEMENT.
 18 The department shall investigate and prosecute
 19 violators of the laws concerning motor vehicle fraud
 20 including, but not limited to, the state and federal
 21 odometer law. The department shall refer available
 22 evidence concerning a possible violation of the laws
 23 concerning motor vehicle fraud including, but not
 24 limited to, section 321.71 or the federal odometer law
 25 or a rule or order issued under section 321.71 or the
 26 federal odometer law, to the attorney general. The
 27 attorney general, with or without the referral, may
 28 institute appropriate criminal proceedings or may
 29 direct the case to the appropriate county attorney to

30 institute appropriate criminal proceedings. The
 31 attorney general may use those funds available to the
 32 department for this purpose and law enforcement
 33 agencies may be reimbursed for expenses incurred in
 34 the enforcement of ~~the state and federal odometer~~
 35 those laws, rules, or orders with the approval of the
 36 attorney general and concurrence by the department.”
 37 6. Page 19, by striking line 12 and inserting the
 38 following: “state department of transportation from
 39 the road”.
 40 7. By striking page 20, line 3 through page 23,
 41 line 28.
 42 8. Page 24, line 3, by striking the words “and
 43 enforce” and inserting the following: “and enforce”.
 44 9. By striking page 26, line 4 through page 30,
 45 line 1.
 46 10. Page 33, by striking lines 3 and 4 and
 47 inserting the following: “the state department of
 48 transportation. The state department of
 49 transportation and the department of public safety
 50 shall cooperate with the legislative fiscal bureau in

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1 providing information required by the legislative
 2 fiscal bureau in the program evaluation. The”.
 3 11. By striking page 33, line 27, through page
 4 34, line 17.
 5 12. Title page, by striking lines 8 through 10
 6 and inserting the following: “public safety, and
 7 providing effective”.

JOE WELSH

S-5496

1 Amend House File 2444, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page, 10, by inserting after line 32, the
 4 following:
 5 “Sec. ____ . The Code editor shall change all
 6 references to the “real estate examining board” to
 7 read “real estate commission”, to conform with
 8 amendments in this Act to section 117.8.”
 9 2. Page 21, by inserting after line 11, the
 10 following:
 11 “Sec. ____ . Section 117.8, Code 1987, is amended to
 12 read as follows:
 13 117.8 REAL ESTATE ~~EXAMINING BOARD~~ COMMISSION

14 CREATED -- STAFF.

15 A real estate ~~examining board~~ commission is created
16 within the professional licensing and regulation
17 division of the department of commerce. The ~~board~~
18 commission consists of three members licensed under
19 this chapter and two members not licensed under this
20 chapter and who shall represent the general public.
21 At least one of the licensed members shall be a
22 licensed real estate salesperson, except that if the
23 licensed real estate salesperson becomes a licensed
24 real estate broker during a term of office, that
25 person may complete the term, but is not eligible for
26 reappointment on the ~~board~~ commission as a licensed
27 real estate salesperson. A licensed member shall be
28 actively engaged in the real estate business and shall
29 have been so engaged for five years preceding the
30 appointment, the last two of which shall have been in
31 Iowa. Professional associations or societies of real
32 estate brokers or real estate salespersons may
33 recommend the names of potential ~~board~~ commission
34 members to the governor. However, the governor is not
35 bound by their recommendations. A ~~board~~ commission
36 member shall not be required to be a member of any
37 professional association or society composed of real
38 estate brokers or salespersons. ~~Board~~ Commission
39 members shall be appointed by the governor subject to
40 confirmation by the senate. Appointments shall be for
41 three-year terms and shall commence and end as
42 provided in section 69.19. A member shall serve no
43 more than three terms or nine years, whichever is
44 less. No more than one member shall be appointed from
45 a county. A ~~board~~ commission member shall not hold
46 any other elective or appointive state or federal
47 office. Vacancies shall be filled for the unexpired
48 term by appointment of the governor and are subject to
49 senate confirmation. A majority of the ~~board~~
50 commission members constitutes a quorum. The

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1 administrator of the professional licensing and
2 regulation division shall hire and provide staff to
3 assist the ~~board~~ commission with implementing this
4 chapter.”

KENNETH SCOTT

S-5497

1 Amend the House amendment, S-5447, to Senate File
2 2196, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 6, by striking lines 28 through 31 and
5 inserting the following: "nineteen and one-half cents
6 per gallon for the period beginning April 1, 1988, and
7 ending December 31, 1988, and twenty and one-half
8 cents per gallon for the period beginning January 1,
9 1989, and ending June 30, 1989, and twenty-one and
10 one-half cents per gallon for the period beginning
11 July 1, 1989, and ending December 31, 1989, and
12 twenty-two and one-half cents per gallon beginning
13 January 1, 1990. On all other special fuel the per".

EDGAR H. HOLDEN
WILLIAM D. PALMER
RAY TAYLOR
JIM LIND

S-5498

1 Amend Senate File 2240 as follows:

2 1. Page 6, by inserting after line 14 the
3 following:

4 "Sec. . NEW SECTION. 549.11 TEMPORARY
5 EXEMPTION FOR GENERAL CONTRACTORS.

6 1. A general contractor is exempt from the
7 provisions of this chapter until January 1, 1990.
8 2. It is the intent of the general assembly that
9 beginning January 1, 1990, all general contractors
10 must comply with state requirements for licensure or
11 certification.

12 3. The legislative council shall establish a
13 committee on licensure or certification of general
14 contractors, which shall develop and report to the
15 Seventy-third General Assembly proposed legislation to
16 require the licensure or certification of general
17 contractors. The study shall include but need not be
18 limited to the following:

19 a. Establishment of a state board for the
20 licensure or certification of general contractors.
21 b. Criteria for licensure or certification of
22 general contractors.
23 c. Requirements for continuing education for
24 general contractors.
25 d. Establishment of a warranty program whereby new
26 construction by a general contractor is subject to a
27 ten-year warranty.
28 e. Provisions for dealing with the bankruptcy or

29 other financial failure of a general contractor,
30 including a provision for license revocation and a
31 requirement that there be a waiting period before a
32 general contractor or a principal in the business of a
33 general contractor may again be licensed.

34 The committee shall include, in addition to
35 legislative members, the following:

36 (1) Four representatives selected by the Iowa
37 building and construction trades council.

38 (2) Two representatives selected by the associated
39 general contractors of Iowa.

40 (3) Two representatives of the master builders of
41 Iowa.

42 (4) Two representatives of the home builders of
43 Iowa.

44 4. As used in this section, "general contractor"
45 means a contractor whose business operations require
46 the use of more than two unrelated building trades or
47 crafts whose work the contractor shall superintend or
48 do in whole or in part."

49 2. Title page, line 12, by inserting after the
50 word "group;" the following: "providing an exemption

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1 for general contractors and requiring a study;"

2 3. By renumbering as necessary.

JAMES RIORDAN

S-5499

1 Amend House File 578 as passed by the House as
2 follows:

3 1. Page 1, by striking lines 18 through 32 and
4 inserting the following:

5 "3. The owner of a motor vehicle which is
6 registered under subsection 1, may display a
7 registration plate from or representing the model year
8 of the motor vehicle, furnished by the person, in lieu
9 of a current and valid Iowa registration plate issued
10 to the vehicle, provided that any replaced current and
11 valid Iowa registration plate and the registration
12 card issued to the vehicle are simultaneously carried

13 within the vehicle and are available for inspection to
14 any peace officer upon the officer's request."

JEAN LLOYD-JONES

S-5500

1 Amend Senate File 2191 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 9A.1 TITLE.
5 This chapter shall be known as the "Athletes'
6 Agents Registration Act".
7 Sec. 2. NEW SECTION. 9A.2 LEGISLATIVE FINDINGS.
8 The general assembly declares that this state has
9 an interest in regulating persons who seek to
10 represent athletes attending institutions of higher
11 education in this state in obtaining employment with
12 professional sports teams. Regulation of athletes'
13 agents is necessary to protect the interest of the
14 athletes, the athletic programs of institutions of
15 higher education in this state, and the public.
16 Sec. 3. NEW SECTION. 9A.3 DEFINITIONS.
17 As used in this chapter, unless the context
18 otherwise requires:
19 1. "Athlete" means a person who is a student
20 athlete or an eligible student athlete and who
21 participates or is engaged in discussions which may
22 reasonably be expected to result in the person's
23 participation in professional sporting events or with
24 a professional sports team.
25 2. "Athletes' agent" or "agent" means a person who
26 directly or indirectly recruits or solicits an athlete
27 to enter into an agency contract with that person or
28 for a fee procures, offers, promises, or attempts to
29 obtain employment for an athlete with a professional
30 sports team.
31 3. "Agency contract" means a professional sport
32 services contract or an agreement under which an
33 athlete authorizes an agent to negotiate with or
34 solicit on behalf of the athlete with one or more
35 professional sports teams for the employment of the
36 athlete with one or more professional sports teams.
37 4. "Student athlete" means a student enrolled in
38 an institution of higher education who resides in this
39 state and who is not an eligible student athlete.
40 5. "Eligible student athlete" means a student
41 enrolled in an institution of higher education located

42 in this state who is eligible to participate, in a
43 particular sport, in intercollegiate sports contests
44 as a member of a sports team at an institution of
45 higher education located in this state pursuant to the
46 rules for eligibility established by or adhered to by
47 the institution.

48 Sec. 4. NEW SECTION. 9A.4 EMPLOYMENT UNDER
49 PROFESSIONAL SPORTS CONTRACT.

50 Execution by an athlete of a personal service

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1 contract with the owner or prospective owner of a
2 professional sports team for the purpose of future
3 athletic services constitutes employment with a
4 professional sports team.

5 Sec. 5. NEW SECTION. 9A.5 ATHLETES' AGENT
6 REGISTRATION.

7 An athletes' agent desiring to represent an
8 eligible student athlete or student athlete shall
9 register with the secretary of state. The agent shall
10 apply for registration or renewal of registration on
11 forms prescribed by the secretary of state. The
12 application shall contain the following information:

13 1. Name of the applicant and address of the
14 applicant's principal place of business.

15 2. Business or occupation engaged in by the
16 applicant for the five years immediately preceding the
17 date of application.

18 3. Applicant's educational background, including
19 names and locations of schools, dates of attendance,
20 degrees or courses taken, transcripts, and faculty
21 references.

22 4. Names and addresses of five professional
23 references.

24 5. Names and addresses of all persons, except bona
25 fide employees on stated salaries, who are financially
26 interested as partners, associates, or profit sharers
27 in the operation of the business of the agent, except
28 that an application for registration or renewal by an
29 attorney admitted to practice in the courts of this
30 state shall state only the names and addresses of
31 those persons who are involved in the activities of
32 the applicant as an agent and is not required to state
33 the names and addresses of all persons who may be
34 financially interested as members of a law firm or
35 professional corporation but who do not become
36 involved in the business of the agent.

37 6. Names and addresses of all persons who will or
38 may contact a student athlete or an eligible student

39 athlete, whether within or outside the state, for the
40 purpose of recommending the agent or inducing the
41 student athlete or eligible student athlete to enter
42 into an agency contract with the agent.
43 Upon receipt of an application for registration,
44 the secretary of state shall evaluate and investigate
45 the education, training, experience, and character of
46 the applicant.
47 The registration shall be valid for a period of one
48 year beginning July 1 of each year. The initial
49 registration shall be valid until June 30 following
50 the date of the registration. Renewal of the

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1 registration may be made by filing an application for
2 renewal and a renewal bond pursuant to section 9A.6
3 with the secretary of state.

4 To offset the expenses incurred by the secretary of
5 state in administering this chapter, an annual filing
6 fee of two hundred fifty dollars shall be paid by the
7 agent. The fee and any other funds received under
8 this chapter shall be credited to the general fund of
9 the state.

10 **Sec. 6. NEW SECTION. 9A.6 REGISTRATION --**
11 **SURETY.**

12 An agent shall file with the secretary of state,
13 before the issuance or renewal of a registration
14 certificate, a surety bond in the sum of twenty-five
15 thousand dollars. The surety bond shall be payable to
16 the state and shall be conditioned that the agent will
17 comply with this chapter, will pay all amounts due to
18 any individual or group of individuals when the agent
19 or the athletes' agent's representative or agent has
20 received such amounts, and will pay all damages caused
21 to any person by reason of intentional misstatement,
22 misrepresentation, fraud, or deceit or any unlawful or
23 negligent acts or omissions by the agent or the
24 agent's representative or employee while acting within
25 the scope of employment. This section does not limit
26 the recovery of damages to the amount of the surety
27 bond.

28 If a registrant fails to file a new bond with the
29 secretary of state before the expiration of the
30 thirtieth day after the date of receipt of notice of
31 cancellation by the surety of the bond, the
32 registration issued to the agent shall be suspended
33 until a new surety bond is filed.

34 **Sec. 7. NEW SECTION. 9A.7 PROHIBITED ACTS PRIOR**
35 **TO REGISTRATION.**

36 In addition to the prohibited acts enumerated in
37 section 9A.10, a person who is not registered with the
38 secretary of state as an athletes' agent shall not do
39 any of the following:

40 1. Solicit, negotiate, or enter into an agency
41 contract with an eligible student athlete.
42 2. Solicit, negotiate, or enter into an agency
43 contract with a student athlete if the student athlete
44 has never signed a contract of employment with a
45 professional sports team.

46 Sec. 8. NEW SECTION. 9A.8 HEARING --
47 REGISTRATION REVOCATION OR SUSPENSION.

48 Upon notice and after a hearing, the secretary of
49 state may deny, suspend, or revoke an athletes'
50 agent's registration upon a showing by a preponderance

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1 of the evidence that there has been a material
2 violation of this chapter or any rule adopted pursuant
3 to this chapter. The suspension or revocation of an
4 agent's registration may be appealed.

5 Sec. 9. NEW SECTION. 9A.9 AGENCY CONTRACT.

6 1. An agency contract to be entered into by a
7 registered agent and a student athlete who has not
8 previously signed a contract of employment with a
9 professional sports team shall be on a form approved
10 by the secretary of state. Approval of the form shall
11 not be withheld unless the proposed form is unfair,
12 unjust, or oppressive to the student athlete. If the
13 form of the contract is in compliance with any players
14 association form contract, the contract shall be
15 approved by the secretary of state.

16 2. The agency contract shall have printed on the
17 face of the contract in bold print the following:
18 "The agent is registered with the secretary of state.
19 Registration does not imply approval or endorsement by
20 the secretary of state of the specific terms and
21 conditions of this contract or competence of the
22 agent. You have the right to terminate this contract
23 within five calendar days after it is signed. You may
24 jeopardize your standing as a student athlete by
25 entering into this contract under the rules for
26 eligibility established by or adhered to by your
27 institution of higher education."

28 3. A registered agent shall file with the
29 secretary of state a schedule of fees chargeable and
30 collectible from a student athlete who has not
31 previously signed a contract of employment with a
32 professional sports team and shall file a description

33 of the various professional services to be rendered in
34 return for each fee. The agent may impose charges
35 only in accordance with the fee schedule. Changes in
36 the fee schedule may be made from time to time, except
37 that a change shall not become effective until the
38 seventh day after the date the change is filed with
39 the secretary of state.

40 4. If a professional sport services contract is
41 negotiated by a registered agent for a student athlete
42 who has not previously signed a contract of employment
43 with a professional sports team, the registered agent
44 shall not collect in any calendar year for the agent's
45 services in negotiating the contract a fee that
46 exceeds ten percent of all payments that the athlete
47 will receive under the contract in that calendar year.

48 Sec. 10. NEW SECTION. 9A.10 PROHIBITED ACTS OF
49 ATHLETES' AGENT.

50 An athletes' agent shall not do any of the

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1 following:

2 1. Knowingly publish or cause to be published any
3 false, fraudulent, or misleading information,
4 representation, notice, or advertisement.

5 2. Knowingly give false information or make a
6 false promise or representation to any person
7 concerning employment.

8 3. Divide fees with or receive compensation from a
9 professional sports league or franchise or its
10 representative or employee.

11 4. Enter into an agreement, written or oral, by
12 which the agent offers anything of value, including
13 the rendition of free or reduced-price legal services,
14 to a person not employed by the agent on a full-time
15 basis, including an employee of an institution of
16 higher education located in this state, in return for
17 the referral of clients by that person.

18 5. Offer anything of value, excluding reasonable
19 entertainment expenses and transportation expenses to
20 and from the agent's registered principal place of
21 business, to induce a student athlete who has not
22 previously signed a contract of employment with a
23 professional sports team, to enter into an agency
24 contract, written or oral, by which the agent will
25 represent the student athlete.

26 6. Until after completion of the student athlete's
27 last intercollegiate contest, including postseason
28 games, except as provided in section 9A.11:

29 a. Solicit, negotiate, or enter into a contract

30 with an eligible student athlete or student athlete to
31 discuss the agent's representation of the eligible
32 student athlete or student athlete in the marketing of
33 the eligible student athlete's or student athlete's
34 athletic ability or reputation.

35 b. Enter into an agreement, written or oral, by
36 which the agent will represent the eligible student
37 athlete or student athlete.

38 c. Pay money, give anything of value, or loan
39 money or other property to an eligible student athlete
40 or student athlete.

41 d. Enter into an agreement before the eligible
42 student athlete's or student athlete's last
43 intercollegiate contest that purports to take effect
44 at a time after the contest is completed.

45 Sec. 11. NEW SECTION. 9A.11 INTERVIEWS
46 SANCTIONED BY INSTITUTIONS OF HIGHER EDUCATION.

47 If an institution of higher education located in
48 this state elects to sponsor athletes' agent
49 interviews on its campus before the student athlete's
50 eligibility is completed, a registered athletes' agent

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1 may arrange an interview with the eligible student
2 athlete to discuss the registered agent's
3 representation of the eligible student athlete in the
4 marketing of the eligible student athlete's athletic
5 ability or reputation. The registered agent shall
6 strictly adhere to the specific rules of each separate
7 electing institution with regard to the time, place,
8 and duration of the agent interviews. The interviews
9 shall be conducted only with eligible student athletes
10 who are in their final year of eligibility during a
11 period not to exceed ten consecutive days.

12 Sec. 12. NEW SECTION. 9A.12 PENALTIES.

13 1. An athletes' agent who violates this chapter is
14 subject to all of the following:

15 a. Forfeiture of any right of repayment of
16 anything of value received by a student athlete as an
17 inducement to enter into an agency contract or
18 received by an eligible student athlete or student
19 athlete before completion of the eligible student
20 athlete's or student athlete's last intercollegiate
21 contest.

22 b. A refund of any consideration paid to the
23 athletes' agent on the eligible student athlete's or
24 student athlete's behalf.

25 c. Payment of reasonable attorney's fees and court
26 costs incurred by an eligible student athlete or

27 student athlete in suing an agent for a violation of
28 this chapter.

29 2. An agency contract that is negotiated by an
30 athletes' agent who has committed a violation of this
31 chapter in connection with the contract is voidable at
32 the option of the eligible student athlete or student
33 athlete.

34 3. An athletes' agent or other person who violates
35 this chapter is guilty of a serious misdemeanor.

36 Sec. 13. NEW SECTION. 9A.13 REPORTING
37 REQUIREMENTS.

38 A registered athletes' agent shall keep records
39 required by and filed annually with the secretary of
40 state. The records shall contain the following
41 information:

42 1. The name and address of each person employing
43 the agent, the amount of fees received from the
44 person, and the specific services performed on behalf
45 of the person.

46 2. Travel and entertainment expenditures incurred
47 by the agent including all of the following:

- 48 a. Nature of the expenditure.
- 49 b. Dollar amount of the expenditure.
- 50 c. Purpose of the expenditure.

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1 d. Date and place of the expenditure.

2 e. Person on whose behalf the expenditure was
3 made.

4 Sec. 14. NEW SECTION. 9A.14 RULES.

5 The secretary of state shall adopt rules, pursuant
6 to chapter 17A, necessary to administer this chapter.

7 Sec. 15. NEW SECTION. 262.34A ATHLETIC
8 COMPENSATION POLICY.

9 The state board of regents shall urge the national
10 collegiate athletic association to adopt rules to
11 permit the compensation of collegiate athletes. The
12 state board of regents shall investigate, review, and
13 adopt a policy permitting the compensation of
14 collegiate athletes, who are enrolled in any of the
15 universities under its control and participating in a
16 university-sponsored athletic program, by the
17 university, alumni, or other interested persons.
18 "Compensation" includes, but is not limited to,
19 scholarships, available financial awards or resources,
20 motor vehicles, real or personal property, or anything
21 of value. The state board shall provide the policy to
22 the presidents, athletic directors, and departments of
23 athletics of the universities under its control. The

24 state board shall review, update, and reissue the
25 policy annually. However, the state board shall delay
26 implementation of the policy until the national
27 collegiate athletic association adopts a similar
28 policy permitting compensation of athletes.

29 Sec. 16. NEW SECTION. 722.11 STUDENT ATHLETE
30 PROHIBITIONS.

31 1. As used in this section:

32 a. "Immediate family member" means a spouse,
33 child, stepchild, parent, stepparent, grandparent,
34 grandchild, brother, sister, parent-in-law, brother-
35 in-law, sister-in-law, nephew, niece, aunt, uncle, or
36 first cousin, or guardian of a person named in this
37 paragraph.

38 b. "Institution of higher education" means an
39 institution of higher education under the control of
40 the state board of regents, a merged area school, or a
41 private college or university located in this state.

42 c. "Student athlete" means a person who engages
43 in, is eligible to engage in, or may be eligible to
44 engage in an intercollegiate sporting event, contest,
45 exhibition, or program. The term includes a person
46 who has applied, is eligible to apply, or who may be
47 eligible to apply in the future to an institution of
48 higher education.

49 2. PROHIBITIONS.

50 a. Except as provided in paragraphs "c" and "d", a

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1 person shall not give, offer, promise, or attempt to
2 give money or any other thing of value to a student
3 athlete or immediate family member of a student
4 athlete for either of the following purposes:

5 (1) To induce, encourage, or reward the student
6 athlete's application, enrollment, or attendance at an
7 institution of higher education in order to have the
8 student athlete participate in intercollegiate
9 sporting events, contests, exhibitions, or programs at
10 that institution.

11 (2) To induce, encourage, or reward the student
12 athlete's participation in an intercollegiate sporting
13 event, contest, exhibition, or program.

14 b. A person shall not aid or abet an act described
15 in paragraph "a".

16 c. As used in this subsection, "person" does not
17 include any of the following:

18 (1) An institution of higher education or any of
19 its officers or employees if the institution, officer,
20 or employee is acting in accordance with an official

21 written policy of the institution.
 22 (2) An immediate family member of the student
 23 athlete.
 24 d. An intercollegiate athletic award approved or
 25 administered by the institution of higher education
 26 that the student athlete attends is not an inducement,
 27 encouragement, or reward under paragraph "a".
 28 e. A person who engages in conduct knowing or
 29 having reason to know that the conduct violates this
 30 subsection commits an aggravated misdemeanor.
 31 3. PROHIBITIONS FOR STUDENT ATHLETES.
 32 a. Except as provided in paragraph "b", a student
 33 athlete or immediate family member of the student
 34 athlete, shall not solicit or accept money or anything
 35 of value for any of the purposes described in
 36 subsection 2, paragraph "a". A person shall not aid
 37 or abet an act described in this paragraph.
 38 b. This subsection does not apply to money or
 39 other things of value that a student athlete receives
 40 from any of the following:
 41 (1) An institution of higher education, its
 42 officers, or employees if the institution, officer, or
 43 employee offered money or other thing of value in
 44 accordance with an official written policy of the
 45 institution or if the thing of value is an
 46 intercollegiate athletic award approved or
 47 administered by that institution.
 48 (2) An immediate family member of the student
 49 athlete.
 50 c. A person who engages in conduct knowing or

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1 having reason to know that the conduct violates this
 2 subsection commits a serious misdemeanor.
 3 Sec. 17. The board of athletics for each insti-
 4 tution governed by the state board of regents shall
 5 adopt a policy for the activities regulated pursuant
 6 to chapter 9A and communicate that policy to the
 7 national collegiate athletic association by January 1,
 8 1989."

RICHARD VARN

S-5501

1 Amend amendment S-5498 to Senate File 2240 as
 2 follows:

3 1. Page 1, line 17, by striking the word "shall"
4 and inserting the following: "may".

CALVIN O. HULTMAN

S-5502

1 Amend Senate File 2285 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 307.37, Code 1987, is amended
5 to read as follows:

6 307.37 MOTOR VEHICLE FRAUD AND ODOMETER LAW
7 ENFORCEMENT.

8 The department shall investigate and prosecute
9 violators of the laws concerning motor vehicle fraud
10 including, but not limited to, the state and federal
11 odometer law. The department shall refer available
12 evidence concerning a possible violation of the laws
13 concerning motor vehicle fraud including, but not
14 limited to, section 321.71 or the federal odometer law
15 or a rule or order issued under section 321.71 or the
16 federal odometer law, to the attorney general. The
17 attorney general, with or without the referral, may
18 institute appropriate criminal proceedings or may
19 direct the case to the appropriate county attorney to
20 institute appropriate criminal proceedings. The
21 attorney general may use those funds available to the
22 department of justice for this purpose and law
23 enforcement agencies may be reimbursed for expenses
24 incurred in the enforcement of the state and federal
25 odometer those laws, rules, or orders with the
26 approval of the attorney general and concurrence by
27 the department.

28 Sec. 2. Section 312.2, subsection 15, Code
29 Supplement 1987, is amended to read as follows:

30 15. The treasurer of state, before making the
31 allotments provided for in this section, shall credit
32 annually to the ~~state~~ department of ~~transportation~~
33 justice from the road use tax fund an amount equal to
34 twenty-five cents on each title issuance for motor
35 vehicle fraud law enforcement and prosecution purposes
36 including, but not limited to, the enforcement of
37 state and federal odometer law enforcement purposes
38 laws. This subsection is effective for the fiscal
39 period beginning July 1, 1984 and ending June 30,
40 1989.

41 Sec. 3. Section 321.24, unnumbered paragraph 3,
42 Code Supplement 1987, is amended to read as follows:

43 The certificate of title shall contain upon its
44 face the identical information required upon the face
45 of the registration receipt. In addition, the

46 certificate of title shall contain a statement of the
47 owner's title, the amount of tax paid pursuant to
48 section 423.7, the name and address of the previous
49 owner, and a statement of all security interests and
50 encumbrances as shown in the application, upon the

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1 vehicle described, including the nature of the
2 security interest, date of notation, and name and
3 address of the secured party. If the prior
4 certificate of title was a salvage, rebuilt, or
5 junking certificate of title in any other state, or if
6 the prior certificate of title in any other state
7 indicates that the vehicle was salvaged, rebuilt, or
8 junked, the new certificate of title shall contain the
9 same information together with the name of the state
10 issuing the prior salvage, rebuilt, or junking
11 certificate of title and a salvage, rebuilt, or
12 junking designation together with the name of the
13 state issuing the prior salvage, rebuilt, or junking
14 certificate of title shall be retained on all
15 subsequent Iowa certificates of title for the vehicle,
16 except as provided in section 321.52. In the event a
17 vehicle which previously had a salvage certificate of
18 title from another state is repaired and a regular
19 certificate of title is to be issued for it pursuant
20 to section 321.52 without the designation rebuilt, the
21 regular certificate of title shall indicate the state
22 which had issued the prior salvage certificate of
23 title in the same location in which Iowa certificates
24 of title show the designation salvage or rebuilt, in
25 addition to the name and address of the previous
26 owner, in lieu of the salvage designation. The name
27 of the state which had issued the prior salvage
28 certificate of title shall remain in that location on
29 every Iowa certificate of title issued thereafter for
30 the vehicle. The department shall adopt rules to
31 determine how other states' designations are to be
32 indicated on Iowa titles. The certificate shall bear
33 the seal of the county treasurer or of the department,
34 and the signature of the county treasurer, the deputy
35 county treasurer, or the department director or deputy
36 designee. The certificate shall provide space for the
37 signature of the owner. The owner shall sign the
38 certificate of title in the space provided with pen
39 and ink upon its receipt. The certificate of title
40 shall contain upon the reverse side a form for
41 assignment of title or interest and warranty by the
42 owner, for reassignments by a licensed dealer, and for

43 application for a new certificate of title by the
44 transferee as provided in this chapter. However,
45 titles for mobile homes shall not be reassigned by
46 licensed dealers. All certificates of title shall be
47 typewritten or printed by other mechanical means.
48 Sec. 4. Section 321.52, subsection 4, unnumbered
49 paragraph 1, Code 1987, is amended to read as follows:
50 a. A vehicle rebuilder or a motor vehicle dealer

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1 licensed under chapter 322, upon acquisition of a
2 wrecked or salvage vehicle, shall surrender the
3 certificate of title and registration receipt or
4 manufacturer's or importer's statement of origin
5 properly assigned, together with an application for a
6 salvage certificate of title to the county treasurer
7 of the county of residence of the purchaser or
8 transferee within fourteen days after the date of
9 assignment of the certificate of title for the wrecked
10 or salvage motor vehicle. This subsection applies
11 only to vehicles with a fair market value of five
12 hundred dollars or more, based on the value before the
13 vehicle became wrecked or salvage. Upon payment of a
14 fee of two dollars, the county treasurer shall issue a
15 salvage certificate of title which shall bear the word
16 "SALVAGE" stamped or printed on the face of the title
17 in bold letters and coded in a manner prescribed by
18 the department. A salvage certificate of title may be
19 assigned to any person. ~~Notwithstanding any other~~
20 ~~provisions in this section a~~ A vehicle on which
21 ownership has transferred to an insurer of the
22 vehicle, as a result of a settlement with the owner of
23 the vehicle arising out of damage to, or unrecovered
24 theft of the vehicle, shall be deemed to be a wrecked
25 or salvage vehicle and the insurer shall comply with
26 this subsection to obtain a salvage certificate of
27 title within fourteen days after the date of
28 assignment of the certificate of title of the vehicle.
29 However, a vehicle that has major damage to four or
30 more component parts as defined in paragraph "b" shall
31 receive a junking certificate of title and shall not
32 thereafter be granted a regular certificate of title.
33 Sec. 5. Section 321.52, subsection 4, unnumbered
34 paragraph 2, Code 1987, is amended by striking the
35 unnumbered paragraph and inserting in lieu thereof the
36 following lettered paragraphs, and lettering the
37 existing paragraphs of the subsection:
38 b. When a wrecked or salvaged vehicle has been
39 repaired, the owner may apply for a regular

40 certificate of title by paying the appropriate fees
41 and surrendering the salvage certificate of title and
42 a properly executed salvage theft examination
43 certificate. The county treasurer shall issue a
44 regular certificate of title which, commencing
45 September 1, 1988, if the wrecked or salvaged vehicle
46 is five model years old or less, shall bear the word
47 "REBUILT" stamped or printed on the face of the title.
48 The rebuilt designation shall be included on every
49 Iowa certificate of title issued thereafter for the
50 vehicle. However, if ownership of a stolen vehicle

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1 has been transferred to an insurer organized under the
2 laws of this state or admitted to do business in this
3 state, or if the transfer was the result of a
4 settlement with the owner of the vehicle arising from
5 damage to or the unrecovered theft of the vehicle, and
6 if the insurer certifies to the county treasurer on a
7 form approved by the department that the cost of
8 repairs to all damage to the vehicle is less than
9 three thousand dollars, the county treasurer shall
10 issue the regular certificate of title without the
11 rebuilt designation. The county treasurer shall issue
12 a regular certificate of title without the "REBUILT"
13 designation if, before repairs are made, a component
14 parts review has been conducted by a peace officer
15 authorized to do so by the state department of
16 transportation showing that the vehicle does not have
17 component part damage. The component parts review
18 shall be conducted in accordance with rules adopted by
19 the department. For the purpose of this section, a
20 wrecked or salvaged vehicle shall be considered to
21 have component part damage if there is major damage
22 requiring repairs or replacement of more than two of
23 the vehicle's component parts. A "component part"
24 means the rear clip, cowl, frame, or inner structure
25 forward of the cowl, body, cab, front end assembly,
26 front clip, or such other parts which are critical to
27 the safety of the vehicle as determined by rules
28 adopted by the department. The owner shall pay a fee
29 of thirty-five dollars upon the completion of the
30 prerepair component parts review. The peace officer
31 conducting the review shall maintain a record of the
32 review and shall forward a copy of the review to the
33 department. The department shall maintain a record of
34 all reviews. If a vehicle does not have component
35 damage as determined in this subsection, the officer
36 conducting the review shall issue a certificate to the

37 owner to that effect. The certificate shall be
38 surrendered to the county treasurer at the time of
39 application for a regular certificate of title and the
40 treasurer shall forward the certificate to the
41 department.

42 c. A salvage theft examination shall be made by a
43 peace officer who has been specially certified and
44 recertified when required by the Iowa law enforcement
45 academy to do salvage theft examinations. The Iowa
46 law enforcement academy shall determine standards for
47 training and certification, conduct training, and may
48 approve alternative training programs which satisfy
49 the academy's standards for training and
50 certification. The owner of the salvage vehicle shall

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1 make the vehicle available for examination at a time
2 and location designated by the peace officer doing the
3 examination. The owner may obtain a permit to drive
4 the vehicle to and from the examination location by
5 submitting a repair affidavit to the agency performing
6 the examination stating that the vehicle is reasonably
7 safe for operation and listing the repairs which have
8 been made to the vehicle. The owner must be present
9 for the examination and have available for inspection
10 the salvage title, bills of sale for all essential
11 parts changed, and the repair affidavit. The
12 examination shall be for the purposes of determining
13 whether the vehicle or repair components have been
14 stolen. The examination is not a safety inspection
15 and a signed salvage theft examination certificate
16 shall not be construed by any court of law to be a
17 certification that the vehicle is safe to be operated.
18 There shall be no cause of action against the peace
19 officer or the agency conducting the examination or
20 the county treasurer for failure to discover or note
21 safety defects. If the vehicle passes the theft
22 examination, the peace officer shall indicate that the
23 vehicle passed examination on the salvage theft
24 examination certificate and, with regard to a vehicle
25 which is required to bear the word "REBUILT" stamped
26 or printed on the face of the title, shall permanently
27 identify the vehicle as "rebuilt" on the driver's door
28 jamb or other area on the vehicle as designated by the
29 department. A removal or alteration of this rebuilt
30 identification is a violation of section 321.92. The
31 repair affidavit, permit, and salvage theft
32 examination certificate shall be on controlled forms
33 prescribed and furnished by the department. The owner

34 shall pay a fee of thirty dollars upon completion of
 35 the examination. The agency performing the
 36 examinations shall retain twenty dollars of the fee
 37 and shall pay five dollars of the fee to the
 38 department and five dollars of the fee to the Iowa law
 39 enforcement academy to provide for the special
 40 training, certification, and recertification of
 41 officers as required by this subsection.
 42 The provision of this subsection requiring a
 43 salvage theft examination by a peace officer specially
 44 certified or recertified by the Iowa law enforcement
 45 academy to do salvage theft examinations shall become
 46 effective July 1, 1989. Salvage theft examinations
 47 conducted before July 1, 1989, shall be made by peace
 48 officers authorized to do so by the state department
 49 of transportation or the department of public safety
 50 who are qualified, as determined by those agencies, to

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1 conduct salvage theft examinations. The state
 2 department of transportation shall adopt rules in
 3 accordance with chapter 17A to carry out this section,
 4 including transition rules allowing for salvage theft
 5 examinations prior to July 1, 1989.
 6 Sec. 6. Section 321.52, subsection 4, unnumbered
 7 paragraph 3, Code 1987, is amended to read as follows:
 8 d. For purposes of this subsection a "wrecked or
 9 salvage vehicle" means a damaged vehicle subject to
 10 registration and having a gross vehicle weight rating
 11 of less than thirty thousand pounds, for which the
 12 cost of repair exceeds fifty percent of the fair
 13 market value of the vehicle, as determined in
 14 accordance with rules adopted by the department,
 15 before it became damaged.
 16 Sec. 7. Section 321.92, Code 1987, is amended to
 17 read as follows:
 18 321.92 ALTERING OR CHANGING NUMBERS.
 19 1. FRAUDULENT INTENT. No person shall with
 20 fraudulent intent, deface, destroy, or alter the
 21 vehicle identification number or component part number
 22 or other distinguishing number or identification mark
 23 of a vehicle or component part, including a rebuilt
 24 identification, nor shall any a person place or stamp
 25 any a serial, engine, or other number or mark upon a
 26 vehicle or component part, except one assigned thereto
 27 by the department. Any A violation of this provision
 28 is a felony punishable as provided in section 321.483.
 29 This subsection ~~shall~~ does not prohibit the
 30 restoration of an original vehicle identification

31 number, component part number, or other number or mark
32 when ~~such~~ the restoration is made by the department,
33 nor prevent ~~any~~ a manufacturer from placing, in the
34 ordinary course of business, numbers or marks upon
35 vehicles or component parts.

36 2. VEHICLES WITHOUT IDENTIFICATION NUMBERS. ~~Any~~ A
37 person who knowingly buys, receives, disposes of,
38 sells, offers for sale, or has in the person's
39 possession ~~any~~ a vehicle, or ~~any~~ a component part of a
40 vehicle, from which the vehicle identification number,
41 rebuilt identification, or component part number has
42 been removed, defaced, covered, altered, or destroyed
43 for the purpose of concealing or misrepresenting the
44 identity of the vehicle or component part is guilty of
45 a simple misdemeanor.

46 Sec. 8. Section 321H.3, unnumbered paragraph 1,
47 Code 1987, is amended to read as follows:

48 Except for educational institutions, people
49 licensed as new ~~or used~~ vehicle dealers under chapter
50 322, people engaged in a hobby not for profit, people

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1 engaged in the business of purchasing bodies, parts of
2 bodies, frames or component parts of vehicles only for
3 sale as scrap metal or a person licensed under the
4 provisions of this chapter as an authorized vehicle
5 recycler, a person in this state shall not engage in
6 the business of:

7 Sec. 9. The state department of transportation
8 shall adopt rules which allow authorized vehicle
9 recyclers, as defined in chapter 321H, to meet the
10 definition of transporter, as defined in chapter 321,
11 so that transporter plates may be issued for
12 authorized vehicle recyclers."

JOE J. WELSH
JOHN W. JENSEN
KENNETH D. SCOTT
EMIL J. HUSAK
JIM LIND
RICHARD J. VANDE HOEF
DONALD E. GETTINGS
C. JOSEPH COLEMAN
WALLY E. HORN
LEE HOLT
BERL E. PRIEBE
RICHARD F. DRAKE

S-5503

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 19, by striking lines 12 through 14, and
4 inserting the following: "division of job service
5 shall make available via telephone a list of recent
6 job openings listed with the division in the area
7 served by each district office, provided that".

JOHN A. PETERSON

S-5504

1 Amend Senate File 2175 as follows:
2 1. Page 1, by striking lines 1 through 26.
3 2. Page 2, by inserting after line 8 the
4 following:
5 "A failure of the party having custody, or joint
6 custody with physical care, to comply with the
7 provisions of the decree constitutes grounds for
8 sanctions under the decree. The court shall impose,
9 after consideration of the facts, one of the following
10 sanctions:
11 a. One day of compensatory parental or visitation
12 time for each day denied.
13 b. Modification of existing requirements
14 increasing visitation time.
15 c. Modification of decree from sole custody to
16 joint custody.
17 d. Modification of decree with respect to the
18 person having physical custody if joint custody has
19 been previously ordered.
20 e. Modification of decree relating to the person
21 having sole custody.
22 Additionally, the court may tax reasonable attorney
23 fees against the offending party.
24 NEW SUBSECTION. 8. The court may impose sanctions
25 or specific requirements to enforce a joint custody
26 order against a party who excludes another party from
27 decisions affecting the child, as set forth in
28 subsection 5, in violation of the joint custody
29 order."

WALLY HORN

S-5505

- 1 Amend House File 2257 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 8 through 11.

RAY TAYLOR

S-5506

- 1 Amend House File 2326 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 5, by striking lines 6 through 9 and
- 4 inserting the following:
- 5 "NEW SUBSECTION. 10. No foreign association shall
- 6 open or operate a branch office in this state unless
- 7 an association or federal association with its
- 8 principal place of business in this state was
- 9 previously merged into the foreign association in a
- 10 merger as defined in section 534.511, subsection 1.
- 11 This subsection is repealed effective July 1, 1991."

COMMITTEE ON COMMERCE
WILLIAM PALMER, Chairperson

S-5507

- 1 Amend House File 2387 as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "~~therefore.~~" the following: "However, construction of
- 5 a telegraph or telephone line or cable system along a
- 6 primary road is subject to rules adopted by the state
- 7 department of transportation."

COMMITTEE ON COMMERCE
WILLIAM PALMER, Chairperson

S-5508

- 1 Amend House File 2319 as passed by the House as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 524.1202, subsection 3, Code
- 6 1987, is amended to read as follows:
- 7 3. Notwithstanding subsection 1, if the assets of
- 8 a state or national bank in existence on January 1,
- 9 1985 1988 are transferred to a different state or

10 national bank in the state which is located in the
11 same county or a county contiguous to or cornering
12 upon the county in which the principal place of
13 business of the acquired bank is located, the
14 resulting or acquiring bank may convert to and operate
15 as its bank office any one or more of the business
16 locations occupied as the principal place of business
17 or as a bank office of the bank whose assets are so
18 acquired. The limitations on bank office locations
19 contained in unnumbered paragraph 1 of this section,
20 and the limitation on the number of bank offices
21 within the municipality or urban complex of the
22 resulting or acquiring bank contained in subsection 2
23 shall be applicable to any bank office otherwise
24 authorized by this subsection, except that if the
25 transfer of assets of a state or national bank to a
26 different state or national bank in the state causes
27 the resulting or acquiring bank to violate the
28 limitation contained in subsection 2 on the number of
29 bank offices within the municipality or urban complex,
30 the resulting or acquiring bank, subject to the
31 approval of the superintendent, has six months from
32 the final date of transfer to divest itself of, or
33 close, sufficient bank offices to comply with
34 subsection 2. A bank office established under the
35 authority of this subsection is subject to the
36 approval of the superintendent, shall be operated in
37 accordance with this chapter relating to the operation
38 of bank offices, and may be augmented by an integral
39 facility when approved under subsection 2, paragraph
40 "d."

41 2. Page 1, by inserting after line 6, the
42 following:

43 "Sec. ____ . Section 527.4, subsection 3, paragraph
44 a, subparagraph 5, Code Supplement 1987, is amended to
45 read as follows:

46 (5) At any retail sales location in this state if
47 ~~any~~ all of the following apply:

48 (a) The satellite terminal is not designed,
49 configured, or operated to accept deposits or to
50 dispense ~~script~~ scrip or other negotiable instruments.

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1 (b) The satellite terminal is not designed,
2 configured, or operated to dispense cash except when
3 operated by the retailer as part of a retail sales
4 transaction.

5 (c) The satellite terminal is utilized for the
6 purpose of making payment to the retailer for goods or

- 7 services purchased at the location of the satellite
8 terminal.
- 9 (d) The financial institution controls a satellite
10 terminal described under subparagraph ~~part~~ subdivision
11 (c) at a location of the retailer established pursuant
12 to subparagraph (1), (2), (3), or (4).”
- 13 3. Title page, by striking line 1, and by
14 inserting the following: “An Act relating to banking
15 by permitting excess bank offices of a resulting or
16 acquiring bank to remain open for a transition period,
17 by excluding Saturday as a banking day, and by
18 subjecting electronic funds satellite terminals at
19 retail sales locations to certain conditions.”
- 20 4. By renumbering as necessary.

COMMITTEE ON COMMERCE
WILLIAM PALMER, Chairperson

S-5509

- 1 Amend Senate File 2125 as follows:
2 1. Page 1, by striking line 5 and inserting the
3 following: “landfill service to the residents of more
4 than twenty counties.”

WILLIAM W. DIELEMAN

S—5510

- 1 Amend Senate File 2125 as follows:
2 1. Page 1, by striking lines 8 through 10.
3 2. By renumbering sections.
4 3. Title page, line 2, by striking the words
5 “providing for the Act’s retroactive applicability.”

WILLIAM W. DIELEMAN

S-5511

- 1 Amend Senate File 2125 as follows:
2 1. Page 1, by striking lines 11 and 12.
3 2. Title page, lines 2 and 3, by striking the
4 words “, and providing an effective date”.

WILLIAM W. DIELEMAN

S-5512

- 1 Amend House File 2443 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 5, lines 31 and 32, by striking the words
- 4 "including three personnel management specialists".

WILLIAM DIELEMAN
EMIL HUSAK

S-5513

- 1 Amend Senate File 2125 as follows:
- 2 1. Page 1, line 3, by striking the words "city,
- 3 county, or".

EDGAR H. HOLDEN

S-5514

- 1 Amend House File 2412 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "department" and inserting words "commissioner of
- 5 public safety".
- 6 2. Page 1, line 10, by striking the words "of 10
- 7 or more" and inserting the words "greater than a level
- 8 set by rule of the commissioner of public safety".
- 9 3. Page 1, line 10, by inserting before the word
- 10 "The" the words "The commissioner of public safety
- 11 shall adopt rules to approve certain ignition
- 12 interlock devices and the means of installation of the
- 13 devices, and shall establish the level of alcohol
- 14 concentration beyond which an ignition interlock
- 15 device will not allow operation of the motor vehicle
- 16 in which it is installed."
- 17 4. Page 4, by inserting after line 5 the
- 18 following:
- 19 "Sec. ____ . Section 907.8, Code 1987, is amended by
- 20 adding the following new unnumbered paragraph:
- 21 NEW UNNUMBERED PARAGRAPH. If the court orders the
- 22 defendant committed to the custody of the judicial
- 23 district department of correctional services for
- 24 placement in a residential facility as a condition of
- 25 the defendant's probation, and if space at the

26 facility is not immediately available, the court may
27 require that the defendant be confined in a county
28 jail, with the cost of confinement to be reimbursed by
29 the judicial district department of correctional
30 services, for a period of time not to exceed thirty
31 days and only until space is available at the
32 residential facility.”
33 5. Renumber as necessary.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-5515

1 Amend House File 645 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 22 through 25 and
4 inserting the following:
5 “a. A telephone or telegraph instrument,
6 equipment, or facility, or any component of it which
7 is either of the following:
8 (1) Furnished to the subscriber or user by a
9 communication common carrier in the ordinary course of
10 its business and being used by the subscriber or user
11 in the ordinary course of its business.
12 (2) Being used by a communication common carrier
13 in the ordinary course of its business, or by an
14 investigative or law enforcement officer in the
15 ordinary course of the officer’s duties.”
16 2. Page 1, line 30, by inserting after the word
17 “subdivisions” the following: “or of the United
18 States”.
19 3. Page 1, line 35, by striking the words
20 “safety, division of” and inserting the following:
21 “safety”.
22 4. Page 2, line 1, by striking the words
23 “criminal investigation”.
24 5. Page 3, by striking lines 4 through 16 and
25 inserting the following:
26 “2. a. It is not unlawful under this chapter for
27 an operator of a switchboard, or an officer, employee,
28 or agent of a communication common carrier, whose
29 facilities are used in the transmission of a wire
30 communication, to intercept, disclose, or use that
31 communication in the normal course of employment while
32 engaged in an activity which is a necessary incident
33 to the rendition of service or to the protection of
34 the rights or property of the carrier of the
35 communication. However, communication common carriers

36 shall not use service observing or random monitoring
37 except for mechanical or service quality control
38 checks.”

39 6. Page 5, by striking lines 23 and 24 and
40 inserting the following: “tion, and the approval of
41 the administrator of a division of the department of
42 public safety under whose command the special state
43 agent making the application is operating or”.

44 7. Page 8, line 13, by inserting after the word
45 “days.” the following: “The thirty-day period shall
46 commence on the date specified in the order upon which
47 the commencement of the interception is authorized or
48 approved, or ten days after the day the order is
49 entered, whichever is earlier.”

50 8. Page 14, line 17, by striking the figure

Page 2

1 “1992” and inserting the following: “1993”.

COMMITTEE ON JUDICIARY
DONALD V. DOYLE, Chairperson

S-5516

1 Amend amendment S-5502 to Senate File 2285 as
2 follows:

3 1. Page 4, line 24, by striking the word “frame,”
4 and inserting the following: “frame”.

JOHN W. JENSEN
JOE J. WELSH

S-5517

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:

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

5 “Sec. 100. There is appropriated from the road use
6 tax fund to the department of inspections and appeals
7 for the fiscal year beginning July 1, 1987, and ending
8 June 30, 1988, the following amount, or so much
9 thereof as is necessary, for the purposes designated:
10 For salary adjustments:

11 \$ 24,124”.

12 2. Page 22, by inserting after line 20, the
13 following:

- 14 "Sec. ____ . Section 100 of this Act, being deemed
15 of immediate importance, is effective upon enactment."
16 3. By renumbering as necessary.

JOHN A. PETERSON

S-5518

- 1 Amend Senate File 2255 as follows:
2 1. By striking page 1, line 22 through page 3,
3 line 7.
4 2. Title page, by striking lines 1 through 4 and
5 inserting the following: "An Act relating to the
6 dispensing of prescription drugs."

LARRY MURPHY

S-5519

- 1 Amend House File 2113, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 12, by inserting after the word
4 "choice" the following: "or offer to transmit the
5 prescription to a pharmacy of the patient's choice".

LARRY MURPHY

S-5520

- 1 Amend Senate File 2071 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 28.131 TITLE OF ACT.
5 This division shall be known and may be cited as
6 the "Iowa Business Development Finance Act".
7 Sec. 2. NEW SECTION. 28.132 DEFINITIONS.
8 As used in this division, unless the context
9 otherwise requires, the term:
10 1. "Corporation" means the business development
11 finance corporation organized pursuant to this
12 division and for the purpose of assisting businesses
13 in any phase of business or product development in the
14 state of Iowa by the loaning of money to and investing
15 money in the business, and otherwise organizing for
16 the purposes in section 28.133.
17 2. "Financial institution" means a bank, trust
18 company, savings and loan association, insurance

19 company or related corporation, partnership,
 20 foundation or other institution licensed to do
 21 business in the state of Iowa and engaged primarily in
 22 lending or investing funds or any private or public
 23 retirement fund.

24 3. "Member" means a financial institution which
 25 has been accepted for membership in the corporation in
 26 accordance with section 28.137.

27 4. "Board" means the board of directors of the
 28 corporation constituted under section 28.143 in office
 29 from time to time.

30 5. "Public director" means a member of the board
 31 representing the state of Iowa.

32 6. "Private director" means a member of the board
 33 representing the shareholders of the corporation.

34 7. "Department" means the Iowa department of
 35 economic development or any agency which succeeds to
 36 the functions of the Iowa department of economic
 37 development.

38 8. "Business" means a business which meets the
 39 United States small business administration's
 40 definition of small business for that type of
 41 business, except a business whose primary activity is
 42 retail sales.

43 Sec. 3. NEW SECTION. 28.133 PURPOSES.

44 The purposes of the corporation shall be limited to
 45 those provided in this section and shall be to
 46 promote, stimulate, develop and advance business
 47 prosperity of the state of Iowa and its citizens; to
 48 encourage and assist through loans, investments, or
 49 other business transactions, the location of new
 50 businesses in the state; to rehabilitate and assist

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1 existing businesses in this state; to stimulate and
 2 assist in the expansion of any kind of business
 3 activity which would tend to promote business
 4 development and maintain the economic stability of
 5 this state, provide maximum opportunities for
 6 employment, encourage thrift, and improve the standard
 7 of living of the citizens of this state; to co-operate
 8 and act in conjunction with other organizations,
 9 public or private, in the promotion and advancement of
 10 business development in this state; and to provide
 11 financing for the promotion, development, and conduct
 12 of all kinds of business activity in this state, in
 13 situations in which assistance would not otherwise be
 14 reasonably available from commercial sources.
 15 This division being necessary for the welfare of

16 this state and its inhabitants, shall be liberally
17 construed to effect its purposes.
18 Sec. 4. NEW SECTION. 28.134 POWERS.
19 The corporation shall, subject to the restrictions
20 and limits contained in this division, have the
21 following powers:
22 1. To provide letters of credit or guarantees to
23 businesses for any phase of product or business
24 development, not to exceed thirty percent of the total
25 loan amount.
26 2. To provide equity financing to businesses for
27 any phase of business or product development.
28 3. To provide loans for businesses in any phase of
29 product or business development when serviced by an
30 Iowa financial institution.
31 4. To underwrite the public offering of shares by
32 businesses.
33 5. To request, as a condition of participation or
34 assistance, royalty, equity ownership, or fees, as it
35 determines appropriate, for its assistance.
36 6. To make contracts and incur liabilities for any
37 of the purposes of the corporation.
38 7. To borrow money and to issue its bonds,
39 debentures, notes or other evidences of indebtedness,
40 whether secured or unsecured, and when necessary to
41 secure the same by mortgage, pledge, deed of trust, or
42 other lien on its property, franchises, rights and
43 privileges of every kind and nature, or any part
44 thereof or interest therein, without securing
45 shareholder approval.
46 8. To do all acts and things necessary or
47 convenient to carry out the powers expressly granted
48 in this division and such other powers not in conflict
49 with this division granted under chapter 496A.
50 9. To enter into lending arrangements with state

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1 and federal agencies or instrumentalities whereby the
2 corporation may participate in lending operations or
3 secure guarantees or qualify under applicable laws to
4 further state or federal lending programs by becoming
5 a participant therein.
6 10. To accept broker deposits from financial
7 institutions.
8 11. To use not more than five percent of its funds
9 for management assistance.
10 Sec. 5. NEW SECTION. 28.135 STOCK --
11 LIMITATIONS.
12 Capital stock shall be issued only on receipt by

13 the corporation of cash in an amount not less than the
14 par value as may be determined by the board. A
15 shareholder of the corporation shall not be entitled
16 as of right to purchase or subscribe for any unissued
17 or treasury shares of the corporation, and the
18 shareholder shall not be entitled as of right to
19 purchase or subscribe for any bonds, notes,
20 certificates of indebtedness, debentures, or other
21 obligations convertible into shares of the
22 corporation.

23 Sec. 6. NEW SECTION. 28.136 STOCKHOLDERS
24 PRIVILEGES.

25 Notwithstanding any rule at common law or any
26 provision of any general or special law or any
27 provision in their respective articles of
28 incorporation, agreements of association, or trust
29 indentures; a person is authorized to acquire,
30 purchase, hold, sell, assign, transfer, mortgage,
31 pledge or otherwise dispose of any bond, security or
32 other evidences of indebtedness created by, or the
33 shares of the capital stock of, the corporation, and
34 while owners of said shares to exercise all the
35 rights, powers and privileges of ownership, including
36 the right to vote thereon, all without the approval of
37 any regulatory agency of this state.

38 Sec. 7. NEW SECTION. 28.137 CORPORATION
39 MEMBERSHIP.

40 1. A financial institution is authorized to become
41 a member of the corporation and to make loans to the
42 corporation.

43 2. A financial institution may request membership
44 in the corporation by making application to the board
45 on forms and in the manner as the board may require
46 and membership shall become effective upon acceptance
47 of the application by the board.

48 3. Each financial institution which becomes a
49 member of the corporation is authorized to acquire,
50 purchase, hold, sell, assign, mortgage, pledge, or

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1 otherwise dispose of, bonds, securities or other
2 evidences of indebtedness created by, or the shares of
3 the capital stock of, the corporation, of which it is
4 a member and while owners of such shares to exercise
5 all rights, powers and privileges of ownership,
6 including the right to vote thereon, all without the
7 approval of any regulatory agency of this state. The
8 amount of capital stock of the corporation which a
9 member is authorized to acquire is in addition to the

10 amount of capital stock in other corporations which
11 the member may otherwise be authorized to acquire.
12 Sec. 8. NEW SECTION. 28.138 ELIGIBILITY TO
13 PARTICIPATE.

14 A financial institution is not eligible to receive
15 benefits from the corporation unless it becomes a
16 shareholder, a member, or both. If, as determined by
17 the president of the corporation, there is an
18 insufficient number of eligible financial institutions
19 to ensure reasonable access by businesses to
20 assistance by the corporation, the board may designate
21 additional eligible financial institutions.

22 Sec. 9. NEW SECTION. 28.139 LOAN TO THE
23 CORPORATION BY MEMBERS.

24 Each member of the corporation may make loans to
25 the corporation as and when called upon by the
26 corporation to do so on terms and conditions as shall
27 be approved from time to time by the board subject to
28 the following:

29 1. All loan limits shall be established at the
30 thousand dollar amount nearest the amount computed in
31 accordance with this section.

32 2. A loan to the corporation shall not be made if
33 immediately thereafter the total amount of the
34 obligations of the corporation calling for the loan
35 would exceed ten times the amount then paid in on the
36 outstanding capital stock of the corporation.

37 3. The total amount outstanding at any one time on
38 loans to the corporation made by a member of the
39 corporation when added to the amount of the investment
40 in the capital stock of the corporation and held by
41 the member, shall not exceed the lesser of:

42 a. Twenty percent of the total amount then
43 outstanding on loans to the corporation by all
44 members, including in that total amount outstanding
45 amounts validly called for loan but not yet loaned.

46 b. The limit, to be determined as of the time the
47 member becomes a member, on the basis of the audited
48 balance sheet of the member at the close of its fiscal
49 year immediately preceding its application for
50 membership, as follows:

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1 (1) Banks and trust companies -- five percent of
2 the paid-in capital, surplus, and undivided profits.

3 (2) Savings and loan associations -- two percent
4 of the general reserve account, surplus and undivided
5 profits.

6 (3) Stock life insurance companies -- one percent

7 of capital and unassigned surplus.

8 (4) Mutual life insurance companies -- one percent
9 of the unassigned surplus.

10 (5) All other insurance companies -- one-tenth of
11 one percent of the assets.

12 (6) Other financial institutions -- such limits as
13 may be approved by the board of the business
14 development finance corporation.

15 4. Each call for loan shall be prorated among the
16 members in substantially the same proportion that the
17 adjusted loan limit of each member bears to the
18 aggregate of the adjusted loan limits of all members.
19 The adjusted loan limit of a member shall be the
20 amount of the member's loan limit, reduced by the
21 balance of outstanding obligations of the corporation
22 to the member and the investment in capital stock of
23 the corporation held by the member at the time of the
24 call.

25 5. All loans to the corporation by a member shall
26 be evidenced by registered bonds, debentures, notes,
27 or other evidences of indebtedness of the corporation,
28 which shall be freely transferable by the registered
29 holder thereof on the books of the corporation.

30 Sec. 10. NEW SECTION. 28.140 DURATION OF
31 MEMBERSHIP.

32 Membership in the corporation shall be for the
33 duration of the corporation. However, upon written
34 notice given to the corporation five years in advance
35 a member may withdraw from membership in the
36 corporation at the expiration date of the notice. A
37 financial institution may at any time withdraw from
38 membership without such notice in the event of its
39 merger with another financial institution, after
40 commencement of proceedings for voluntary or
41 involuntary dissolution, receivership, or
42 reorganization pursuant to or by operation of federal
43 or state law or in the event of conversion from a
44 state financial institution to a federal financial
45 institution or the reverse. If there shall be a
46 legislative amendment of this division affecting the
47 rights and obligations of the members and shareholders
48 or otherwise affecting the articles of incorporation
49 of the corporation which shall not have been approved
50 by the public and private directors within the time

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1 set forth and in the manner provided in this division,
2 a member may immediately withdraw from membership upon
3 giving written notice to the corporation not later

4 than ninety days from the effective date of the
5 amendment. A member shall not be obligated to make
6 loans to the corporation pursuant to calls made
7 subsequent to the withdrawal of the member from the
8 corporation.

9 Sec. 11. NEW SECTION. 28.141 POWERS OF
10 SHAREHOLDERS.

11 The shareholders of the corporation shall have the
12 following powers of the corporation:

13 1. Those powers granted in chapter 496A which are
14 not inconsistent with this division.

15 2. To elect the private directors as provided in
16 this division.

17 3. To exercise other powers of the corporation as
18 may be conferred on the shareholders by the bylaws.

19 As to all matters requiring action by the
20 shareholders of the corporation, except as may be
21 otherwise provided in this division, approval of the
22 matters shall require the affirmative vote of a
23 majority of the votes to which the shareholders
24 present or represented at the meeting are entitled.

25 Each shareholder shall have one vote, in person or by
26 proxy, for each share of capital stock held by the
27 shareholder.

28 Sec. 12. NEW SECTION. 28.142 ARTICLES AMENDED.

29 The articles of incorporation of the corporation
30 may be amended by a majority vote of both the public
31 and private directors. An amendment shall not be made
32 which is inconsistent with this division, authorizes
33 an additional class or classes of shares of capital
34 stock, or eliminates or curtails the authority of the
35 department with respect to the corporation. Without
36 the consent of each of the members affected, an
37 amendment shall not be made which increases the
38 obligation of a member to make loans to the
39 corporation; makes any change in the principal amount,
40 interest rate, maturity date, or in the security or
41 credit position of an outstanding loan of a member to
42 the corporation; affects a member's right to withdraw
43 from membership, as provided in this division; or
44 affects a member's voting rights, if the member is a
45 shareholder, in the corporation. Within thirty days
46 after a meeting at which amendment of the articles has
47 been adopted, articles of amendment signed and sworn
48 to by the president, secretary, and majority of the
49 directors, setting forth the amendment and the due
50 adoption of them, shall be submitted to the director

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1 of the department who shall examine them, and if the
2 director finds that they conform to the requirements
3 of this division, shall certify and endorse the
4 director's approval of them. Thereupon, the articles
5 of amendment shall be filed in the office of the
6 secretary of state in the manner set forth and as
7 provided in chapter 496A and the amendment shall not
8 take effect until the articles of amendment shall have
9 been approved and filed as provided in this section.

10 Within sixty days after the effective date of a
11 legislative amendment affecting the rights and
12 obligations of the members and shareholders or
13 otherwise affecting the articles of incorporation, the
14 approval of the legislative amendment shall be voted
15 on by the public and private directors of the
16 corporation at a meeting duly called for that purpose.
17 Within thirty days after any meeting at which a
18 legislative amendment affecting the articles of
19 incorporation of the corporation has been voted on, a
20 certificate filed and sworn to by the secretary or
21 other recording officer of the corporation setting
22 forth the action taken at the meeting with respect to
23 the amendment shall be submitted to the director of
24 the department and upon receipt of the approval shall
25 be filed in the office of the secretary of state.

26 Sec. 13. NEW SECTION. 28.143 BOARD OF DIRECTORS.

27 1. The board shall consist of twelve directors,
28 seven of which represent the public and five of which
29 represent the shareholders. The seven public
30 directors consist of:

- 31 a. The director of the department.
- 32 b. The director of the Iowa finance authority.
- 33 c. The president of the Iowa product development
34 corporation.
- 35 d. The superintendent of banking.
- 36 e. The superintendent of savings and loans.
- 37 f. The commissioner of insurance.
- 38 g. The treasurer of state.

39 2. The director of the department shall serve as
40 chairperson of the board and the president of the Iowa
41 product development corporation shall serve as vice
42 chairperson of the board.

43 3. Within sixty days of the effective date of this
44 division, the chairperson shall convene the public
45 directors for the purpose of organizing the
46 corporation under chapter 496A.

47 4. Within sixty days of the completion of the
48 initial stock offering, the chairperson shall convene

49 a meeting of the shareholders for the purpose of the
50 initial election of the private directors. The

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1 private directors hold office until the next annual
2 meeting of the corporation or special meeting held in
3 lieu of the annual meeting after their election, and
4 until their successors are elected and qualify unless
5 sooner removed in accordance with the bylaws. A
6 vacancy in the office of a director elected by the
7 shareholders shall be filled by the other directors
8 elected by the shareholders.

9 5. If stock is not issued and private directors
10 are not elected, all powers of the board shall be
11 exercised by the public directors.

12 Notwithstanding any provisions of law to the
13 contrary, officers and directors of insurance
14 companies and other financial institutions may be
15 members of the board of the corporation organized for
16 the purposes of this division to which the insurance
17 company or other financial institution may make a loan
18 or may make an investment.

19 Sec. 14. NEW SECTION. 28.144 PRESIDENT OF THE
20 CORPORATION.

21 The president of the corporation shall be the
22 director of the division of finance of the department.
23 Administrative and staff support shall be furnished by
24 the division of finance of the department.

25 Sec. 15. NEW SECTION. 28.145 APPLICATIONS FOR
26 FINANCIAL ASSISTANCE.

27 1. Applications for financial assistance shall be
28 forwarded by a business in conjunction with an
29 eligible financial institution or by a city, county,
30 or local community economic development corporation on
31 behalf of a business, together with an application fee
32 prescribed by the corporation, to the president of the
33 corporation. The president, after preparing the
34 necessary records for the corporation, shall forward
35 each application to the staff of the corporation for
36 an investigation and report concerning the
37 advisability of approving the financial assistance for
38 the business and concerning any other factors found
39 relevant by the corporation. The investigation and
40 report shall include information as deemed necessary
41 by the president.

42 2. Criteria for assistance shall be developed by
43 the president with approval of the board and
44 consistent with the strategic plan for state economic
45 growth prepared by the Iowa economic development

46 board.

47 3. The president shall award assistance in
48 consultation with the board upon review and rating of
49 each application by the staff of the corporation.

50 4. Appeals of the president's decisions concerning

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1 awards of assistance shall be heard by the board.

2 However, the president's decision cannot be reversed

3 except by a majority vote of the directors.

4 Sec. 16. NEW SECTION. 28.146 EARNED SURPLUS SET
5 ASIDE.

6 Net earnings and surplus shall be determined by the
7 board, after providing for the reserves as the

8 directors deem desirable, and the directors'

9 determination made in good faith shall be conclusive

10 on all persons.

11 Sec. 17. NEW SECTION. 28.147 REPORTS TO GOVERNOR
12 AND GENERAL ASSEMBLY.

13 The corporation shall submit annually a record of

14 its operations and condition to the governor and

15 general assembly. The department may request the

16 superintendent of banking to examine the condition of

17 the corporation and submit a report to the department,

18 copies of which shall also be sent to the governor and

19 general assembly.

20 Sec. 18. NEW SECTION. 28.148 STATE ASSISTANCE
21 FUND.

22 There is created in the treasurer of state's office

23 a "business development finance corporation assistance

24 fund". The fund shall consist of all appropriations,

25 grants, or gifts received by the treasurer

26 specifically for assistance under this division.

27 Moneys in this fund are appropriated to the

28 corporation for the purposes stated in this division.

29 Sec. 19. The Code editor shall codify new sections

30 28.131 through 28.148 as a separate division of

31 chapter 28."

32 2. Title page, line 1, by inserting after the
33 word "of" the following: "the".

34 3. Title page, line 2, by striking the word

35 "corporations" and inserting the following:

36 "corporation".

37 4. Title page, by striking lines 5 and 6 and

38 inserting the following: "offerings, and creating a
39 state assistance fund."

LEONARD BOSWELL

S-5521

1 Amend the Committee amendment, S-5426, to House
2 File 2192, as passed by the House, as follows:
3 1. Page 1, by striking line 29 and inserting the
4 following: "demonstrations.
5 3. A vessel which has a valid marine document
6 issued by the United States coast guard and the vessel
7 bears the identification required in the document."

EDGAR H. HOLDEN

S-5522

1 Amend House File 2443 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 5, line 30, by striking the word "forty-
4 one" and inserting the following: "thirty-seven".
5 2. Page 5, lines 31 and 32, by striking the words
6 "including three personnel management specialists".
7 3. Page 5, line 33, by striking the figure
8 "1,854,534" and inserting the following: "1,693,743".
9 4. Page 12, by inserting after line 9 the
10 following:
11 "Sec. ____ . The legislative council shall create an
12 interim study committee to review the validation and
13 implementation of the inmate classification system and
14 risk assessment program. The interim study committee
15 shall be composed of legislative members including the
16 chairpersons, vice-chairpersons, and ranking members
17 of the Senate standing committee on judiciary and the
18 House of Representatives standing committee on
19 judiciary and law enforcement. The interim study
20 committee shall review the impact of the
21 classification system on the availability of minimum,
22 medium, and maximum security beds and related issues.
23 The interim study committee is authorized to invite
24 individuals to testify before the committee concerning
25 the issues studied. The interim study committee is
26 also authorized to visit the adult correctional
27 institutions to determine the physical condition of

28 buildings utilized at the institutions.”

29 5. Renumber as necessary.

COMMITTEE ON APPROPRIATIONS

JOE J. WELSH, Chairperson

S-5523

1 Amend House File 2440, as passed by the House, as
2 follows:

3 1. Page 2, line 10, by striking the word
4 “nineteen” and inserting the following: “twenty-
5 three”.

6 2. Title page, line 3, by inserting after the
7 word “resources” the following: “, and providing for
8 an increase in certain fees.”

COMMITTEE ON APPROPRIATIONS

JOE WELSH, Chairperson

S-5524

1 Amend House File 2061 as passed by the House as
2 follows:

3 1. Page 1, line 6, by inserting after the word
4 “resident” the following: “or property owner”.

5 2. Page 1, line 31, by inserting after the word
6 “residents” the following: “or property owners”.

7 3. Title page, line 2, by inserting after the
8 word “resident” the following: “or property owners”.

JEAN LLOYD-JONES

S-5525

1 Amend Senate File 2277 as follows:

2 1. Page 1, line 20, by inserting after the figure
3 “h,” the following: “and the violation occurred on
4 or after January 1, 1988.”.

5 2. Page 2, line 2, by inserting after the figure
6 “h,” the following: “which occurred on or after
7 January 1, 1988.”.

JOE J. WELSH

S-5526

1 Amend House File 529, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 17, by inserting after the word
4 "statute," the following: "rule."
5 2. Page 3, by inserting after line 27 the
6 following:
7 " ____ . The state department of transportation may,
8 in accordance with chapter 17A, provide for exemption
9 from the application of subsection 1 for the
10 activities related to highway maintenance, highway
11 design and construction, publication and distribution
12 of transportation maps, state aircraft pool
13 operations, inventory sales to other state agencies
14 and political subdivisions, equipment management and
15 disposal, vehicle maintenance and repair services for
16 other state agencies, and other similar essential
17 operations."
18 3. Page 4, line 32, by inserting after the word
19 "may" the following: ", after pursuing remedies
20 offered by chapter 17A,".
21 4. Page 5, line 5, by striking the words "This
22 section is" and inserting the following: "Chapter 17A
23 and this section are".

ROBERT M. CARR
RICHARD DRAKE

S-5527

1 Amend House File 2170, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 26, by striking the figure "4"
4 and inserting the following: "5".

COMMITTEE ON STATE GOVERNMENT
ROBERT M. CARR, Chairperson

S-5528

1 Amend House File 2406, as amended, passed, and
2 reprinted, by the House, as follows:
3 1. Page 1, line 5, by inserting after the figure
4 "22.7." the following: "pursuant to an
5 investigation".
6 2. Page 1, lines 13 and 14, by striking the words
7 "as described in section 22.7.".
8 3. Page 1, line 21, by inserting after the word
9 "hearings." the following: "with the consent of the

10 interested party."

11 4. Page 1, line 25, by inserting after the word
 12 "agency." the following: "This subsection does not
 13 permit the examination of records or access to
 14 hearings and proceedings which are the work product of
 15 an attorney under section 22.7, subsection 4, or which
 16 are privileged communications under section 622.10."

COMMITTEE ON STATE GOVERNMENT
 ROBERT M. CARR, Chairperson

S-5529

1 Amend House File 2444 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, lines 1 and 2, by striking the words
 4 "and the department of management".
 5 2. Page 11, lines 32 and 33, by striking the
 6 words "and the department of management".

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

S-5530

1 Amend Senate File 2178 as follows:
 2 1. Page 3, line 28, by inserting before the word
 3 "A" the following: "1."
 4 2. Page 3, by inserting after line 33 the
 5 following:
 6 "2. A person engaged in a business which collects,
 7 stores, or collates information concerning commercial
 8 or consumer loans with respect to the amount borrowed,
 9 amount of and schedule of payments, and interest rate,
 10 shall not disclose, publish, publicize, transfer,
 11 communicate, or sell a list, or any part of a list
 12 containing this information. This subsection does not
 13 prohibit the collection of this information for
 14 legitimate use by a person in the person's own
 15 business where the information is necessary for the
 16 evaluation and completion of a transaction between the
 17 person and any other person, and does not prohibit a
 18 person from disclosing, publishing, publicizing,
 19 transferring, communicating, or selling such
 20 information if the consent of the person to whom the
 21 information relates has been obtained."
 22 3. Renumber as necessary.

RICHARD VANDE HOEF

S-5531

- 1 Amend House File 2257 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, lines 5 and 6, by striking the words
- 4 "deployed by occupants of" and inserting the
- 5 following: "surrounding".

JIM LIND

S-5532

- 1 Amend House File 2257 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by striking the word "yards"
- 4 and inserting the following: "strokes".

JIM LIND

S-5533

- 1 Amend House File 2257 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "vessel." the following: "A person shall not possess
- 5 or consume an alcoholic beverage while aboard a vessel
- 6 used as a hunting blind."

JIM LIND

S-5534

- 1 Amend Senate File 2176 as follows:
- 2 1. Page 1, line 7, by striking the word "two" and
- 3 inserting the following: "four".
- 4 2. Page 1, line 13, by striking the word "two".
- 5 3. Page 1, by striking lines 16 through 20, and
- 6 inserting the following: "between area schools
- 7 selected as project sites. The selection of an area
- 8 school as a project site shall be based upon the
- 9 evaluation and recommendations of an advisory
- 10 committee created by the department and composed of
- 11 persons actively engaged in lamb and wool production,
- 12 persons representing the agricultural experiment
- 13 station of the Iowa State University of science and

14 technology, and persons expert in postsecondary
 15 education. The committee shall conduct an evaluation
 16 of area schools applying to be selected as pilot
 17 project sites. The committee in formulating its
 18 recommendations shall assign a weight to and consider
 19 the following criteria:

- 20 a. The area school's relevant and available
 21 educational facilities.
 22 b. The number of persons interested in beginning
 23 or expanding lamb and wool production in the area
 24 school's merged area.
 25 c. The current number of sheep in the area
 26 school's merged area.
 27 d. The increase in the number of sheep in the area
 28 school's merged area.
 29 e. The creation or expansion of lamb and wool
 30 production facilities in the area school's merged
 31 area.
 32 f. The size and number of lamb and wool producer
 33 groups in the area school's merged area, and the
 34 degree to which such groups promote lamb and wool
 35 production in the area.
 36 g. The qualifications of the person selected by
 37 the area school to direct the project, and the
 38 qualifications of persons selected by the area school
 39 to instruct producers participating in the project.
 40 The committee shall be staffed by employees of the
 41 department of education as appointed by the director
 42 of the department. The evaluation and recommendations
 43 shall be submitted to the director of education not
 44 later than December 30, 1988.
 45 3. An area school selected to be a pilot project
 46 site is entitled to regular disbursements of funds by
 47 the department to establish the project, and for
 48 salaries, support, maintenance, and other operational
 49 purposes according to a schedule which shall be
 50 established by the area school branch of the

Page 2

1 department of education. An area school shall not
 2 have less than thirty producers participating in the
 3 project, on or after December 30, 1990. If after that
 4 time, less than thirty producers participate in a
 5 project when the department is disbursing scheduled
 6 funds to the area school, the amount of funds to the
 7 school shall be reduced proportionately according to
 8 the number of producers participating in the project.
 9 The amount withheld shall be added equally to the
 10 amount disbursed to area schools having thirty or more

11 producers participating in their respective projects.
 12 Only producers are eligible to participate in a
 13 project. The area school branch of the department of
 14 education may establish additional requirements for
 15 participation in the project, including a fee which
 16 shall be charged for producers participating in the
 17 project. A producer shall be charged the fee
 18 notwithstanding any other fee paid to the area school.
 19 However, the total amount charged to producers to
 20 participate in the program shall not".
 21 4. Page 1, by inserting after line 32, the
 22 following:
 23 "4. As used in this section, "producer" means a
 24 person actively engaged or seeking to become actively
 25 engaged in lamb or wool production."
 26 5. Page 1, line 35, by striking the word "year"
 27 and inserting the following: "period".
 28 6. Page 2, line 1, by striking the figure "1990"
 29 and inserting the following: "1991".
 30 7. By renumbering as necessary.

RICHARD VANDE HOEF

S-5535

1 Amend House File 2377, as passed by the House, as
 2 follows:
 3 1. Page 1, line 4, by striking the words "and
 4 with funding from".
 5 2. Page 1, line 17, by striking the word
 6 "fifteen" and inserting the following: "five".
 7 3. Page 3, by striking lines 1 through 3 and
 8 inserting the following: "In".
 9 4. Page 3, by striking line 9 and inserting the
 10 following: "legal expenses, ~~and~~ provision for
 11 contingencies, and expenses necessary or advantageous
 12 for marketing the bonds pursuant to section 262A.5.
 13 Such The".

COMMITTEE ON EDUCATION
 LARRY MURPHY, Chairperson

S-5536

1 Amend House File 2419 as follows:
 2 1. Title page, lines 2 and 3, by striking the
 3 words "and providing for collective bargaining
 4 agreements".

COMMITTEE ON EDUCATION
 LARRY MURPHY, Chairperson

S-5537

- 1 Amend House File 2419 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "studies" the following: " , if requested under
- 4 section 282.11,".

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-5538

- 1 Amend House File 2414, 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. EDUCATIONAL PROGRAM PROVIDED BY AREA
- 6 EDUCATION AGENCY. Notwithstanding the deadline
- 7 requirements specified in section 282.30, subsection
- 8 1, and section 282.31, subsection 1, paragraph "a", an
- 9 area education agency that received a request to
- 10 provide an educational program for a facility
- 11 specified in section 282.30, subsection 1, after
- 12 December 1, 1987, and consequently did not submit a
- 13 proposed program and budget to the department of
- 14 education by January 1, 1988 for the school year
- 15 beginning July 1, 1988, may submit the proposed
- 16 program and budget for the educational program to the
- 17 department of education not later than May 1, 1988.
- 18 The department of education shall review and approve
- 19 or modify the program and proposed budget and shall
- 20 notify the area education agency by June 1, 1988.
- 21 Claims for reimbursement shall be filed as provided in
- 22 section 282.31, subsection 1, paragraph "a".
- 23 Sec. 2. RECOMMENDATIONS BY DEPARTMENT OF
- 24 EDUCATION. The department of education is directed to
- 25 develop recommendations for amendment of sections
- 26 282.30 and 282.31 that will provide for payment of
- 27 claims for the cost of providing an educational
- 28 program in cases in which a request is not timely
- 29 filed because a facility is not established until
- 30 after the December 1 deadline date. The
- 31 recommendations shall be submitted to the general
- 32 assembly meeting in 1989.

33 Sec. 3. This Act, being deemed of immediate
34 importance, takes effect upon its enactment.”

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-5539

1 Amend Senate File 2066 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. Section 595.5, Code 1987, is amended
5 to read as follows:
6 595.5 SURNAME ADOPTED.
7 Upon marriage either party may request on the
8 application for a marriage license a name change to
9 that of the other party or to some other surname
10 mutually agreed upon by the parties. The names used
11 on the marriage license shall become the legal names
12 of the parties to the marriage. The marriage license
13 shall contain a statement that when a name change is
14 requested and affixed to the marriage license, the new
15 name is the legal name of the requesting party. If a
16 party requests a name change, other than a change of
17 surname to that of the other spouse, which change of
18 surname may include adding the person's previous
19 surname as a new middle name and either keeping or
20 dropping the person's previous middle name or names,
21 or to a hyphenated combination of the surnames of both
22 spouses, the party shall request approval of the court
23 pursuant to chapter 674 and shall submit to the court
24 the information required by section 674.2, and upon
25 approval of the court and solemnization of the
26 marriage, the clerk of court shall send a certified
27 copy of the return of marriage to the recorder's
28 office in every county in this state where real
29 property is owned by either of the parties. The judge
30 may approve the name change. The new names and the
31 immediate former names shall appear on the return of
32 marriage, and the return of marriage shall be recorded
33 in the miscellaneous records in the recorder's office.
34 An individual can have only one legal name at any one
35 time.”

DALE TIEDEN

S-5540

1 Amend Senate File 2112 as follows:

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

4 "Section 1. Section 256.9, Code Supplement 1987,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 31. Conduct feasibility studies
7 of proposals for whole-grade sharing agreements
8 between Iowa districts and contiguous districts in
9 other states to determine whether to approve the
10 proposals. The feasibility study shall determine
11 whether the proposals contain educational programs
12 that are equal to or better than that offered by
13 contracts with contiguous Iowa districts and offer
14 geographical conditions and community alliances which
15 are significantly better than those offered by
16 agreements with contiguous Iowa districts. The
17 department shall approve or disapprove the proposals
18 based upon the results of the feasibility studies."

19 2. Page 1, line 10, by inserting after the figure
20 and word "1 or" the following: "subsections 1 and".

21 3. Page 1, line 29, by inserting after the word
22 "or" the following: "subsections 1 and".

23 4. By striking page 1, line 33, through page 2,
24 line 6, and inserting the following:
25 "NEW SUBSECTION. 3. Notwithstanding section 282.8
26 and section 28E.9, a school district may negotiate an
27 agreement under subsection 1 for attendance of its
28 pupils in a school district located in a contiguous
29 state subject to a reciprocal agreement by the two
30 state boards in the manner provided in this
31 subsection. Prior to negotiating an agreement with
32 the school district in the contiguous state, the board
33 of directors shall file a written request with the
34 state board of education for a determination whether
35 the school district in the contiguous state meets
36 requirements substantially similar to those required
37 for accredited or approved school districts in this
38 state and the school district receives or has
39 available services equivalent to those that would be
40 provided in this state by an area education agency.
41 The school district shall also obtain approval by the
42 department of education of the sharing proposal,
43 before the agreement becomes effective. Six months
44 prior to making the request for approval, the district
45 shall request a feasibility study from the department
46 of education. If the state board of this state and
47 the corresponding state board in the contiguous state

48 agree that the school districts of their respective
 49 states meet substantially similar requirements and
 50 have substantially similar services available to the

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1 school district, and if the Iowa department of
 2 education approves the proposed contract, the two
 3 state boards may sign a reciprocal agreement for
 4 attendance of their pupils in the school district of
 5 the other state, subject to the agreement signed
 6 between the boards of directors of the two districts.
 7 A school district that negotiates an agreement with a
 8 school district in a contiguous state under this
 9 subsection is not eligible for supplementary weighting
 10 under section 442.39 as a result of that agreement.”
 11 5. Page 2, line 14, by inserting after the word
 12 “or” the following: “subsections 1 and”.
 13 6. Page 2, line 22, by inserting after the word
 14 “or” the following: “subsections 1 and”.
 15 7. By striking page 2, line 25 through page 3,
 16 line 9.

DALE L. TIEDEN

S-5541

1 Amend Senate File 2122 as follows:
 2 1. Page 1, by inserting after line 16 the
 3 following:
 4 “Sec. ____ . Section 12A.4, subsection 1, Code 1987,
 5 is amended to read as follows:
 6 1. The treasurer of state, the state board of
 7 regents, and the department of personnel shall make no
 8 additional investments of the type prohibited under
 9 section 12A.3 subsequent to June 30, 1985. ~~The sale~~
 10 ~~of securities and investments held by the treasurer of~~
 11 ~~state, the state board of regents, and the department~~
 12 ~~of personnel on July 1, 1985 that are prohibited under~~
 13 ~~section 12A.3 shall be completed by July 1, 1990,~~
 14 ~~unless prior thereto the general assembly determines~~
 15 ~~that substantial and fundamental progress in~~
 16 ~~establishing human rights policies in the Republic of~~
 17 ~~South Africa has occurred. Subject to any such action~~
 18 ~~of the general assembly not less than one fifth of the~~
 19 ~~value of the investments held on July 1, 1985 shall be~~
 20 ~~sold in the year beginning July 1, 1988. The~~
 21 ~~divestment advisory council established under~~
 22 ~~subsection 3 shall identify all investments prohibited~~

23 by this chapter, estimate the financial impact of
 24 implementation of this chapter, and develop a plan for
 25 bringing state investments into compliance with this
 26 chapter no later than June 30, 1993. The plan for
 27 compliance shall be submitted to the general assembly
 28 by January 15, 1989. Unless the general assembly
 29 disapproves of the plan by resolution, divestment and
 30 reinvestment under the plan shall commence on July 1,
 31 1989. Progress in carrying out any proposed
 32 modifications of the plan shall be reported to the
 33 general assembly by the divestment advisory council
 34 each January, through January 1994.

35 Sec. 4. Section 12A.4, Code 1987, is amended by
 36 adding the following new subsection:
 37 NEW SUBSECTION. 3. A five-member divestment
 38 advisory council is established. The council shall
 39 serve through January 1994 and shall be composed of
 40 the treasurer of state or the treasurer's designee, a
 41 representative named by the state board of regents, a
 42 representative named by the investment board of the
 43 Iowa public employees' retirement system, and two
 44 members of the public appointed by the governor. The
 45 treasurer or the treasurer's designee shall serve as
 46 the chairperson of the council."

JEAN LLOYD-JONES

S-5542

1 Amend Senate File 2226 as follows:
 2 1. Page 1, line 20, by inserting after the word
 3 "information" the following: "in writing. Any test
 4 results disclosed shall be results of a test performed
 5 within the twelve months prior to the date of the
 6 disclosure".
 7 2. Page 1, by striking lines 22 through 34 and
 8 inserting the following: "testing a building which
 9 the person owns."
 10 3. By renumbering as necessary.

RICHARD VARN

S-5543

1 Amend Senate File 2188 as follows:
 2 1. Page 1, by inserting before line 1 the follow-
 3 ing:
 4 "Sec. 50. Section 425.17, subsections 5 and 9,

5 Code 1987, are amended to read as follows:

6 5. "Claimant" means a person filing a claim for
7 credit or reimbursement under this division who has
8 attained the age of ~~sixty-five~~ fifty-five years on or
9 before December 31 of the base year ~~or who is a~~
10 ~~surviving spouse having attained the age of fifty-five~~
11 ~~years on or before December 31 of the base year,~~ or
12 who is totally disabled and was totally disabled on or
13 before December 31 of the base year, and was domiciled
14 in this state during the entire base year and is
15 domiciled in this state at the time the claim is filed
16 or at the time of the person's death in the case of a
17 claim filed by the executor or administrator of the
18 claimant's estate. "Claimant" includes a vendee in
19 possession under a contract for deed and may include
20 one or more joint tenants or tenants in common. In
21 the case of a claim for rent constituting property
22 taxes paid, the claimant shall have rented the
23 property during any part of the base year. If a
24 homestead is occupied by two or more persons, and more
25 than one person is able to qualify as a claimant, the
26 persons may determine among them who will be the
27 claimant. If they are unable to agree, the matter
28 shall be referred to the director of revenue and
29 finance not later than October 31 of each year and the
30 director's decision ~~shall be~~ is final.

31 9. "Property taxes due" means property taxes
32 including any special assessments, but exclusive of
33 delinquent interest and charges for services, due on a
34 claimant's homestead in this state, but includes only
35 property taxes for which the claimant is liable and
36 which will actually be paid by the claimant. However,
37 if the claimant is a person whose property taxes have
38 been suspended under sections 427.8 and 427.9,
39 "property taxes due" means property taxes including
40 any special assessments, but exclusive of delinquent
41 interest and charges for services, due on a claimant's
42 homestead in this state, but includes only property
43 taxes for which the claimant is liable and which would
44 have to be paid by the claimant if the payment of the
45 taxes have not been suspended pursuant to sections
46 427.8 and 427.9. "Property taxes due" shall be
47 computed with no deduction for any credit under this
48 division or for any homestead credit allowed under
49 section 425.1. Each claim shall be based upon the
50 taxes due during the fiscal year next following the

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1 base year. If a homestead is owned by two or more
 2 persons as joint tenants or tenants in common, and one
 3 or more persons are not a member of claimant's
 4 household, "property taxes due" is that part of
 5 property taxes due on the homestead which equals the
 6 ownership percentage of the claimant and the
 7 claimant's household. The county treasurer shall
 8 include with the tax receipt a statement that if the
 9 owner of the property is ~~sixty-five~~ fifty-five years
 10 of age or over or is totally disabled, ~~or is a~~
 11 ~~surviving spouse of such person who is over fifty-five~~
 12 ~~years of age~~, the person may be eligible for the
 13 credit allowed under this division. If a homestead is
 14 an integral part of a farm, the claimant may use the
 15 total property taxes due for the larger unit. If a
 16 homestead is an integral part of a multidwelling or
 17 multipurpose building the property taxes due for the
 18 purpose of this subsection shall be prorated to
 19 reflect the portion which the value of the property
 20 that the household occupies as its homestead is to the
 21 value of the entire structure. For purposes of this
 22 subsection, "unit" refers to that parcel of property
 23 covered by a single tax statement of which the
 24 homestead is a part."

25 2. Page 1, by inserting after line 34 the
 26 following:

27 "Sec. ____ . Section 50 of this Act is effective
 28 January 1, 1989."

LEONARD L. BOSWELL
 CHARLES BRUNER
 EDGAR H. HOLDEN

S-5544

1 Amend House File 2352 as passed by the House as
 2 follows:

3 1. Page 1, by inserting after line 25 the
 4 following:

5 "Sec. ____ . Section 403.6, subsection 7, Code 1987,
 6 is amended to read as follows:

7 7. To plan for the relocation of persons,
 8 including families, business concerns and others,
 9 displaced by an urban renewal project, and to make
 10 relocation payments to or with respect to such persons
 11 for moving expenses and losses of property for which
 12 reimbursement or compensation is not otherwise made,

13 including the making of such payments financed by the
 14 federal government. Other provisions of the Code
 15 notwithstanding, in making such payments on projects
 16 not federally funded, the municipality may pay
 17 relocation assistance benefits in the amounts
 18 authorized by the Uniform Relocation Assistance and
 19 Real Property Acquisition Policies Act of 1970, Pub.
 20 L. No. 91-646, as amended by the Uniform Relocation
 21 Act Amendments of 1987, title IV, Pub. L. No. 100-17.”
 22 2. Title page, line 2, by inserting after the
 23 word “highway” the following: “or urban renewal”.

WALLY HORN

S-5545

1 Amend House File 498 as passed by the House as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “Section 1. Section 702.7, Code 1987, is amended
 6 to read as follows:
 7 702.7 DANGEROUS WEAPON.
 8 A “dangerous weapon” is any instrument or device
 9 designed primarily for use in inflicting death or
 10 injury upon a human being or animal, and which is
 11 capable of inflicting death upon a human being when
 12 used in the manner for which it was designed.
 13 Additionally, any instrument or device of any sort
 14 whatsoever which is actually used in such a manner as
 15 to indicate that the defendant intends to inflict
 16 death or serious injury upon the other, and which,
 17 when so used, is capable of inflicting death upon a
 18 human being, is a dangerous weapon. Dangerous weapons
 19 include, but are not limited to, any offensive weapon,
 20 pistol, revolver, or other firearm, dagger, razor,
 21 stiletto, switchblade knife, or knife having a blade
 22 of three exceeding five inches or longer in length.”
 23 2. Page 1, by inserting after line 17 the
 24 following:
 25 “Sec. 4. Section 724.4, Code Supplement 1987, is
 26 amended to read as follows:
 27 724.4 CARRYING WEAPONS.
 28 1. A Except as otherwise provided in this section,
 29 a person who goes armed with a dangerous weapon
 30 concealed on or about the person, or who, within the
 31 limits of any city, goes armed with a pistol or
 32 revolver, or any loaded firearm of any kind, whether
 33 concealed or not, or who knowingly carries or

34 transports in a vehicle a pistol or revolver, commits
 35 an aggravated misdemeanor; ~~provided that this section~~
 36 ~~shall not apply to any of the following:~~

37 2. A person who goes armed with a knife concealed
 38 on or about the person, if the person uses the knife
 39 in the commission of a crime, commits an aggravated
 40 misdemeanor.

41 3. A person who goes armed with a knife concealed
 42 on or about the person, if the person does not use the
 43 knife in the commission of a crime;

44 a. If the knife has a blade exceeding eight inches
 45 in length, commits an aggravated misdemeanor.

46 b. If the knife has a blade exceeding five inches
 47 but not exceeding eight inches in length, commits a
 48 serious misdemeanor.

49 4. Subsections 1 through 3 do not apply to any of
 50 the following:

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1 1 a. A person who goes armed with a dangerous
 2 weapon in the person's own dwelling or place of
 3 business, or on land owned or possessed by the person.
 4 2 b. Any A peace officer, when the officer's
 5 duties require the person to carry such weapons.
 6 3 c. Any A member of the armed forces of the
 7 United States or of the national guard or person in
 8 the service of the United States, when the weapons are
 9 carried in connection with the person's duties as
 10 such.

11 4 d. A correctional officer, when the officer's
 12 duties require, serving under the authority of the
 13 Iowa department of corrections.

14 5 e. Any A person who for any lawful purpose
 15 carries an unloaded pistol, revolver, or other
 16 dangerous weapon inside a closed and fastened
 17 container or securely wrapped package which is too
 18 large to be concealed on the person.

19 6 f. Any A person who for any lawful purpose
 20 carries or transports an unloaded pistol or revolver
 21 in any a vehicle inside a closed and fastened
 22 container or securely wrapped package which is too
 23 large to be concealed on the person or inside a cargo
 24 or luggage compartment where the pistol or revolver
 25 will not be readily accessible to any person riding in
 26 the vehicle or common carrier.

27 7 g. Any A person while the person is lawfully
 28 engaged in target practice on a range designed for
 29 that purpose or while actually engaged in lawful
 30 hunting.

31 h. A person who carries a knife used in hunting or
32 fishing, while actually engaged in lawful hunting or
33 fishing.

34 8 i. ~~Any~~ A person who has in the person's
35 possession and who displays to ~~any~~ a peace officer on
36 demand a valid permit to carry weapons which has been
37 issued to the person, and whose conduct is within the
38 limits of that permit. ~~No~~ A person shall not be
39 convicted of a violation of this section if the person
40 produces at the person's trial a permit to carry
41 weapons which was valid at the time of the alleged
42 offense and which would have brought the person's
43 conduct within this exception if the permit had been
44 produced at the time of the alleged offense.

45 9 j. A law enforcement officer from another state
46 when the officer's duties require the officer to carry
47 the weapon and the officer is in this state for any of
48 the following reasons:

49 a- (1) The extradition or other lawful removal of
50 a prisoner from this state.

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1 ~~b-~~ (2) Pursuit of a suspect in compliance with
2 chapter 806.

3 ~~e-~~ (3) Activities in the capacity of a law
4 enforcement officer with the knowledge and consent of
5 the chief of police of the city or the sheriff of the
6 county in which the activities occur or of the
7 director of public safety."

8 3. Title page, by striking lines 1 and 2 and
9 inserting the following: "An Act to revise provisions
10 relating to dangerous weapons and the carrying of
11 dangerous weapons and knives, and providing
12 penalties."

13 4. By renumbering as necessary.

COMMITTEE ON JUDICARY
DONALD V. DOYLE, Chairperson

S-5546

1 Amend House File 613, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 13, the
4 following:

5 "9. An insurance company incorporated under the
6 laws of this state and subject to regulation by the
7 commissioner of insurance."

- 8 2. Page 2, line 14, by striking the figure "9"
 9 and inserting the following: "10".
- 10 3. Page 2, line 17, by striking the figure "10"
 11 and inserting the following: "11".
- 12 4. Page 2, line 17, by striking the words "or
 13 credit union" and inserting the following: "credit
 14 union, or insurance company".
- 15 5. Page 2, line 19, by inserting after the word
 16 "institution" the following: "or insurance company".
- 17 6. Page 2, line 21, by striking the figure "11"
 18 and inserting the following: "12".
- 19 7. Page 2, line 24, by inserting after the word
 20 "section" the following: "and which maintain a place
 21 of business in this state".
- 22 8. Page 2, by inserting after line 24, the
 23 following:
 24 "Sec. ____ . NEW SECTION. 535B.3 REGISTRATION.
 25 1. A person exempt under section 535B.2,
 26 subsection 10, 11, or 12, shall register with the
 27 administrator.
 28 2. A registrant shall submit to the administrator
 29 a registration statement on forms provided by the
 30 administrator. The forms shall include all addresses
 31 at which business is to be conducted, the names and
 32 titles of each director and principal officer of the
 33 business, and a description of the activities of the
 34 applicant in such detail as the administrator may
 35 require.
 36 3. The registrant shall pay a fifty-dollar
 37 registration fee.
 38 4. A registration under this chapter is not
 39 assignable."
- 40 9. Page 7, by striking lines 6 through 8, and
 41 inserting the following: "person."
- 42 10. By renumbering and correcting internal
 43 references as necessary.

COMMITTEE ON COMMERCE
 WILLIAM PALMER, Chairperson

S-5547

- 1 Amend House File 2439, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, by inserting after line 9 the follow-
 4 ing:
 5 "Sec. ____ . Section 502.202, Code Supplement 1987,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 18. a. A security issued as part

8 of an offering of securities for which a registration
9 statement has been filed and declared effective under
10 the Securities Act of 1933 or the Investment Company
11 Act of 1940, provided that both of the following
12 apply:

13 (1) The issuer files a written notice with the ad-
14 ministrator no later than ten days, or such shorter
15 period as permitted by the administrator by order or
16 rule, prior to any sale of the security in this state.

17 (2) The written notice includes: A statement of
18 the aggregate amount of securities to be sold in this
19 state; the name of the broker-dealer that will sell
20 the securities in this state; one copy of the
21 registration statement as filed with the securities
22 and exchange commission and copies of other documents
23 filed with the securities and exchange commission as
24 the administrator may by rule require; and a
25 nonreturnable filing fee equal to one-tenth of one
26 percent of the maximum aggregate offering price at
27 which the securities are to be offered in this state,
28 but the filing fee shall not be less than fifty
29 dollars or more than one thousand dollars.

30 b. The administrator may, by order, deny or revoke
31 this exemption with respect to a specific security if
32 the administrator finds that the order is in the
33 public interest and that any or all of the following
34 conditions exist:

35 (1) The security is offered for sale at a price of
36 less than two dollars per security.

37 (2) The security represents an interest in a blind
38 pool.

39 (3) The written notice, including the registration
40 statement as filed with the securities and exchange
41 commission, is incomplete in any material respect or
42 contains any statement which was, in light of the
43 circumstances under which it was made, false or
44 misleading with respect to any material fact.

45 (4) A provision of this chapter or a rule, order,
46 or condition lawfully imposed under this chapter has
47 been willfully violated, in connection with the
48 offering, by any of the following: The issuer; a
49 partner, officer, or director of the issuer, or any
50 person occupying a similar status or performing

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1 similar functions; an affiliate of the issuer; or the
2 broker-dealer offering the security in this state.

3 (5) The security is the subject of a permanent or
4 temporary injunction of a court of competent

5 jurisdiction entered under any other federal or state
6 Act applicable to the offering of the security.

7 (6) The issuer's enterprise or method of business
8 includes or would include activities which are or
9 would be illegal where performed.

10 c. The administrator may issue an order without
11 prior notice or opportunity for hearing denying or
12 revoking this exemption pending final determination
13 under this section. Upon entry of an order denying or
14 revoking the exemption, the administrator shall
15 promptly notify all interested parties that the order
16 has been entered and the reasons for the order, and
17 that within three days of the receipt of a written re-
18 quest a hearing will be held on the matter. If no
19 hearing is requested and none is ordered by the
20 administrator, the order will remain in effect until
21 it is modified or vacated by the administrator. If a
22 hearing is requested or ordered, the administrator,
23 after notice of an opportunity for hearing to all
24 interested persons, may modify or vacate the order or
25 extend it until final determination."

26 2. Page 1, by inserting after line 24 the fol-
27 lowing:

28 "Sec. ____ . Section 502.203, subsection 12, Code
29 1987, is amended to read as follows:

30 12. An offer, but not a sale, of a security for
31 which a registration statement has been filed under
32 this chapter or a written notice has been filed
33 pursuant to section 502.202, subsection 1, 9, ~~or~~ 11,
34 or 18, if no stop order or suspension or denial order
35 is in effect and no proceeding is pending under this
36 chapter."

37 3. Page 3, lines 14 through 15, by striking the
38 words "or may exempt application of the same minimum
39 requirements,".

COMMITTEE ON COMMERCE
WILLIAM PALMER, Chairperson

S-5548

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 16, by striking lines 9 through 12, and
4 inserting the following: "the state."

JOHN A. PETERSON

S-5549

- 1 Amend House File 2433, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 2, line 2, by inserting after the word
4 "meeting" the following: "and to take any final
5 council action".

COMMITTEE ON AGRICULTURE
BERL E. PRIEBE, Chairperson

S-5550

- 1 Amend House File 2395 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 28, by inserting after the word
4 "customers" the following: "either by secondary line
5 or from an alternate energy production facility or
6 small hydro facility."
7 2. Title page, line 1, by striking the word
8 "cooperatives" and inserting the following:
9 "cooperatives, restricting the exemption from the
10 application of the provisions of chapter 476 for
11 persons furnishing electricity to five or fewer
12 customers to those such persons who are furnishing the
13 electricity by secondary line, from an alternate
14 energy production facility, or small hydro facility,".

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PATRICK DELUHERY, Chairperson

S-5551

- 1 Amend Senate File 2323 as follows:
2 1. Page 5, line 15, by inserting after the word
3 "syndrome." the following: "The moneys used by the
4 department concerning acquired immune deficiency
5 syndrome shall not be used for the funding of indirect
6 costs."

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

S-5552

1 Amend House File 2283, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 2, line 24, by inserting after the word
4 "this" the following: "section does not apply to a
5 cooperative association organized under chapter 497,
6 498, or 499, which acts as a processor, if the co-
7 operative association contracts for the care and
8 feeding of swine with a member of the cooperative
9 association who is actively engaged in farming. This
10 section does not apply to an association organized as
11 a cooperative in which another cooperative association
12 organized under chapter 497, 498, or 499 is a member,
13 if the association acts as a processor and contracts
14 for the care and feeding of swine with a member who is
15 actively engaged in farming, or in the case of a
16 member which is a cooperative association organized
17 under chapter 497, 498, or 499, a member of such
18 cooperative association who is actively engaged in
19 farming. This".

LEONARD BOSWELL
KENNETH SCOTT
JOHN SOORHOLTZ

S-5553

1 Amend House File 2402 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 135C.3, Code 1987, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Beginning July 1, 1988,
8 the minimum number of hours of care per day, per
9 resident of an intermediate care facility shall be two
10 hours per day, per resident, computed on a seven-day
11 week. The minimum number of hours of care shall
12 increase to two and two-tenths hours per day, per
13 resident, when the general assembly has appropriated
14 funds to make the basis for establishing and
15 maintaining the maximum medical assistance rate for
16 health care facilities the seventy-fourth percentile
17 of all facility per diems as calculated from the

18 latest unaudited compilation of cost and statistical
19 data.”

20 2. By striking page 1, line 31 through page 2,
21 line 1, and inserting the following: “shown. A”.

22 3. Page 2, line 2, by striking the word “two” and
23 inserting the following: “five”.

24 4. Page 2, line 3, by striking the words “five
25 six” and inserting the following: “one thousand
26 five”.

27 5. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-5554

1 Amend House File 2367 as follows:

2 1. Page 1, lines 7 and 8, by striking the words
3 “one year month” and inserting the following: “one
4 year six months”.

5 2. Page 1, by striking lines 10 through 12 and
6 inserting the following: “on a regular basis. Within
7 one month of initial employment or self-employment,
8 the person shall obtain a statement of the abuse
9 reporting requirements from the person’s employer or,
10 if self-employed, from the department. The person
11 shall complete at least”.

12 3. Page 1, by inserting after line 26 the
13 following:

14 “Sec. ____ . Section 235B.1, Code Supplement 1987,
15 is amended by adding the following new subsection and
16 renumbering as necessary:

17 NEW SUBSECTION. 5. “Individual employed as an
18 outreach person” means a natural person who, in the
19 course of employment, makes regular contacts with
20 dependent adults regarding available community
21 resources.”

22 4. Page 1, line 35, by striking the words “one
23 month” and inserting the following: “six months”.

24 5. Page 2, by striking lines 2 through 4 and
25 inserting the following: “of adults on a regular
26 basis. Within one month of initial employment or
27 self-employment, the person shall obtain a statement
28 of the abuse reporting requirements from the person’s
29 employer or, if self-employed, from the department.
30 The person shall complete at least”.

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-5555

1 Amend House File 2437 as passed by the House, as
2 follows:

3 1. Page 2, line 27, by inserting after the word
4 "which" the following: "are economically feasible and
5 practical and which".

6 2. Page 3, line 3, by inserting after the word
7 "financing" the following: "under section 19.34".

8 3. Page 3, by striking lines 6 through 12 and
9 inserting the following:

10 "3. The state board of regents shall annually
11 report on October 1 to the department the status of
12 all energy conservation measures identified in their
13 comprehensive engineering analysis, whether or not the
14 measures have been acquired or implemented, and the
15 results of energy usage analysis of the board's
16 facilities."

17 4. Page 3, line 15, by inserting after the word
18 "transportation" the following: "utilizing the
19 services of the state of Iowa facilities improvement
20 corporation".

21 5. Page 3, by inserting after line 33, the
22 following:

23 "Sec. ____ . NEW SECTION. 93.20D ANNUAL REPORT.

24 The department shall include in the annual report
25 required under section 455A.4 an assessment of the
26 progress achieved by public agencies in implementing
27 energy life cycle cost analyses.

28 Sec. ____ . Section 470.3, subsection 2, Code 1987,
29 is amended to read as follows:

30 2. A public agency or a person preparing a life
31 cycle cost analysis for a public agency shall consider
32 the methods and analytical models in section 6 of the
33 Manual of Procedures for authorized class "A" energy
34 auditors as amended to March 31, 1979 by the
35 engineering research institute at Iowa State
36 University of Science and Technology in preparing a
37 life cycle cost analysis provided by the department of
38 natural resources and available through the state
39 building code commissioner, which are suited to the
40 purpose for which the project is intended. Within
41 sixty days of final selection of a design architect or
42 engineer, a public agency, which is also a state
43 agency under section 19.34, shall notify the state
44 building code commissioner and the department of

45 natural resources of the methodology to be used to
46 perform the life cycle cost analysis on forms provided
47 by the department of natural resources."

48 6. Page 4, by striking line 1 and inserting the
49 following:

50 "The public agency responsible for the new

Page 2

1 construction or renovation".

2 7. Page 4, line 2, by striking the words "new
3 state" and inserting the following: "public".

4 8. Page 4, line 3, by striking the words
5 "approval to" and inserting the following: "review
6 by".

7 9. Page 4, by striking line 5, and inserting the
8 following: "resources."

9 10. Page 4, by striking lines 6 through 8 and
10 inserting the following: "If the public agency is
11 also a state agency under section 19.34, comments by
12 the department of natural resources or the state
13 building code commissioner, including any
14 recommendation for changes in the analysis, shall,
15 within thirty days of receipt of the analysis, be
16 forwarded in writing to the public agency. If either
17 the department or the commissioner disagrees with any
18 aspects of the life cycle cost analysis, the public
19 agency affected shall timely respond in writing to the
20 state building code commissioner and the department of
21 natural resources. The response shall indicate
22 whether the agency intends to implement the
23 recommendations and, if the agency does not intend to
24 implement them, the public agency shall present its
25 reasons. The reasons may include, but are not limited
26 to, a description of the purpose of the facility or
27 renovation, preservation of historical architectural
28 features, architectural and site considerations, and
29 health and safety concerns."

30 11. By renumbering as necessary.

COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PATRICK DELUHERY, Chairperson

S-5556

1 Amend House File 2338 as amended, passed, and
2 reprinted by the House as follows:

3 1. By striking page 1, line 26 through page 3,

- 4 line 11.
 5 2. By striking page 3, line 26 through page 4,
 6 line 14.
 7 3. By striking page 6, line 17 through page 8,
 8 line 18.
 9 4. By renumbering as required.

COMMITTEE ON ENVIRONMENT
 AND ENERGY UTILITIES
 PATRICK DELUHERY, Chairperson

S-5557

- 1 Amend House File 2316 as passed by the House as
 2 follows:
 3 1. Page 1, by inserting after line 15 the
 4 following:
 5 "Sec. ____ . Section 478A.7, Code 1987, is
 6 repealed."

COMMITTEE ON ENVIRONMENT
 AND ENERGY UTILITIES
 PATRICK DELUHERY, Chairperson

S-5558

- 1 Amend House File 2452 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. IMPLEMENTATION OF THE COLLECTION
 6 SERVICES CENTER. Notwithstanding sections 252B.13
 7 through 252B.17, the department of human services
 8 shall take all of the following actions in regard to
 9 the implementation of the collection services center:
 10 1. The department shall not continue the
 11 conversion of counties from a system of payment to the
 12 clerk of the district court to one of payment to the
 13 collection services center. However, the conversion
 14 of orders and their payments in Linn county and Polk
 15 county shall be completed by January 1, 1989. Initial
 16 and modified orders or judgments for support entered
 17 after April 1, 1987, orders from counties already
 18 converted to the collection services center, orders
 19 related to services received under sections 252B.1
 20 through 252B.12, and orders where either party to the
 21 order voluntarily requests conversion shall direct
 22 payments to the collection services center.

23 2. The child support collection services center
24 shall complete the verification of data by re-
25 abstracting the counties which have been converted to
26 payment through the center. If any of the thirty-
27 three persons who are temporarily employed to provide
28 the abstracting complete the conversion of data in
29 Linn and Polk counties and the orders related to
30 services received under sections 252B.1 through
31 252B.12 prior to January 1, 1989, the department shall
32 seek approval from the legislative council to proceed
33 in other counties with the abstracting of order
34 information and conversion to the collection services
35 center.

36 3. Notwithstanding section 598.22 or any other
37 section which provides for temporary or permanent
38 support payments, parties who are under an order for
39 support which is unrelated to services under sections
40 252B.1 through 252B.12 may make payments to and
41 receive payments from the clerk of the district court
42 if all of the following apply:
43 a. The payor is not in arrears with a support
44 obligation which currently exists.
45 b. The parties agree to make and receive payments
46 through the clerk of the district court.
47 c. The agreement is approved by the court and
48 filed with the clerk of the district court and the
49 department. The department shall prepare a form which
50 may be used by the parties to implement such an

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1 agreement.

2 Payment through the clerk of the district court
3 shall continue so long as the payor remains in good
4 standing and the order remains unrelated to chapter
5 252B services.

6 Records of payments made through the clerk of the
7 district court's office, and a copy of a new or
8 modified court order, shall be forwarded to the
9 collection services center from the clerk of the
10 district court in which payment was made or a new or
11 modified order was entered.

12 4. The department shall actively seek to correct
13 the credit rating of a person whose credit rating has
14 been adversely affected due to incorrect information
15 in the collection services center. The corrective
16 action shall be taken by the department without
17 charge, at the request of a person who believes they
18 have been adversely affected. Action by the
19 department may include personal contact with the

20 credit reporting agency, insertion of written informa-
21 tion into the record, and further tracking of
22 incorrect credit information which was submitted to
23 other parties by the credit reporting agency.

24 5. The center shall submit a report to the fiscal
25 committee of the legislative council, the legislative
26 fiscal bureau, and the directors of the majority and
27 minority legislative caucus staffs of the senate and
28 house of representatives in each month following the
29 enactment of this Act. The report shall contain all
30 of the following information:

31 a. The progress made in verifying the data in the
32 converted counties.

33 b. The time required between the time a payment is
34 received and the time funds are distributed to a
35 recipient.

36 c. The number, nature, and frequency of complaints
37 regarding the operation of the center including an
38 analysis of the sources of the complaints.

39 d. An estimate of the time and resources required
40 to complete the verification of data in the converted
41 counties, the Linn county conversion, and the Polk
42 county conversion.

43 6. As part of comprehensive legislative oversight,
44 the center, in consultation with the legislative
45 fiscal bureau, shall submit a report to the general
46 assembly on or before January 1, 1989, which evaluates
47 the operation of the center during the period
48 beginning May 1, 1988, and ending December 1, 1988.
49 The report shall include all of the following:

50 a. An assessment of the impact of the center upon

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1 the payment of child support, including information
2 regarding the dollar amount collected by the child
3 support recovery unit and the dollar amount received
4 by recipients.

5 b. An assessment of the effect of the center upon
6 the percentage of payors who are making payments.

7 c. An assessment of the level of satisfaction with
8 the services of the center among payors and
9 recipients.

10 d. An assessment of the cost-effectiveness of
11 processing child support payments through the center
12 in comparison with processing through the clerks of
13 the district court.

14 e. A proposed timetable for the full
15 implementation of collection services by the center in
16 all counties.

17 f. Other information relevant to the policy
 18 analysis of child support issues as requested by the
 19 legislative fiscal bureau.
 20 Sec. 2. Section 252B.16, unnumbered paragraph 1
 21 and subsection 1, Code 1987, are amended to read as
 22 follows:
 23 For existing orders of support entered before April
 24 1, 1987, which direct the payments of support to the
 25 clerk of the district court, the following procedure
 26 shall be implemented to convert the processing of
 27 those payments to the collection services center on or
 28 before April 1, ~~1988~~ 1989:
 29 1. The department of human services and the
 30 judicial department shall establish a mutually agreed
 31 effective date, between April 1, 1987, and April 1,
 32 ~~1988~~ 1989, to effectuate the transfer of these
 33 functions from each clerk of the district court to the
 34 collection services center. The department shall
 35 cause to be published in the administrative bulletin a
 36 cumulative list of effective dates by county, once
 37 agreed upon and determined, which list shall be final
 38 and inclusive of all counties on the next date of
 39 publication subsequent to April 1, ~~1988~~ 1989.
 40 Sec. 3. Section 252B.16, subsection 5, Code 1987,
 41 is amended to read as follows:
 42 5. On or after the mutually agreed effective date
 43 in subsection 1, but in any event not later than April
 44 1, ~~1988~~ 1989, any payments received by the clerk of
 45 the district court for support or for the satisfaction
 46 of arrearages shall be sent by the clerk to the
 47 address specified by the collection services center
 48 within ten days of receipt of the payments.”
 49 2. Title page, by striking lines 1 through 7 and
 50 inserting the following: “An Act relating to the

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1 collection services center of the department of human
 2 services.”

COMMITTEE ON HUMAN RESOURCES
 BEVERLY A. HANNON, Chairperson

S-5559

1 Amend House File 2283, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 4, by striking the word
 4 “majority” and inserting the following: “two-thirds”.

- 5 2. Page 1, line 5, by striking the words "the
6 majority" and inserting the following: "two-thirds".
7 3. Page 1, line 33, by striking the words "a
8 majority" and inserting the following: "two-thirds".
9 4. Page 1, line 34, by striking the words "the
10 majority of" and inserting the following: "two-thirds
11 of the".
12 5. Page 8, by inserting after line 12, the
13 following:
14 "Sec. ____ . The amendment in this Act to section
15 172C.1, subsection 11, takes effect on January 1,
16 1989."
17 6. Title page, line 11, by striking the words
18 "and providing penalties" and inserting the following:
19 "providing penalties, and providing effective dates".
20 7. By renumbering as necessary.

JIM RIORDAN

S-5560

- 1 Amend the amendment, S-5372, to House File 2283, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 15 the
5 following:
6 "____ . Page 1, line 4, by striking the word
7 "majority" and inserting the following: "two-thirds".
8 ____ . Page 1, line 5, by striking the words "the
9 majority" and inserting the following: "two-thirds"."
10 2. Page 1, by inserting after line 18 the
11 following:
12 "____ . Page 1, line 33, by striking the words "a
13 majority" and inserting the following: "two-thirds".
14 ____ . Page 1, line 34, by striking the words "the
15 majority of" and inserting the following: "two-thirds
16 of the"."
17 3. Page 1, line 25, by striking the words and
18 figure "Section 1 of this Act takes" and inserting the
19 following: "Sections 1 and 2 of this Act take".
20 4. Page 1, lines 32 and 33, by striking the words
21 "an effective date for a provision" and inserting the
22 following: "effective dates".

JIM RIORDAN

S-5561

1 Amend Senate File 2222 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 232.8, subsection 1, Code
5 Supplement 1987, is amended to read as follows:

6 1. The juvenile court has exclusive original
7 jurisdiction in proceedings concerning a child who is
8 alleged to have committed a delinquent act unless
9 otherwise provided by law, and has exclusive original
10 jurisdiction in proceedings concerning an adult who is
11 alleged to have committed a delinquent act prior to
12 having become an adult, ~~provided that the taking of~~
13 ~~that person into custody for the alleged act or the~~
14 ~~filing of a delinquency petition alleging the~~
15 ~~commission of the act occurs within the time periods~~
16 ~~and under the conditions specified in chapter 802.~~

17 The juvenile court has jurisdiction over such an
18 adult for one year beyond the last date upon which
19 jurisdiction over the adult attaches under this
20 subsection and who has been transferred to the
21 jurisdiction of the juvenile court pursuant to an
22 order under section 803.5.

23 Violations by a child of provisions of chapter 106,
24 106A, 109, 109A, 110, 110A, 110B, 111, 321, or 321G
25 which would be simple misdemeanors if committed by an
26 adult, and violations of county or municipal curfew or
27 traffic ordinances, and violations by a child of the
28 provisions of section 123.47, are excluded from the
29 jurisdiction of the juvenile court and shall be
30 prosecuted as simple misdemeanors as provided by law.
31 The court may advise appropriate juvenile authorities
32 and may refer violations of section 123.47 to the
33 juvenile court when there is reason to believe the
34 child regularly abuses alcohol and may be in need of
35 treatment. The court shall notify the parents or
36 legal guardians of a child who appears before it for a
37 violation of section 123.47. A child convicted of a
38 violation excluded from the jurisdiction of the
39 juvenile court under this paragraph shall be sentenced
40 pursuant to section 805.8, where applicable, and
41 pursuant to section 903.1, subsection 3, for all other
42 violations.

43 Sec. 2. Section 232.22, subsection 2, paragraph c,
44 Code Supplement 1987, is amended to read as follows:

45 c. A room in a facility intended or used for the
46 detention of adults if there is probable cause to
47 believe that the child has committed a delinquent act
48 which if committed by an adult would be a felony, an
49 aggravated misdemeanor, a serious misdemeanor under
50 section 321J.2, subsection 2, section 708.2,

Page 2

1 subsection 2, section 709.9, section 710.7, or section
2 204.401 involving a controlled substance classified in
3 schedule IV, or a violation of section 123.46, and if
4 all of the following apply:

5 (1) The child is at least ~~sixteen~~ fourteen years
6 of age.

7 (2) The child has shown by the child's conduct,
8 habits, or condition that the child constitutes an
9 immediate and serious danger to another or to the
10 property of another, and a facility or place
11 enumerated in paragraph "a" or "b" is unavailable, or
12 the court determines that the child's conduct or
13 condition endangers the safety of others in the
14 facility.

15 (3) The facility has an adequate staff to
16 supervise and monitor the child's activities at all
17 times.

18 (4) The child is confined in a room entirely
19 separated from detained adults, is confined in a
20 manner which prohibits communication with detained
21 adults, and is permitted to use common areas of the
22 facility only when no contact with detained adults is
23 possible.

24 However, if the child is to be detained for a
25 violation of section 123.46, section 321J.2,
26 subsection 2, or section 709.9 placement in a facility
27 pursuant to this paragraph shall be made only after an
28 attempt has been made to notify the parents or legal
29 guardians of the child and request that the parents or
30 legal guardians take custody of the child. If the
31 parents or legal guardians cannot be contacted, or
32 refuse to take custody of the child, an attempt shall
33 be made to place the child in another facility,
34 including but not limited to a local hospital or
35 shelter care facility. Also, a child detained for a
36 violation of section 123.46, section 321J.2,
37 subsection 2, or section 709.9 pursuant to this
38 paragraph shall only be detained in a facility with
39 adequate staff to provide continuous visual
40 supervision of the child.

41 Sec. 3. Section 232.22, subsection 4, Code
42 Supplement 1987, is amended to read as follows:

43 4. A child shall not be detained in a facility
44 under subsection 2, paragraph "c" for a period of time
45 in excess of six hours without the oral or written
46 order of a judge or a magistrate authorizing the
47 detention. A judge or magistrate may authorize

48 detention in a facility under subsection 2, paragraph
49 "c" for a period of time in excess of six hours but
50 less than twenty-four hours, excluding weekends and

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1 legal holidays, but only if all of the following occur
2 or exist:

3 a. The facility serves a geographic area outside a
4 standard metropolitan statistical area as determined
5 by the United States census bureau.

6 b. The court determines that an acceptable
7 alternative placement does not exist pursuant to
8 criteria developed by the department of human
9 services.

10 c. The facility has been certified by the
11 department of corrections as being capable of sight
12 and sound separation pursuant to this section and
13 356.3.

14 d. The child is awaiting an initial hearing before
15 the court pursuant to section 232.44.

16 Except for paragraph "c" of this subsection, the
17 restrictions contained in this subsection relating to
18 the detention of a child in a facility under
19 subsection 2, paragraph "c" do not apply if the court
20 has waived its jurisdiction over the child for the
21 alleged commission of a felony offense pursuant to
22 section 232.45.

23 Sec. 4. Section 803.1, Code 1987, is amended by
24 adding the following new subsection:

25 **NEW SUBSECTION. 4.** The jurisdiction of the
26 criminal court includes the prosecution of any
27 individual arrested who is eighteen years of age or
28 older and who is charged with committing a criminal
29 offense. If the individual is alleged to have
30 committed the offense prior to having reached the age
31 of eighteen, that individual or the county attorney
32 may petition the criminal court to transfer the matter
33 to juvenile court, pursuant to section 803.5.

34 Sec. 5. **NEW SECTION. 803.5 TRANSFER OF**
35 **JURISDICTION.**

36 1. An adult who is alleged to have committed a
37 criminal offense prior to having reached the age of
38 eighteen may be transferred to juvenile court for
39 adjudication and disposition as a juvenile, provided
40 that the taking of that person into custody for the
41 alleged act or the filing of a complaint, information,
42 or indictment alleging the act, occurs within the time
43 periods and under the conditions specified in chapter
44 802.

45 2. The defendant or the county attorney may file a
46 motion for the transfer any time within ten days of
47 the initial appearance.

48 3. The court shall hold a transfer hearing on all
49 such motions. A notice of the time and place of the
50 transfer hearing shall be given to all parties to the

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1 hearing.

2 4. Prior to the transfer hearing, the juvenile
3 probation officer, or other person or agency
4 designated by the court, shall conduct an
5 investigation for the purpose of collecting
6 information relevant to the court's decision to waive
7 its jurisdiction over the defendant for the alleged
8 commission of the public offense and shall submit a
9 report concerning the investigation to the court. The
10 report shall include any recommendations made
11 concerning transfer. Prior to the hearing the court
12 shall provide the defendant's counsel and the county
13 attorney with access to the report and to all written
14 material to be considered by the court.

15 5. After the hearing, the court may transfer
16 jurisdiction to the juvenile court if the court
17 determines that there is probable cause to believe
18 that the adult committed an offense while still a
19 juvenile, and waiver to the criminal court would be
20 inappropriate under the criteria set forth in section
21 232.45, subsection 6, paragraph "c", and section
22 232.45, subsection 7, if the adult were still a child.

23 6. If after the hearing the court transfers
24 jurisdiction over the adult to the juvenile court for
25 the alleged commission of the public offense to the
26 juvenile court, the court shall forward the transfer
27 order together with all papers, documents, and a
28 transcript of all testimony filed or admitted into
29 evidence in connection with the case to the clerk of
30 the juvenile court in the same manner as provided in
31 section 232.8, subsection 2.

32 Sec. 6. Section 805.1, subsection 8, Code
33 Supplement 1987, is amended by striking the
34 subsection.

35 Sec. 7. NEW SECTION. 805.16 CITATIONS TO PERSONS
36 UNDER EIGHTEEN YEARS OF AGE.

37 1. Except as provided in subsection 2 of this
38 section, a peace officer shall issue a police citation
39 or uniform citation and complaint, in lieu of making a
40 warrantless arrest, to a person under eighteen years
41 of age accused of committing a simple misdemeanor

42 under chapter 106, 106A, 109, 109A, 110, 110A, 110B,
43 111, 321, or 321G, section 123.47, or a local
44 ordinance not subject to the jurisdiction of the
45 juvenile court, and shall not detain or confine the
46 person in a facility regulated under chapter 356 or
47 356A.

48 2. A person under the age of eighteen who refuses
49 to sign the citation without qualification, who
50 persists in engaging in the conduct for which the

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1 citation was issued, who refuses to provide proper
2 identification or to identify the person's self, or
3 who constitutes an immediate threat to the person's
4 own safety or the safety of the public may be arrested
5 in the manner provided in subsection 3. In addition,
6 or alternatively, the peace officer may require that
7 person to surrender the person's motor vehicle
8 operator's license until the time of the person's
9 initial court appearance. The peace officer shall
10 immediately send the person's operator's license along
11 with a copy of the unsigned citation indicating the
12 juvenile's refusal to sign to the clerk of the
13 district court for the district in which the peace
14 officer issued the citation.

15 3. A person arrested pursuant to subsection 2
16 shall only be arrested for the limited purpose of
17 holding the person in nonsecure custody in an area not
18 intended for secure detention while awaiting transfer
19 to an appropriate juvenile facility or to court, for
20 booking, for implied consent testing, for contacting
21 and release to the person's parents, or for other
22 administrative purposes.

23 For purposes of this subsection, "nonsecure
24 custody" means custody in an unlocked multipurpose
25 area, such as a lobby, office, or interrogation room
26 which is not designed, set aside, or used as a secure
27 detention area, and the person arrested is not
28 physically secured during the period of custody in the
29 area, the person is physically accompanied by a peace
30 officer or a person employed by the facility where the
31 person arrested is being held, and the use of the area
32 is limited to providing nonsecure custody only long
33 enough for the purposes stated in the preceding
34 paragraph and not for a period of time in excess of
35 six hours without the oral or written order of a judge
36 or magistrate authorizing the detention. A judge
37 shall not extend the period of time in excess of six
38 hours beyond the initial six-hour period.

39 4. This section does not prohibit the execution of
 40 an arrest warrant by a peace officer.
 41 Sec. 8. Section 903.1, subsection 1, unnumbered
 42 paragraph 1, Code Supplement 1987, is amended to read
 43 as follows:
 44 When a person ~~eighteen years of age or older~~ is
 45 convicted of a simple or serious misdemeanor and a
 46 specific penalty is not provided for, the court shall
 47 determine the sentence, and shall fix the period of
 48 confinement or the amount of fine, if such be the
 49 sentence, within the following limits:
 50 Sec. 9. Section 903.1, subsection 3, unnumbered

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1 paragraph 1, Code Supplement 1987, is amended to read
 2 as follows:
 3 A person under eighteen years of age convicted of a
 4 simple misdemeanor under chapter 106, 106A, 109, 109A,
 5 110, 110A, 110B, 111, 321, or 321G, section 123.47, or
 6 a violation of a county or municipal curfew or traffic
 7 ordinance, except for an offense subject to section
 8 805.8, may be required to pay a fine, not to exceed
 9 one hundred dollars, as fixed by the court, or may be
 10 required to perform community service as ordered by
 11 the court.”
 12 2. Title page, by striking lines 1 and 2 and
 13 inserting the following: “An Act relating to the
 14 issuance of citations to juveniles, the detention of
 15 juveniles and restrictions on the detention of
 16 juveniles in adult facilities, and providing
 17 penalties.”

JACK HESTER

S-5562

1 Amend House File 653 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. 516C.1 TITLE.
 6 This chapter shall be known and may be cited as the
 7 “Iowa Collision Damage Waiver Act”.
 8 Sec. 2. NEW SECTION. 516C.2 SCOPE.
 9 This chapter applies to a person in the business of
 10 renting a motor vehicle for a period of sixty days or
 11 less from a location in this state under an agreement
 12 which imposes upon the customer an obligation to pay

13 for any damages caused to the rented vehicle. This
14 chapter applies solely to the collision damage waiver
15 portion of the rental agreement.

16 Sec. 3. NEW SECTION. 516C.3 DEFINITIONS.

17 As used in this chapter, unless the context
18 requires otherwise:

19 1. "Collision damage waiver" means a contract or
20 contractual provision, whether separate from or a part
21 of a motor vehicle rental agreement, whereby the
22 rental company agrees, for a charge, to waive any and
23 all claims against the customer for any damages to the
24 rental vehicle during the term of the rental
25 agreement.

26 2. "Rental company" means a person in the business
27 of providing rental motor vehicles to customers.

28 3. "Customer" means a person obtaining the use of
29 a rental motor vehicle from a rental company under the
30 terms of a rental agreement.

31 4. "Rental agreement" means a written agreement
32 containing the terms and conditions for the use of the
33 rental motor vehicle by the customer for a term of
34 sixty days or less.

35 5. "Rental motor vehicle" means a private
36 passenger type vehicle or commercial type vehicle
37 which, upon execution of a rental agreement, is made
38 available to a customer for its use.

39 Sec. 4. NEW SECTION. 516C.4 PROHIBITIONS.

40 A rental company shall not deliver or issue for
41 delivery in this state a rental agreement containing a
42 collision damage waiver unless:

43 1. The rental agreement contains the terms of the
44 collision damage waiver in simple and readable words
45 with common meanings and the collision damage waiver
46 is understandable.

47 2. All restrictions, conditions, and exclusions
48 are printed in the rental agreement in eight-point
49 type, or larger; or written in pen and ink or
50 typewritten in or on the face of the rental agreement

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1 in a blank space provided therefore. The collision
2 damage waiver may exclude the following:

3 a. Damages caused intentionally by the customer or
4 as a result of the customer's willful or wanton
5 misconduct.

6 b. Damages caused by driving while intoxicated or
7 under the influence of a controlled substance.

8 The collision damage waiver may not exclude simple
9 negligence.

10 3. The collision damage waiver includes a
11 statement of the total charge for the waiver period.

12 4. The rental agreement displays on the face of
13 the agreement in boldface capitals in eight-point
14 type, or larger, the following notice:

15 NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL
16 CHARGE, A COLLISION DAMAGE WAIVER TO COVER YOUR
17 RESPONSIBILITY FOR DAMAGE TO THE VEHICLE.

18 BEFORE DECIDING WHETHER TO PURCHASE THE COLLISION
19 DAMAGE WAIVER, YOU MAY WISH TO DETERMINE WHETHER
20 YOUR

21 OWN AUTOMOBILE INSURANCE AFFORDS YOU COVERAGE FOR
22 DAMAGE TO THE RENTAL VEHICLE AND THE AMOUNT OF THE
23 DEDUCTIBLE UNDER YOUR OWN INSURANCE COVERAGE. THE
24 PURCHASE OF THIS COLLISION DAMAGE WAIVER IS NOT
25 MANDATORY AND MAY BE DECLINED.

26 However, prior to July 1, 1989, the disclosures
27 required to be made as part of a rental agreement
28 pursuant to this chapter may be made on a separate
29 sheet or handout given to the customer prior to
30 entering into the rental agreement. The separate
31 sheet or handout must be acknowledged by the customer
32 as being received prior to entering into the rental
33 agreement.

34 Sec. 5. NEW SECTION. 516C.5 UNFAIR OR DECEPTIVE
35 ACTS OR PRACTICES.

36 Unfair or deceptive acts or practices in the
37 advertisement or sale of collision damage waivers are
38 prohibited. Unfair and deceptive practices include,
39 but are not limited to, the following:

40 1. The representation in connection with the sale
41 or advertisement of a rental agreement or collision
42 damage waiver that the purchase of a collision damage
43 waiver is mandatory.

44 2. The failure to provide disclosures as required
45 in this chapter.

46 3. The failure to disclose in a manner likely to
47 be notice and comprehended in any advertisement, as
48 defined in section 714.16, subsection 1, paragraph
49 "a", if a collision damage waiver is available, and
50 the cost of the waiver.

51 Sec. 6. NEW SECTION. 516C.6 ENFORCEMENT.

Page 3

1 A violation of this chapter is a violation of
2 section 714.16, subsection 2, paragraph "a". The
3 provisions of section 714.16, including, but not
4 limited to, provisions relating to investigation,
5 injunctive relief, and penalties, apply to violations

6 of this chapter.”

7 2. Title page, line 1, by inserting after the
8 word “to” the following: “motor vehicle rental
9 insurance and”.

COMMITTEE ON COMMERCE
WILLIAM PALMER, Chairperson

S-5563

1 Amend Senate File 2321 as follows:

DIVISION S—5563B

2 1. Page 5, line 2, by striking the figure
3 “\$80,000” and inserting the following: “\$85,000”.

DIVISION S—5563A

4 2. Page 5, lines 21 and 22, by striking the words
5 “executive secretary of the state board of regents,”.
6 3. Page 5, line 25, by inserting after the word
7 “education,” the following: “executive secretary of
8 the state board of regents,”.

CALVIN O. HULTMAN

S-5564

1 Amend Senate File 2321 as follows:
2 1. Page 1, by striking lines 21 through 23.

CALVIN O. HULTMAN

S-5565

1 Amend House File 2258 as passed by the House as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section 111C.2, subsection 3, Code
6 1987, is amended to read as follows:
7 3. “Recreational purpose” means the following or
8 any combination thereof: Hunting, trapping, horseback
9 riding, fishing, swimming, boating, camping,
10 picnicking, hiking, pleasure driving, motorcycling,
11 nature study, water skiing, snowmobiling, other summer

12 and winter sports, and viewing or enjoying historical,
 13 archaeological, scenic, or scientific sites while
 14 going to and from or actually engaged therein.”.
 15 2. Title, line 1, by inserting after the word
 16 “to” the following: “recreational use of private
 17 lands or waters and to”.

COMMITTEE ON NATURAL RESOURCES
 KENNETH SCOTT, Chairperson

S-5566

1 Amend House File 133, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, by striking lines 13 and 14 and
 4 inserting the following: “limit the sale of
 5 nonresident licenses to zones 1, 2, 4, and 5 as
 6 defined by rules of the commission in effect as of
 7 January 6, 1988, and regulate the number of
 8 nonresidents allowed to have wild turkey licenses to a
 9 maximum of one hundred licenses per zone. The com-
 10 mission shall establish application”.
 11 2. Page 1, by striking lines 20 and 21 and
 12 inserting the following: “stamp. The commission
 13 shall limit the sale of nonresident licenses to zones
 14 4, 5, 6, and 9 as defined by rules of the commission
 15 in effect as of August 10, 1987, and regulate the
 16 number of nonresidents allowed to have deer licenses
 17 to a maximum of one thousand any sex licenses per
 18 year. The commission shall establish”.
 19 3. Page 1, by inserting after line 28 the
 20 following:
 21 “Sec. ____ . This Act takes effect January 1, 1989.
 22 Sec. ____ . This Act is repealed effective January
 23 1, 1992.”
 24 4. Title page, line 2, by inserting after the
 25 word “turkey” the following: “, and providing an
 26 effective date”.

COMMITTEE ON NATURAL RESOURCES
 KENNETH SCOTT, Chairperson

S-5567

1 Amend Senate File 2321 as follows:
 2 1. Page 11, lines 23 through 28, by striking the
 3 following: “After six years of membership in a state
 4 group insurance plan under this section, a person who

5 is no longer a member of the general assembly may con-
6 tinue to be a member of the state group insurance plan
7 at the state group premium rate, but the person shall
8 pay the total premium for the state plan.”
9 2. Page 11, lines 28 through 31, by striking the
10 following: “A member of the general assembly may
11 elect to be compensated in an amount equal to the
12 state’s payment for individual coverage in a state
13 group insurance plan in lieu of membership in the
14 state plan.”

JIM LIND

S-5568

1 Amend Senate File 2321 as follows:
2 1. By striking page 10, line 14 through page 11,
3 line 31.

JIM LIND

S-5569

1 Amend House File 566 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, by inserting after line 6 the
4 following:
5 “Sec. ____ . Section 321.194, Code 1987, is amended
6 by adding the following new unnumbered paragraph
7 immediately following unnumbered paragraph 2:
8 NEW UNNUMBERED PARAGRAPH. A school license issued
9 under this section may also entitle the holder to
10 operate a motor vehicle over the most direct and
11 accessible route between the licensee’s residence or
12 school and place of employment and between the
13 licensee’s place of employment and the licensee’s
14 residence or school if the licensee’s employer
15 certifies to the department that a need exists for
16 such use of the license. The department shall adopt
17 rules pursuant to chapter 17A establishing criteria
18 for the issuance of an employer’s certificate of
19 necessity. Upon receipt of a certification of
20 necessity from an employer of a licensee which meets
21 the criteria established by the department and receipt
22 of certification that the licensee has successfully
23 completed an approved driver education course, the
24 department shall issue a validation certificate
25 authorizing the licensee to operate a motor vehicle to

26 and from the licensee's place of employment. The
 27 validation certificate shall be in the licensee's
 28 immediate possession when the motor vehicle is being
 29 operated to and from the licensee's place of
 30 employment. An employer who has submitted a
 31 certificate of necessity under this paragraph, shall
 32 notify the department within seven days of the
 33 termination of the employment of the licensee. Upon
 34 notification of the termination of employment, the
 35 department shall cancel the validation certificate.
 36 Upon receipt of notice of cancellation of the
 37 certificate from the department, the licensee shall
 38 surrender the certificate to the department. A
 39 validation certificate issued under this paragraph is
 40 not valid for operating to and from the licensee's
 41 place of employment if such employment is in violation
 42 of chapter 92."

WILMER RENSINK

S-5570

1 Amend Senate File 2321 as follows:
 2 1. Page 5, line 17, by inserting after the
 3 period the following: "The IPERS investment board
 4 may designate a chief investment officer of the
 5 IPERS division to be compensated in this range."

CHARLES BRUNER

S-5571

1 Amend House File 468, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 17, line 18, by inserting after the
 4 figure "99F." the following: "Notwithstanding section
 5 123.3, subsection 12, paragraph "b", a person holding
 6 a federal gambling permit and licensed to conduct
 7 gambling games pursuant to chapter 99F may hold a
 8 liquor license."

WALLY HORN

S-5572

1 Amend Senate File 2321 as follows:
 2 1. Page 2, line 32, by inserting after the word

3 "salaries." the following: "However, the attorney
4 general shall establish the salary for the consumer
5 advocate within the salary range provided in section 5
6 of this Act."

JOE WELSH

S-5573

1 Amend House File 2046, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 10, by inserting after the figure
4 "3" the following: "at the time of the member's
5 appointment".
6 2. By striking page 1, line 13 through page 2,
7 line 1, and inserting the following:
8 "Sec. ____ . Section 262.6, Code 1987, is amended to
9 read as follows:
10 262.6 VACANCIES.
11 Vacancies shall be filled in the same manner in
12 which regular appointments are required to be made.
13 If the ninth member resigns prior to the expiration of
14 the term, the individual appointed to fill the vacancy
15 shall meet the requirements for the ninth member
16 specified in section 262.1. Other vacancies occurring
17 prior to the expiration of the ninth member's term
18 shall be filled in the same manner as the original
19 appointments for those vacancies."
20 3. By numbering sections as necessary.

EDGAR H. HOLDEN

S-5574

1 Amend House File 2285 as passed by House as
2 follows:
3 1. Page 2, by inserting after line 5 the
4 following:
5 "Sec. ____ . Section 324.38, Code 1987, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 7. When a return is timely filed
8 and the taxes due are paid in the manner provided in
9 this section, the special fuel dealer or the special
10 fuel distributor shall be allowed a credit or discount
11 of one-half of one percent of the taxes due on the
12 first one hundred thousand gallons of special fuel
13 sold in a calendar month. The credit or discount is
14 allowed to the special fuel dealer or distributor as

15 remuneration for collecting the tax, keeping the
 16 record, and filing timely returns required by this
 17 chapter.”

EDGAR H. HOLDEN
 JIM LIND

S-5575

1 Amend House File 2386 as passed by the House as
 2 follows:

3 1. Page 1, by striking lines 1 through 9 and
 4 inserting the following:

5 “Section 1. Section 7C.4A, subsection 2, Code
 6 Supplement 1987, is amended to read as follows:

7 2. Twelve percent of the state ceiling shall be
 8 allocated to bonds issued to carry out programs
 9 established under chapters 280A, 280B, and 280C.

10 However, at any time during the calendar year the
 11 director of the Iowa department of economic
 12 development may determine that a lesser amount need be
 13 allocated and on that date this lesser amount shall be
 14 the amount allocated for those programs and the excess
 15 shall be allocated under subsection 6. For the fiscal
 16 years beginning July 1, 1988, and July 1, 1989, no
 17 amount of the state ceiling shall be allocated under
 18 this subsection to a program under chapter 280B
 19 providing training funds to a project for a business
 20 which the board of directors of the area school
 21 determines to have a high turnover rate for its jobs
 22 in comparison to businesses of a similar type or
 23 nature based upon published standards adopted by the
 24 Iowa department of economic development. The
 25 standards shall be adopted and published by July 1,
 26 1988, and shall be revised, if necessary, on July 1,
 27 1989.”

28 2. Page 1, line 21, by inserting after the word
 29 “shall” the following: “make a good faith effort to”.

30 3. Page 1, line 23, by inserting after the word
 31 “shall” the following: “make a good faith effort to”.

32 4. Page 2, line 19, by inserting after the word
 33 “assistance.” the following: “The department shall
 34 make a good faith effort to compile this information.”

35 5. Page 2, line 25, by inserting after the word
 36 “state” the following: “or the economic development
 37 area”.

38 6. Page 2, line 26, by inserting after the word
 39 “Iowa” the following: “or the economic development
 40 area”.

41 7. Page 3, line 24, by inserting after the word
 42 "shall" the following: "make a good faith effort to".
 43 8. Page 3, line 26, by inserting after the word
 44 "shall" the following: "make a good faith effort to".
 45 9. Page 4, line 22, by inserting after the word
 46 "assistance." the following: "The department shall
 47 make a good faith effort to compile this information."
 48 10. Page 4, line 28, by inserting after the word
 49 "state" the following: "or the economic development
 50 area".

Page 2

1 11. Page 4, line 29, by inserting after the word
 2 "Iowa" the following: "or the economic development
 3 area".

COMMITTEE ON SMALL BUSINESS
 AND ECONOMIC DEVELOPMENT
 LEONARD L. BOSWELL, Chairperson

S-5576

1 Amend House File 2419, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 25 the
 4 following:
 5 "Sec. ____ . Section 275.51, unnumbered paragraph 1,
 6 Code 1987, is amended to read as follows:
 7 As an alternative to school district reorganization
 8 prescribed in this chapter, the board of directors of
 9 a school district may establish a school district
 10 dissolution commission to prepare a proposal of
 11 dissolution of the school district and attachment of
 12 all of the school district to one or more contiguous
 13 school districts and to include in the proposal a
 14 division of the assets and liabilities of the
 15 dissolving school district. A school district
 16 dissolution commission may also be established if a
 17 dissolution proposal has been prepared by eligible
 18 electors who reside within the district. The proposal
 19 must contain the names of the proposed members of the
 20 commission and be accompanied by a petition which has
 21 been signed by at least twenty percent of the eligible
 22 electors.
 23 Sec. ____ . Section 275.55, unnumbered paragraph 4,
 24 Code 1987, is amended to read as follows:
 25 The attachment is effective July 1 following its
 26 approval. If the dissolution proposal is for the

27 dissolution of a school district with a certified
 28 enrollment of fewer than six hundred, and the proposal
 29 has been submitted to the department of education, and
 30 the department of education has sent written
 31 notification to the department of management of its
 32 approval of the dissolution, the territory located in
 33 the school district that dissolved is eligible for a
 34 reduction in the uniform property tax levy under
 35 section 442.2, subsection 1.

36 Sec. ____ . NEW SECTION. 275.55A ATTENDANCE IN
 37 OTHER DISTRICT.

38 A pupil enrolled in ninth, tenth, or eleventh grade
 39 during the school year preceding the effective date of
 40 a dissolution proposal, who was a resident of the
 41 school district that dissolved, may enroll in any
 42 school district to which territory of the school
 43 district that dissolved was attached until that
 44 pupil's graduation from high school. Notwithstanding
 45 section 282.24, the district of residence of the
 46 pupil, determined in the dissolution proposal, shall
 47 pay tuition to the school district selected by the
 48 pupil in an amount not to exceed the district cost per
 49 pupil of the district of residence and the school
 50 district selected by the pupil shall accept that

Page 2

1 tuition payment and enroll the pupil.”
 2 2. Page 4, by inserting after line 10 the
 3 following:
 4 “Sec. ____ . Section 442.2, subsection 1, unnumbered
 5 paragraphs 2 and 3, Code 1987, are amended to read as
 6 follows:
 7 However, commencing with the budget year beginning
 8 July 1, ~~1987~~ 1988, a reorganized school district shall
 9 cause a foundation property tax of four dollars and
 10 forty cents per thousand dollars of assessed valuation
 11 to be levied on all taxable property which, in the
 12 year preceding ~~the a~~ reorganization, was within a
 13 school district affected by the reorganization as
 14 defined in section 275.1, ~~and which or in the year~~
 15 preceding a dissolution was a part of a school
 16 district that dissolved if the dissolution proposal
 17 has been approved by the department of education
 18 pursuant to section 275.55. In the year preceding the
 19 reorganization or dissolution, the school district
 20 affected by the reorganization or the school district
 21 that dissolved must have had a certified enrollment of
 22 less fewer than six hundred in order for the four
 23 dollar and forty cent levy to apply. In succeeding

24 school years, the foundation property tax levy on that
25 portion shall be increased twenty cents per year until
26 it reaches the rate of five dollars and forty cents
27 per thousand dollars of assessed valuation.

28 For purposes of this section, a reorganized school
29 district is one in which reorganization or dissolution
30 was approved in an election pursuant to sections
31 275.18 and 275.20 or section 275.55, and ~~will take the~~
32 reorganization or dissolution takes effect on or after
33 July 1, ~~1986~~ 1988.”

34 3. Title page, line 1, by inserting after the
35 word “to” the following: “enrollment of school
36 pupils, including”.

37 4. Title page, line 1, by inserting after the
38 word “effecting” the following: “school district
39 dissolutions and”.

LARRY MURPHY
WALLY E. HORN
RICHARD J. VARN
BEVERLY A. HANNON
JEAN LLOYD-JONES
WILMER RENSINK
RAY TAYLOR
EDGAR H. HOLDEN
CHARLES BRUNER
DALE TIEDEN
JIM LIND
JOY CORNING
JIM RIORDAN

S-5577

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:

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

5 “Sec. 100. There is appropriated from the road use
6 tax fund to the department of inspections and appeals
7 for the fiscal year beginning July 1, 1987, and ending
8 June 30, 1988, the following amount, or so much
9 thereof as is necessary, for the purposes designated:

10 For salary adjustments:
11 \$ 24,124”.

12 2. Page 16, by striking lines 9 through 12, and
13 inserting the following: “the state.”

14 3. Page 22, by striking lines 18 and 19.

15 4. Page 22, by inserting after line 20, the
16 following:

17 "Sec. ____ . Section 100 of this Act, being deemed
18 of immediate importance, is effective upon enactment."
19 4. By renumbering, relettering, or redesignating
20 and correcting internal references as necessary.

JOHN PETERSON
JOE WELSH

S-5578

1 Amend House File 2339 as follows:
2 1. Page 2, by inserting after line 15 the
3 following:
4 "Sec. ____ . Section 20.9, unnumbered paragraph 1,
5 Code 1987, is amended to read as follows:
6 The public employer and the employee organization
7 shall meet at reasonable times, including meetings
8 reasonably in advance of the public employer's budget-
9 making process, to negotiate in good faith with
10 respect to wages, hours, vacations, insurance,
11 holidays, leaves of absence, shift differentials,
12 overtime compensation, supplemental pay, seniority,
13 transfer procedures, job classifications, health and
14 safety matters, evaluation procedures, procedures for
15 staff reduction, in-service training, discipline and
16 discharge, and other matters mutually agreed upon.
17 Negotiations shall also include terms authorizing dues
18 checkoff for members of the employee organization and
19 grievance procedures for resolving any questions
20 arising under the agreement, which shall be embodied
21 in a written agreement and signed by the parties. If
22 an agreement provides for dues checkoff, a member's
23 dues may be checked off only upon the member's written
24 request and the member may terminate the dues checkoff
25 at any time by giving thirty days' written notice.
26 Such obligation to negotiate in good faith does not
27 compel either party to agree to a proposal or make a
28 concession."
29 2. Title page, by striking lines 1 and 2 and
30 inserting the following: "An Act relating to public
31 employee relations by revising provisions relating to
32 grievances, discipline, and discharge and subjects of
33 bargaining."
34 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
BOB CARR, Chairperson

S-5579

- 1 Amend House File 2294, as amended, passed, and re-
2 printed by the House, as follows:
- 3 1. Page 1, by striking line 34, and inserting the
4 following: "subject's legal guardian, except when the
5 provisions of section 135I.2, subsection 6, apply,
6 shall be provided with preliminary counseling which
7 shall include but is not limited to the".
- 8 2. Page 2, by striking lines 9 through 11.
- 9 3. Page 3, by striking lines 13 through 20.
- 10 4. Page 3, line 22, by striking the figure
11 "505.15" and inserting the following: "505.16".
- 12 5. Page 3, by striking line 23 and inserting the
13 following:
- 14 "6. A person may".
- 15 6. Page 5, by striking lines 13 and 14.
- 16 7. Page 7, by striking lines 7 and 8, and insert-
17 ing the following: "enforce this chapter."
- 18 8. By striking page 7, line 24 through page 9,
19 line 6, and inserting the following:
- 20 "The department, in cooperation with the department
21 of public safety, and persons who represent those who
22 attend dead bodies shall establish for all emergency
23 medical providers including paramedics, ambulance
24 personnel, physicians, nurses, hospital personnel,
25 first responders, peace officers, or firefighters, who
26 provide emergency care services to a person, and shall
27 establish for all persons who attend dead bodies,
28 protocol, and procedures for the use of universal
29 precautions to prevent the transmission of contagious
30 and infectious diseases."
- 31 9. Page 9, line 33, by inserting after the word
32 "shall" the following: ", as appropriate,".
- 33 10. Page 9, line 34, by inserting after the word
34 "Act" the following: ", with the exception of section
35 7 of this Act,".
- 36 11. Page 10, by inserting after line 2, the
37 following:
- 38 "Sec. ____ . Section 135C.23, subsection 2, Code
39 Supplement 1987, is amended to read as follows:
- 40 2. A health care facility shall not knowingly
41 admit or retain a resident:
- 42 a. Who is dangerous to the resident or other
43 residents.
- 44 b. Who is in an acute stage of alcoholism, drug
45 addiction, ~~or~~ mental illness; ~~or an active state of~~
46 ~~communicable disease.~~
- 47 c. Whose condition or conduct is such that the
48 resident would be unduly disturbing to other

49 residents.

50 d. Who is in need of medical procedures, as

Page 2

1 determined by a physician, or services which cannot be
2 or are not being carried out in the facility.

3 This section does not prohibit the admission of a
4 patient with a history of dangerous or disturbing
5 behavior to an intermediate care facility, skilled
6 nursing facility, or county care facility when the
7 intermediate care facility, skilled nursing facility,
8 or county care facility has a program which has
9 received prior approval from the department to
10 properly care for and manage the patient. An
11 intermediate care facility, skilled nursing facility,
12 or county care facility is required to transfer or
13 discharge a resident with dangerous or disturbing
14 behavior when the intermediate care facility, skilled
15 nursing facility, or county care facility cannot
16 control the resident's dangerous or disturbing
17 behavior. The department, in coordination with the
18 state mental health and mental retardation commission,
19 shall adopt rules pursuant to chapter 17A for programs
20 to be required in intermediate care facilities,
21 skilled nursing facilities, and county care facilities
22 that admit patients or have residents with histories
23 of dangerous or disturbing behavior.

24 The denial of admission of a person to a health
25 care facility shall not be based upon the patient's
26 condition, which is the existence of a specific
27 disease in the patient, but the decision to accept or
28 deny admission of a patient with a specific disease
29 shall be based solely upon the ability of the health
30 care facility to provide the level of care required by
31 the patient."

COMMITTEE ON HUMAN RESOURCES
BEVERLY HANNON, Chairperson

S-5580

1 Amend House File 529, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, line 21, by inserting after the word
4 "county," the following: "area education agency,".

5 2. Page 4, line 24, by inserting after the word
6 "county," the following: "area education agency,".

JOE WELSH

HOUSE AMENDMENT TO
SENATE FILE 2086

S-5581

1 Amend Senate File 2086, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 12 through 16 and
4 inserting the following:

5 "a. By July 1, 1989, a minimum of fifty percent of
6 the purchases of inks which are used for newsprint
7 printing services performed internally or contracted
8 for by the department of general services shall be
9 soybean-based."

10 2. Page 1, by striking lines 24 through 29 and
11 inserting the following:

12 "c. The department of general services shall
13 report to the general assembly on January 1 of each
14 year the plastic products which are regularly
15 purchased by the department of general services for
16 which starch-based product alternatives are available.
17 The report shall also include the cost of the plastic
18 products purchased and the cost of the starch-based
19 product alternatives."

20 3. Page 2, by striking lines 21 through 25 and
21 inserting the following:

22 "a. By July 1, 1989, a minimum of fifty percent of
23 the purchases of inks which are used for newsprint
24 paper for printing services performed internally or
25 contracted for by the board shall be soybean-based."

26 4. By striking page 2, line 32 through page 3,
27 line 1, and inserting the following:

28 "c. The board shall report to the general assembly
29 on January 1 of each year, the plastic products which
30 are regularly purchased by the board for which starch-
31 based product alternatives are available. The report
32 shall also include the cost of the plastic products
33 purchased and the cost of the starch-based product
34 alternatives."

35 5. Page 3, by striking lines 19 through 23 and
36 inserting the following:

37 "a. By July 1, 1989, a minimum of fifty percent of
38 the purchases of inks which are used for newsprint
39 paper for printing services performed internally or
40 contracted for by the commission shall be soybean-
41 based."

42 6. Page 3, by striking lines 30 through 35 and
43 inserting the following:
44 "c. The commission shall report to the general as-
45 sembly on January 1 of each year, the plastic products
46 which are regularly purchased by the commission for
47 which starch-based product alternatives are available.
48 The report shall also include the cost of the plastic
49 products purchased and the cost of the starch-based
50 product alternatives."

S-5582

1 Amend the Committee amendment, S-5426, to House
2 File 2192 as passed by the House as follows:
3 1. Page 1, line 26, by inserting after the word
4 "canoes," the following: "competitive racing
5 shells,".

KENNETH D. SCOTT

S-5583

1 Amend House File 2440 as passed by the House, as
2 follows:
3 1. Page 5, line 31, by striking the figure
4 "169.4" and inserting the following: "169.5".

JAMES RIORDAN

S-5584

1 Amend House File 2259, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 321.1, subsection 40,
6 unnumbered paragraphs 3 and 4, Code Supplement 1987,
7 are amended by striking the paragraphs and inserting
8 in lieu thereof the following:
9 "Final stage manufacturer" means a person who
10 performs such manufacturing operations on an
11 incomplete vehicle that it becomes a completed
12 vehicle.
13 "Incomplete vehicle" means an assemblage, as a
14 minimum, consisting of a frame and chassis structure,
15 power train, steering system, suspension system, and
16 braking system, to the extent that those systems are

17 to be a part of the completed vehicle, that requires
18 further manufacturing operations, other than the
19 addition of readily attachable equipment, components,
20 or minor finishing operations.”

21 2. Page 1, by inserting after line 11 the
22 following:

23 “Sec. ____ . NEW SECTION. 321.23A IDENTIFICATION
24 BY FINAL STAGE MANUFACTURER.

25 A final stage manufacturer shall furnish to the
26 department a document which identifies that the
27 vehicle was incomplete prior to that manufacturing
28 operation. The identification shall include the name
29 of the incomplete vehicle manufacturer, the date of
30 manufacture, the vehicle identification number to
31 ascertain that the document applies to a particular
32 incomplete vehicle, and such other information as the
33 department may require.”

34 3. Title page, lines 1 and 2, by striking the
35 words “who rebuild motor vehicles into emergency
36 vehicles to be licensed as wholesalers” and inserting
37 the following: “to rebuild certain motor vehicles and
38 provide final stage manufacturing of vehicles, and
39 making penalties applicable”.

40 4. Renumber sections as necessary.

JOHN A. PETERSON

S-5585

1 Amend House File 2405, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, line 28, by striking the word “two”
4 and inserting the following: “three”.

WALLY HORN

S-5586

1 Amend House File 2443, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking lines 4 through 8 and
4 inserting the following: “positions, maintenance, and
5 miscellaneous purposes, the sum of seventeen million
6 one hundred twenty-six thousand three hundred sixty-
7 five (17,126,365) dollars, and as a condition,
8 limitation, and qualification of this appropriation,
9 the facility shall employ two hundred ninety
10 correctional officers.”

11 2. Page 3, by striking lines 12 through 16 and
12 inserting the following: "miscellaneous purposes, the
13 sum of eleven million nine hundred twenty-five
14 thousand five (11,925,005) dollars, and as a
15 condition, limitation, and qualification of this
16 appropriation, the facility shall employ one hundred
17 seventy-eight correctional officers."

18 3. Page 3, by striking lines 20 through 24 and
19 inserting the following: "maintenance, and
20 miscellaneous purposes, the sum of eight million three
21 hundred eighty thousand seven hundred sixty-five
22 (8,380,765) dollars, and as a condition, limitation,
23 and qualification of this appropriation, the facility
24 shall employ one hundred twenty-four correctional
25 officers."

26 4. Page 3, by striking lines 28 through 31 and
27 inserting the following: "purposes, the sum of two
28 million one hundred eight thousand one hundred
29 seventy-two (2,108,172) dollars, and as a condition,
30 limitation, and qualification of this appropriation,
31 the facility shall employ eighteen correctional
32 officers."

33 5. By striking page 3, line 35 through page 4,
34 line 4, and inserting the following: "positions,
35 maintenance, and miscellaneous purposes, the sum of
36 nine million one hundred six thousand seven hundred
37 eighty-seven (9,106,787) dollars, and as a condition,
38 limitation, and qualification of this appropriation,
39 the facility shall employ one hundred thirty-four
40 correctional officers."

41 6. Page 4, by striking lines 8 through 12 and
42 inserting the following: "miscellaneous purposes, the
43 sum of two million two hundred forty-four thousand
44 four hundred eighty-one (2,244,481) dollars, and as a
45 condition, limitation, and qualification of this
46 appropriation, the facility shall employ thirty-six
47 correctional officers."

48 7. Page 4, by striking lines 16 through 19 and
49 inserting the following: "maintenance, and
50 miscellaneous purposes, the sum of three million two

Page 2

1 hundred eighty thousand two hundred thirty-two
2 (3,280,232) dollars, and as a condition, limitation,
3 and qualification of this appropriation, the facility
4 shall employ fifty-nine correctional officers."

5 8. Page 4, by striking lines 23 through 27 and
6 inserting the following: "miscellaneous purposes, the
7 sum of two million seven hundred thirteen thousand

8 eight hundred forty-one (2,713,841) dollars, and as a
9 condition, limitation, and qualification of this
10 appropriation, the facility shall employ forty-four
11 correctional officers."

JOE J. WELSH

S-5587

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 16, by inserting after the word
4 "purposes" the following: "or additional funds as
5 necessary for the orderly and efficient operation of
6 the liquor system, subject to the approval of the
7 department of management. The department of
8 management shall notify the legislative fiscal
9 committee of the need for additional funds".

JOE WELSH

S-5588

1 Amend House File 2443 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by striking lines 12 and 13 and
4 inserting the following:
5 "Sec. ____ . There is appropriated from the general
6 fund of the state to the office of state treasurer for
7 the fiscal year beginning July 1, 1988, and ending
8 June 30, 1989, the sum of four hundred thousand
9 (400,000) dollars, or so much thereof as is necessary,
10 of which two hundred thousand (200,000) dollars of the
11 appropriated amount shall be used for the legal
12 assistance for farmers program and two hundred
13 thousand (200,000) dollars of the appropriated amount
14 shall be used for the farm mediation service program."

JIM RIORDAN

S-5589

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 12, the
4 following:
5 "Sec. ____ . The department of employment services,

6 division of labor services, may, conditioned upon the
 7 adoption of a contractor registration requirement
 8 similar to that provided for by Senate File 2318,
 9 expend up to fifty thousand dollars, or so much
 10 thereof as is necessary, out of the funds collected
 11 under the contractor registration requirements, for
 12 the purposes of implementation and administration of
 13 the contractor registration program. This
 14 appropriation is exempt from the department of
 15 management's quarterly allocation recapture
 16 procedure."

JOHN A. PETERSON

S-5590

1 Amend House File 2400, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by inserting after line 6, the
 4 following:
 5 "Sec. ____ NEW SECTION. 477B.5A REFERENDUM ON
 6 E911 IN PROPOSED SERVICE AREA AND ON IMPOSITION OF FEE
 7 TO FUND SERVICE.
 8 1. Before a joint E911 service board may request
 9 imposition of the fee by the administrator, the board
 10 shall submit the following questions on a ballot
 11 included in each telephone subscriber's periodic
 12 telephone bill within the proposed E911 service area,
 13 and each question must receive a favorable vote from a
 14 simple majority of those returning completed ballots:
 15 a. Should E911 service be provided within
 16 (description of the proposed E911 service area)?
 17 b. Should E911 service be funded, in whole or in
 18 part, by imposition of a surcharge of up to ten cents
 19 per month per telephone access line collected as part
 20 of each telephone subscriber's monthly phone bill, as
 21 permitted by state law upon approval by referendum?
 22 If E911 service is already provided, the E911
 23 operating authority may request imposition of the fee,
 24 conditioned upon submission to, and favorable
 25 recommendation by, the affected voters, of the
 26 question in paragraph "b" only.
 27 2. The E911 ballot shall be included in subscriber
 28 billings within the proposed E911 service area by the
 29 local exchange access line provider upon request of
 30 the joint E911 service board under the following
 31 conditions:
 32 a. The board makes a written request including a
 33 written description of the area to be served.

34 b. The ballot is included as a separate insert
35 clearly identifying the joint E911 service board as
36 the source of the request.
37 c. Instructions shall be approved by the
38 administrator, or adopted by rule of the
39 administrator. Instructions shall clearly
40 disassociate the local exchange access provider from
41 the ballot, shall contain no endorsement or
42 recommendation, and otherwise shall provide
43 instructions in plain, easy to understand, language.
44 d. The local exchange access company shall be
45 compensated for its costs associated with the
46 balloting in an amount at least equal to its charge
47 for commercial advertising inserts.
48 e. The local exchange access company shall be
49 indemnified for any liability arising out of inclusion
50 of the ballot in its billing materials.

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1 f. Ballots may be returned to the local exchange
2 access provider with the subscriber's payment or to
3 the joint E911 service board in a separate, no postage
4 required, envelope.
5 h. Only one ballot shall be sent to each
6 subscriber."

EMIL J. HUSAK

S-5591

1 Amend the amendment, S-5522, to House File 2443 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, line 15, by inserting after the word
5 "legislative" the following: "and citizen".
6 2. Page 1, line 19, by inserting after the word
7 "enforcement" the following: ", the co-chairpersons
8 and ranking members of the justice system
9 appropriations subcommittee, a member representing the
10 Iowa judges association, a member representing the
11 Iowa county attorneys' association, and a member
12 representing parole and probation officers".

JIM LIND

S-5592

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by inserting after line 6, the
4 following:
5 "Sec. ____ . NEW SECTION. 477B.5A REFERENDUM ON
6 E911 IN PROPOSED SERVICE AREA AND ON IMPOSITION OF FEE
7 TO FUND SERVICE.
8 1. Before a joint E911 service board may request
9 imposition of the fee by the administrator, the board
10 shall submit the following questions on a general
11 election ballot to voters in the proposed E911 service
12 area, and each question must receive a favorable vote
13 from a simple majority:
14 a. Should E911 service be provided within
15 (description of the proposed E911 service area)?
16 b. Should E911 service be funded, in whole or in
17 part, by imposition of a surcharge of up to ten cents
18 per month per telephone access line collected as part
19 of each telephone subscriber's monthly phone bill, as
20 permitted by state law upon approval by referendum?
21 The questions shall be included on the ballot of
22 each electoral precinct to be served in whole or in
23 part by a proposed E911 service plan, upon request of
24 the joint E911 service board.
25 If E911 service is already provided, the E911
26 operating authority may request imposition of the fee,
27 conditioned only upon submission to, and favorable
28 recommendation by, the affected voters, of the
29 question in paragraph "b" only."

EMIL HUSAK

S-5593

1 Amend House File 2444 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, line 35, by striking the words "The
4 division shall".
5 2. Page 3, by striking lines 1 through 7.

CALVIN O. HULTMAN
JOHN W. JENSEN
LEE W. HOLT
RICHARD VANDE HOEF

S-5594

1 Amend the Committee amendment, S-5522, to House
2 File 2443 as amended, passed and reprinted by the
3 House as follows:

DIVISION S—5594A

4 1. Page 1, line 8, by striking the figure
5 “1,693,743” and inserting the following: “1,693,744”.

DIVISION S—5594B

6 2. Page 1, line 19, by inserting after the word
7 “enforcement” the following: “and the co-chairpersons
8 and ranking members of the justice system
9 appropriations subcommittee”.

EUGENE FRAISE

S-5595

1 Amend House File 2444 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 21, by inserting after line 11 the
4 following:
5 “Sec. ____ . Section 118.16, Code 1987, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 14. “Interior designer” means a
8 person using such designation in the performance of
9 interior design services who has either passed the
10 NCIDQ (National Council for Interior Design
11 Qualification) prior to or subsequent to enactment of
12 this Act, or who were qualified under established
13 NCIDQ criteria to take the examination as of the date
14 of enactment of this Act.
15 Sec. ____ . Section 118.17, Code 1987, is amended by
16 adding the following new subsection:
17 NEW SUBSECTION. 4. Interior designers, as defined
18 in section 118.16.”

JOE J. WELSH

S-5596

- 1 Amend House File 2444 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 22, by striking lines 7 through 17.

RICHARD VANDE HOEF

S-5597

- 1 Amend House File 2440 as passed by the House as
- 2 follows:
- 3 1. By striking page 13, line 12 through page 14,
- 4 line 6.

CALVIN O. HULTMAN

S-5598

- 1 Amend the amendment, S-5522, to House File 2443, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 8.
- 5 2. Renumber as necessary.

BEVERLY HANNON

S-5599

- 1 Amend House File 2444 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 9, line 24, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 9, line 28, by striking the word "shall"
- 6 and inserting the following: "may".

JULIA GENTLEMAN

S-5600

- 1 Amend House File 2444 as amended, passed, and reprinted
- 2 by the House as follows:
- 3 1. Page 5, by striking lines 27 through 29.

JULIA GENTLEMAN

S-5601

1 Amend House File 2285, as passed by the House, as
2 follows:

3 1. Page 3, by inserting after line 18 the
4 following:

5 "Sec. 40. Section 422.8, subsection 2, Code 1987,
6 is amended to read as follows:

7 2. Nonresident's net income allocated to Iowa is
8 the net income, or portion thereof, which is derived
9 from a business, trade, profession, or occupation
10 carried on within this state or income from any
11 property, trust, estate, or other source within Iowa.
12 If any business, trade, profession, or occupation is
13 carried on partly within and partly without the state,
14 only the portion of the net income which is fairly and
15 equitably attributable to that part of the business,
16 trade, profession, or occupation carried on within the
17 state is allocated to Iowa for purposes of section
18 422.5, subsection 1, paragraph "n" and section 422.13
19 and income from any property, trust, estate, or other
20 source partly within and partly without the state is
21 allocated to Iowa in the same manner, except that
22 annuities, interest on bank deposits and interest-
23 bearing obligations, and dividends are allocated to
24 Iowa only to the extent to which they are derived from
25 a business, trade, profession, or occupation carried
26 on within the state. However, income received by an
27 individual who is a resident of another state is not
28 allocated to Iowa if the income is subject to an
29 income tax imposed by the state where the individual
30 resides, and if the state of residence allows a
31 similar exclusion for income received in that state by
32 residents of Iowa. In order to implement the
33 exclusions, the director shall designate by rule the
34 states which allow a similar exclusion for income
35 received by residents of Iowa, and may enter into
36 agreements with other states to provide that similar
37 exclusions will be allowed, and to provide suitable
38 withholding requirements in each state.
39 Notwithstanding any other provision in this
40 subsection, income from pension benefits earned in
41 Iowa and received by an individual who is a resident
42 of another state shall not be allocated to Iowa, and
43 shall not, in any other way, be subject to tax in this
44 state."

45 2. Page 13, by inserting after line 1 the
46 following:

47 "Sec. ____ . Section 40 of this Act is retroactive

48 to January 1, 1988, for tax years beginning on or
49 after that date.”

EMIL J. HUSAK
WALLY E. HORN
LEONARD L. BOSWELL
JACK W. HESTER
JACK NYSTROM

S-5602

1 Amend House File 2444, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 1, by striking the word “filing”
4 and inserting the following: “case”.
5 2. Page 3, line 2, by striking the word “filing”
6 and inserting the following: “case”.
7 3. Page 3, by striking line 7, and inserting the
8 following: “case fee. The case fee shall be
9 collected after final administrative determination of
10 the case, and not as a condition of filing.”

JOE WELSH

S-5603

1 Amend House File 2444 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, by striking line 13 through page 4,
4 line 27.

EDGAR H. HOLDEN

S-5604

1 Amend House File 2444 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 9, by striking lines 12 through 18.

EDGAR H. HOLDEN

S-5605

- 1 Amend House File 2440 as passed by the House as
- 2 follows:
- 3 1. Page 5, by striking lines 31 through 35.

EDGAR H. HOLDEN

S-5606

- 1 Amend House File 645 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 4, line 1, by inserting after the word
- 4 "and" the following: "upon a showing of probable
- 5 cause".

AL STURGEON

S-5607

- 1 Amend House File 645 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. By striking page 1, line 1 through page 3,
- 4 line 4 and inserting the following:
- 5 "Section 1. Section 477.6, Code 1987, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. It is not unlawful under
- 8 this chapter for an".
- 9 2. By striking page 3, line 17 through page 14,
- 10 line 17.

AL STURGEON

S-5608

- 1 Amend House File 645 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 4, lines 6 and 7, by striking the words
- 4 "the offenses of" and inserting the following:
- 5 "felony offenses involving".

AL STURGEON

S-5609

- 1 Amend House File 645 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 8, line 13, by striking the word "An" and
- 4 inserting the following: "One".

AL STURGEON

S-5610

- 1 Amend House File 645 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 14, by striking lines 15 through 17.

AL STURGEON

S-5611

- 1 Amend House File 645 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. By striking page 7, line 31 through page 8,
- 4 line 8.
- 5 2. By renumbering as necessary.

AL STURGEON

S-5612

- 1 Amend the amendment, S-5514, to House File 2412 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 17 through 32.

EUGENE FRAISE

S-5613

- 1 Amend House File 2170 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by inserting after line 31 the
- 4 following:
- 5 "Sec. ____ . Section 237.18, unnumbered paragraph 2,
- 6 Code 1987, is amended to read as follows:
- 7 The state board shall make recommendations to the
- 8 general assembly, the department, to child-placing
- 9 agencies, the governor, the supreme court, the chief
- 10 judge of each judicial district, and to the judicial
- 11 department. The recommendations shall include, but
- 12 are not limited to, identification of systemic

13 problems in the foster care and the juvenile justice
14 systems, specific proposals for improvements that
15 assist the systems in being more cost-effective and
16 better able to protect the best interests of children,
17 and necessary changes relating to the data collected
18 and the annual report made under subsection 2,
19 paragraph "b".

20 2. Page 3, by inserting after line 24 the
21 following:

22 "Sec. ____ . Section 237.20, subsection 1,
23 unnumbered paragraph 3, Code 1987, is amended to read
24 as follows:

25 The review shall include issues pertaining to the
26 permanency plan and shall not include issues that do
27 not pertain to the permanency plan. Each review shall
28 include written testimony of any person notified
29 pursuant to subsection 4, and may include oral
30 testimony from those persons when determined to be
31 relevant and material to the child's placement. Oral
32 testimony may, upon the request of the testifier or
33 upon motion of the local board, be given in a private
34 setting when to do so would facilitate the
35 presentation of evidence. Local board questions shall
36 pertain to the permanency plan and shall not include
37 issues that do not pertain to the permanency plan."

38 3. Page 3, line 31, by inserting after the word
39 "review." the following: "The report to the court
40 shall include information regarding the permanency
41 plan and the progress in attaining the permanency
42 goals. The report shall not include issues that do
43 not pertain to the permanency plan."

44 4. Page 3, by inserting after line 35 the
45 following:

46 "Sec. ____ . Section 237.20, subsection 4,
47 paragraphs d and e, Code 1987, are amended to read as
48 follows:

49 d. The child receiving foster care if the child is
50 fourteen years of age or older. The child shall be

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1 informed of the review's purpose and procedure, and of
2 the right to have a guardian ad litem present."

3 e. The guardian ad litem of the foster child. The
4 guardian ad litem shall be eligible for compensation
5 through section 232.141, subsection 1, paragraph "b".

6 5. By renumbering as necessary.

JOY CORNING
JEAN LLOYD-JONES

S-5614

1 Amend House File 2336, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 13 the
4 following:

5 "Sec. ____ . NEW SECTION. 22A.1 DISCLOSURE OF
6 INFORMATION CONCERNING USE OF VIDEOTAPES -- PENALTY.

7 1. A person engaged in the business of renting,
8 leasing, loaning, or otherwise distributing for a fee
9 videotapes or other like items to individuals for
10 personal use shall not disclose any information which
11 would reveal the identity of an individual renting,
12 leasing, borrowing, or otherwise obtaining through the
13 business a videotape or other like item, except to the
14 extent permitted by the individual as evidenced by the
15 individual's written consent or as otherwise provided
16 in this section. In the absence of consent, the
17 information may be released to a criminal justice
18 agency only pursuant to an investigation of a
19 particular person or organization suspected of
20 committing a known crime. The information shall be
21 released only upon a judicial determination that a
22 rational connection exists between the requested
23 release of information and a legitimate end and that
24 the need for the information is cogent and compelling.

25 2. A person who violates this section commits a
26 simple misdemeanor."

27 2. Title page, lines 1 and 2, by striking the
28 words "of a library." and inserting the following:
29 "and information concerning individual use of services
30 provided by libraries and video rental businesses, and
31 providing a penalty."

RICHARD VARN
MICHAEL E. GRONSTAL
LINN FUHRMAN
DONALD V. DOYLE

S-5615

1 Amend House File 2440, as passed by the House, as
2 follows:

- 3 1. Page 5, by striking lines 31 through 35.
- 4 2. By renumbering as necessary.

BERL E. PRIEBE
DALE TIEDEN

S-5616

- 1 Amend House File 2440 as passed by the House as
- 2 follows:
- 3 1. Page 5, line 34, by striking the word "thirty"
- 4 and inserting the following: "fifteen".

BERL E. PRIEBE
DALE L. TIEDEN
EMIL J. HUSAK

S-5617

- 1 Amend the Committee amendment, S-5578, to House
- 2 File 2339, as amended, passed, and reprinted by the
- 3 House, as follows:
- 4 1. Page 1, line 16, by inserting after the word
- 5 "discharge" the following: "procedures".
- 6 2. Page 1, line 21, by inserting after the word
- 7 "parties." the following: "For the purposes of this
- 8 section, the term "procedure" does not include
- 9 criteria or matters of substance."
- 10 3. Page 1, by inserting after line 28 the
- 11 following:
- 12 " ____ . Page 3, by inserting after line 23 the
- 13 following:
- 14 "Sec. ____ . Section 256.10, Code 1987, is amended
- 15 to read as follows:
- 16 256.10 EMPLOYMENT OF PROFESSIONAL STAFF.
- 17 The salary of the director shall be fixed by the
- 18 governor within a range established by the general
- 19 assembly. Appointments to the professional staff of
- 20 the department shall be without reference to political
- 21 party affiliation, religious affiliation, sex, or
- 22 marital status, but shall be based solely upon
- 23 fitness, ability, and proper qualifications for the
- 24 particular position. The professional staff shall
- 25 serve at the discretion of the director. A member of
- 26 the professional staff shall not be dismissed for
- 27 cause without at least ninety days' notice, except in
- 28 cases of conviction of a felony or cases involving
- 29 moral turpitude. In cases of procedure for dismissal,

30 the accused has the same right to notice and hearing
 31 as ~~teachers administrators~~ in the public school
 32 systems as provided in section ~~279.27~~ 279.25 to the
 33 extent that it is applicable.

34 Sec. ____ . Section 261.45, subsection 1, Code
 35 Supplement 1987, is amended to read as follows:
 36 1. Is a teacher employed on a full-time basis
 37 under ~~sections 279.13 through 279.19~~ section 279.12 in
 38 a school district in this state, is a teacher in an
 39 approved nonpublic school in this state, or is a
 40 certified teacher at the Iowa braille and sight-saving
 41 school or the Iowa school for the deaf.

42 Sec. ____ . Section 262.9, subsection 2, Code
 43 Supplement 1987, is amended to read as follows:
 44 2. Elect a president of each of the institutions
 45 of higher learning; a superintendent of each of the
 46 other institutions; a treasurer and a secretarial
 47 officer for each institution annually; professors,
 48 instructors, officers, and employees; and fix their
 49 compensation. Sections 279.12 ~~through 279.19~~ and
 50 ~~section 279.27~~ 279.14 apply to employees of the Iowa

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1 braille and sight-saving school and the state school
 2 for the deaf, who are certificated pursuant to chapter
 3 260. In following those sections in chapter 279, the
 4 references to boards of directors of school districts
 5 shall be interpreted to apply to the board of regents.

6 Sec. ____ . Section 275.33, subsection 1, Code 1987,
 7 is amended to read as follows:
 8 1. The terms of employment of superintendents; and
 9 principals, ~~and teachers~~, for the school year
 10 following the effective date of the formation of the
 11 new district shall not be affected by the formation of
 12 the new district, except in accordance with the
 13 provisions of ~~sections 279.15 to 279.18~~ and section
 14 279.24 and the authority and responsibility to offer
 15 new contracts or to continue, modify, or terminate
 16 existing contracts pursuant to sections 279.12,
 17 ~~279.13, 279.15 to 279.20, 279.21, 279.23, and 279.24~~
 18 for the school year beginning with the effective date
 19 of the reorganization shall be transferred from the
 20 boards of the existing districts to the board of the
 21 new district on the third Tuesday of January prior to
 22 the school year the reorganization is effective.

23 Sec. ____ . Section 279.19, unnumbered paragraph 2,
 24 Code 1987, is amended by striking the paragraph.

25 Sec. ____ . Section 279.19, unnumbered paragraph 3,
 26 Code 1987, is amended to read as follows:

27 The board's decision to terminate a probationary
28 teacher's contract shall be final and binding unless
29 the termination was based upon an alleged violation of
30 a constitutionally guaranteed right of the teacher or
31 an alleged violation of public employee rights of the
32 teacher under section 20.10.

33 Sec. ____ . Section 279.23, unnumbered paragraph 3,
34 Code Supplement 1987, is amended to read as follows:

35 An administrator's contract shall be governed by
36 the provisions of this section and sections 279.23A,
37 279.24, and 279.25 ~~and not by section 279.18~~. For
38 purposes of this section and sections 279.23A, 279.24,
39 and 279.25, the term "administrator" includes school
40 superintendents, assistant superintendents,
41 educational directors, principals, assistant
42 principals, and other certified school supervisors as
43 defined under section 20.4.

44 Sec. ____ . REPEALS. Sections 279.13, 279.15,
45 279.16, 279.17, 279.18, 279.19A, 279.19B, and 279.27,
46 Code 1987, are repealed.

47 Sec. ____ . EFFECTIVE DATE.

48 1. The sections of this Act which amend section
49 19A.14, Code Supplement 1987, section 20.9, unnumbered
50 paragraph 1, Code 1987, and section 80.15, Code 1987,

Page 3

1 take effect July 1, 1988.

2 2. All other sections of this Act take effect July
3 1, 1990."

4 4. Page 1, line 33, by inserting after the word
5 "bargaining" the following: ", repealing certain
6 statutory provisions relating to teachers, providing
7 an effective date, and providing other properly
8 related matters".

9 5. By renumbering as necessary.

LINN FUHRMAN

HOUSE AMENDMENT TO SENATE FILE 2230

S-5618

1 Amend Senate File 2230, as passed by the Senate, as
2 follows:

3 1. Page 1, line 5, by inserting after the word
4 "sell" the following: "all or".

5 2. Page 1, line 7, by striking the word "ten" and
6 inserting the following: "five".

HOUSE AMENDMENT TO
SENATE FILE 2063

S-5619

1 Amend Senate File 2063 as passed by the Senate as
2 follows:
3 1. Title page, line 1, by inserting after the
4 word "magistrates" the following: ", and providing an
5 effective date".

S-5620

1 Amend House File 2327 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 22, by striking the figure "1988"
4 and inserting the following: "1989".

JOHN W. JENSEN

S-5621

1 Amend House File 645 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 10, line 33, by inserting after the word
4 "face," the following: "the order of authorization or
5 approval under which it was intercepted does not
6 support a showing of probable cause,".

AL STURGEON

S-5622

1 Amend House File 645 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 11, by inserting after line 19 the
4 following:
5 "13. For purposes of this chapter, probable cause
6 shall not be found where an application is based on
7 the testimony of, or evidence offered by, an unnamed
8 source, if probable cause would not be found based
9 upon the application without that testimony or

10 evidence. This subsection does not require the
11 disclosure of the identity of the source by the court,
12 and the identity shall be held in confidence by the
13 court at the request of the party making application
14 for an order authorizing the interception of a wire
15 communication or oral communication.”

AL STURGEON

S-5623

1 Amend House File 645 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 10, by striking lines 7 through 10 and
4 inserting the following: “communications were
5 intercepted, shall make available to the person or the
6 person’s attorney for inspection the intercepted
7 communications, applications, and orders. On an ex”.

AL STURGEON

S-5624

1 Amend House File 2338, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, line 12, by striking the words
4 “Following the deposit of the” and inserting the
5 following: “The”.
6 2. Page 1, line 16, by inserting before the word
7 “in” the following: “shall be deposited”.
8 3. Page 3, by striking lines 12 through 25.
9 4. By striking page 4, line 15 through page 5,
10 line 17.
11 5. By renumbering as necessary.

RICHARD VARN

S-5625

1 Amend House File 2170, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 24 the
4 following:
5 “Sec. ____ . Section 237.20, subsection 1,
6 unnumbered paragraph 1, Code 1987, is amended to read
7 as follows:
8 Review every six months the case of each child

9 receiving foster care assigned to the local board by
10 the state board to determine whether satisfactory
11 progress is being made toward the goals of the case
12 permanency plan pursuant to section 237.22. As much
13 as is possible, review shall be conducted immediately
14 prior to court reviews of the case at the time
15 recommended by the court responsible for the child."
16 2. By renumbering as necessary.

TOM MANN, Jr.

S-5626

1 Amend House File 2170 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, by inserting after line 24 the
4 following:
5 "Sec. ____ . Section 237.20, subsection 1, Code
6 1987, is amended by adding the following new
7 unnumbered paragraph after unnumbered paragraph 3:
8 NEW UNNUMBERED PARAGRAPH. A person who gives oral
9 testimony has the right to representation by counsel
10 at the review."
11 2. Page 3, by inserting after line 35 the
12 following:
13 "Sec. ____ . Section 237.20, subsection 4, Code
14 1987, is amended by adding the following new
15 unnumbered paragraph:
16 NEW UNNUMBERED PARAGRAPH. The notice shall include
17 a statement that the person notified has the right to
18 representation by counsel at the review."
19 3. By renumbering as necessary.

TOM MANN, Jr.

S-5627

1 Amend House File 2170 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 35 the
4 following:
5 "Sec. ____ . Section 237.21, subsection 2, Code
6 Supplement 1987, is amended to read as follows:
7 2. Information and records relating to a child
8 receiving foster care shall be provided to a local
9 board or the state board by the department or child-
10 care agency upon request by either board. A court
11 having jurisdiction of a child receiving foster care

12 shall release the information and records the court
 13 deems necessary to determine the needs of the child,
 14 if the information and records are not obtainable
 15 elsewhere, to a local board or the state board upon
 16 request by either board. If confidential information
 17 and records are distributed to individual members in
 18 advance of a meeting of the state board or a local
 19 board, the information and records shall be clearly
 20 identified as confidential and the members shall take
 21 appropriate steps to prevent unauthorized disclosure.”
 22 2. Page 4, line 9, by inserting after the word
 23 “disclose” the following: “or permit disclosure of”.
 24 3. By renumbering as necessary.

TOM MANN, Jr.

S-5628

1 Amend House File 2016, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 1 through 24.
 4 2. Title page, by striking lines 3 through 5 and
 5 inserting the following: “counties, and by providing
 6 effective dates.”
 7 3. By renumbering as necessary.

EMIL HUSAK
 JOE WELSH

S-5629

1 Amend House File 2016, as amended, passed, and re-
 2 printed by the House, as follows:

DIVISION S—5629B

3 1. Page 2, by inserting after line 2 the fol-
 4 lowing:
 5 “Sec. ____ . NEW SECTION. 321.416 LIGHTING BY LAW
 6 ENFORCEMENT VEHICLES OF CONSERVATION OFFICERS.
 7 The required usage of lighting devices set out in
 8 sections 321.384 through 321.409 and section 321.415
 9 does not apply to official law enforcement vehicles
 10 operated by conservation officers appointed under
 11 sections 107.13 and 111A.5, while these vehicles are
 12 being used in criminal investigations or while
 13 attempting to apprehend suspected criminals.”
 14 2. Title page, line 1, by inserting after the

15 word "boards" the following: "and conservation
16 officers".

DIVISION S—5629A

17 3. Title page, lines 4 and 5, by striking the
18 words "the director and other designated employees of
19 a county conservation board" and inserting the
20 following: "conservation officers".
21 4. By renumbering sections as necessary.

JULIA GENTLEMAN

S-5630

1 Amend House File 529, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 17, by inserting after the word
4 "statute," the following: "rule."
5 2. Page 3, by inserting after line 27 the
6 following:
7 "____. The state department of transportation may,
8 in accordance with chapter 17A, provide for exemption
9 from the application of subsection 1 for the
10 activities related to highway maintenance, highway
11 design and construction, publication and distribution
12 of transportation maps, state aircraft pool
13 operations, inventory sales to other state agencies
14 and political subdivisions, equipment management and
15 disposal, vehicle maintenance and repair services for
16 other state agencies, and other similar essential
17 operations."
18 3. Page 4, by inserting after line 19 the
19 following:
20 "j. The operation of a public transit system, as
21 defined in chapter 601J, except that charter services,
22 outside of a public transit system's normal service
23 area, shall be conducted in Iowa intrastate commerce
24 under the same conditions, restrictions, and
25 obligations as those contained in 49 C.F.R., Part 604.
26 For purposes of this chapter, the definition and
27 conduct of charter services shall be the same as those
28 contained in 49 C.F.R., Part 604."
29 4. Page 4, line 32, by inserting after the word
30 "may" the following: ", after pursuing remedies
31 offered by chapter 17A,".
32 5. Page 5, line 5, by striking the words "This
33 section is" and inserting the following: "Chapter 17A
34 and this section are".

ROBERT M. CARR
RICHARD DRAKE

S-5631

- 1 Amend House File 529, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 29 through page 2,
4 line 26 and inserting the following:
- 5 "2. The state board of regents or a school
6 corporation may, by rule, provide for exemption from
7 the application of this chapter for the following
8 activities:
- 9 a. Goods and services that are directly and
10 reasonably related to the educational mission of an
11 institution or school.
- 12 b. Goods and services offered only to students,
13 employees, or guests of the institution or school and
14 which cannot be provided by private enterprise at the
15 same or lower cost.
- 16 c. Use of vehicles owned by the institution or
17 school for charter trips offered to the public, full
18 or part-time, or temporary students.
- 19 d. Durable medical equipment or devices sold or
20 leased for use off premises of an institution, school
21 or University of Iowa hospitals or clinics.
- 22 e. Goods or services which are not otherwise
23 available in the quantity or quality required by the
24 institution or school.
- 25 f. Telecommunications other than radio or
26 television stations.
- 27 g. Sponsoring or providing facilities for fitness
28 and recreation.
- 29 h. Food service and sales.
- 30 i. Sale of books, records, tapes, software,
31 educational equipment, and supplies."
- 32 2. Page 4, by inserting after line 19 the
33 following:
- 34 "j. The following on-campus activities of an
35 institution or school under the control of the state
36 board of regents or a school corporation:
- 37 (1) Residence halls.
- 38 (2) Student transportation, except as specifically
39 listed in subsection 2, paragraph "c".
- 40 (3) Overnight accommodations for participants in
41 programs of the institution or school, visitors to the
42 institution or school, parents, and alumni.
- 43 (4) Sponsoring or providing facilities for
44 cultural and athletic events.

- 45 (5) Items displaying the emblem, mascot, or logo
 46 of the institution or school, or that otherwise
 47 promotes the identity of the institution or school and
 48 its programs.
 49 (6) Souvenirs and programs relating to events
 50 sponsored by or at the institution or school.

Page 2

- 1 (7) Radio and television stations.
 2 (8) Services to patients and visitors at the
 3 University of Iowa hospitals and clinics, except as
 4 specifically listed in subsection 2, paragraph "d".
 5 (9) Goods, products, or professional services
 6 which are produced, created, or sold incidental to the
 7 schools' teaching, research, and extension missions.
 8 (10) Services to the public at the Iowa State
 9 University college of veterinary medicine."

WALLY HORN
 JEAN LLOYD-JONES
 LARRY MURPHY

S-5632

- 1 Amend House File 2189 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 232.71, subsection 1, Code
 6 Supplement 1987, is amended by adding the following
 7 new unnumbered paragraphs:
 8 For purposes of this section, unless the context
 9 otherwise requires:
 10 a. "Subject" means an alleged perpetrator of child
 11 abuse.
 12 b. "Report" means an initial advisory report to
 13 the department of an allegation or suspicion of child
 14 abuse.
 15 c. "Ninety-six hour report" means a dated and
 16 time-stamped document completed within ninety-six
 17 hours of a report which is prepared by a child abuse
 18 investigator employed by the department regarding the
 19 preliminary investigation of the report.
 20 d. "Ten day report" means a dated and time-stamped
 21 document completed within ten business days of a
 22 report which is prepared by a child abuse investigator
 23 employed by the department following a complete
 24 investigation of the report.

25 Sec. 2. Section 232.71, subsection 7, Code
26 Supplement 1987, is amended by striking the subsection
27 and inserting in lieu thereof the following:

28 7. The department, upon completion of its
29 investigation, shall make a preliminary report of the
30 investigation including the factors identified in
31 subsection 2. A ninety-six hour report shall be
32 transmitted to juvenile court and time-stamped upon
33 receipt. The ninety-six hour report shall be sent to
34 the subject by restricted certified mail at the same
35 time. If the ninety-six hour report is not complete,
36 then a ten-day report shall be filed within ten
37 business days of the receipt of the initial abuse
38 report.

39 The department may request that the juvenile court
40 grant an extension of time for filing the ten-day
41 report with the court. The request shall be written
42 and contain compelling reasons expressed in clear
43 terms to support the request for extension. If an
44 extension is granted, then the court shall order a
45 date for submission of the report. The department
46 shall send a copy of the request for extension and the
47 date ordered for the completion of the ten-day report
48 to the subject by certified mail.

49 Juvenile court shall notify the child abuse
50 registry of any action taken by the court regarding

Page 2

1 the suspected case of child abuse. The registry shall
2 notify the subject by certified restricted mail of the
3 action reported by the court. If the court has not
4 disposed of a report within twenty days of receiving a
5 ten-day report, then the court shall find the report
6 as unfounded or undetermined and return all materials
7 regarding the subject to the registry by a secure
8 means. The department shall notify the subject by
9 restricted certified mail regarding the disposition of
10 the case within twenty-four hours of receiving the
11 material from the court.

12 If a report is unfounded or undetermined, the
13 department shall notify the subject and deliver all
14 copies of information pertaining to the subject by a
15 secure means. The agency and the juvenile court shall
16 not retain any identifiable information regarding the
17 subject of an unfounded or undetermined report. This
18 paragraph applies to unfounded or undetermined reports
19 filed on or after June 1, 1985.

20 Any recommendations made to the court by the
21 department regarding the disposition of a subject

22 shall meet all of the following criteria:

23 a. The basis for the recommendations are
24 explicitly described.

25 b. The measurable results anticipated from the
26 recommendations are described.

27 c. A determination whether the victim of the child
28 abuse is in imminent peril of harm from the subject is
29 made.

30 d. A determination whether denial of the
31 recommendations will detract from the reasonable
32 protection of the victim of abuse.

33 As an alternative to the mailing requirements under
34 this section an employee of the department may
35 personally deliver the required material to the
36 subject if a signed and dated receipt is obtained from
37 the subject."

38 2. Title page, line 2, by inserting after the
39 word "services" the following: "and juvenile court,
40 and providing for retroactive applicability".

TOM MANN, Jr.

S-5633

1 Amend House File 2189, as amended, passed, and re-
2 printed by the House as follows:

3 1. Page 1, by inserting after line 19 the fol-
4 lowing:

5 "If a complete report is not filed within ten
6 working days of the receipt of the child abuse report
7 and the person or persons alleged to be responsible
8 for the abuse have not been interviewed by an
9 investigator of the department, the department shall
10 notify the person or persons by certified mail that a
11 report has been filed and an investigation is in
12 process. If the preliminary report does not identify
13 a person or persons alleged to be responsible for the
14 abuse, the department shall notify the person or
15 persons at the time the identification is made.
16 However, either notification may be waived if the
17 juvenile court determines that such notice would
18 impede the investigation."

CHARLES BRUNER

S-5634

1 Amend House File 2415, as passed by the House, as
2 follows:

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

5 "Section 1. **NEW SECTION. 275.59 EARLY RETIREMENT**
6 **FOLLOWING SCHOOL REORGANIZATION OR DISSOLUTION.**

7 A certificated employee of a school district which
8 reorganizes or dissolves under this chapter during the
9 period beginning July 1, 1990, and ending June 30,
10 1992, is eligible to receive a retirement incentive as
11 provided in this section. The retirement incentive is
12 in addition to any retirement incentive provided by
13 the board of directors of a school district under
14 section 279.46. The certificated employee shall be
15 between fifty-nine and sixty-five years of age at the
16 time the reorganization or dissolution occurs. If the
17 certificated employee is less than sixty-five years of
18 age when the certificated employee terminates em-
19 ployment, the certificated employee is eligible to
20 receive a retirement bonus which is a lump sum payment
21 equal to ten percent of the final annual salary of the
22 employee, not to exceed five thousand dollars. The
23 board of directors of the school district shall notify
24 the department of management of the names of employees
25 eligible for payments under this section and shall
26 submit other verification of employment required by
27 the department of management. For the purposes of
28 this section, "certificated employee" means an
29 administrator or teacher who possesses a certificate
30 issued under chapter 260 and at the time of retirement
31 is employed on a full-time basis by one or more school
32 districts. The governor shall authorize payment from
33 the salary adjustment fund for the retirement bonuses
34 paid under this section. Section 8.39 does not apply
35 to payments made from the salary adjustment fund under
36 this section."

37 2. Title page, line 1, by inserting after the
38 word "state" the following: "and local".

JOE WELSH

S-5635

1 Amend House File 2428, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 2, by striking lines 2 through 30 and
4 inserting the following:

5 "Sec. 4. Notwithstanding section 805.6, subsection
6 1, paragraph "a", court costs in cases of parking
7 violations which are more than one year old and which

8 are dismissed by the city prior to January 1, 1989,
9 shall be five dollars.”

DONALD V. DOYLE
TOM MANN, Jr.

S-5636

1 Amend House File 2348 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 3, by striking line 33 through page 4,
4 line 10.

EDGAR H. HOLDEN

S-5637

1 Amend House File 2412 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 2, by striking the word
4 “subsection” and inserting the following:
5 “subsections”.
6 2. Page 1, by inserting after line 28 the
7 following:
8 “NEW SUBSECTION. 8. A person whose motor vehicle
9 license has been revoked under this chapter and who is
10 not eligible for a temporary restricted license under
11 this chapter may petition the court for an order to
12 the department to require the department to issue a
13 temporary restricted license to the person. The court
14 shall determine if the temporary restricted license is
15 necessary for the person to maintain the person’s
16 present employment. If the court determines that the
17 temporary restricted license is necessary for the
18 person to maintain the person’s present employment,
19 the court shall order the department to issue to the
20 person a temporary restricted license conditioned upon
21 the person’s certification to the court of the
22 installation of approved ignition interlock devices in
23 all motor vehicles that it is necessary for the person
24 to operate to maintain the person’s present
25 employment. If the person operates a motor vehicle
26 which does not have an approved ignition interlock
27 device or if the person tampers with or circumvents an
28 ignition interlock device, in addition to other

29 penalties provided, the person's temporary restricted
30 license shall be revoked."

ROBERT M. CARR
DONALD V. DOYLE
EUGENE FRAISE

S-5638

1 Amend House File 2106, as amended, passed, and
2 reprinted by the House, as follows:

DIVISION S—5638A

3 1. Page 1, line 1, by striking the figure
4 "139.43" and inserting the following: "203A.21".

DIVISION S—5638B

5 2. Page 1, line 14, by striking the words and
6 figure "or section 203A.4".

DAVID M. READINGER

S-5639

1 Amend the amendment, H-5428, to House File 185, as
2 passed by the House, as follows:

3 1. Page 1, line 30, by inserting after the word
4 "teaching" the words "or being instructed in".
5 2. Page 1, line 38, by striking the word "or".
6 3. Page 1, line 39, by inserting before the word
7 "shall" the words "political affiliation, or sex,".

DONALD V. DOYLE

S-5640

1 Amend the amendment S-5562 to House File 653 as
2 passed by the House, as follows:

3 1. Page 3, by striking line 6, and inserting the
4 following: "of this chapter.
5 Sec. ____ . NEW SECTION. 516C.7 INSURANCE.
6 No automobile insurance policy or motor vehicle
7 liability insurance policy shall be issued or renewed
8 after January 1, 1989, unless the policy provides that
9 all coverages under the policy are extended to any

10 rental motor vehicle being rented by the named
 11 insured. The policy must also provide that all or any
 12 part of the obligation of the named insured for
 13 property damage to a rental motor vehicle is covered
 14 by the collision or comprehensive portion of the
 15 policy.”

JIM LIND
 MICHAEL E. GRONSTAL

S-5641

1 Amend amendment S-5632 to House File 2189 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, by inserting after line 24 the
 4 following:
 5 “Sec. ____ . Section 232.71, subsection 3, Code
 6 Supplement 1987, is amended to read as follows:
 7 3. The investigation may with the consent of the
 8 parent or guardian include a visit to the home of the
 9 child or ~~with the consent of the administrator of a~~
 10 ~~facility~~ include a visit to the facility providing
 11 care to the child named in the report and examination
 12 of the child. Permission to examine the child may
 13 only be given by the parent or guardian of the child,
 14 and if ~~if~~ permission to enter the home or facility and
 15 to examine the child is refused, the juvenile court or
 16 district court upon a showing of probable cause may
 17 authorize the person making the investigation to enter
 18 the home or facility and examine the child. The
 19 department may utilize a multidisciplinary team in
 20 investigations of child abuse involving employees or
 21 agents of a facility providing care for a child.”

THOMAS MANN, Jr.

S-5642

1 Amend the amendment, S-5538, to House File 2414 as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by inserting after line 32 the
 5 following:
 6 “Sec. ____ . Section 282.31, subsection 1, paragraph
 7 b, Code Supplement 1987, is amended by adding the
 8 following new unnumbered paragraph:
 9 NEW UNNUMBERED PARAGRAPH. However, on June 30 of a
 10 school year, if the board of directors of a school

11 district determines that the number of children under
12 this paragraph who were counted in the basic
13 enrollment of the school district on the third Friday
14 of September of that school year is fewer than the sum
15 of the number of months all children were enrolled in
16 the school district under this paragraph during the
17 school year divided by nine, the secretary of the
18 school district may submit a claim to the department
19 of education by August 1 following the school year for
20 an amount equal to the district cost per pupil of the
21 district for the previous school year multiplied by
22 the difference between the number of children counted
23 and the number of children calculated by the number of
24 months of enrollment. The amount of the claim shall
25 be paid by the department of revenue and finance to
26 the school district by October 1 in the same manner as
27 the claims are paid under paragraph "a".

28 2. Page 1, by inserting after line 34 the
29 following:

30 "___ . Title page, line 1, by inserting after the
31 word "for" the following: "special educational
32 programs, including".

33 ___ . Title page, line 1, by inserting after the
34 word "certain" the following: "children in".

35 ___ . Title page, line 2, by striking the words
36 "and juvenile detention homes" and inserting the
37 following: ", juvenile detention homes, and foster
38 care facilities,."

RAY TAYLOR
CHARLES BRUNER

S-5643

1 Amend House File 2106 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 5, by striking the word
4 "testing." and inserting the following: "testing
5 unless the kit has been approved by the Iowa
6 department of public health as meeting acceptable
7 reliability standards for determining the presence or
8 absence of the human immunodeficiency virus antibody,
9 and unless the kit provides a disclaimer and consumer
10 education material which provides guidelines for the
11 interpretation of the test results, where appropriate
12 for the necessity of additional testing, and for the
13 importance of counseling. A person who violates this

14 section is guilty of an aggravated misdemeanor.”

15 2. Page 1, by striking lines 6 through 34.

CHARLES BRUNER
JIM LIND

S-5644

1 Amend House File 2439, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by striking lines 18 through 26.

4 2. By renumbering as necessary.

TOM MANN, Jr.

S-5645

1 Amend House File 2348, as amended, passed, and
2 reprinted by the House, as follows:

DIVISION S—5645A

3 1. Page 3, line 10, by striking the word “water”

4 and inserting the following: “water”.

DIVISION S—5645B

5 2. Page 5, by striking lines 3 through 15.

DIVISION S—5645C

6 3. Page 5, by striking lines 16 through 20.

ALVIN V. MILLER

S-5646

1 Amend House File 2106 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 5, by striking the word

4 “testing.” and inserting the following: “testing

5 unless the kit has been approved by the Iowa

6 department of public health as meeting acceptable

7 reliability standards for determining the presence or

8 absence of the human immunodeficiency virus antibody.

9 In addition the kit shall be approved only if the kit

10 provides a disclaimer and consumer education material,

11 approved by the department, which includes guidelines
12 for the interpretation of the test results, the
13 necessity for additional testing when appropriate, and
14 the importance of counseling. A person who violates
15 this section is guilty of an aggravated misdemeanor.”
16 2. Page 1, by striking lines 6 through 34.

CHARLES BRUNER
JIM LIND

S-5647

1 Amend House File 2269 as passed by the House as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section 307B.23, Code 1987, is amended
6 to read as follows:
7 307B.23 SPECIAL RAILROAD FACILITY FUND.
8 1. There is created in the office of the state
9 treasurer a “special railroad facility fund”. This
10 fund shall include moneys credited to this fund under
11 sections 307.29, 435.9, and other ~~funds~~ moneys which
12 by law may be credited to the special railroad
13 facility fund. The moneys in the special railroad
14 facility fund are ~~hereby~~ appropriated to and for the
15 purposes of the authority as provided in this chapter.
16 The funds in the special railroad facility fund shall
17 not be considered as a part of the general fund of the
18 state, ~~shall~~ are not be subject to appropriation for
19 any other purpose by the general assembly, and in
20 determining a general fund balance shall not be
21 included in the general fund of the state but shall
22 remain in the special railroad facility fund to be
23 used for the purposes set forth ~~herein~~ in this
24 section. The treasurer of state shall act as
25 custodian of the fund and disburse amounts contained
26 in it as directed by the authority. The treasurer of
27 state is authorized to invest the funds deposited in
28 the special railroad facility fund at the direction of
29 the authority and subject to any limitations contained
30 in the bond proceedings. The income from such
31 investment shall be credited to and deposited in the
32 special railroad facility fund. This fund shall be
33 administered by the authority and may be used to
34 purchase or upgrade railroad right-of-way and trackage
35 facilities or to purchase general or limited
36 partnership interests in a partnership formed to
37 purchase, upgrade, or operate railroad right-of-way

38 and trackage facilities, to pay or secure obligations
39 issued by the authority, to pay obligations,
40 judgments, or debts for which the authority becomes
41 liable in its capacity as a general partner, or for
42 any other use authorized under this chapter. The fund
43 may also be used to purchase or upgrade railroad
44 right-of-way and trackage facilities for the
45 development of railroad passenger tourism.
46 2. Any moneys credited to the special railroad
47 facility fund under section 435.9 shall be deposited
48 in a separate account within the special railroad
49 facility fund. The authority may issue obligations
50 under this chapter which are secured solely by the

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1 moneys to be deposited in that separate account and
2 the holders or owners of any such obligations shall
3 have no rights to payment of bond service charges from
4 any other funds in the special railroad facility fund,
5 including any moneys accruing to the authority from
6 the lease, sale or other disposition, or use of
7 railway facilities, or from payment of the principal
8 of or interest on loans made, or from any other use of
9 the proceeds of the sale of the obligations, and no
10 such moneys may be used for the payment of bond
11 service charges on any such obligations, except for
12 accrued interest, capitalized interest, and reserves
13 funded from proceeds received upon the sale of the
14 obligations.

15 3. Moneys received from repayment from heartland
16 rail corporation as provided in 1983 Iowa Acts,
17 chapter 198, section 32, as amended by 1987 Iowa Acts,
18 chapter 232, section 28, and section 6 of this Act,
19 shall be deposited in a separate account within the
20 special railroad facility fund and shall be used by
21 the authority only on branch rail lines whose total
22 traffic is at least fifty percent agricultural
23 products.

24 Sec. 2. NEW SECTION. 307B.25 CERTIFICATION FOR
25 RECEIPT OF USE TAX MONEYS.

26 The authority shall certify to the treasurer of
27 state amounts of money necessary for payment of
28 principle and interest by the authority on bonds
29 issued on or after July 1, 1988, or to make payments
30 on leases guaranteed by the authority on or after July
31 1, 1988. However, certification shall only be made
32 under this section when there are insufficient moneys
33 available to the authority for the payment from moneys
34 credited to the special railroad facility fund or

35 other sources available to the authority.
36 Certification shall only be made under this section
37 for projects in which the authority has done all of
38 the following:
39 1. Conducted a feasibility study, prior to
40 agreeing to assist the project, which demonstrates
41 that the proposed project has a reasonable potential
42 to generate adequate revenues to be economically
43 viable.
44 2. Obtained from participants in the project
45 pledges to be received by the authority, which in
46 combination with other moneys available to the
47 authority, are sufficient to either retire bonds
48 issued by the authority to assist the project or make
49 all payments on leases guaranteed by the authority to
50 assist the project, including a lien against the

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1 assets of the project and a lien against the assets of
2 each participant in the project to the extent of that
3 participant's pledged obligation.
4 Sec. 3. NEW SECTION. 307B.26 APPROPRIATION TO
5 AUTHORITY.
6 The treasurer of state shall credit to the Iowa
7 railway finance authority from revenue to be credited
8 to the road use tax fund under section 423.24,
9 subsection 1, paragraph "b", amounts certified by the
10 authority under section 307B.25. However, the total
11 amount credited to the Iowa railway finance authority
12 under this section shall not exceed five million
13 dollars annually. Moneys credited to the Iowa railway
14 finance authority under this subsection are
15 appropriated only for the payment of principle and
16 interest on bonds or the payment of leases guaranteed
17 by the authority as provided under section 307B.25."
18 2. Page 1, line 1, by striking the word and
19 figure "Section 1" and inserting the following: "Sec.
20 4".
21 3. Page 1, line 30, by striking the word and
22 figure "Sec. 2" and inserting the following: "Sec.
23 5".
24 4. Page 2, line 3, by striking the word and
25 figure "Sec. 3" and inserting the following: "Sec.
26 6".
27 5. Page 2, line 27, by striking the word "rail"
28 and inserting the following: "railroad".
29 6. Page 2, line 30, by striking the words "the
30 funds." and inserting the following: "each repayment
31 from the amount of the repayment."

- 32 7. Page 2, by inserting after line 30 the
 33 following:
 34 "The special railroad facility fund shall repay to
 35 the road use tax fund, within thirty years after
 36 receipt of each repayment from heartland rail
 37 corporation the amount of the repayment, but in the
 38 interim the Iowa railway finance authority may lend
 39 these moneys for other rail projects without any other
 40 limitations contained in this section being
 41 applicable."
- 42 8. Title page, line 1, by inserting after the
 43 word "to" the following: "the funding for rail lines
 44 including".
- 45 9. Title page, line 2, by striking the word
 46 "rail" and inserting the following: "railroad".
- 47 10. Title page, line 2, by striking the word
 48 "fund" and inserting the following: "fund, including
 49 an appropriation, authorizing certain payments,".

JEAN LLOYD-JONES

S-5648

- 1 Amend House File 2447 as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 3 the
 4 following:
- 5 "5. As a condition, qualification, and limitation
 6 of the appropriation made by this section, there is
 7 appropriated from the general fund of the state one
 8 million one hundred seventy-five thousand seven
 9 hundred (1,175,700) dollars to the department for
 10 transfer to the appropriate state agency to be used
 11 for the child development grants under Senate File
 12 2192 if Senate File 2192 is enacted by the Seventy-
 13 second General Assembly, 1988 Session. Grants shall
 14 be awarded on a two-year basis, subject to renewal,
 15 and the funds appropriated in this subsection shall be
 16 for support for the first twelve-month period the
 17 grant is in effect. Grants shall be awarded not later
 18 than January 1, 1989. Notwithstanding section 8.33,
 19 unexpended or unencumbered funds shall not revert to
 20 the general fund, but shall be available for the
 21 purposes set forth in this subsection.
- 22 6. As a condition, qualification, and limitation
 23 of the appropriation made by this section, there is
 24 appropriated from the general fund of the state six
 25 hundred ninety thousand (690,000) dollars to be used

26 for the family development and self-sufficiency grant
27 program under Senate File 2225 if Senate File 2225 is
28 enacted by the Seventy-second General Assembly, 1988
29 Session. A grant shall be awarded on a three-year
30 basis, subject to annual renewal, and the funds
31 appropriated under this subsection shall be for
32 support for the first twelve-month period the grant is
33 in effect. All grants shall be awarded not later than
34 January 1, 1989. Not more than five percent of the
35 appropriation shall be used for administration of the
36 program. Notwithstanding section 8.33, unexpended or
37 unencumbered funds shall not revert to the general
38 fund, but shall be available for the purposes set
39 forth in this subsection."

40 2. By striking page 2, line 18 through page 3,
41 line 15.

42 3. Page 4, line 13, by striking the figure
43 "148,328,442" and inserting the following:
44 "148,353,442".

45 4. Page 4, line 20, by striking the word "The"
46 and inserting the following: "As a condition,
47 qualification, and limitation of the funds
48 appropriated under this section, the".

49 5. Page 4, line 26, by inserting after the word
50 "organization" the following: "and the cost of the

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1 services shall be billed directly to the medical
2 assistance program".

3 6. Page 5, line 4, by striking the word "The" and
4 inserting the following: "As a condition,
5 qualification, and limitation of the funds
6 appropriated under this section, the".

7 7. Page 5, line 8, by striking the word
8 "Effective" and inserting the following: "As a
9 condition, qualification, and limitation of the funds
10 appropriated under this section, effective".

11 8. Page 5, line 19, by striking the word
12 "Payments" and inserting the following: "As a
13 condition, qualification, and limitation of the funds
14 appropriated under this section, payments".

15 9. Page 6, line 6, by striking the word
16 "Beginning" and inserting the following: "As a
17 condition, qualification, and limitation of the funds
18 appropriated under this section, beginning".

19 10. Page 7, line 9, by striking the word "The"
20 and inserting the following: "As a condition,
21 qualification, and limitation of the funds
22 appropriated under this section, the".

- 23 11. Page 7, line 14, by striking the word
24 "Effective" and inserting the following: "As a
25 condition, qualification, and limitation of the funds
26 appropriated under this section, effective".
27 12. Page 7, line 23, by striking the word "No"
28 and inserting the following: "As a condition,
29 qualification, and limitation of the funds
30 appropriated under this section, no".
31 13. By striking page 7, line 28 through page 8,
32 line 15, and inserting the following:
33 "11. As a condition, qualification, and limitation
34 of this appropriation, the department, with the
35 approval of the legislative council, may expend not
36 more than twenty thousand (20,000) dollars to obtain
37 technical assistance from the national center for
38 health services research in identifying and examining
39 state approaches for providing health care services to
40 uninsured and underinsured persons in the low-income
41 population."
42 14. Page 8, line 16, by striking the word "The"
43 and inserting the following: "As a condition,
44 qualification, and limitation of the funds
45 appropriated under this section, the".
46 15. Page 8, line 28, by inserting after the word
47 "administration." the following: "Of the funds
48 appropriated under this section, forty-two thousand
49 (42,000) dollars may be used to contract for the
50 development of the policies or guidelines or to add an

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- 1 additional full-time equivalent position for this
2 purpose. If an additional full-time equivalent
3 position is added, it is in addition to the positions
4 authorized under the appropriation for general
5 administration in this Act."
6 16. By striking page 8, line 29 through page 10,
7 line 17, and inserting the following:
8 "14. As a condition, qualification, and limitation
9 of the appropriation made by this section, there is
10 appropriated from the general fund of the state six
11 hundred eight thousand (608,000) dollars, or so much
12 thereof as is necessary to the department, effective
13 on January 1, 1989, for medical assistance to all
14 pregnant women and infants under one year of age whose
15 income does not exceed one hundred fifty percent of
16 the federal nonfarm poverty level, and for children up
17 to age five on an incremental basis whose income does
18 not exceed one hundred percent of the federal nonfarm
19 poverty level, for salaries, support, and

20 miscellaneous purposes.

21 a. The department shall expend the funds
22 appropriated under this section for not more than
23 three full-time equivalent positions in the field at a
24 cost of not more than thirty-seven thousand (\$37,000)
25 dollars, for salaries and support for not more than
26 four full-time equivalent positions in general
27 administration at a cost of not more than fifty-nine
28 thousand (\$59,000) dollars, for systems and fiscal
29 agent development at a cost of no more than twenty-
30 five thousand (\$25,000) dollars, and for payment of
31 medical benefits at a cost of no more than four
32 hundred eighty-seven thousand (\$487,000) dollars.

33 These positions are in addition to the positions
34 authorized under the appropriations for community
35 services and general administration in this Act.

36 b. As a condition, qualification, and limitation
37 of the funds appropriated under this section, resource
38 limitations shall be five thousand dollars for a one
39 person household and seven thousand five hundred
40 dollars for a family of two or more persons. Pregnant
41 women shall have resources considered according to the
42 standards for computing resources under the
43 supplemental security income program. Infants and
44 children shall have resources considered in accordance
45 with the standards for computing resources under the
46 aid to families with dependent children program.
47 Pregnant women, infants, and children shall have
48 income considered in accordance with standards under
49 the aid to families with dependent children program.
50 All other medical assistance program requirements

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1 apply. Upon implementation, phased-in coverage for
2 children shall begin with children up to age two and
3 shall be continued through January 1, 1992.

4 c. For persons who do not have a spend-down
5 requirement under the medically needy program, the
6 department shall set the length of the certification
7 period at the length authorized by federal
8 regulations.

9 d. As a condition, qualification, and limitation
10 of the funds appropriated under this section, the
11 department shall report, in each month of the fiscal
12 year, to the fiscal committee of the legislative
13 council regarding the expenditure of the funds for the
14 implementation of the medical assistance program for
15 pregnant women, infants, and children and the
16 additional full-time equivalent positions authorized

17 for this purpose under this section. The report shall
18 detail the number of additional authorized positions
19 which have been filled, describe problems encountered
20 in filling the positions, and assess the impact of the
21 additional positions upon the quality of services
22 provided to the targeted persons. If the department
23 is caused to reduce expenditures because of an
24 unanticipated reduction in federal funding, or the
25 average base salary and support cost in staffing is
26 greater than anticipated, or the staff vacancy factor
27 is lower than anticipated, the department shall fill
28 the additional full-time equivalent positions by
29 reducing other expenditures.”

30 17. Page 10, by striking lines 18 through 25.

31 18. Page 11, by striking lines 2 through 16.

32 19. Page 12, line 8, by striking the word “The”
33 and inserting the following: “As a condition,
34 qualification, and limitation of the funds
35 appropriated under this section, the”.

36 20. Page 13, line 1, by striking the word “The”
37 and inserting the following: “As a condition,
38 qualification, and limitation of the funds
39 appropriated under this section, the”.

40 21. Page 13, by striking lines 8 and 9 and
41 inserting the following: “dollars, and a vacancy
42 factor of four percent. The department shall seek”.

43 22. Page 13, by inserting after line 29 the
44 following:

45 “3. As a condition, qualification, and limitation
46 of the funds appropriated under this section, the
47 department shall not place any orders for computer
48 terminals and other hardware related to the family
49 assistance management information system project and
50 shall not take delivery of any terminals or hardware

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1 previously ordered.

2 4. As a condition, qualification, and limitation
3 of the funds appropriated under this section, the
4 department shall identify the amount of the state
5 funds and federal block grant funds saved under this
6 appropriation and the amount of additional federal
7 funds gained as a result of the case management
8 provided under section 19, subsection 1, of this Act
9 and transfer the total of the amounts to the funds
10 appropriated under section 19 to provide enhanced
11 mental health, mental retardation, and developmental
12 disabilities services.”

13 23. Page 14, line 11, by striking the word “The”

14 and inserting the following: "As a condition,
15 qualification, and limitation of the funds
16 appropriated under this section, the".

17 24. Page 14, by striking lines 19 and 20 and
18 inserting the following: "percent. The department
19 shall seek additional funds through supplemental".

20 25. Page 15, by striking line 6 and inserting the
21 following:

22 "As a condition, qualification, and limitation of
23 the funds appropriated under this section, eighteen".

24 26. Page 15, line 11, by inserting after the word
25 "hospitals." the following: "The position is in
26 addition to the other positions authorized under this
27 section."

28 27. Page 16, by striking line 1 and inserting the
29 following:

30 "1. As a condition, qualification, and limitation
31 of the funds appropriated under this section, eight".

32 28. Page 16, by striking line 13 and inserting
33 the following:

34 "2. As a condition, qualification, and limitation
35 of the funds appropriated under this section, such
36 funds shall be used to".

37 29. Page 16, by striking lines 22 and 23 and
38 inserting the following:

39 "3. As a condition, qualification, and limitation
40 of the funds appropriated under this section, the
41 juvenile institution at Eldora shall maintain an
42 average of two".

43 30. By striking page 17, line 23 through page 18,
44 line 35.

45 31. Page 19, by inserting after line 9 the
46 following:

47 "The state hospital-schools may exceed the
48 specified number of full-time equivalent positions if
49 the additional positions are specifically related to
50 licensing, certification, or accreditation standards,

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1 or citations. The department shall notify the
2 legislative fiscal bureau if the specified number is
3 exceeded. The notification shall include an estimate
4 of the number of full-time equivalent positions added
5 and the fiscal effect of the addition."

6 32. Page 19, by inserting after line 19 the
7 following:

8 "The state mental health institutes may exceed the
9 specified number of full-time equivalent positions if
10 the additional positions are specifically related to

11 licensing, certification, or accreditation standards,
12 or citations. The department shall notify the
13 legislative fiscal bureau if the specified number is
14 exceeded. The notification shall include an estimate
15 of the number of full-time equivalent positions added
16 and the fiscal effect of the addition.”

17 33. Page 19, line 26, by striking the word
18 “forty-two” and inserting the following: “eighty-
19 nine”.

20 34. Page 19, by striking lines 28 through 34 and
21 inserting the following: “the sixty new beds are
22 phased into operation and salary and support is
23 provided for not more than forty-seven full-time
24 equivalent positions for this purpose:

25 \$ 23,181,000”.

26 35. Page 20, by inserting after line 3 the
27 following:

28 “The Iowa veterans home may exceed the specified
29 number of full-time equivalent positions if the
30 additional positions are specifically related to
31 licensing, certification, or accreditation standards,
32 or citations. The department shall notify the
33 legislative fiscal bureau if the specified number is
34 exceeded. The notification shall include an estimate
35 of the number of full-time equivalent positions added
36 and the fiscal effect of the addition.”

37 36. Page 20, line 10, by striking the figure
38 “3,330,000” and inserting the following: “3,205,000”.

39 37. Page 20, line 16, by striking the words
40 “administrative support and for” and inserting the
41 following: “enhanced mental health, mental
42 retardation, and developmental disabilities
43 services:”.

44 38. Page 20, by striking line 17.

45 39. Page 20, line 18, by striking the figure
46 “1,000,000” and inserting the following: “1,300,000”.

47 40. By striking page 20, line 19 through page 22,
48 line 4 and inserting the following:

49 “1. For purposes of this section, “candidate
50 services” means rehabilitation services, day

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1 treatment, partial hospitalization, behavior
2 management, and case management. Case management
3 shall be limited to persons with mental retardation, a
4 developmental disability, or chronic mental illness.

5 Effective October 1, 1988, the department shall add
6 candidate services to the state Title XIX plan.

7 2. The county of legal settlement shall be billed

8 for fifty percent of the nonfederal share of the cost
9 of candidate services provided under the medical
10 assistance program for persons with mental
11 retardation, a developmental disability or chronic
12 mental illness.

13 3. By using the general allocation application for
14 the state community mental health and mental
15 retardation services fund under section 225C.10, the
16 department, with the agreement of each county, shall
17 establish the actual amount expended by each county
18 for persons with mental retardation, a developmental
19 disability, or chronic mental illness in the fiscal
20 year which ended on June 30, 1987, and this amount
21 shall be deemed each county's maintenance of effort.
22 A disagreement between the department and a county as
23 to the actual amount spent in a category shall be
24 decided by the state mental health and mental
25 retardation commission. A county is responsible to
26 continue to pay at least the agreed upon amount in
27 fiscal year 1988-1989 for services to persons with
28 mental retardation, a developmental disability, or
29 chronic mental illness. If a county does not spend
30 the agreed upon amount in a fiscal year, the balance
31 not spent shall not revert to the general fund of the
32 county, but shall be carried over to the next fiscal
33 year to be expended for the provision of services to
34 persons with mental retardation, a developmental
35 disability, or mental illness including, but not
36 limited to, the chronically mentally ill, and shall be
37 used as additional funds. The additional funds shall
38 be used, to the greatest extent possible, to meet
39 unmet needs of persons with mental retardation, a
40 developmental disability, or mental illness. This
41 subsection does not relieve the county from any other
42 funding obligations required by law, including but not
43 limited to the obligations in section 222.60.

44 4. a. Notwithstanding section 8.33, funds
45 appropriated under this section which are not
46 obligated or expended, shall not revert to the general
47 fund on June 30, 1989, but shall be deposited in the
48 state community mental health and mental retardation
49 services fund for use in the next fiscal year. It is
50 the intent of the general assembly that the funds

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1 deposited in the fund for this purpose shall be used
2 in addition to moneys appropriated in the next fiscal
3 year for this purpose.

4 b. Notwithstanding section 8.39, funds
5 appropriated to the department for the state hospital-
6 schools by section 15 of this Act and to the state
7 mental health institutes by section 16 of this Act
8 shall not be subject to transfer, except to the state
9 community mental health and mental retardation
10 services fund after January 1, 1989, subsequent to a
11 reevaluation of the institutional budgets for the
12 remainder of the fiscal year.

13 c. Funds deposited in or transferred to the state
14 community mental health and mental retardation
15 services fund pursuant to paragraph "a" or "b" may be
16 allocated by the mental health and mental retardation
17 commission for the provision of services to
18 developmentally disabled persons, notwithstanding
19 contrary provisions of chapter 225C.

20 5. The department, with the agreement of each
21 county, shall establish the actual amount expended for
22 each candidate service for persons with mental
23 retardation, a developmental disability, or chronic
24 mental illness in the fiscal year which ended June 30,
25 1987, and this amount shall be deemed each county's
26 base year expenditure for the candidate service. A
27 disagreement between the department and a county as to
28 the actual amount spent shall be decided by the state
29 mental health and mental retardation commission.

30 The department, with the agreement of each county,
31 shall determine the expenditures in the 1988-1989
32 fiscal year by each county for the candidate services,
33 including the amount the county contributes under
34 subsection 2. If the expenditures in the 1988-1989
35 fiscal year exceed the base year expenditures for
36 candidate services, then the county shall receive from
37 the funds under this appropriation the least amount of
38 the following:

39 a. The difference between the total expenditures
40 for the candidate services in fiscal year 1988-1989
41 and the base year expenditures.

42 b. The amount expended by the county under
43 subsection 2.

44 c. The amount by which the fiscal year 1988-1989
45 total expenditures under subsection 3 exceed the
46 maintenance of effort expenditures.

47 6. Case management shall be provided by the
48 department except when a county or a consortium of
49 counties contracts to be the provider. A county or
50 counties may contract to be the provider at any time

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1 within ninety days of the final publication of the
2 standards for case management in the Iowa
3 administrative bulletin. The department shall agree
4 to the contract so long as the contract meets the
5 standards for case management established by the
6 department and the criteria for case management as
7 stated in the state Title XIX plan and rules. The
8 county or consortium of counties may subcontract for
9 the provision of case management services so long as
10 the subcontract meets the same criteria.

11 7. This section does not relieve the county from
12 any other funding obligations required by law,
13 including but not limited to the obligations in
14 section 222.60.

15 8. Nothing in this Act is intended by the general
16 assembly to be the provision of a fair and equitable
17 funding formula specified in 1985 Iowa Acts, chapter
18 249, section 9. Nothing in this Act shall be
19 construed, is intended, or shall imply a claim of
20 entitlement to any programs or services specified in
21 section 225C.28.

22 9. For the purposes of this section only, persons
23 with organic mental disorders shall not be considered
24 chronically mentally ill.

25 10. As a limitation of this appropriation, the
26 funds shall be expended for not more than three full-
27 time equivalent positions in general administration at
28 a cost of not more than seventy thousand (70,000)
29 dollars to administer the analysis of funding amounts
30 and related issues required under this section. The
31 positions are in addition to the positions authorized
32 under the appropriation for general administration in
33 this Act.

34 11. The legislative council is requested to
35 appoint a committee staffed by the legislative fiscal
36 bureau to conduct a study and develop recommendations
37 regarding a fair and equitable funding formula for
38 services provided to persons described in section
39 225C.26. The committee shall study an equitable split
40 in funding between state and counties, providing
41 equitable services between population groups, and
42 providing adequate reimbursement for providers to
43 assure services are provided. The committee shall
44 submit a report of the study on or before December 1,
45 1988."

46 41. By striking page 22, line 21 through page 24,
47 line 16, and inserting the following:

48 "Sec. ____ . BLOCK GRANT SUPPLEMENTATION. There is

49 appropriated from the general fund of the state for
50 the fiscal year beginning July 1, 1988, and ending

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1 June 30, 1989, to the department of human services for
2 supplementation of federal social services block grant
3 funds and for allocation to the various counties for
4 the purchase of local services and child day care
5 services for eligible individuals, the following
6 amount, or so much thereof as is necessary, on the
7 condition that the across-the-board cuts currently in
8 effect are eliminated, followed by a three-percent
9 increase in the reimbursement rate paid to service
10 providers funded under this appropriation, as
11 specified in section 39 of this Act:

12 \$ 6,564,000

13 1. The funds appropriated in this section shall be
14 allocated to the counties pursuant to the rules of the
15 department in effect on January 1, 1985. The
16 department shall increase the income guidelines for
17 income eligible persons receiving services funded with
18 federal social services block grant funds for the
19 fiscal year beginning July 1, 1988, by the same
20 percentage and at the same time as federal social
21 security benefits are increased due to a recognized
22 increase in the cost of living.

23 2. Of the funds appropriated in this section,
24 three million sixty-four thousand (3,064,000) dollars
25 shall be for the purchase of local services and three
26 million five hundred thousand (3,500,000) dollars
27 shall be for child day care services.

28 3. The department shall not require counties to
29 match the state child day care services funds with
30 local funds but shall require that the counties
31 allocate local funds for child day care services in an
32 amount at least equal to the county expenditures for
33 child day care services in the fiscal year ending June
34 30, 1983. The department shall reallocate state child
35 day care services funds from counties which do not
36 qualify for or do not utilize the funds to counties
37 which do qualify for the funds.

38 4. Any funds allocated for the local purchase of
39 child care services shall be available for purchase of
40 services in any type of child care facility approved
41 under 441 IAC § 170.

42 5. The department shall establish the income
43 eligibility level for recipients of child day care
44 services at the equivalent of one hundred twenty-five
45 percent of the federal office of management and budget

46 poverty guidelines for families of all sizes.
47 6. If the department determines that funds under
48 this section for child day care services will not be
49 fully expended, the department may increase the income
50 guidelines in order to provide for the expenditure of

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1 all funds under this section for child day care
2 services.
3 7. A county may deliver the child care services
4 through a vendor-voucher or purchase of service system
5 which requires the recipient to contribute to the cost
6 of the child care in accordance with the sliding fee
7 schedule currently utilized by the department for
8 child care services. Allowable child care costs shall
9 not exceed the rates paid in accordance with the
10 purchase of service schedule currently utilized by the
11 department for child care service providers. The
12 department, after consultation with consumers and
13 providers of child care, shall adopt rules which
14 prescribe the usage of vendor-voucher payments. The
15 county shall keep records of eligible clients and the
16 services they have received.

17 8. As a condition, qualification, and limitation
18 of this appropriation, the funds appropriated under
19 this section shall be expended for not more than six
20 full-time equivalent positions in the field at a cost
21 of not more than one hundred seventy-five thousand
22 (175,000) dollars, and for salary and support for not
23 more than one full-time equivalent position in general
24 administration at a cost of not more than twenty-three
25 thousand (23,000) dollars. The positions are in
26 addition to the positions authorized under the
27 appropriations for community services and general
28 administration in this Act.

29 Sec. ____ . RESOURCE AND REFERRAL PROGRAMS. There
30 is appropriated from the general fund of the state for
31 the fiscal year beginning July 1, 1988, and ending
32 June 30, 1989, to the department of human services the
33 following amount, or so much thereof as is necessary,
34 to be used for allocation in the form of grants to
35 public agencies and private nonprofit corporations
36 which provide child and dependent adult care resource
37 and referral programs:

38 \$ 150,000

39 Individual grants shall not exceed fifty thousand
40 (50,000) dollars. A program which is allocated
41 funding shall match funds appropriated with local
42 funds which may be in the form of private donations,

43 in-kind contributions, or public funding sources
44 including block grant local purchase funds. The
45 department of human services shall adopt rules
46 pursuant to chapter 17A which establish the criteria
47 for allocation of grant funds to local resource and
48 referral programs.”
49 42. Page 25, line 15, by inserting after the word
50 “used” the following: “beginning on or before October

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1 1, 1988.”
2 43. Page 25, lines 19 and 20, by striking the
3 words “beginning on or before October 1, 1988”.
4 44. Page 25, line 29, by striking the word “The”
5 and inserting the following: “As a condition,
6 qualification, and limitation of the funds
7 appropriated under this section, the”.
8 45. By striking page 28, line 30 through page 29,
9 line 10, and inserting the following:
10 “7. For those children who would otherwise be
11 eligible for federal title IV-E funding, when a
12 juvenile court considers ordering a “payment only”
13 foster care placement, the juvenile court and the
14 department shall determine whether departmental
15 custody and placement is feasible. The department
16 shall record the number of cases which were eligible
17 for federal title IV-E funding, but were ordered into
18 “payment only” foster care and report this information
19 to the legislative fiscal bureau every three months
20 beginning October 1, 1988. The department and the
21 state court administrator shall work with the federal
22 department of health and human services to develop an
23 agreement between the department and the state court
24 administrator which would enable the state to receive
25 federal title IV-E funds for “payment only” cases and
26 make recommendations to the general assembly as to
27 legislation required to fulfill the agreement.”
28 46. Page 29, line 29, by striking the word “By”
29 and inserting the following: “As a condition,
30 qualification, and limitation of the funds
31 appropriated under this section, by”.
32 47. Page 30, by striking line 23 and inserting
33 the following:
34 “13. As a condition, qualification, and limitation
35 of the appropriation made under this section, thirty”.
36 48. Page 30, by inserting after line 30 the
37 following:
38 “___ . As a condition, qualification, and
39 limitation of the funds appropriated under this

40 section, seventy-five thousand (75,000) dollars, or so
41 much thereof as is necessary, shall be used for grants
42 under the family support subsidy program as provided
43 in Senate File 2018 if enacted by the Seventy-second
44 General Assembly, 1988 Session.”

45 49. Page 31, line 4, by striking the word “If”
46 and inserting the following: “As a condition,
47 qualification, and limitation of the funds
48 appropriated under this section, if”.

49 50. Page 32, line 27, by inserting after the word
50 “unit,” the following: “in section 30 for subsidized

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1 adoption and purchase of adoption services.”.

2 51. Page 34, line 14, by striking the word “The”
3 and inserting the following: “As a condition,
4 qualification, and limitation of the appropriation for
5 general administration, the”.

6 52. Page 36, by striking line 21 and inserting
7 the following: “following: Sections 3, 4, 5, 20, 21,
8 23, 24, 25, 30, 31, 37, 38, and 39”.

9 53. By striking page 36, line 25 through page 40,
10 line 15.

11 54. Page 40, by inserting before line 16 the
12 following:

13 “Sec. ____ . Section 222.73, subsection 2, Code
14 1987, is amended to read as follows:

15 2. The superintendent shall certify to the
16 director of revenue and finance the billings to each
17 county for services provided to patients chargeable to
18 the county during the preceding calendar quarter. The
19 county billings shall be based on the average daily
20 patient charge and outpatient treatment charges
21 computed pursuant to subsection 1, and the number of
22 inpatient days and outpatient treatment service units
23 chargeable to the county. The county billing for a
24 patient shall be reduced by an amount received for the
25 patient’s care from any source other than state
26 appropriated funds. The per diem costs billed to each
27 county shall not exceed the per diem costs in effect
28 on July 1, 1988. However, the per diem costs may be
29 adjusted annually to the extent of the adjustment in
30 the consumer price index published annually in the
31 federal register by the federal department of labor,
32 bureau of labor statistics.

33 Sec. ____ . Section 230.20, subsection 2, Code
34 Supplement 1987, is amended to read as follows:

35 2. The superintendent shall certify to the
36 director of revenue and finance the billings to each

37 county for services provided to patients chargeable to
38 the county during the preceding calendar quarter. The
39 county billings shall be based on the average daily
40 patient charge and other service charges computed
41 pursuant to subsection 1, and the number of inpatient
42 days and other service units chargeable to the county.
43 However, a county billing shall be decreased by an
44 amount equal to reimbursement by a third party payor
45 or estimation of such reimbursement from a claim
46 submitted by the superintendent to the third party
47 payor for the preceding calendar quarter. When the
48 actual third party payor reimbursement is greater or
49 less than estimated, the difference shall be reflected
50 in the county billing in the calendar quarter the

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1 actual third party payor reimbursement is determined.
2 The per diem costs billed to each county shall not
3 exceed the per diem costs in effect on July 1, 1988.
4 However, the per diem costs may be adjusted annually
5 to the extent of the adjustment in the consumer price
6 index published annually in the federal register by
7 the federal department of labor, bureau of labor
8 statistics.
9 Sec. ____ . STATE BOARD OF REGENTS REPORT. The
10 state board of regents shall prepare a report
11 regarding the professional training required to ensure
12 there are a sufficient number of qualified staff to
13 deliver the case management services under section 19
14 of this Act in regard to enhanced mental health,
15 mental retardation, and developmental disabilities
16 services. The report shall be submitted to the
17 legislative council on or before December 1, 1988.”
18 55. By renumbering as necessary, including
19 renumbering internal references, and renumbering
20 internal references in the section of the Act
21 pertaining to emergency rulemaking. That section is
22 amended by this amendment only to correct internal
23 references in this Act, as the Act was amended,
24 passed, and reprinted by the House of Representatives.

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 299

S-5649

1 Amend Senate File 299, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 15 through 35 and
4 inserting the following:

5 "Sec. ____ . Section 149.1, Code 1987, is amended to
6 read as follows:

7 149.1 PERSONS ENGAGED IN PRACTICE -- DEFINITION.

8 1. For the purpose of this title the following
9 classes of persons shall be deemed to be engaged in
10 the practice of podiatry:

11 1 a. Persons who publicly profess to be
12 podiatrists or who publicly profess to assume the
13 duties incident to the practice of podiatry.

14 2. ~~A podiatrist is one who examines or diagnoses
15 or treats ailments of the human foot, medically or
16 surgically.~~

17 b. Persons who diagnose, prescribe, or prescribe
18 and furnish medicine for ailments of the human foot,
19 or treat such ailments by medical, mechanical, or
20 surgical treatments.

21 2. As used in this chapter, "human foot" means the
22 ankle and soft tissue which insert into the foot as
23 well as the foot."

24 2. By striking page 2, line 23 through page 4,
25 line 24 and inserting the following:

26 "Sec. ____ . Section 514F.1, Code Supplement 1987,
27 is amended to read as follows:

28 514F.1 UTILIZATION AND COST CONTROL REVIEW
29 COMMITTEES.

30 The boards of examiners under chapters 148, 149,
31 150, 150A, 151, and 153 shall establish utilization
32 and cost control review committees of licensees under
33 the respective chapters, selected from licensees who
34 have practiced in Iowa for at least the previous five
35 years, or shall accredit and designate other
36 utilization and cost control organizations as
37 utilization and cost control committees under this
38 section, for the purposes of utilization review of the
39 appropriateness of levels of treatment and of giving
40 opinions as to the reasonableness of charges for
41 diagnostic or treatment services of licensees.
42 Persons governed by the various chapters of Title XX
43 of the Code and self-insurers for health care benefits

44 to employees may utilize the services of the
 45 utilization and cost control review committees upon
 46 the payment of a reasonable fee for the services, to
 47 be determined by the respective boards of examiners.
 48 The respective boards of examiners under chapters 148,
 49 149, 150, 150A, 151, and 153 shall adopt rules
 50 necessary and proper for the implementation of this

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1 section pursuant to chapter 17A. It is the intent of
 2 this general assembly that conduct of the utilization
 3 and cost control review committees authorized under
 4 this section shall be exempt from challenge under
 5 federal or state antitrust laws or other similar laws
 6 in regulation of trade or commerce.”
 7 3. Title page, by striking lines 3 through 6 and
 8 inserting the following: “”physician” for certain
 9 purposes, by providing for data collection”.
 10 4. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2274

S-5650

1 Amend Senate File 2274, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “Section 1. Section 153.34, subsections 2 and 3,
 6 Code 1987, are amended by striking the subsections.
 7 Sec. 2. Section 153.34, subsection 9, Code 1987,
 8 is amended to read as follows:
 9 9. For ~~being guilty of gross immorality or~~
 10 dishonorable or unprofessional conduct in the practice
 11 of dentistry or dental hygiene.
 12 Sec. 3. Section 153.34, subsection 12, Code 1987,
 13 is amended to read as follows:
 14 12. For ~~a violation of any provision of this~~
 15 ~~chapter, or for~~ being a party to or assisting in any
 16 violation of any provision of this chapter.”
 17 2. Page 1, by striking line 16 and inserting the
 18 following: “relates to the practice of dentistry or
 19 dental hygiene. A certified copy of the final order
 20 or judgment of conviction or plea of guilty in this
 21 state or in another state constitutes conclusive

- 22 evidence of the conviction.”
- 23 3. Page 1, by striking line 32 and inserting the
24 following: “illness, drunkenness, or habitual or
25 excessive use of drugs, intoxicants, narcotics.”
- 26 4. By striking page 1, line 34 through page 2,
27 line 7, and inserting the following: “mental or
28 physical condition. At reasonable intervals following
29 suspension or revocation under this subsection, a
30 dentist”.
- 31 5. Title page, line 3, by inserting after the
32 word “country” the following: “, and revising other
33 provisions relating to the suspension and revocation
34 of licenses by the board.”
- 35 6. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 443

S-5651

- 1 Amend Senate File 443 as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 29 and 30, by striking the words
4 “or solicited”.
- 5 2. Page 2, line 5, by striking the words “or
6 solicited”.

HOUSE AMENDMENT TO
SENATE FILE 2164

S-5652

- 1 Amend Senate File 2164 as passed by the Senate as
2 follows:
- 3 1. Page 1, line 23, by striking the word “five”
4 and inserting the following: “five six”.

S-5653

- 1 Amend House File 2339, as amended, passed, and
2 reprinted by the House, as follows:

DIVISION S—5653A

3 1. Page 2, line 24, by striking the words “, of
4 good moral character,” and inserting the following:
5 “; of good moral character.”

DIVISION S—5653B

6 2. Page 2, line 25, by striking the words
7 “twenty-two” and inserting the following: “~~twenty-two~~
8 eighteen”.

TOM MANN, Jr.

HOUSE AMENDMENT TO
SENATE FILE 464

S-5654

1 Amend Senate File 464, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 7, by striking the word “health”
4 and inserting the following: “physical exercise”.
5 2. Page 1, line 8, by striking the word “health”
6 and inserting the following: “physical exercise”.
7 3. Page 1, line 11, by striking the word “Health”
8 and inserting the following: “Physical exercise”.
9 4. Page 1, lines 11 and 12, by striking the words
10 “in business for a primary purpose of”.
11 5. Page 1, line 17, by inserting after the word
12 “as” the following: “health clubs”,
13 6. Page 1, line 23, by striking the word “Health”
14 and inserting the following: “Physical exercise”.
15 7. Page 1, line 31, by striking the word and
16 figure “and 552.14,” and inserting in lieu thereof the
17 following: “552.14, and 552.16”.
18 8. Page 2, line 4, by striking the word “Health”
19 and inserting the following: “Physical exercise”.
20 9. Page 2, line 5, by striking the word “health”
21 and inserting the following: “physical exercise”.
22 10. Page 2, line 6, by striking the word “health”
23 and inserting the following: “physical exercise”.
24 11. Page 2, line 9, by striking the word “health”
25 and inserting the following: “physical exercise”.
26 12. Page 2, line 16, by striking the word
27 “health” and inserting the following: “physical
28 exercise”.
29 13. Page 2, line 18, by striking the word

- 30 "health" and inserting the following: "physical
31 exercise".
32 14. Page 2, line 21, by striking the word
33 "health" and inserting the following: "physical
34 exercise".
35 15. Page 2, line 24, by striking the word
36 "HEALTH" and inserting the following: "PHYSICAL
37 EXERCISE".
38 16. Page 2, line 26, by striking the word
39 "health" and inserting the following: "physical
40 exercise".
41 17. Page 2, line 32, by striking the word
42 "health" and inserting the following: "physical
43 exercise".
44 18. Page 3, line 3, by striking the word "health"
45 and inserting the following: "physical exercise".
46 19. Page 3, line 4, by striking the word "health"
47 and inserting the following: "physical exercise".
48 20. Page 3, line 8, by striking the word "health"
49 and inserting the following: "physical exercise".
50 21. Page 3, line 12, by striking the word

Page 2

- 1 "health" and inserting the following: "physical
2 exercise".
3 22. Page 3, line 14, by striking the word
4 "health" and inserting the following: "physical
5 exercise".
6 23. Page 3, line 26, by striking the word
7 "thirty" and inserting the following: "forty-five".
8 24. Page 3, line 29, by striking the word
9 "health" and inserting the following: "physical
10 exercise".
11 25. Page 4, line 10, by striking the word
12 "HEALTH" and inserting the following: "PHYSICAL
13 EXERCISE".
14 26. Page 4, line 12, by striking the word
15 "health" and inserting the following: "physical
16 exercise".
17 27. Page 4, line 13, by striking the word
18 "health" and inserting the following: "physical
19 exercise".
20 28. Page 4, line 15, by striking the word
21 "Health" and inserting the following: "Physical
22 exercise".
23 29. Page 4, line 18, by striking the word
24 "health" and inserting the following: "physical
25 exercise".
26 30. Page 4, line 19, by striking the word

27 "health" and inserting the following: "physical
 28 exercise".
 29 31. Page 4, line 22, by striking the word
 30 "thirty" and inserting the following: "forty-five".
 31 32. Page 4, by striking line 23, and inserting
 32 the following: "physical exercise club of the buyer's
 33 cancellation notice. If the physical exercise".
 34 33. Page 4, line 25, by striking the word
 35 "thirty" and inserting the following: "forty-five".
 36 34. Page 4, line 26, by striking the word
 37 "health" and inserting the following: "physical
 38 exercise".
 39 35. Page 4, line 29, by striking the word
 40 "health" and inserting the following: "physical
 41 exercise".
 42 36. Page 4, line 30, by striking the word
 43 "health" and inserting the following: "physical
 44 exercise".
 45 37. Page 4, line 32, by striking the word
 46 "health" and inserting the following: "physical
 47 exercise".
 48 38. Page 5, line 1, by striking the word "health"
 49 and inserting the following: "physical exercise".
 50 39. Page 5, line 2, by striking the word "health"

Page 3

1 and inserting the following: "physical exercise".
 2 40. Page 5, lines 3 and 4, by striking the words
 3 "or oral".
 4 41. Page 5, by striking line 14, and inserting
 5 the following:
 6 "1. A physical exercise club contract is not
 7 assignable by the physical exercise".
 8 42. Page 5, line 22, by striking the word
 9 "health" and inserting the following: "physical
 10 exercise".
 11 43. Page 5, line 26, by striking the word
 12 "health" and inserting the following: "physical
 13 exercise".
 14 44. Page 5, line 30, by striking the word
 15 "health" and inserting the following: "physical
 16 exercise".
 17 45. Page 5, line 33, by striking the word
 18 "health" and inserting the following: "physical
 19 exercise".
 20 46. Page 5, line 33, by inserting after the word
 21 "club" the following: ", which accepts prepayments as
 22 defined in section 552.1, subsection 5,".
 23 47. Page 6, line 2, by striking the word "health"

24 and inserting the following: "physical exercise".
25 48. Page 6, line 5, by striking the word "health"
26 and inserting the following: "physical exercise".
27 49. Page 6, line 10, by striking the word
28 "health" and inserting the following: "physical
29 exercise".
30 50. Page 6, line 11, by striking the word
31 "health" and inserting the following: "physical
32 exercise".
33 51. Page 6, line 12, by striking the word
34 "health" and inserting the following: "physical
35 exercise".
36 52. Page 6, line 13, by striking the word
37 "health" and inserting the following: "physical
38 exercise".
39 53. Page 6, line 15, by striking the word "shall"
40 and inserting the following: "may".
41 54. Page 6, line 20, by striking the words ", the
42 uniform commercial code".
43 55. Page 6, line 23, by striking the word
44 "health" and inserting the following: "physical
45 exercise".
46 56. Page 6, line 25, by striking the word
47 "health" and inserting the following: "physical
48 exercise".
49 57. Page 6, line 34, by striking the word
50 "health" and inserting the following: "physical

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1 exercise".
2 58. Page 7, line 4, by striking the word "health"
3 and inserting the following: "physical exercise".
4 59. Page 7, line 9, by striking the word "health"
5 and inserting the following: "physical exercise".
6 60. Page 7, line 13, by striking the word
7 "health" and inserting the following: "physical
8 exercise".
9 61. Page 7, line 16, by striking the word
10 "health" and inserting the following: "physical
11 exercise".
12 62. Page 7, line 18, by striking the word
13 "health" and inserting the following: "physical
14 exercise".
15 63. Page 7, line 20, by striking the word
16 "health" and inserting the following: "physical
17 exercise".
18 64. Page 7, by striking lines 22 and 23.
19 65. Page 7, line 24, by striking the word
20 "health" and inserting the following: "physical

21 exercise".
22 66. Page 7, line 25, by striking the word
23 "health" and inserting the following: "physical
24 exercise".
25 67. Page 7, line 26, by striking the word
26 "health" and inserting the following: "physical
27 exercise".
28 68. Page 7, line 27, by striking the word
29 "health" and inserting the following: "physical
30 exercise".
31 69. Page 7, line 30, by striking the word
32 "health" and inserting the following: "physical
33 exercise".
34 70. Page 7, line 31, by striking the word
35 "health" and inserting the following: "physical
36 exercise".
37 71. Page 7, line 32, by striking the word
38 "health" and inserting the following: "physical
39 exercise".
40 72. Page 8, line 3, by striking the word "health"
41 and inserting the following: "physical exercise".
42 73. Page 8, line 10, by striking the word
43 "health" and inserting the following: "physical
44 exercise".
45 74. Page 8, line 13, by striking the word
46 "health" and inserting the following: "physical
47 exercise".
48 75. Page 8, line 15, by striking the word
49 "health" and inserting the following: "physical
50 exercise".

Page 5

1 76. Page 8, line 21, by striking the word
2 "health" and inserting the following: "physical
3 exercise".
4 77. Page 8, line 22, by striking the word
5 "health" and inserting the following: "physical
6 exercise".
7 78. Page 8, line 24, by striking the word
8 "health" and inserting the following: "physical
9 exercise".
10 79. Page 8, line 30, by striking the word
11 "health" and inserting the following: "physical
12 exercise".
13 80. Page 8, line 33, by striking the word
14 "health" and inserting the following: "physical
15 exercise".
16 81. Page 9, line 2, by striking the word "health"
17 and inserting the following: "physical exercise".

- 18 82. Page 9, line 8, by striking the word "health"
19 and inserting the following: "physical exercise".
20 83. Page 9, line 9, by striking the word "health"
21 and inserting the following: "physical exercise".
22 84. Page 9, line 13, by striking the word
23 "health" and inserting the following: "physical
24 exercise".
25 85. Page 9, line 15, by striking the word
26 "health" and inserting the following: "physical
27 exercise".
28 86. Page 9, line 21, by striking the word
29 "health" and inserting the following: "physical
30 exercise".
31 87. Page 9, line 25, by striking the word
32 "health" and inserting the following: "physical
33 exercise".
34 88. Page 9, line 32, by striking the word
35 "health" and inserting the following: "physical
36 exercise".
37 89. Page 10, line 29, by striking the word
38 "health" and inserting the following: "physical
39 exercise".
40 90. Page 10, line 30, by striking the figure
41 "1987" and inserting the following: "1988".
42 91. Page 10, line 30, by striking the word
43 "health" and inserting the following: "physical
44 exercise".
45 92. Page 10, line 33, by striking the figure
46 "1987" and inserting the following: "1988".
47 93. Page 10, line 34, by striking the word
48 "health" and inserting the following: "physical
49 exercise".
50 94. Title page, line 1, by striking the word

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- 1 "health" and inserting the following: "physical
2 exercise".
3 95. Title page, lines 1 and 2, by striking the
4 words "and providing penalties" and inserting the
5 following: ", providing penalties and providing
6 effective dates".
7 96. By renumbering, relettering, or redesignating
8 and correcting internal references as necessary.

S-5655

- 1 Amend House File 645 as amended, passed, and
2 reprinted by the House as follows:

- 3 1. Page 10, line 7, by striking the word "may"
- 4 and inserting the following: "shall".

AL STURGEON

S-5656

- 1 Amend House File 2447 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 40, by inserting after line 33, the
- 4 following:
- 5 "Sec. ____ . As a condition, limitation, and
- 6 qualification of the appropriations made from the
- 7 general fund and from all other trusts for fiscal year
- 8 1989, no state department, agency, commission, board,
- 9 council, committee, or task force shall sponsor
- 10 general public service announcements or advertisements
- 11 that contain the personal appearance or representation
- 12 of, or that involve the broadcast of a live or
- 13 recorded message by any elected state official.
- 14 General service announcements and advertisements shall
- 15 not be construed to include departmental publications
- 16 or reports available to the general public."

CALVIN O. HULTMAN

S-5657

- 1 Amend House File 2447 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 40, by inserting after line 26, the
- 4 following:
- 5 "Sec. ____ . As a condition, limitation, and
- 6 qualification of the appropriations made from the
- 7 general fund and from all other trusts for fiscal year
- 8 1989, the general assembly shall approve by resolution
- 9 all standing appropriations for fiscal year 1989."

CALVIN O. HULTMAN

S-5658

- 1 Amend the amendment, S-5515, to House File 645, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:

4 1. Page 1, line 37, by striking the words "or
5 service".

AL STURGEON

S-5659

1 Amend the amendment, S-5515, to House File 645, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 45, by striking the word "thirty-
5 day" and inserting the following: "fifteen-day".

AL STURGEON

S-5660

1 Amend House File 645, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 10, by striking lines 10 through 12 and
4 inserting the following: "court determines to be in
5 the interest of justice."

AL STURGEON

S-5661

1 Amend House File 645, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, by striking lines 17 through 21.
4 2. By relettering as necessary.

AL STURGEON

S-5662

1 Amend House File 645, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, by striking lines 22 through 30.

AL STURGEON

S-5663

1 Amend House File 645, as amended, passed, and re-
2 printed by the House, as follows:

- 3 1. Page 6, line 5, by inserting after the word
- 4 "time" the following: "and hours of the day".

AL STURGEON

S-5664

- 1 Amend House File 645, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 6, by striking lines 6 through 12 and
- 4 inserting the following: "ception is required to be
- 5 maintained."

AL STURGEON

S-5665

- 1 Amend the amendment, S-5558, to House File 2452 as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 14 and 15 and
- 5 inserting the following: "of orders and their
- 6 payments in Polk county shall commence as soon as is
- 7 practicable and Linn county shall be completed by
- 8 January 1, 1989. Initial".

ROBERT CARR

S-5666

- 1 Amend House File 645, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 8, line 13, by striking the word "thirty"
- 4 and inserting the following: "fifteen".
- 5 2. Page 8, line 19, by striking the word "thirty"
- 6 and inserting the following: "fifteen".
- 7 3. Page 8, line 25, by striking the word "thirty"
- 8 and inserting the following: "fifteen".

AL STURGEON

S-5667

- 1 Amend House File 645 as amended, passed, and
- 2 reprinted by the House as follows:

3 1. Page 8, line 27, by striking the word "may"
4 and inserting the following: "shall".

AL STURGEON

HOUSE AMENDMENT TO
SENATE FILE 323

S-5668

1 Amend Senate File 323, 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. 282.19 OPEN ENROLLMENT.

6 It is the intent of the general assembly to allow a
7 pupil with special and exceptional needs to enroll in
8 a district contiguous to the pupil's resident district
9 if the contiguous district offers coursework or
10 programs, not already available to the pupil, that
11 would meet the needs of the pupil.

12 1. Except as provided in subsection 2, for the
13 school year commencing July 1, 1990, and each
14 succeeding school year, a parent or guardian residing
15 in a school district may be allowed to enroll the
16 parent's or guardian's child or ward in a public
17 school in a contiguous school district as provided in
18 this section.

19 Not later than November 1, 1989, or not later than
20 November 1 of the preceding school year, the parent or
21 guardian shall notify the district of residence and
22 the department of education that the parent or
23 guardian intends to enroll the parent's or guardian's
24 child or ward in a contiguous school district. Notice
25 shall be made in the form and manner prescribed by the
26 department of education and shall contain a
27 description of the substantial educational
28 opportunities necessary and available for the child in
29 the receiving district that are not available in the
30 district of residence and a statement that the child
31 intends to take advantage of the opportunity before
32 graduation. The state board of education shall adopt
33 rules under chapter 17A by January 1, 1989, that
34 define substantial educational opportunity. The
35 definition shall include, but not be limited to,
36 whether the contiguous district offers coursework or
37 programs not available in the district of residence.
38 A request under this section is for a period of not

39 less than four years, unless the pupil will graduate
40 within the four-year period.
41 The board of directors of the district of residence
42 shall approve or disapprove the request within thirty
43 days of receipt of the parent's and guardian's notice.
44 The parent or guardian may appeal the decision of the
45 board under chapter 290. If the parent or guardian
46 appeals to the state board of education, the parent or
47 guardian must prove by substantial evidence to the
48 state board that the conditions listed in the request
49 exist and the denial of the request of the parent or
50 guardian was an abuse of discretion by the board of

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1 the district of residence.
2 Following approval of the transfer, the board of
3 the district of residence shall transmit a copy of the
4 form to the contiguous school district. The board of
5 the contiguous school district shall enroll the pupil
6 in a school in the contiguous district for the
7 following school year, unless the contiguous school
8 district does not have classroom space for the pupil
9 or enrolling the pupil in the contiguous district will
10 adversely affect the minority enrollment in the
11 resident or contiguous school district because of
12 voluntary or court ordered desegregation. The child
13 shall, however, be included in the basic enrollment of
14 the district of residence for purposes of section
15 442.4.
16 The board of directors of the district of residence
17 shall pay to the receiving school district an amount
18 which is equal to the lesser of the state aid portion
19 of the resident district's cost per pupil or the state
20 aid of the receiving district's cost per pupil. For
21 the purpose of this section, "state aid portion of a
22 district's cost per pupil" is the state foundation aid
23 for the budget year received by the district under
24 section 442.26 for regular program costs divided by
25 the district's basic enrollment for the budget year.
26 In addition, the state aid amount shall include moneys
27 received under sections 294A.9 and 294A.14. If the
28 amount paid to the receiving school district is not
29 equal to that district's cost per pupil, the receiving
30 district has the option of either accepting the amount
31 paid by the district of residence, or billing the
32 parent or guardian for the difference between the
33 district cost per pupil and the amount received from
34 the district of residence. The district of residence
35 may reimburse the parent for any difference paid to

36 the receiving district. Quarterly payment shall be
37 made to the receiving district. Notwithstanding
38 section 285.1 relating to transportation of
39 nonresident pupils, the parent or guardian is
40 responsible for transporting the pupil without
41 reimbursement to and from a point on a regular school
42 bus route of the receiving district. A parent or
43 guardian who chooses to reenroll the child in the
44 district of residence, or to enroll the child in
45 another school district, during the four-year period
46 covered by the request, shall pay the maximum tuition
47 fee to the enrolling district pursuant to section
48 282.24. However, the tuition fee requirement does not
49 apply if a child is enrolled in another school
50 district, during the four-year period covered by the

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1 request, because of a change in the child's place of
2 residence.

3 A student who attends school in a contiguous school
4 district is not eligible to participate in
5 interscholastic athletic contests and athletic
6 competitions during the first year of enrollment under
7 this section except for an interscholastic sport in
8 which the district of residence and the contiguous
9 school district jointly participate.

10 2. This section does not apply if the contiguous
11 district, in which the parent or guardian wishes to
12 enroll their child, is a party to a sharing agreement,
13 which covers the request, with the district of
14 residence under sections 282.7 through 282.12. If a
15 resident or receiving district is participating in a
16 reorganization study under chapter 275, subsection 1
17 shall not be available to a parent or guardian until
18 the study is completed.

19 Sec. 2. Section 280.16, Code Supplement 1987, is
20 repealed effective July 1, 1990.

21 Sec. 3. By January 1, 1989, the department of
22 education shall adopt rules to implement chapter 261C
23 including, but not limited to, defining the term
24 "academic". For purposes of this section, "academic"
25 shall be defined narrowly to provide opportunities for
26 an enriched curriculum extending beyond ordinary high
27 school offerings."

28 2. Title page, by striking lines 3 through 5 and
29 inserting the following: "districts and providing for
30 the implementation of administrative rules and an
31 effective date."

HOUSE AMENDMENT TO
SENATE FILE 2225

S-5669

- 1 Amend Senate File 2225 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 22, by striking the words "A
- 4 recipient or former recipient" and inserting the
- 5 following: "Two recipients or former recipients".
- 6 2. Page 1, by striking lines 25 and 26 and
- 7 inserting the following:
- 8 "9. The head of the department of home economics
- 9 at the University of Northern Iowa or that person's
- 10 designee."
- 11 3. By renumbering, relettering, or redesignating
- 12 and correcting internal references as necessary.

S-5670

- 1 Amend the amendment, S-5553, to House File 2402 as
- 2 amended, passed and reprinted by the House as follows:

DIVISION S—5670A

- 3 1. Page 1, line 12, by striking the words "and
- 4 two-tenths".

DIVISION S—5670B

- 5 2. Page 1, by striking lines 20 through 26.

WILLIAM W. DIELEMAN

S-5671

- 1 Amend House File 2402 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 5, by striking the word "may" and
- 4 inserting the following: "~~may~~ shall".

WILLIAM W. DIELEMAN

S-5672

- 1 Amend House File 2400, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. Page 8, by inserting after line 15, the
4 following:
5 "Sec. ____ . NEW SECTION. 477B.7 LOCAL EXCHANGE
6 SERVICE INFORMATION.
7 1. DONATION OF DATA BASE REQUIRED. A local
8 exchange service provider within an E911 service area
9 shall provide, at no cost to the joint E911 service
10 board, local exchange service information for all
11 subscribers within the E911 service area in a form to
12 facilitate assembly of the data base necessary to
13 provide E911 service.
14 2. COMPENSATION FOR DATA BASE MAINTENANCE. After
15 creation of the initial data base, a local exchange
16 service provider shall be compensated for data base
17 maintenance or the provision of periodic updates to
18 the local exchange service information. The amount or
19 rate of compensation shall be approved by the Iowa
20 utilities board, and shall at minimum compensate the
21 local exchange service provider for the actual costs
22 of providing the information or performing the data
23 base maintenance, but shall not exceed a fair and
24 reasonable rate."
25 2. By renumbering as necessary.

EMIL J. HUSAK

S-5673

1 Amend House File 2294 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, by inserting after line 6, the
4 following:
5 "Sec. ____ . NEW SECTION. 246.515
6 The director shall establish, by rule, a program
7 for the provision of prophylactics to offenders
8 committed under law to any institution under the
9 chapter, with the exceptions of correctional release
10 centers and rehabilitation camps."

LARRY MURPHY

S-5674

1 Amend the House amendment, S-5668, to Senate File
2 323, as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, line 5, by striking the figure
5 "282.19" and inserting the following: "282.18".

LARRY MURPHY

S-5675

1 Amend House File 2354 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 22, by striking the words "twelve
4 months" and inserting the following: "five years".
5 2. Page 1, by striking lines 23 and 24 and
6 inserting the following:
7 "Notwithstanding the requirements of this section,
8 disclosure to any person of the results of a test
9 performed on a nonpublic building for the presence of
10 radon gas and radon progeny is not required if the
11 results do not exceed the currently established United
12 States environmental protection agency action
13 guidelines.
14 A person who tests a nonpublic building which the
15 person owns is not required to disclose to any person
16 the results of a test for the presence of radon gas or
17 progeny if the test is performed by the person who
18 owns the nonpublic building."

MICHAEL GRONSTAL

S-5676

1 Amend House File 2354 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, lines 19 and 20, by striking the words
4 "or unless a prospective buyer of a building requests
5 the information in writing".
6 2. Page 1, line 22, by striking the words "twelve
7 months" and inserting the following: "five years".
8 3. Page 1, by striking lines 23 and 24 and
9 inserting the following:
10 "Notwithstanding the requirements of this section,
11 disclosure to any person of the results of a test
12 performed on a nonpublic building for the presence of
13 radon gas and radon progeny is not required if the
14 results do not exceed the currently established United
15 States environmental protection agency action
16 guidelines.
17 A person who tests a nonpublic building which the
18 person owns is not required to disclose to any person

19 the results of a test for the presence of radon gas or
20 progeny if the test is performed by the person who
21 owns the nonpublic building.”

MICHAEL GRONSTAL
RICHARD VARN

S-5677

1 Amend House File 645 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 9, by striking lines 7 through 9 and
4 inserting the following: “recordings shall be
5 wherever the court orders. The recordings, any
6 records concerning the recordings, and any duplicate
7 recordings shall be destroyed one year after the
8 expiration of the period of the order, or extension of
9 the order, unless the applicant establishes to the
10 satisfaction of the court that an indictment or
11 criminal charge is to be brought. If the court is
12 satisfied with the showing of the applicant, the court
13 shall authorize the applicant to maintain any
14 recordings, records concerning the recording, or any
15 duplicates for an additional thirty-day period.
16 Duplicate recordings may”.

AL STURGEON

S-5678

1 Amend the amendment, S-5627, to House File 2170 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking lines 22 and 23.
5 2. By renumbering as necessary.

RICHARD VANDE HOEF

S-5679

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by striking lines 11 and 12, and
4 inserting the following: “systems shall come from a
5 surcharge in an amount determined at the time an E911
6 service plan is originally prepared by each joint E911
7 service board, per month, per access line on each

8 access line subscriber, except as provided in".
 9 2. Page 8, line 3, by striking the words "ten
 10 cents" and inserting the following: "the maximum
 11 surcharge amount determined by the joint E911 service
 12 board,".
 13 3. Page 8, line 8, by striking the words "ten
 14 cents", and inserting the following: "the maximum
 15 surcharge amount determined by the joint E911 service
 16 board".

EMIL J. HUSAK

S-5680

1 Amend House File 2400, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, by inserting after line 6, the
 4 following:
 5 "Sec. ____ . NEW SECTION. 477B.5A REFERENDUM ON
 6 E911 IN PROPOSED SERVICE AREA AND ON IMPOSITION OF FEE
 7 TO FUND SERVICE.
 8 1. Before a joint E911 service board may request
 9 imposition of the fee by the administrator, the board
 10 shall submit the following questions on a ballot
 11 included in each telephone subscriber's periodic
 12 telephone bill within the proposed E911 service area,
 13 and each question must receive a favorable vote from a
 14 simple majority of those returning completed ballots:
 15 a. Should E911 service be provided within
 16 (description of the proposed E911 service area)?
 17 b. Should E911 service be funded, in whole or in
 18 part, by imposition of a surcharge of up to the amount
 19 determined by the joint E911 service board per month
 20 per telephone access line collected as part of each
 21 telephone subscriber's monthly phone bill, as
 22 permitted by state law upon approval by referendum?
 23 If E911 service is already provided, the E911
 24 operating authority may request imposition of the fee,
 25 conditioned upon submission to, and favorable
 26 recommendation by, the affected voters, of the
 27 question in paragraph "b" only.
 28 2. The E911 ballot shall be included in subscriber
 29 billings within the proposed E911 service area by the
 30 local exchange access line provider upon request of
 31 the joint E911 service board under the following
 32 conditions:
 33 a. The board makes a written request including a
 34 written description of the area to be served.

35 b. The ballot is included as a separate insert
36 clearly identifying the joint E911 service board as
37 the source of the request.
38 c. Instructions shall be approved by the
39 administrator, or adopted by rule of the
40 administrator. Instructions shall clearly
41 disassociate the local exchange access provider from
42 the ballot, shall contain no endorsement or
43 recommendation, and otherwise shall provide
44 instructions in plain, easy to understand, language.
45 d. The local exchange access company shall be
46 compensated for its costs associated with the
47 balloting in an amount at least equal to its charge
48 for commercial advertising inserts.
49 e. The local exchange access company shall be
50 indemnified for any liability arising out of inclusion

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1 of the ballot in its billing materials.
2 f. Ballots may be returned to the local exchange
3 access provider with the subscriber's payment or to
4 the joint E911 service board in a separate, no postage
5 required, envelope.
6 h. Only one ballot shall be sent to each
7 subscriber."
8 2. Page 6, by striking lines 11 and 12, and
9 inserting the following: "systems shall come from a
10 surcharge in an amount determined at the time an E911
11 service plan is originally prepared by each joint E911
12 service board, per month, per access line on each
13 access line subscriber, except as provided in".
14 3. Page 8, line 3, by striking the words "ten
15 cents" and inserting the following: "the maximum
16 surcharge amount determined by the joint E911 service
17 board,".
18 4. Page 8, line 8, by striking the words "ten
19 cents", and inserting the following: "the maximum
20 surcharge amount determined by the joint E911 service
21 board".

EMIL J. HUSAK

S-5681

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by inserting after line 6, the
4 following:

5 "Sec. ____ . NEW SECTION. 477B.5A REFERENDUM ON
6 E911 IN PROPOSED SERVICE AREA AND ON IMPOSITION OF FEE
7 TO FUND SERVICE.

8 1. Before a joint E911 service board may request
9 imposition of the fee by the administrator, the board
10 shall submit the following questions on a general
11 election ballot to voters in the proposed E911 service
12 area, and each question must receive a favorable vote
13 from a simple majority:

14 a. Should E911 service be provided within
15 (description of the proposed E911 service area)?
16 b. Should E911 service be funded, in whole or in
17 part, by imposition of a surcharge of up to the amount
18 determined by the joint E911 service board per month
19 per telephone access line collected as part of each
20 telephone subscriber's monthly phone bill, as
21 permitted by state law upon approval by referendum?
22 The questions shall be included on the ballot of
23 each electoral precinct to be served in whole or in
24 part by a proposed E911 service plan, upon request of
25 the joint E911 service board.

26 If E911 service is already provided, the E911
27 operating authority may request imposition of the fee,
28 conditioned only upon submission to, and favorable
29 recommendation by, the affected voters, of the
30 question in paragraph "b" only."

31 2. Page 6, by striking lines 11 and 12, and
32 inserting the following: "systems shall come from a
33 surcharge in an amount determined at the time an E911
34 service plan is originally prepared by each joint E911
35 service board, per month, per access line on each
36 access line subscriber, except as provided in".

37 3. Page 8, line 3, by striking the words "ten
38 cents" and inserting the following: "the maximum
39 surcharge amount determined by the joint E911 service
40 board."

41 4. Page 8, line 8, by striking the words "ten
42 cents", and inserting the following: "the maximum
43 surcharge amount determined by the joint E911 service
44 board".

45 5. By renumbering as necessary.

EMIL HUSAK

S-5682

1 Amend House File 2439 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 17, by striking the word "either"
4 and inserting the following: "both".

TOM MANN, Jr.

S-5683

1 Amend Senate File 2325 as follows:
2 1. Page 1, line 1, by inserting after
3 the word "penalty" the words "for underpayment
4 of estimated tax".

CHARLES BRUNER

S-5684

1 Amend the amendment, S-5547, to House File 2439 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 30, by striking the word "may"
5 and inserting the following: "shall".

TOM MANN, Jr.

S-5685

1 Amend the amendment, S-5547, to House File 2439 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 27, by striking the word "state,"
5 and inserting the following: "state."
6 2. Page 1, by inserting after line 27, the
7 following: "The money collected under this subsection
8 shall be used for providing legal representation to
9 Iowa consumers who are damaged as a result of
10 violations of this Act."
11 3. Page 1, by striking lines 28 and 29.

TOM MANN, Jr.

S-5686

1 Amend the amendment, S-5547, to House File 2439 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 36 the
5 following:

- 6 " ____ . Page 2, by inserting after line 3, the
7 following:
8 "A person found to be in violation of this
9 subsection shall be personally liable for any damages
10 resulting from the violation."
11 2. By renumbering as necessary.

TOM MANN, Jr.

S-5687

- 1 Amend House File 2439 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 35, by striking the word "ten"
4 and inserting the following: "one hundred".

TOM MANN, Jr.

S-5688

- 1 Amend the amendment, S-5546, to House File 613, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 5, by striking the word
5 "incorporated" and inserting the following:
6 "organized".
7 2. Page 1, by inserting after line 9, the
8 following:
9 " ____ . Page 2, line 15, by striking the figure "8"
10 and inserting the following: "9".
11 3. By renumbering as necessary.

GEORGE R. KINLEY

S-5689

- 1 Amend House File 2386, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 28 the follow-
4 ing:
5 "(8) A business that has an average hourly wage
6 for a majority of its employees of less than five
7 dollars fifty cents is disqualified from receiving
8 assistance.
9 (9) A business that does not provide health
10 insurance coverage to its employees shall lose three
11 points in making the computations for determining

12 assistance.

13 (10) Not more than two hundred fifty thousand
14 dollars may be provided as a grant unless the Iowa
15 economic development board unanimously approves a
16 grant in excess of that amount, but in no case may a
17 grant exceed one million dollars.

18 (11) A business awarded a grant that does not
19 create at least fifty percent of the expected jobs
20 within two years of the awarding of the grant shall
21 repay the full amount of the grant within six months
22 of the end of the two-year period.

23 (12) The point rankings of the proposed projects
24 shall be public information. If assistance is awarded
25 to a project which has a ranking below that of
26 proposed projects denied assistance, an explanation of
27 the reason why one was approved over the other shall
28 be written up and shall accompany the point rankings
29 as public information.”

30 2. Page 4, by inserting after line 31 the
31 following:

32 “8. A business that has an average hourly wage for
33 a majority of its employees of less than five dollars
34 fifty cents is disqualified from receiving assistance.

35 9. A business that does not provide health
36 insurance coverage to its employees shall lose three
37 points in making the computations for determining
38 assistance.

39 10. Not more than two hundred fifty thousand
40 dollars may be provided as a grant unless the Iowa
41 economic development board unanimously approves a
42 grant in excess of that amount, but in no case may a
43 grant exceed one million dollars.

44 11. A business awarded a grant that does not
45 create at least fifty percent of the expected jobs
46 within two years of the awarding of the grant shall
47 repay the full amount of the grant within six months
48 of the end of the two-year period.

49 12. The point rankings of the proposed projects
50 shall be public information. If assistance is awarded

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1 to a project which has a ranking below that of
2 proposed projects denied assistance, an explanation of
3 the reason why one was approved over the other shall
4 be written up and shall accompany the point rankings
5 as public information.”

S-5690

1 Amend the amendment, S-5576, to House File 2419, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

DIVISION S—5690A

4 1. Page 1, by striking lines 28 through 32 and
 5 inserting the following: "enrollment of fewer than
 6 six hundred, the territory located in".
 7 2. Page 1, line 33, by inserting after the word
 8 "eligible" the following: ", if approved by the
 9 director of the department of education".
 10 3. Page 1, line 35, by inserting after the word
 11 and figure "subsection 1." the following: "If the
 12 director approves a reduction in the uniform property
 13 tax levy as provided in this section, the director
 14 shall notify the director of the department of
 15 management of the reduction."

DIVISION S—5690B

16 4. Page 2, line 16, by striking the words
 17 "dissolution proposal" and inserting the following:
 18 "reduction in property tax".

DIVISION S—5690A (cont'd.)

19 5. Page 2, line 17, by inserting after the word
 20 "the" the following: "director of the".
 21 6. Page 2, line 29, by inserting after the word
 22 "one" the following: "which absorbed at least thirty
 23 percent of the enrollment of the school district
 24 affected by a reorganization or dissolved during a
 25 dissolution and".

LARRY MURPHY

S-5691

1 Amend House File 393 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 1 through 13.

JOE WELSH

S-5692

1 Amend House File 393 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 14, by inserting after the word
4 "Code" the following: "Supplement".

5 2. Page 2, line 5, by inserting after the word
6 "Code" the following: "Supplement".

7 3. Page 3, by inserting after line 19 the
8 following:

9 "Sec. 6. Section 123.30, subsection 1, unnumbered
10 paragraph 2, Code Supplement 1987, is amended to read
11 as follows:

12 As a further condition for issuance of a liquor
13 control license, the applicant must give consent to
14 members of the fire, police and health departments and
15 the building inspector of cities; the county sheriff,
16 deputy sheriff, and state agents, and any official
17 county health officer to enter upon areas of the
18 premises where alcoholic beverages are stored, served,
19 or sold, without a warrant to inspect for violations
20 of the provisions of this chapter or ordinances and
21 regulations that cities and boards of supervisors may
22 adopt. However, a subpoena issued under section
23 421.17 or a warrant is required for inspection of
24 records, cash register receipts, a private business
25 office, or attached living quarters.

26 Sec. 7. Section 123.30, subsection 3, paragraph e,
27 Code Supplement 1987, is amended to read as follows:

28 e. Class "E". A class "E" liquor control license
29 may be issued and shall authorize the holder to
30 purchase alcoholic liquor from the division only and
31 to sell the alcoholic liquor to patrons for
32 consumption off the licensed premise and to other
33 liquor control licensees. A class "E" license shall
34 not be issued to premises at which gasoline is sold.
35 A holder of a class "E" liquor control license may
36 hold other retail liquor control licenses or retail
37 wine or beer permits, but the premises licensed under
38 a class "E" liquor control license shall be separate
39 from other licensed premises, though the separate
40 premises may have a common entrance. However, the
41 holder of a class "E" liquor control license may also
42 hold a class "B" wine or class "C" beer permit or both
43 for the premises licensed under a class "E" liquor
44 control license.

45 The division may issue a class "E" liquor control

46 license for premises covered by a liquor control
47 license or wine or beer permit for on-premise
48 consumption, if the premises are in a county having a
49 population under nine thousand five hundred in which
50 no other class "E" liquor control license has been

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1 issued by the division, and no other application for a
2 class "E" license has been made within the previous
3 twelve consecutive months.

4 Sec. 8. Section 123.39, Code 1987, is amended by
5 adding the following new unnumbered paragraph:
6 **NEW UNNUMBERED PARAGRAPH.** If the cause for
7 suspension is a first offense violation of section
8 123.49, subsection 2, paragraph "h", and the violation
9 occurred on or after January 1, 1988, the
10 administrator or local authority shall impose a civil
11 penalty in the amount of three hundred dollars in lieu
12 of suspension of the license or permit. Local
13 authorities shall retain civil penalties collected
14 under this paragraph if the proceeding to impose the
15 penalty is conducted by the local authority. The
16 division shall retain civil penalties collected under
17 this paragraph if the proceeding to impose the penalty
18 is conducted by the administrator of the division. If
19 the matter is appealed to the division's hearing
20 board, the hearing board shall not reduce the amount
21 of the civil penalty imposed under this paragraph if a
22 violation of section 123.49, subsection 2, paragraph
23 "h" is found.

24 Sec. 9. Section 123.50, subsection 3, paragraph a,
25 Code 1987, is amended to read as follows:

26 a. Upon a first conviction, the violator's liquor
27 control license, wine permit, or beer permit shall be
28 suspended for a period of fourteen days. However, if
29 the conviction is for a violation of section 123.49,
30 subsection 2, paragraph "h", which occurred on or
31 after January 1, 1988, the violator's liquor control
32 license or wine or beer permit shall not be suspended,
33 but the violator shall be assessed a civil penalty in
34 the amount of three hundred dollars. Failure to pay
35 the civil penalty as ordered under section 123.39 or
36 this subsection will result in automatic suspension of
37 the license or permit for a period of fourteen days."

38 4. Page 3, line 20, by inserting after the word
39 "Code" the following: "Supplement".

40 5. Page 3, line 30, by inserting after the word
41 "Code" the following: "Supplement".

- 42 6. Page 4, line 6, by inserting after the word
 43 "Code" the following: "Supplement".
 44 7. Page 5, line 19, by inserting after the word
 45 "Code" the following: "Supplement".
 46 8. Page 6, by inserting after line 5 the
 47 following:
 48 "Sec. ____ . Section 123.177, subsection 1, Code
 49 1987, is amended to read as follows:
 50 1. A person holding a class "A" wine permit may

Page 3

- 1 manufacture and sell, or sell at wholesale, wine for
 2 consumption off the premises. Sales within the state
 3 may be made only to ~~the division or to~~ persons holding
 4 a class "A" or "B" wine permit, ~~and~~ to persons holding
 5 a class "A", "B", "C" or "D" liquor control license,
 6 and to persons holding a special permit issued under
 7 section 123.29, subsection 3. A class "A" wine
 8 permittee having more than one place of business shall
 9 obtain a separate permit for each place of business
 10 where wine is to be stored, warehoused, or sold."
 11 9. By renumbering as necessary.

WALLY E. HORN
 BOB CARR
 JOHN E. SOORHOLTZ
 JACK NYSTROM
 KEN SCOTT
 JACK RIFE
 ALVIN V. MILLER
 EUGENE FRAISE

S-5693

- 1 Amend the amendment, S-5547, to House File 2439 as
 2 amended, passed, and reprinted by the House, as
 3 follows:

DIVISION S—5693A

- 4 1. Page 1, line 20, by inserting after the word
 5 "one" the following: "certified".

DIVISION S—5693B

- 6 2. Page 1, line 41, by striking the word
 7 "material".

8 3. Page 1, line 44, by striking the word
9 "material".

TOM MANN, Jr.

S-5694

1 Amend the amendment, S-5547, to House File 2439 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 27, by striking the word "state,"
5 and inserting the following: "state."
6 2. Page 1, by striking lines 28 and 29.

TOM MANN, Jr.

S-5695

1 Amend the amendment, S-5547, to House File 2439 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 47, by striking the word
5 "willfully".

TOM MANN, Jr.

S-5696

1 Amend House File 2439 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 6, by striking lines 10 and 11.

TOM MANN, Jr.

S-5697

1 Amend the amendment S-5547 to House File 2439 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking lines 14 through 16 and
5 inserting the following: "ministrator no later than

6 thirty days prior to any sale of the security in this
7 state.”

ROBERT CARR

S-5698

1 Amend House File 2294 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 6, by striking lines 10 and 11.

TOM MANN, Jr.

S-5699

1 Amend amendment S-5692 to House File 393, as
2 amended, passed and reprinted by the House as
3 follows:
4 1. Page 2, by striking lines 4 through 37.

WILLIAM DIELEMAN
EDGAR HOLDEN

S-5700

1 Amend the amendment, S-5552, to House File 2283, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 6, by striking the words “which
5 acts as a processor.”
6 2. Page 1, line 13, by striking the words “acts
7 as a processor and” and inserting the following:
8 “contracts with a member which is a cooperative
9 association organized under chapter 497, 498, or 499,
10 which”.
11 3. Page 1, line 14, by inserting after the word
12 “member” the following: “of the cooperative”.
13 4. Page 1, line 15, by striking the words “, or
14 in the case of a”.
15 5. Page 1, by striking lines 16 through 19 and
16 inserting the following: “This”.

LEONARD L. BOSWELL
JOHN E. SOORHOLTZ
KEN SCOTT

S-5701

- 1 Amend the amendment, S-5576, to House File 2419, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 16, by inserting after the word
- 5 "established" the following: "by the board of
- 6 directors of a school district".

JOY CORNING

S-5702

- 1 Amend House File 2066, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 13 the
- 4 following:
- 5 "Sec. ____ . Section 111C.2, subsection 3, Code
- 6 1987, is amended to read as follows:
- 7 3. "Recreational purpose" means the following or
- 8 any combination thereof: Hunting, trapping, horseback
- 9 riding, fishing, swimming, boating, camping,
- 10 picnicking, hiking, pleasure driving, motorcycling,
- 11 nature study, water skiing, snowmobiling, other summer
- 12 and winter sports, and viewing or enjoying historical,
- 13 archaeological, scenic, or scientific sites while
- 14 going to and from or actually engaged therein."
- 15 2. Title page, line 1, by striking the words
- 16 "snare traps" and inserting the following:
- 17 "trapping".
- 18 3. Title page, line 4, by inserting before the
- 19 word "and" the following: ", by limiting the
- 20 liability of landowners allowing trapping,".

BERL E. PRIEBE

S-5703

- 1 Amend House File 393 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 3, line 11 through page 4,
- 4 line 16.
- 5 2. Page 5, by striking lines 19 through 29.
- 6 3. By renumbering as required.

PATRICK J. DELUHERY
ALVIN MILLER

S-5704

1 Amend House File 2285 as passed by the House as
2 follows:

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

5 "Sec. 50. Section 17A.10, subsection 1, Code 1987,
6 is amended to read as follows:

7 1. Unless precluded by statute, informal
8 settlements of controversies that may culminate in
9 contested case proceedings according to ~~the provisions~~
10 ~~of this chapter~~ are encouraged. Agencies shall
11 prescribe by rule specific procedures for attempting
12 ~~such~~ informal settlements prior to the commencement of
13 contested case proceedings. This subsection ~~shall~~
14 ~~does not be construed to~~ require either party to ~~such~~
15 a controversy to ~~utilize~~ use the informal procedures
16 or to settle the controversy pursuant to ~~those~~
17 informal procedures. However, in controversies
18 disputing the assessment of taxes administered by the
19 department of revenue and finance, the department
20 shall hold an informal hearing unless all parties
21 waive the holding of the hearing."

22 2. Page 3, by inserting after line 9 the
23 following:

24 "Sec. 51. Section 421.8A, Code 1987, is amended to
25 read as follows:

26 421.8A DISPUTED ASSESSMENTS.

27 ~~For any~~ The person appealing or seeking review of a
28 decision rendered upon completion of the formal
29 hearing of a contested case, as defined in section
30 17A.2, commenced on or after ~~January 1, 1987~~ the
31 effective date of this Act, the person disputing and
32 involving the assessment of tax must pay all tax,
33 interest, and penalty pertaining to the disputed
34 assessment upon completion of the formal hearing and
35 prior to the commencement of the ~~contested case appeal~~
36 or review. Upon a showing of good cause, the hearing
37 officer entity to which the appeal or request for
38 review is made shall allow the person to post a bond
39 in an amount established by the hearing officer
40 entity, but not in excess of all tax, interest, and
41 penalty, in lieu of paying all tax, interest, and
42 penalty.

43 The director shall adopt rules establishing
44 procedures for payment of taxes under protest upon
45 completion of the formal hearing and prior to the
46 appeal or review. If it is finally determined that
47 the tax is not due in whole or in part, the department

48 shall refund the part of the tax payment which is
 49 determined not to be due together with interest on the
 50 amount of the refund at the rate as determined under

Page 2

1 section 421.7.”
 2 3. Page 13, by inserting after line 26 the
 3 following:
 4 “Sec. ____ . Sections 1, 2, 3, 5 through 9, 11, 13,
 5 14, 15, and 21 of this Act are effective July 1, 1988.
 6 Sec. ____ . This Act and sections 50 and 51 of this
 7 Act, being deemed of immediate importance, take effect
 8 upon enactment.”

BILL HUTCHINS

S-5705

1 Amend House File 393, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Title page, line 6, by inserting after the
 4 word “mail,” the following: “by limiting the areas of
 5 licensed premises which may be searched without a
 6 warrant, by providing that separate licensed premises,
 7 one under a class “E” liquor control license and the
 8 other under another retail liquor control license or a
 9 retail wine or beer permit, may share a common
 10 entrance, by providing an exemption to the licensing
 11 requirements for a class “E” liquor control license in
 12 counties under nine thousand five hundred in
 13 population, by providing for the assessment of a civil
 14 penalty in lieu of a license suspension for an offense
 15 by a licensee, by allowing a person holding a special
 16 permit for the purchase of sacramental wine to
 17 purchase from a class “A” wine permittee.”

JOE WELSH

HOUSE AMENDMENT TO
 SENATE FILE 2117

S-5706

1 Amend Senate File 2117 as passed by the Senate, as
 2 follows:

- 3 1. Page 1, line 4, by striking the words
4 "~~violations convictions~~" and inserting the following:
5 "violations".
- 6 2. Page 1, line 10, by striking the word
7 "~~convictions~~" and inserting the following:
8 "~~violations~~".
- 9 3. Page 1, by inserting after line 15, the
10 following:
11 "Sec. ____ . Section 321J.13, subsection 4, Code
12 Supplement 1987, is amended to read as follows:
13 4. A person whose motor vehicle license or
14 operating privilege has been or is being revoked under
15 section 321J.9 or 321J.12 may reopen a department
16 hearing on the revocation if the person submits a
17 petition stating that new evidence has been discovered
18 which provides grounds for rescission of the
19 revocation, or prevail at the hearing to rescind the
20 revocation, if the person submits a petition stating
21 that a criminal action on a charge of a violation of
22 section 321J.2 filed as a result of the same
23 circumstances which resulted in the revocation has
24 resulted in a decision in which the court has held
25 that the peace officer did not have reasonable grounds
26 to believe that a violation of section 321J.2 had
27 occurred to support a request for or to administer a
28 chemical test or which has held the chemical test to
29 be otherwise inadmissible or invalid. Such a decision
30 by the court is binding on the department and the
31 department shall rescind the revocation."
- 32 4. Page 1, line 20, by striking the word
33 "~~convictions~~" and inserting the following:
34 "~~violations~~".
- 35 5. Page 1, line 24, by striking the word
36 "~~convictions~~" and inserting the following:
37 "~~violations~~".
- 38 6. Page 1, by inserting after line 33 the
39 following:
40 "Sec. ____ . The state department of transportation
41 shall provide a report to the Seventy-third General
42 Assembly on or before January 31, 1989, which shall
43 describe the various operating records maintained by
44 the department. The report shall include the director
45 of transportation's recommendations concerning the
46 appropriate length of time such records should be
47 maintained by the department."
- 48 7. Title page, by striking lines 1 and 2 and
49 inserting the following: "An Act relating to certain
50 motor vehicle violations and providing an".

Page 2

- 1 8. By renumbering, relettering, or redesignating
- 2 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2253

S-5707

- 1 Amend Senate File 2253 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word "take"
- 4 and inserting the following: "complete,".
- 5 2. Page 1, by striking line 6 and inserting the
- 6 following: "as a condition of graduation, instruction
- 7 in American history and the".

HOUSE AMENDMENT TO
SENATE FILE 2157

S-5708

- 1 Amend Senate File 2157 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 1 through 23 and
- 4 inserting the following:
- 5 "Section 1. ACQUIRED IMMUNE DEFICIENCY SYNDROME-
- 6 RELATED CONDITIONS -- FINDINGS.
- 7 The general assembly finds and declares that
- 8 acquired immune deficiency syndrome (AIDS)-related
- 9 conditions present a significant challenge to the
- 10 nation and to this state. The nation and this state
- 11 are presented with the challenge of compensating
- 12 society for the loss of many young, productive
- 13 citizens. The state is also challenged with
- 14 protecting the public health while maintaining
- 15 individual liberties.
- 16 Iowans will experience the impact of AIDS-related
- 17 conditions for some time and expect the establishment
- 18 of a proactive, effective policy based upon reason and
- 19 medical evidence, not a reactive, ineffective policy
- 20 based upon fear and prejudice.
- 21 An effective, comprehensive policy includes many
- 22 elements. The general assembly finds and declares
- 23 that the state comprehensive plan for the prevention
- 24 of and intervention in AIDS-related conditions

25 includes the following elements: public and
26 professional health education; testing and counseling,
27 including contact counseling; and the increased
28 availability of public information. Other elements,
29 including protection of individual rights,
30 confidentiality, and provision of care, are parts of a
31 comprehensive approach to prevention of and
32 intervention in AIDS-related conditions.”

33 2. Page 1, line 24, by striking the figure
34 “135H.2” and inserting the following: “135H.1”.

35 3. Page 1, by striking line 27 and inserting the
36 following: “state comprehensive acquired immune
37 deficiency syndrome (AIDS)-related conditions
38 prevention and intervention plan. As used in this
39 chapter, “acquired immune deficiency syndrome-related
40 conditions” or “AIDS-related conditions” means human
41 immunodeficiency virus, acquired immune deficiency
42 syndrome, acquired immune deficiency syndrome-related
43 complex, or any other condition resulting from the
44 human immunodeficiency virus infection.”

45 4. Page 1, by striking lines 28 through 30 and
46 inserting the following:

47 “Sec. ____ . NEW SECTION. 135H.2 COMPREHENSIVE
48 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)-RELATED
49 CONDITIONS PREVENTION AND INTERVENTION PLAN.”

50 5. Page 2, line 9, by striking the figure

Page 2

1 “135H.4” and inserting the following: “135H.3”.

2 6. Page 2, by striking lines 15 through 21 and
3 inserting the following: “AIDS-related education.”

4 7. Page 2, line 22, by striking the word “AIDS”
5 and inserting the following: “AIDS-related”.

6 8. Page 2, line 23, by striking the words “all
7 of”.

8 9. By striking page 2, line 24 through page 3,
9 line 23, and inserting the following:

10 “a. Pertinent AIDS-related conditions information
11 directed toward individuals who are at risk for an
12 AIDS-related condition.

13 b. Pertinent AIDS-related conditions information
14 directed toward all providers of health care.

15 c. Pertinent AIDS-related conditions information
16 directed toward the general public.”

17 10. Page 3, line 24, by striking the figure
18 “135H.5” and inserting the following: “135H.4”.

19 11. Page 4, line 3, by striking the figure
20 “135H.6” and inserting the following: “135H.5”.

21 12. Page 4, by striking lines 12 through 14 and

22 inserting the following:

23 "1. The conducting of informational campaigns
24 designed to increase the understanding of AIDS-related
25 conditions in all segments of the population to
26 alleviate unfounded fear and anxiety."

27 13. Page 4, line 19, by striking the word and
28 figure "135H.7 PILOT" and inserting the following:
29 "135H.6".

30 14. Page 4, line 23, by striking the word
31 "project" and inserting the following: "program".

32 15. Page 4, by striking lines 28 through 33 and
33 inserting the following: "sexually transmitted
34 disease clinics."

35 16. Page 4, line 34, by striking the words "pilot
36 project" and inserting the following: "program".

37 17. Page 5, line 30, by striking the word and
38 figure "135H.8 CERTIFICATION" and inserting the
39 following: "135H.7 ACCREDITATION".

40 18. Page 6, line 17, by striking the word
41 "certification" and inserting the following:
42 "accreditation".

43 19. Page 6, line 21, by inserting after the word
44 "testing." the following: "The rules shall provide
45 for acceptance of accreditation programs which are in
46 conformance with the standards established by the
47 rules."

48 20. Page 7, by striking lines 4 through 33 and
49 inserting the following:

50 "Sec. ____ . NEW SECTION. 135H.8 ACQUIRED IMMUNE

Page 3

**1 DEFICIENCY SYNDROME (AIDS)-RELATED CONDITIONS --
2 SCREENING, TESTING, AND REPORTING.**

3 1. Prior to withdrawing blood for the purpose of
4 performing a human immunodeficiency virus-related
5 test, the physician or other practitioner shall inform
6 the subject of the test that the test is voluntary and
7 may be performed anonymously if requested. Within
8 seven days after the testing of a person with a test
9 result indicating human immunodeficiency virus
10 infection which has been confirmed as positive
11 according to prevailing medical technology, the
12 physician or other practitioner at whose request the
13 test was performed shall make a report to the Iowa
14 department of public health on a form provided by the
15 department. Prior to making the required report, the
16 physician or other practitioner shall provide written
17 information regarding the partner notification program
18 and shall inquire if the person wishes to initiate

19 participation in the program by agreeing to have
20 identifying information reported to the department on
21 a confidential basis.

22 2. Within seven days of diagnosing a person as
23 having an AIDS-related condition, the diagnosing
24 physician shall make a report to the Iowa department
25 of public health on a form provided by the department.

26 3. Within seven days of the death of a person
27 resulting from an AIDS-related condition, the
28 attending physician shall make a report to the Iowa
29 department of public health on a form provided by the
30 department."

31 21. Page 7, line 34, by striking the words
32 "Immediately after" and inserting the following:
33 "Within seven days of".

34 22. Page 8, line 5, by striking the words
35 "Immediately after" and inserting the following:
36 "Within seven days of".

37 23. Page 8, line 30, by striking the figure
38 "135H.10" and inserting the following: "135H.9".

39 24. Page 10, line 31, by striking the word
40 "subsection" and inserting the following:
41 "subsections".

42 25. Page 11, by striking lines 1 through 4 and
43 inserting the following: "services and receives funds
44 to complete a minimum of two hours of training
45 concerning acquired immune deficiency syndrome-related
46 conditions through a program approved by the
47 department. The rules shall require that new
48 employees complete the training within six months of
49 initial employment and existing employees complete the
50 training on or before January 1, 1989.

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1 NEW SUBSECTION. 23. Adopt rules which require all
2 emergency medical services personnel, firefighters,
3 and law enforcement personnel to complete a minimum of
4 two hours of training concerning acquired immune
5 deficiency syndrome-related conditions and the
6 prevention of human immunodeficiency virus infection."

HOUSE AMENDMENT TO
SENATE FILE 2284

S-5709

1 Amend Senate File 2284 as amended, passed, and
2 reprinted by the Senate as follows:

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

5 "Section 1. NEW SECTION. 228.7 DISCLOSURES FOR

6 CLAIMS ADMINISTRATION AND PEER REVIEW -- SAFEGUARDS -

7 PENALTY.

8 1. Mental health information may be disclosed, in
9 accordance with the prior written consent of the
10 patient or the patient's legal representative, by a
11 mental health professional, data collector, or
12 employee or agent of a mental health professional, a
13 data collector, or a mental health facility to a
14 third-party payor or to a peer review organization if
15 the third-party payor or the peer review organization
16 has filed a written statement with the commissioner of
17 insurance in which the filer agrees to:

18 a. Instruct its employees and agents to maintain
19 the confidentiality of mental health information and
20 of the penalty for unauthorized disclosure.

21 b. Comply with the limitations on use and
22 disclosure of the information specified in subsection
23 2 of this section.

24 c. Destroy the information when it is no longer
25 needed for the purposes specified in subsection 2 of
26 this section.

27 2. An employee or agent of a third-party payor or
28 of a peer review organization shall not use mental
29 health information or disclose mental health
30 information to any person, except to the extent
31 necessary to administer claims submitted or to be
32 submitted for payment to the third-party payor, to
33 conduct a utilization and quality control review of
34 mental health care services provided or proposed to be
35 provided, to conduct an audit of claims paid, or as
36 otherwise authorized by law.

37 3. An employee or agent of a third-party payor or
38 a peer review organization who willfully uses or
39 discloses mental health information in violation of
40 subsection 2 of this section is guilty of a serious
41 misdemeanor, and, notwithstanding section 903.1, the
42 sentence for a person convicted under this subsection

43 is a fine not to exceed five hundred dollars in the
44 case of a first offense, and not to exceed five
45 thousand dollars in the case of each subsequent
46 offense.”

47 2. Page 1, by inserting after line 11 the
48 following:

49 “Sec. ____ . Section 228.1, Code 1987, is amended by
50 adding the following new subsection:

Page 2

1 NEW SUBSECTION. 9. “Peer review organization”
2 means a utilization and quality control peer review
3 organization that has a contract with the federal
4 secretary of health and human services pursuant to
5 Title XI, part B, of the federal Social Security Act
6 to review health care services paid for in whole or in
7 part under the Medicare program established by Title
8 XVIII of the federal Social Security Act, or another
9 organization of licensed health care professionals
10 performing utilization and quality control review
11 functions.”

12 3. Page 1, by striking lines 12 through 25 and
13 inserting the following:

14 “Sec. ____ . Section 228.2, Code 1987, is amended to
15 read as follows:

16 228.2 MENTAL HEALTH INFORMATION DISCLOSURE
17 PROHIBITED -- EXCEPTIONS --RECORD OF DISCLOSURE.

18 1. Except as specifically authorized in section
19 228.3, 228.5, ~~or~~ 228.6, or 228.7, a mental health
20 professional, data collector, or employee or agent of
21 a mental health professional, of a data collector, or
22 of or for a mental health facility shall not disclose
23 or permit the disclosure of mental health information.

24 2. Upon disclosure of mental health information
25 pursuant to section 228.3, 228.5, ~~or~~ 228.6, or 228.7,
26 the person disclosing the mental health information
27 shall enter a notation on and maintain the notation
28 with the individual’s record of mental health
29 information, stating the date of the disclosure and
30 the name of the recipient of mental health
31 information. ~~The notation shall include all of the~~
32 ~~following:~~

33 a. ~~The date of the disclosure.~~

34 b. ~~The name of the recipient of the mental health~~
35 ~~information.~~

36 c. ~~A description of the contents of the~~
37 ~~disclosure.~~

38 The person disclosing the mental health information
39 shall give the recipient of the information a

40 statement which informs the recipient that disclosures
 41 may only be made pursuant to the written authorization
 42 of an individual or an individual's legal
 43 representative, or as otherwise provided in this
 44 chapter, that the unauthorized disclosure of mental
 45 health information is unlawful, and that civil damages
 46 and criminal penalties may be applicable to the
 47 unauthorized disclosure of mental health information.
 48 3. A recipient of mental health information shall
 49 not disclose the information received, except as
 50 specifically authorized for initial disclosure in

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1 section 228.3, 228.5, ~~or 228.6, or 228.7.~~
 2 4. By striking page 2, line 17 through page 3,
 3 line 14.
 4 5. Page 4, by inserting after line 3 the
 5 following:
 6 "Sec. ____ . Section 228.3, subsection 3, Code 1987,
 7 is amended by striking the subsection."
 8 6. Title page, line 1, by inserting after the
 9 word "information" the following: "and providing a
 10 penalty".

HOUSE AMENDMENT TO
 SENATE FILE 2310

S-5710

1 Amend Senate File 2310 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 1, line 28, by striking the figure
 4 "57,414.50" and inserting the following: "60,000".
 5 2. Page 2, line 3, by striking the figure
 6 "107,171" and inserting the following: "110,000".
 7 3. Page 2, line 5, by striking the word "two" and
 8 inserting the following: "five and five-tenths".
 9 4. Page 2, line 8, by striking the figure
 10 "79,000" and inserting the following: "134,000".
 11 5. Page 2, line 12, by inserting after the word
 12 "juvenile" the following: "and victim".
 13 6. Page 2, line 28, by striking the figure
 14 "57,414.50" and inserting the following: "52,000".
 15 7. Page 2, line 30, by striking the word "agency"
 16 and inserting the following: "division".
 17 8. Page 2, by striking lines 33 and 34 and
 18 inserting the following: "the sum of two hundred

- 19 fifteen thousand three hundred ninety-two (215,392)
20 dollars, or so much thereof as is necessary, and as”.
- 21 9. Page 3, line 3, by striking the word “agency”
22 and inserting the following: “division”.
- 23 10. Page 3, by striking lines 6 through 9 and
24 inserting the following: “planning agency, and the”.
- 25 11. Page 3, line 11, by striking the word
26 “agency” and inserting the following: “division”.
- 27 12. Page 3, line 12, by striking the words “eight
28 point”.
- 29 13. Page 3, line 13, by striking the word
30 “agency” and inserting the following: “division”.
- 31 14. Page 3, by inserting after line 13, the
32 following:
33 “The criminal and juvenile justice advisory council
34 of the division of criminal justice planning and the
35 juvenile justice advisory council of the division of
36 children, youth, and families shall coordinate their
37 efforts in carrying out their respective duties
38 relative to juvenile justice.”
- 39 15. Page 4, line 30, by striking the figure
40 “1,356,000” and inserting the following: “1,316,000”.
- 41 16. Page 5, line 25, by striking the words and
42 figure “one hundred thousand (100,000)” and inserting
43 the following: “sixty thousand (60,000)”.
- 44 17. Page 6, line 7, by striking the word “forty-
45 five” and inserting the following: “forty-seven”.
- 46 18. Page 6, by striking lines 16 through 19.
- 47 19. Page 11, line 32, by striking the figure
48 “7,787,000” and inserting the following: “7,707,000”.
- 49 20. Page 16, line 4, by striking the figure
50 “494,000” and inserting the following: “474,000”.

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- 1 21. Page 16, line 10, by inserting after the word
2 “any” the following: “unencumbered”.
- 3 22. Page 16, line 18, by inserting after the
4 words “between the” the following: “unencumbered”.
- 5 23. Page 16, line 23, by inserting after the
6 words “between the” the following: “unencumbered”.
- 7 24. Page 16, by inserting after line 31 the
8 following:
9 “Sec. ____ . There is appropriated from the general
10 fund of the state to the disease prevention division
11 of the Iowa department of public health beginning July
12 1, 1988 an amount which is equal to the amount
13 deposited in the separate emergency medical services
14 account of the general fund under section 135.97 to be
15 used for the funding of emergency medical services at

16 the state, county, and local levels.”

17 25. Page 17, line 14, by striking the words
18 “equal to” and inserting the following: “the
19 difference between fifty thousand dollars and”.

20 26. Page 17, line 15, by inserting after the word
21 “appropriated” the following: “from the general fund
22 of the state”.

23 27. Page 19, by inserting after line 22 the
24 following:

25 “Sec. ____ . NEW SECTION. 135.97 EMERGENCY MEDICAL
26 SERVICES FUND.

27 An emergency medical services fund is created in
28 the state treasury. The director shall adopt rules
29 pursuant to chapter 17A to establish and collect a one
30 dollar surcharge for ambulance runs undertaken in the
31 state. The moneys collected, in addition to the
32 moneys collected pursuant to section 307.12,
33 subsection 14, shall be deposited in the emergency
34 medical services fund and shall be appropriated to the
35 disease prevention division of the Iowa department of
36 public health to be used for the funding of emergency
37 medical services at the state, county, and local
38 levels.

39 Sec. ____ . Section 307.12, Code 1987, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 14. Adopt rules to establish a
42 one dollar surcharge on each driver’s license issued
43 in the state. The rules shall include provisions for
44 the collection of the moneys and for the deposit of
45 the moneys collected in the emergency medical services
46 fund created under section 135.97.”

47 28. Page 19, by inserting after line 33 the
48 following:

49 “DIVISION ON THE STATUS OF BLACKS
50 Sec. ____ . NEW SECTION. 601K.131 DEFINITIONS.

Page 3

1 For purposes of this subchapter, unless the context
2 otherwise requires:

3 1. “Commission” means the commission on the status
4 of blacks.

5 2. “Division” means the division on the status of
6 blacks of the department of human rights.

7 3. “Administrator” means the administrator of the
8 division on the status of blacks of the department of
9 human rights.

10 Sec. ____ . NEW SECTION. 601K.132 ESTABLISHMENT.

11 There is established a commission on the status of
12 blacks to consist of nine members, appointed by the

13 governor, and confirmed by the senate, to staggered
14 four-year terms. At least five members shall be
15 individuals who are black. Members shall be appointed
16 representing every geographical area of the state. No
17 more than a simple majority of the commission shall be
18 of the same political party. The members of the
19 commission shall appoint from its membership a
20 commission chairperson and a vice chairperson and
21 other officers as the commission deems necessary.
22 Vacancies on the commission shall be filled for the
23 remainder of term of the original appointment.
24 Sec. ____ . NEW SECTION. 601K.133 MEETINGS OF THE
25 COMMISSION.

26 The commission shall meet every other month and may
27 hold special meetings on the call of the chairperson.
28 The commission may adopt rules pursuant to chapter 17A
29 as it deems necessary for the conduct of its business.
30 The members of the commission shall be reimbursed for
31 actual expenses while engaged in their official
32 duties. Members may also be eligible to receive
33 compensation as provided in section 7E.6.

34 Sec. ____ . NEW SECTION. 601K.134 OBJECTIVES OF
35 COMMISSION.

36 The commission shall study the changing needs and
37 problems of blacks in this state, and recommend new
38 programs, policies, and constructive action to the
39 governor and the general assembly including, but not
40 limited to, the following areas:

- 41 1. Public and private employment policies and
42 practices.
- 43 2. Iowa labor laws.
- 44 3. Legal treatment relating to political and civil
45 rights.
- 46 4. Black children, youth, and families.
- 47 5. Expanded programs to assist blacks as
48 consumers.
- 49 6. The employment of blacks and the initiation and
50 sustaining of black businesses and black

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1 entrepreneurship.

2 7. Blacks as members of private and public boards,
3 committees, and organizations.

4 8. Education, health, housing, social welfare,
5 human rights, and recreation.

6 9. The legal system, including law enforcement,
7 both criminal and civil.

8 10. Social service programs.

9 Sec. ____ . NEW SECTION. 601K.135 EMPLOYEES AND

10 RESPONSIBILITY.

11 The administrator shall be the administrative
 12 officer of the division and shall be responsible for
 13 implementing policies and programs. The administrator
 14 may employ, in accordance with chapter 19A, other
 15 persons necessary to carry out the programs of the
 16 division.

17 Sec. ____ . NEW SECTION. 601K.136 DUTIES.

18 The commission shall do all of the following:

19 1. Serve as an information clearinghouse on
 20 programs and agencies operating to assist blacks.

21 Clearinghouse duties shall include, but are not
 22 limited to:

23 a. Service as a referral agency to assist blacks
 24 in securing access to state agencies and programs.

25 b. Service as a liaison with federal, state, and
 26 local governmental units and private organizations on
 27 matters relating to blacks.

28 c. Service as a communications conduit to state
 29 government for black organizations in the state.

30 d. Stimulation of public awareness of the problems
 31 of blacks.

32 2. Conduct conferences and training programs for
 33 blacks, public and private agencies and organizations,
 34 and the general public.

35 3. Coordinate, assist, and cooperate with public
 36 and private agencies in efforts to expand equal rights
 37 and opportunities for blacks in the areas of:
 38 employment, economic development, education, health,
 39 housing, recreation, social welfare, social services,
 40 and the legal system.

41 4. Serve as the central permanent agency for the
 42 advocacy of services for blacks.

43 5. Provide assistance to and cooperate with
 44 individuals and public and private agencies and
 45 organizations in joint efforts to study and resolve
 46 problems relating to the improvement of the status of
 47 blacks.

48 6. Publish and disseminate information relating to
 49 blacks, including publicizing their accomplishments
 50 and contributions to this state.

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1 7. Evaluate existing and proposed programs and
 2 legislation for their impact on blacks.

3 8. Coordinate or conduct training programs for
 4 blacks to enable them to assume leadership positions.

5 9. Conduct surveys of blacks to ascertain their
 6 needs.

7 10. Assist the department of personnel in the
8 elimination of underutilization of blacks in the
9 state's workforce.

10 11. Recommend legislation to the governor and the
11 general assembly designed to improve the educational
12 opportunities and the economic and social conditions
13 of blacks in this state.

14 Sec. ____ . NEW SECTION. 601K.137 ADDITIONAL
15 AUTHORITY.

16 The commission may do any or all of the following:

17 1. Do all things necessary, proper, and expedient
18 in accomplishing the duties listed in section 601K.136
19 and this section.

20 2. Hold hearings.

21 3. Enter into contracts, within the limit of funds
22 made available, with individuals, organizations, and
23 institutions for services furthering the objectives of
24 the commission as listed in section 601K.134.

25 4. Seek advice and counsel of informed individuals
26 and organizations, in the accomplishment of the
27 objectives of the commission.

28 5. Apply for and accept grants of money or
29 property from the federal government or any other
30 source, and upon its own order use this money,
31 property, or other resources to accomplish the
32 objectives of the commission.

33 Sec. ____ . NEW SECTION. 601K.138 ACCESS TO
34 INFORMATION.

35 For the purpose of research and study, the
36 commission and the administrator shall have access to
37 all nonconfidential records, data, information, and
38 statistics of all departments, boards, commissions,
39 agencies, and institutions of this state.

40 Sec. ____ . NEW SECTION. 601K.139 ANNUAL REPORT.

41 Not later than August 1 of each year, the
42 commission shall file a report with the governor and
43 the general assembly of its activities for the
44 previous fiscal year and its programmatic priorities
45 for the current year beginning July 1. The commission
46 may submit with the report any recommendations
47 pertaining to its affairs and shall submit
48 recommendations for legislative consideration and
49 other action it deems necessary.

50 Sec. ____ . INITIAL APPOINTMENTS. Four of the

Page 6

1 members appointed to the initial commission shall be
2 designated by the governor to serve two-year terms,
3 and five shall be designated by the governor to serve

4 four-year terms.”

5 29. Page 22, line 17, by striking the word “and”
6 and inserting the following: “a forty dollar per diem
7 and”.

8 30. Page 22, by inserting after line 30, the
9 following:

10 “7. Division on the status of blacks.”

11 31. Title page, by striking line 6 and inserting
12 the following: “rights, establishing a division on
13 the status of blacks, creating an emergency medical
14 services fund and establishing a surcharge on driver’s
15 licenses.”

16 32. By renumbering, relettering, or redesignating
17 and correcting internal references as necessary.

S-5711

1 Amend House File 645 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 30 the
4 following:

5 “3. For the purposes of this section, “willfully”
6 means the act was done voluntarily and intentionally
7 and with specific intent to complete the act.”

AL STURGEON

S-5712

1 Amend House File 645 as amended, passed, and
2 reprinted by the House, as follows:

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

5 “(3) A listing of the dates and specific times
6 during the period of approved or authorized
7 interception when interceptions of communications were
8 attempted.”

9 2. By renumbering as necessary.

AL STURGEON

S-5713

1 Amend House File 645 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, by inserting after line 13 the
4 following:

5 "4. An application for an order authorizing or
6 approving the interception of a wire communication or
7 oral communication made by a state employee, if the
8 application is not made in good faith and if the state
9 employee made the application knowing that probable
10 cause sufficient for an order to be issued did not
11 exist, is sufficient grounds for immediate discharge
12 of the state employee."
13 2. By renumbering as necessary.

AL STURGEON

S-5714

1 Amend amendment S-5648 to House File 2447,
2 as amended, passed and reprinted by the House,
3 as follows:
4 1. Page 11, line 48, by striking the word
5 "programs." and inserting the following: "programs.
6 Of the funds appropriated in this section, not
7 more than fifteen thousand (15,000) dollars may be used
8 for a computerized information and referral
9 system for children, youth, and families agencies,
10 organizations, and departments within the state."

CHARLES BRUNER
JEAN LLOYD-JONES
JOE WELSH

S-5715

1 Amend House File 2383, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 321.1, subsection 40,
6 unnumbered paragraphs 3 and 4, Code Supplement 1987,
7 are amended by striking the paragraphs and inserting
8 in lieu thereof the following:
9 "Final stage manufacturer" means a person who
10 performs such manufacturing operations on an
11 incomplete vehicle that it becomes a completed
12 vehicle.
13 "Incomplete vehicle" means an assemblage, as a
14 minimum, consisting of a frame and chassis structure,
15 power train, steering system, suspension system, and
16 braking system, to the extent that those systems are
17 to be a part of the completed vehicle, that requires

18 further manufacturing operations, other than the
 19 addition of readily attachable equipment, components,
 20 or minor finishing operations.

21 Sec. ____ . NEW SECTION. 321.23A IDENTIFICATION BY
 22 FINAL STAGE MANUFACTURER.

23 A final stage manufacturer shall furnish to the
 24 department a document which identifies that the
 25 vehicle was incomplete prior to that manufacturing
 26 operation. The identification shall include the name
 27 of the incomplete vehicle manufacturer, the date of
 28 manufacture, the vehicle identification number to
 29 ascertain that the document applies to a particular
 30 incomplete vehicle, and such other information as the
 31 department may require."

32 2. Title page, by striking line 1 and inserting
 33 the following: "An Act relating to the movement and
 34 manufacturing of vehicles including vehicles of excess
 35 size and".

36 3. Renumber sections as necessary.

JOHN A. PETERSON

S-5716

1 Amend the House amendment, S-5652, to Senate File
 2 2164 as passed by the Senate, as follows:

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

5 "____. Page 2, by inserting after line 6 the
 6 following:

7 "Sec. ____ . NEW SECTION. 15.280 DEFINITIONS.

8 For the purposes of this part unless the context
 9 otherwise requires:

10 1. "Chairperson" means the chairperson of the
 11 council.

12 2. "Council" means the "Council for Iowa's
 13 Economic Future" established pursuant to this part.

14 3. "Strategic plan" means the five-year strategic
 15 plan for state economic growth prepared by the board.

16 Sec. ____ . NEW SECTION. 15.281 COUNCIL CREATED --
 17 MEMBERSHIP AND ORGANIZATION.

18 1. The director shall establish a council to be
 19 known as the "Council for Iowa's Economic Future".
 20 The membership of the council shall consist of not
 21 more than thirty members. Members are appointed for
 22 three-year terms beginning and ending on a fiscal year
 23 basis. Members may be reappointed. A vacancy on the
 24 council shall be filled in the same manner as regular
 25 appointments for the unexpired term. The members

26 shall be appointed by the chairperson who shall be the
 27 director. The lieutenant governor shall be honorary
 28 chairperson. Members of the council shall include:
 29 a. The directors of the departments of economic
 30 development, education, employment services, cultural
 31 affairs, transportation, natural resources, and
 32 commerce.
 33 b. Representatives of economic development offices
 34 from one or more of the board of regents universities,
 35 the community colleges, and the private colleges and
 36 universities.
 37 c. Two members of labor organizations in Iowa.
 38 d. A representative of a utility organization.
 39 e. Representatives of professional developers and
 40 chamber of commerce executives.
 41 f. The chairperson of the Iowa economic
 42 development board or the chairperson's designee.
 43 g. Additional individuals as may be appointed by
 44 the chairperson.
 45 2. The chairperson shall receive applications or
 46 recommendations for membership on the council from
 47 individuals, associations, and organizations located
 48 in the state.
 49 3. The initial council shall, within sixty days
 50 after the effective date of this Act, meet for the

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1 purpose of organizing the council and to elect
 2 officers other than the chairperson. The other
 3 officers are elected for one-year terms. Thereafter,
 4 the council shall meet at least annually.
 5 4. Members shall be reimbursed for necessary
 6 expenses incurred in the performance of duties from
 7 funds appropriated to the department specifically for
 8 the purposes of funding the operation of the council.
 9 5. Administrative support shall be provided to the
 10 council by the department.
 11 Sec. ____ . NEW SECTION. 15.282 MISSION AND DUTIES
 12 OF THE COUNCIL.
 13 The mission of the council is to develop strategies
 14 and recommend action plans to strengthen the state's
 15 economy. This mission shall be accomplished by:
 16 1. Coordinating the activities of all parties
 17 having a role in the state's economic development
 18 through evaluating, monitoring, and appraising those
 19 activities on an ongoing basis.
 20 2. Developing a plan of action for implementation
 21 of the state's strategic plan and providing periodic
 22 updates to that plan.

23 3. Educating and assisting all parties involved in
24 improving the long-range vitality of the state's
25 economy.

26 4. Meeting at least once annually with the board
27 to report on its findings and recommendations and to
28 discuss additional ideas for review and
29 implementation.

30 Sec. ____ . NEW SECTION. 15.283 DUTIES OF
31 EXECUTIVE COMMITTEE.

32 The council shall have an executive committee
33 consisting of the chairperson, the vice chairperson,
34 the secretary, and at least four other members of the
35 council chosen by it. The duties of the executive
36 committee shall include, but are not limited to, all
37 of the following:

38 1. Receive recommendations from the council for
39 the appointment of task forces on specified projects.
40 These projects shall be in accordance with the state's
41 strategic plan.

42 2. Select task force chairpersons and members for
43 the selected projects. The task force chairpersons
44 shall be selected from the council membership.
45 Members of the task forces may be members of the
46 council or individuals in the state having an
47 expertise in the area being studied.

48 3. Review the strategic plan prepared by the
49 department and recommend updates and additional
50 strategic recommendations as necessary on an annual

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1 basis for presentation to the board.

2 4. Submit task force reports to the board and
3 report at least annually to the governor and the
4 general assembly.

5 The executive committee may employ an executive
6 director and consultants to assist the task forces, if
7 funds are appropriated for this purpose.

8 Sec. ____ . NEW SECTION. 15.284 APPROPRIATION.

9 For the fiscal year beginning July 1, 1988, and for
10 each succeeding fiscal year, there is appropriated
11 from the general fund of the state to the department
12 of economic development the sum of seven thousand five
13 hundred sixty dollars, or so much thereof as is
14 necessary, for the operation of the council.

15 Sec. ____ . Notwithstanding section 15.281,
16 subsection 1, of the original members appointed by the
17 director of the department of economic development, as
18 nearly as possible, one-third of the members shall be
19 appointed for a term ending June 30, 1989, one-third

20 of the members shall be appointed for a term ending
21 June 30, 1990, and one-third of the members shall be
22 appointed for a term ending June 30, 1991.

23 Sec. ____ . The Code editor shall codify new
24 sections 15.280 through 15.284 as a new part of
25 subchapter II of chapter 15."

26 ____ . Title page, line 2, by inserting after the
27 word "board" the following: "and to the establishment
28 of the council for Iowa's economic future by the Iowa
29 department of economic development to contribute to
30 the strengthening of the state's economy, and making
31 an appropriation".

CALVIN HULTMAN
LEONARD BOSWELL

S-5717

1 Amend amendment, H-5648, to House File 2447, as
2 amended, passed and reprinted by the House, as
3 follows:

4 1. Page 9, by striking line 45 and inserting the
5 following: "1988.

6 12. As a condition, qualification, and limitation
7 of this appropriation, the department shall institute
8 a demonstration project in the area contained in
9 departmental district one. The demonstration project
10 shall deliver case management services in accordance
11 with standards adopted by the department, as modified
12 to comply with the provisions of this subsection. The
13 case management shall be delivered by a staff person
14 of a service provider who is a qualified mental
15 retardation or mental illness professional under one
16 or more of the following systems of standards:

17 a. Facilities reimbursed under the medical
18 assistance program for candidate services.

19 b. The commission on accreditation of
20 rehabilitation facilities.

21 c. The accreditation council on services for
22 people with developmental disabilities.

23 d. The department of inspections and appeals for a
24 residential care facility for the mentally retarded.

25 e. The department of inspections and appeals for a
26 residential care facility for the mentally ill.

27 f. The department of inspections and appeals for
28 an intermediate care facility for the mentally
29 retarded.

30 g. The department of human services for the care
31 of and services to county care facility residents with

32 mental illness or mental retardation.

33 h. The department of inspections and appeals for
34 community mental health centers.

35 The demonstration project shall require that the
36 program or service provider with which the client
37 spends, or is expected to spend, the greatest number
38 of hours in a calendar year shall provide the case
39 management to the client. The case manager shall
40 annually submit a written description of the case
41 management plan as specified by the department. If
42 the program or service provider does not have a staff
43 person who is qualified under this subsection, the
44 department shall provide the case manager and charge
45 the cost to the program or service provider.

46 The department shall provide two or more full-time
47 equivalent positions in the district office of
48 departmental district one to annually review the case
49 management plan for each client in the district. If
50 the review determines that a case management plan does

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1 not comply with the standards for case management, the
2 department shall notify the author of the plan and the
3 author's employer. The notification shall describe
4 the actions needed to achieve compliance. If a case
5 management plan is not in compliance for sixty days or
6 more following such notification, the department may
7 assume the case management responsibility and charge
8 the provider for the cost of the case management.””

RICHARD VANDE HOEF

S-5718

1 Amend House File 645 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 14, by inserting after line 17 the
4 following:

5 “Sec. ____ . NEW SECTION. 730.6 INTERCEPTING OR
6 MONITORING CUSTOMER TELEPHONE CALLS -- PENALTY.

7 1. A person shall not intercept or monitor, or
8 attempt to intercept or monitor, the transmission of a
9 message, signal, or other communication by telephone
10 between an employee or similar agent of the person and
11 a customer of the person, unless the person does all
12 of the following:

13 a. Clearly marks each telephone instrument in the
14 possession of the person from which any such

15 communication may be intercepted or in any way
16 monitored, and provides an accompanying explanation to
17 be attached to or included in each telephone directory
18 used by the person's employees or customers.

19 b. Throughout the period of each interception or
20 monitoring or attempted interception or monitoring,
21 utilizes an automated tone warning device that
22 produces a distinct warning signal or beep tone, which
23 signal or tone is clearly audible to each party to the
24 communication, or by other audible means clearly
25 indicates that the message, signal, or other
26 communication is being monitored or intercepted.

27 A person who violates this subsection commits a
28 serious misdemeanor.

29 2. This section does not require marking of
30 telephone instruments and directories or utilization
31 of an automated tone warning device, or require
32 consent to interception or monitoring, in the case of
33 a wiretap or other form of monitoring which is engaged
34 in for the sole purpose of law enforcement and which
35 is lawful in all other respects.”

36 2. Renumber as necessary.

AL STURGEON

S-5719

1 Amend amendment S-5648 to House File 2447 as
2 amended, passed and reprinted by the House as
3 follows:

4 1. Page 14, by inserting after line 17 the
5 following:

6 “___ . Page 41, by inserting after line 6 the
7 following:

8 “Sec. ___ . Section 11, subsection 3 of this

9 Act takes effect upon enactment.””

JOE WELSH

S-5720

1 Amend House File 2386, as passed by the House, as
2 follows:

3 1. Page 1, line 29, by inserting after the word
4 “created.” the following: “This paragraph does not
5 apply to a business which will purchase or lease a
6 vacant facility used by a similar business and which

7 is located in a community where there is no similar
8 business.”
9 2. Page 3, line 32, by inserting after the word
10 “created.” the following: “This paragraph does not
11 apply to a business which will purchase or lease a
12 vacant facility used by a similar business and which
13 is located in a community where there is no similar
14 business.”

RAY TAYLOR

S-5721

1 Amend House File 2386 as passed by the House as
2 follows:
3 1. Page 4, by inserting after line 31 the
4 following:
5 “Sec. ____ . Section 364.18, Code 1987, is amended
6 by striking the section and inserting in lieu thereof
7 the following:
8 364.18 FEDERAL AID -- FACTORS AND REQUIREMENTS.
9 1. Subject to applicable state or federal
10 regulations in effect at the time of the city action,
11 a city may accept contributions, grants, or other
12 financial assistance from the state or federal
13 government. Upon a finding of public purpose and
14 after satisfying the requirements of subsections 2
15 through 4, the city may apply for assistance to any
16 person to be used for economic development projects,
17 including but not limited to the purchase or
18 improvement of land and buildings for residential,
19 commercial, or industrial use.
20 2. Prior to application for such assistance under
21 subsection 1, the department of economic development
22 shall consider and apply the following factors and
23 requirements:
24 a. The impact of the proposed project on other
25 businesses in competition with the business being
26 considered for assistance. The department shall
27 identify existing Iowa businesses within an industry
28 in competition with the business being considered for
29 assistance. The department shall determine the
30 probability that the proposed financial assistance
31 will displace employees of the existing businesses.
32 In determining the impact on businesses in competition
33 with the business being considered for assistance,
34 jobs created as a result of other jobs being displaced
35 elsewhere in the state shall not be considered direct
36 jobs created.

37 b. The economic impact to the state of the
38 proposed project. In measuring the economic impact
39 the department shall award more points for the
40 following:

41 (1) A project which has a greater consistency with
42 the state strategic plan.

43 (2) A business with a greater percentage of sales
44 out-of-state or of import substitution.

45 (3) A business with a higher proportion of in-
46 state suppliers.

47 (4) A project which would provide greater
48 diversification of the state economy.

49 (5) A business with fewer in-state competitors.

50 (6) A potential for future job growth.

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1 (7) A project which is not a retail operation.

2 c. The quality of jobs to be provided. Jobs that
3 have a higher wage scale, have a lower turnover rate,
4 are full-time, or are career-type positions are
5 considered higher in quality. Businesses that have
6 wage scales substantially below that of existing Iowa
7 businesses in that area should be rated as providing
8 the lowest quality of jobs and should therefore be
9 given the lowest ranking for providing such
10 assistance.

11 d. If the business has a record of violations of
12 the law over a period of time that tends to show a
13 consistent pattern, the business shall be given the
14 lowest ranking for providing assistance.

15 e. If a business has, within three years of
16 application for assistance, acquired or merged with an
17 Iowa corporation or company, the business shall make a
18 good-faith effort to hire the workers of the merged or
19 acquired company.

20 f. To be eligible for assistance a business shall
21 provide for a preference for hiring residents of the
22 state, except for out-of-state employees offered a
23 transfer to Iowa.

24 g. All known required environmental permits must
25 be granted and regulations met before moneys are
26 released.

27 3. A city may apply for a city or state grant,
28 loan, or other financial assistance, the proceeds of
29 which are to be granted, loaned, or otherwise provided
30 to a nongovernmental person for an economic
31 development project, only after a public hearing at
32 which affected persons are entitled to be heard. The
33 notice of the time and place of the hearing shall be

34 published once in one or more newspapers in general
35 circulation in the county in which the applicant is
36 located and within the two tiers of counties
37 surrounding that county and by giving notice in person
38 or by mail to the director of the department of
39 economic development and to any interested person who
40 has requested the notice in writing, at least ten days
41 and no more than thirty days before the date of the
42 public hearing. The notice shall state the nature,
43 amount, and terms of the state or federal grant, loan,
44 or other financial assistance to be requested, the
45 nature and location of the proposed economic
46 development project, the number of permanent jobs at
47 the project and the net number of permanent jobs which
48 are new jobs in this state, the expected sales per
49 year for the first five years of operation of the
50 project, and the nature, amount, and terms of the

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1 grant, loan, or financial assistance to be provided to
2 a nongovernmental person with respect to the project.
3 4. Before a city enters into an agreement with the
4 state or federal government for a grant, loan, or
5 other financial assistance, the proceeds of which are
6 to be granted, loaned, or otherwise provided to a
7 nongovernmental person for an economic development
8 project, the city shall give a second notice at least
9 thirty days and not more than sixty days before the
10 city takes final action to approve the agreement. The
11 notice shall be given in the same manner as for the
12 first public hearing, shall include the date the city
13 intends to act and the same matters which the notice
14 for the first public hearing is required to contain,
15 and shall state the city's intent to enter into the
16 agreement.

17 5. The department of economic development, the
18 attorney general, a resident or property owner of the
19 city or another community, a business, and an employee
20 of a business, which may be adversely affected by the
21 proposed economic development project, may appeal the
22 decision of the city to enter into the agreement to
23 the district court of the county in which any part of
24 the city is located no later than thirty days after
25 the city takes final action to enter into the
26 agreement. However, if the city fails to publish any
27 of the required notices, the appeal shall be brought
28 no later than six months after the city takes final
29 action to enter into the agreement.

30 6. If there is an appeal, the funds shall not be

31 granted, loaned, or otherwise spent by the city unless
32 the district court finds that the requirements for the
33 notices and a public hearing have been met as provided
34 in subsections 3 and 4, and that the requirements set
35 forth in subsection 2 have been properly considered
36 and applied by the department of economic development.
37 7. The requirement for notices and a public
38 hearing before a city may enter into an agreement for
39 a grant, loan, or other financial assistance with the
40 federal or state government as provided in subsections
41 3 and 4 does not apply to a program for emergency or
42 disaster relief if the governor, the president of the
43 United States, or a state or federal agency with
44 jurisdiction in the matter has declared an emergency
45 with respect to the matter for which the federal or
46 state funds are made available to the city.
47 Sec. ____ . Sections 1 through 4 of this Act take
48 effect July 1, 1988.
49 Sec. ____ . This Act, being deemed of immediate
50 importance, takes effect upon enactment.”

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1 2. Title page, line 4, by inserting after the
2 word “program” the following: “and for a city to
3 apply for federal or state assistance, and providing
4 effective dates”.

RAY TAYLOR

S-5722

1 Amend amendment, H-5648, to House File 2447, as
2 amended, passed and reprinted by the House, as
3 follows:
4 1. Page 9, by striking line 45 and inserting the
5 following: “1988.
6 12. As a condition, qualification, and limitation
7 of this appropriation, the department shall institute
8 a demonstration project in the area contained in
9 departmental district one. The demonstration project
10 shall deliver case management services in accordance
11 with standards adopted by the department, as modified
12 to comply with the provisions of this subsection. The
13 case management shall be delivered by a staff person
14 of a service provider who is a qualified mental
15 retardation or mental illness professional under one
16 or more of the following systems of standards:
17 a. Facilities reimbursed under the medical

18 assistance program for candidate services.
19 b. The commission on accreditation of
20 rehabilitation facilities.
21 c. The accreditation council on services for
22 people with developmental disabilities.
23 d. The department of inspections and appeals for a
24 residential care facility for the mentally retarded.
25 e. The department of inspections and appeals for a
26 residential care facility for the mentally ill.
27 f. The department of inspections and appeals for
28 an intermediate care facility for the mentally
29 retarded.
30 g. The department of human services for the care
31 of and services to county care facility residents with
32 mental illness or mental retardation.
33 h. The mental health and mental retardation
34 commission for community mental health centers.
35 The demonstration project shall require that the
36 program or service provider with which the client
37 spends, or is expected to spend, the greatest number
38 of hours in a calendar year shall provide the case
39 management to the client. The case manager shall
40 annually submit a written description of the case
41 management plan as specified by the department. If
42 the program or service provider does not have a staff
43 person who is qualified under this subsection, the
44 department shall provide the case manager and charge
45 the cost to the program or service provider.
46 The department shall provide two or more full-time
47 equivalent positions in the district office of
48 departmental district one to annually review the case
49 management plan for each client in the district. If
50 the review determines that a case management plan does

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1 not comply with the standards for case management, the
2 department shall notify the author of the plan and the
3 author's employer. The notification shall describe
4 the actions needed to achieve compliance. If a case
5 management plan is not in compliance for sixty days or
6 more following such notification, the department may
7 assume the case management responsibility and charge
8 the provider for the cost of the case management."''

RICHARD VANDE HOEF

S-5723

1 Amend amendment, S-5648, to House File 2447 as
2 amended, passed, and reprinted by the House as
3 follows:

DIVISION S—5723A

4 1. Page 4, line 47, by inserting after the word
5 “department” the following: “, on and after the date
6 of enactment of this Act and retroactive to that
7 date.”.

DIVISION S—5723B

8 2. Page 6, by striking lines 17 through 19 and
9 inserting the following:
10 “___ . Page 19, line 26, by striking the words
11 “forty-two point thirteen” and inserting the
12 following: “sixty-one point twenty-eight”.
13 3. Page 6, line 23, by striking the word “forty-
14 seven” and inserting the following: “nineteen point
15 fifteen”.

JOE WELSH

S-5724

1 Amend the amendment, S-5648, to House File 2447, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by striking line 29 and inserting the
5 following: “reducing other expenditures.
6 15. As a condition, qualification, and limitation
7 of the funds appropriated under this section, the
8 department, in cooperation with the Iowa department of
9 public health, shall apply for federal waivers for the
10 provision of case management services, homemaker/home
11 health aide services and personal care services, adult
12 day health services, habilitation services, and
13 respite care under the medical assistance program
14 pursuant to provision of the federal Omnibus Budget
15 Reconciliation Act of 1987, Pub. L. No. 100-203.”

BEVERLY A. HANNON

S-5725

1 Amend the amendment, S-5648, to House File 2447, as
2 amended, passed, and reprinted by the House, as

3 follows:

- 4 1. By striking page 4, line 45 through page 5,
5 line 1.
- 6 2. By renumbering as necessary.

JOY CORNING
JULIA GENTLEMAN

S-5726

- 1 Amend House File 2447 as amended, passed,
2 and reprinted by the House as follows:
3 1. Page 7, line 8, by inserting after the
4 period the following:
5 "Notwithstanding any other provisions of this Act,
6 the department may transfer funds from the foster
7 care appropriation to the medical assistance
8 appropriation if necessary for the purposes of
9 this subsection."

CHARLES BRUNER

S-5727

- 1 Amend House File 2433 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 3, by striking the word "A" and
4 inserting the following: "An advisory".
5 2. Page 1, by striking lines 31 through 34, and
6 inserting the following: "agricultural education.
7 The council shall annually issue a report to the state
8 board of education and the chairpersons of the house
9 and senate agriculture and education committees
10 regarding both short-term and long-term curricular
11 standards for agricultural education and the council's
12 activities."
13 3. Page 2, line 16, by inserting after the word
14 "technology" the following: "to meet the diverse
15 needs of Iowa's students and".
16 4. Page 2, lines 17 and 18, by striking the words
17 "and appropriate representative of racial and ethnic
18 groups".
19 5. Page 2, by striking lines 23 through 26 and
20 inserting the following:
21 "It is also the intent of the general assembly to
22 encourage the development of programs for vocational
23 education in agriculture technology which are
24 structured on a twelve-month basis and which include

25 the following:".

26 6. Page 2, line 32, by striking the words "in
27 cooperation with the" and inserting the following:
28 "board."

29 7. Page 2, by striking line 33.

30 8. Page 3, by striking lines 1 through 7 and
31 inserting the following: "contract basis.

32 c. The following reports shall be made available
33 to the council for agriculture education upon
34 request:".

35 9. Page 3, line 12, by striking the words "by
36 each student enrolled" and inserting the following:
37 "during the school year".

38 10. Page 3, by striking lines 14 through 17.

39 11. Renumber and reletter as necessary.

COMMITTEE ON EDUCATION
LARRY MURPHY, Chairperson

S-5728

1 Amend the amendment, S-5648, to House File 2447, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 5, by inserting after line 27 the fol-
5 lowing:

6 "___ . Page 15, line 35, by striking the figure
7 "10,062,000" and inserting the following:
8 "11,120,200"."

9 2. Page 5, by inserting after line 42 the
10 following:

11 "___ . Page 17, by inserting after line 22, the
12 following:

13 "___ . As a condition, qualification, and
14 limitation of the funds appropriated under this
15 section, seven hundred seventy-two thousand six
16 hundred (772,600) dollars shall be used for the
17 construction of a new living unit and five hundred
18 seventy-one thousand two hundred (571,200) dollars
19 shall be used for the remodeling of an existing living
20 unit at the state training school at Eldora.""

RAY TAYLOR

S-5729

1 Amend the amendment, S-5648, to House File 2447, as
2 amended, passed, and reprinted by the House as

3 follows:

- 4 1. Page 4, by striking line 30.
- 5 2. Page 13, by striking lines 9 and 10.
- 6 3. By renumbering as necessary.

BEVERLY HANNON
 JULIA GENTLEMAN
 AL STURGEON
 TOM MANN, Jr.

HOUSE AMENDMENT TO
 SENATE FILE 2307

S-5730

1 Amend Senate File 2307, 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. The department of public safety shall
 6 prepare a study, including an implementation plan and
 7 budget, for the establishment of a physical criminal
 8 evidence registry. The report of this study shall be
 9 submitted to the governor and the general assembly no
 10 later than January 1, 1990. The study shall consider,
 11 but shall not be limited to, the use of genetic
 12 profiling techniques in criminal identification, and
 13 shall address the potential effectiveness, the cost,
 14 and the feasibility of the use of these techniques."
 15 2. Title page, by striking lines 1 through 3 and
 16 inserting the following: "An Act providing for a
 17 study by the department of public safety concerning
 18 the establishment of a physical criminal evidence
 19 registry."
 20 3. By renumbering, relettering, or redesignating
 21 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2303

S-5731

1 Amend Senate File 2303, as passed by the Senate, as
 2 follows:

- 3 1. Page 3, by striking line 34 and inserting the
 4 following:

5 "Notwithstanding sections 8.6; ~~292.1~~, and 302.1 and
6 ~~302.13~~,".

7 2. Page 4, by inserting after line 33 the
8 following:

9 "Sec. ____ . Moneys in the old advance account of
10 the area school job training fund on the effective
11 date of this Act shall be transferred to the new
12 revolving loan account of the area school job training
13 fund. Moneys in the old repayment account of the area
14 school job training fund on the effective date of this
15 Act shall be transferred to the new permanent school
16 fund repayment account of the area school job training
17 fund.

18 Sec. ____ . This Act, being deemed of immediate
19 importance, takes effect upon enactment."

20 3. Title page, line 4, by inserting after the
21 word "rule" the following: ", and providing an
22 effective date".

23 4. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2295

S-5732

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking line 29 and inserting the
4 following:

5 "7. An early childhood development specialist from
6 an area education agency."

7 2. Page 2, by inserting after line 30, the
8 following:

9 "9. The department of education.

10 10. The child development coordinating council."

HOUSE AMENDMENT TO
SENATE FILE 2291

S-5733

1 Amend Senate File 2291, as passed by the Senate, as
2 follows:

3 1. Page 3, line 8, by striking the word

4 "section." and inserting the following: "section."

5 2. Title page, line 4, by inserting after the

6 word and figures "July 1, 1987" the following: ", and
7 providing an effective date".

HOUSE AMENDMENT TO
SENATE FILE 2257

S-5734

- 1 Amend Senate File 2257 as passed, by the Senate as
2 follows:
3 1. Page 1, lines 6 and 7 by striking the words
4 "and are entitled to forty dollars per diem".
5 2. Page 1, line 9, by striking the words "and
6 compensation".
7 3. Title page, line 1, by striking the words "and
8 compensation".

HOUSE AMENDMENT TO
SENATE FILE 2239

S-5735

- 1 Amend Senate File 2239 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 28.
4 2. Title page, line 1, by striking the words
5 "administrative agency and".
6 3. Title page, line 2, by inserting after the
7 word "determinations" the words "made by job service
8 hearing officers".
9 4. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2203

S-5736

- 1 Amend Senate File 2203, as passed by the Senate, as
2 follows:
3 1. Page 1, line 8, by striking the words four
4 five" and inserting the following: "four".
5 2. Page 1, line 10, by striking the words "two
6 three" and inserting the following: "two".

HOUSE AMENDMENT TO
SENATE FILE 2192

S-5737

1 Amend Senate File 2192, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 5, by striking the words "by the"
4 and inserting the following: "jointly by the
5 department of education and the".

HOUSE AMENDMENT TO
SENATE FILE 149

S-5738

1 Amend Senate File 149, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 10 and in-
4 serting the following:
5 "Section 1. NEW SECTION. 514C.3 DENTIST'S
6 SERVICES UNDER ACCIDENT AND SICKNESS INSURANCE
7 POLICIES.
8 A policy of accident and sickness insurance issued
9 in this state which provides payment or reimbursement
10 for any service which is within the lawful scope of
11 practice of a licensed dentist shall provide benefits
12 for the service whether the service is performed by a
13 licensed physician or a licensed dentist. As used in
14 this section, "licensed physician" includes persons
15 licensed under chapter 148, 150, or 150A and "policy
16 of accident and sickness insurance" includes
17 individual or group policies as defined in section
18 509B.1, subsections 3 and 4."
19 2. Title page, by striking lines 1 through 6 and
20 inserting the following: "An Act relating to
21 dentist's services under accident and sickness
22 insurance policies."

HOUSE AMENDMENT TO
SENATE FILE 2070

S-5739

1 Amend Senate File 2070 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 16, Code
6 Supplement 1987, is amended by adding the following
7 new lettered paragraph immediately following paragraph
8 d:

9 NEW LETTERED PARAGRAPH. e. (1) Portable tanks,
10 nurse tanks, trailers, and bulk spreaders which are
11 not self-propelled and which have gross weights of not
12 more than twelve tons and are used for the
13 transportation of fertilizer and chemicals used for
14 farm crop production.

15 (2) Other types of equipment than those listed in
16 subparagraph (1) which are used primarily for the
17 application of fertilizers and chemicals in farm
18 fields or for farm storage.

19 Sec. ____ . Section 321.1, subsection 17, Code
20 Supplement 1987, is amended to read as follows:

21 17. "Special mobile equipment" means every vehicle
22 not designed or used primarily for the transportation
23 of persons or property and incidentally operated or
24 moved over the highways, ~~including trailers and bulk~~
25 ~~spreaders which are not self-propelled having a gross~~
26 ~~weight of not more than twelve tons used for the~~
27 ~~transportation of fertilizers and chemicals used for~~
28 ~~farm crop production, and other equipment used~~
29 ~~primarily for the application of fertilizers and~~
30 ~~chemicals in farm fields or for farm storage, but not~~
31 ~~including trucks mounted with applicators of such~~
32 ~~products, road construction or maintenance machinery~~
33 ~~and ditch-digging apparatus. The foregoing~~
34 ~~enumeration shall be deemed partial and shall This~~
35 ~~description does not operate to exclude other such~~
36 ~~vehicles which are within the general terms of this~~
37 ~~subsection; provided that nothing contained in,~~
38 ~~However, this section shall be construed to does not~~
39 ~~include portable mills or cornshellers mounted upon a~~
40 ~~motor vehicle or semitrailer."~~

41 2. Page 1, by inserting before line 28 the
42 following:

43 "Sec. ____ . Section 321.449, Code Supplement 1987,
44 is amended by adding the following new unnumbered
45 paragraph:

46 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
47 provisions of this section, rules adopted under this
48 section for a driver of a commercial vehicle shall not
49 apply to a truck driver engaged exclusively in
50 intrastate commerce when the driver's truck is not

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1 operated more than one hundred miles from the truck
2 driver's place of business."

3 3. Page 1, by inserting before line 28 the
4 following:

5 "Sec. ____ . Section 321.449, Code Supplement 1987,
6 is amended by adding the following new unnumbered
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
9 provisions of this section, rules adopted under this
10 section concerning physical and medical qualifications
11 for a driver shall not apply to a farmer or a farmer's
12 hired help when operating a vehicle owned by the
13 farmer while it is being used in connection with the
14 intrastate transportation of agricultural commodities
15 or feed."

16 4. Page 1, by inserting before line 28 the
17 following:

18 "Sec. ____ . Section 321.449, Code Supplement 1987,
19 is amended by adding the following new unnumbered
20 paragraph:

21 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
22 provisions of this section, rules adopted under this
23 section concerning physical and medical qualifications
24 for a driver shall not apply to a farmer or a farmer's
25 hired help when operating a vehicle owned by the
26 farmer while it is being used in connection with the
27 intrastate transportation of fertilizers and chemicals
28 used in the farmer's crop production."

29 5. Page 2, by striking lines 2 through 7 and
30 inserting the following: "However, rules adopted
31 under this section concerning tank specifications
32 shall not apply to cargo tank motor vehicles with a
33 capacity of four thousand gallons or less used to
34 transport gasoline in intrastate commerce, which were
35 manufactured between 1950 and 1979 and are in
36 compliance with the American society of mechanical
37 engineers specifications in effect at the time of
38 manufacture."

39 6. By renumbering, relettering, or redesignating
40 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2075

S-5740

1 Amend Senate File 2075, as amended, passed, and
2 reprinted, by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 14 and
4 inserting the following:
5 "NEW SUBSECTION. 16. The department may request
6 criminal history data from the department of public
7 safety on any person believed to be responsible for an
8 injury to a child which, if confirmed, would
9 constitute child abuse. The department shall
10 establish procedures for determining when a criminal
11 history records check under this subsection is
12 necessary."

13 2. Page 2, by striking lines 7 through 11 and in-
14 serting the following:
15 "Sec. ____ . Section 692.2, subsection 1, paragraph
16 c, Code Supplement 1987, is amended to read as
17 follows:

18 c. The department of human services for the
19 purposes of section 232.71, subsection 16, section
20 237.8, subsection 2, and section 237A.5, and section
21 600.8, subsections 1 and 2.

22 Sec. ____ . Section 692.3, subsection 2, Code
23 Supplement 1987, is amended to read as follows:

24 2. Notwithstanding subsection 1, paragraph "a",
25 the department of human services ~~shall~~ may
26 redisseminate criminal history data obtained pursuant
27 to section 692.2, subsection 1, paragraph "c", to
28 persons licensed, ~~or registered, or certified~~ under
29 chapters 237, and 237A, for the purposes of section
30 237.8, subsection 2 and section 237A.5 238 and 600.
31 Licenseses and registrants under either chapter 237 or
32 chapter 237A Persons who receive information pursuant
33 to this subsection shall not use ~~the~~ this information
34 other than for purposes of section 237.8, subsection
35 2, ~~or section 237A.5, or section 600.8, subsections 1~~
36 and 2. A licensee or registrant person who receives
37 criminal history data pursuant to this subsection and
38 who uses the information for other purposes any
39 purpose other than those permitted by this subsection
40 or who communicates the information to another person
41 except for the purposes of section 237.8, subsection 2
42 or section 237A.5 permitted by this subsection is
43 guilty of an aggravated misdemeanor."

44 3. Page 2, by inserting after line 33 the
45 following:

46 "Sec. ____ . Notwithstanding section 7, subsection
47 4, paragraph "a", of Senate File 2314, the department
48 of public safety is authorized to use revenues
49 generated from the fee authorized in section 692.2,
50 subsection 6, to employ sufficient clerical personnel

Page 2

- 1 to process criminal history checks for nonlaw
2 enforcement purposes.”
3 4. Title page, line 4, by inserting after the
4 word “abuse,” the following: “by providing for the
5 application of a penalty to persons who improperly use
6 criminal history information obtained in the course of
7 an investigation, by allowing the department of public
8 safety the use of certain revenues generated by
9 fees.”
10 5. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2232

S-5741

- 1 Amend Senate File 2232, 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 39.22, subsection 1, Code
6 Supplement 1987, is amended to read as follows:
7 1. By appointment. The county board of
8 supervisors may pass a resolution in favor of filling
9 the offices of trustee and clerk within a township by
10 appointment by the board, and may direct the county
11 commissioner of elections to submit the question to
12 the ~~eligible voters qualified electors~~ of the township
13 at the next general election. In a township which
14 does not include a city, ~~eligible voters shall consist~~
15 ~~of the voters of the entire township~~ are eligible to
16 vote on the question. In a township which includes a
17 city, ~~eligible voters are only~~ those voters who reside
18 outside the corporate limits of a city are eligible to
19 vote on the question. The resolution shall apply to
20 all townships which have not approved a proposition to
21 fill township offices by appointment. If the
22 proposition to fill the township offices by
23 appointment is approved by a majority of the ~~eligible~~
24 ~~voters those voting on the question~~, the board shall
25 fill the offices by appointment as the terms of office
26 of the incumbent township officers expire. The
27 election of the trustees and clerk of a township may
28 be restored after approval of the appointment process
29 under this subsection by a resolution of the board of
30 supervisors submitting the question to the ~~eligible~~

31 voters qualified electors who are eligible to vote for
 32 township officers of the township at the next general
 33 election. If the proposition to restore the election
 34 process is approved by a majority of the eligible
 35 voters those voting on the question, the election of
 36 the township officers shall commence with the next
 37 primary and general elections. A resolution
 38 submitting the question of restoring the election of
 39 township officers at the next general election shall
 40 be adopted by the board of supervisors upon petition
 41 of at least ten percent of the eligible voters
 42 qualified electors of a township. The initial terms
 43 of the trustees shall be determined by lot, one for
 44 two years, one for three years, and one two for four
 45 years. However, if a proposition to change the method
 46 of selecting township officers is adopted by the
 47 electorate, a resolution to change the method shall
 48 not be submitted to the electorate for four years.
 49 2. Page 4, by inserting after line 19 the
 50 following:

Page 2

1 "Sec. ____ . Section 45.1, subsection 4, paragraph
 2 a, Code 1987, is amended to read as follows:
 3 a. ~~In~~ Except as otherwise provided in subsection
 4 5, in cities having a population of three thousand
 5 five hundred or greater according to the most recent
 6 federal decennial census, nominations may be made by
 7 nomination papers signed by not less than twenty-five
 8 eligible electors who are residents of the city or
 9 ward.
 10 Sec. ____ . Section 45.1, Code 1987, is amended by
 11 adding the following new subsection:
 12 NEW SUBSECTION. 5. Nominations for candidates
 13 other than partisan candidates for elective offices in
 14 special charter cities subject to section 43.112 may
 15 be submitted as follows:
 16 a. For the office of mayor and alderman at large,
 17 nominations may be made by nomination papers signed by
 18 eligible electors residing in the city equal in number
 19 to at least two percent of the total vote received by
 20 all candidates for mayor at the last preceding city
 21 election.
 22 b. For the office of ward alderman, nominations
 23 may be made by nomination papers signed by eligible
 24 electors residing in the ward equal in number to at
 25 least two percent of the total vote received by all
 26 candidates for ward alderman in that ward at the last
 27 preceding city election."

28 3. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2170

S-5742

1 Amend Senate File 2170, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the fol-
4 lowing:
5 "Section 1. Section 69.16A, Code Supplement 1987,
6 is amended to read as follows:
7 69.16A GENDER BALANCE.
8 All appointive boards, commissions, committees and
9 councils of the state established by the Code if not
10 otherwise provided by law shall be gender balanced.
11 No person shall be appointed or reappointed to any
12 board, commission, committee, or council established
13 by the Code if that appointment or reappointment would
14 cause the number of members of the board, commission,
15 committee, or council of one gender to be greater than
16 one-half the membership of the board, commission,
17 committee, or council plus one if the board,
18 commission, committee, or council is composed of an
19 odd number of members. If the board, commission,
20 committee, or council is composed of an even number of
21 members, not more than one-half of the membership
22 shall be of one gender. If there are multiple
23 appointing authorities for a board, commission,
24 committee, or council, they shall consult each other
25 to avoid a violation of this section. This section
26 shall not prohibit an individual from completing a
27 term being served on June 30, 1987."
28 2. Title page, line 2, by inserting after the
29 word "women" the following: "and other boards,
30 commissions, committees, and councils".

HOUSE AMENDMENT TO
SENATE FILE 2233

S-5743

1 Amend Senate File 2233, 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: “available in the all
 5 offices maintained by the state agencies listed in
 6 this section. The officers and employees of those”.
 7 2. Page 1, by striking lines 13 through 22 and
 8 inserting the following: “commissioner of
 9 registration. This section applies to the Iowa civil
 10 rights commission and the state departments of human
 11 services, human rights, cultural affairs, employment
 12 services, revenue and finance, personnel, agriculture
 13 and land stewardship, and transportation, and the
 14 offices of the clerks of court of the district courts.
 15 This section does not prevent the officers or
 16 employees of any other state agency from offering
 17 voter registration forms to persons in those offices.”
 18 3. Page 1, line 25, by striking the word “office”
 19 and inserting the following: “department”.
 20 4. Page 1, line 27, by striking the word
 21 “monthly” and inserting the following: “quarterly”.

HOUSE AMENDMENT TO
 SENATE FILE 2306

S-5744

1 Amend Senate File 2306 as passed by the Senate as
 2 follows:
 3 1. Page 1, by striking line 2 and inserting the
 4 following: “amended to read as follows:
 5 3. The parties to a proceeding heard by the
 6 referee are entitled to a review by the judge of the
 7 juvenile court of the referee’s order, finding, or
 8 decision, if the review is requested within ten days
 9 after the entry of the referee’s order, finding, or
 10 decision. A request for review does not automatically
 11 stay the referee’s order, finding, or decision. The
 12 review is on the record only, ~~unless the judge, upon~~
 13 ~~request or upon the judge’s own motion, orders~~
 14 ~~otherwise. In the interests of justice, the judge may~~
 15 ~~allow a rehearing at any time.”~~
 16 2. Title page, line 1, by striking the words
 17 “repealing a right to” and inserting the following:
 18 “relating to the”.
 19 3. Title page, line 2, by inserting after the
 20 word “decision” the following: “by providing that
 21 review is on the record only and striking language
 22 providing that the juvenile judge may allow a
 23 rehearing at any time”.

24 4. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

S-5745

1 Amend amendment, S-5689, to House File 2386, as
2 passed by the House, as follows:

3 1. Page 1, by inserting after line 22 the
4 following:

5 “() A business that is a FORTUNE 500 company
6 shall be given a low priority for providing
7 assistance.”

8 2. Page 1, by striking lines 39 through 43.

9 3. Page 1, by striking line 44 and inserting the
10 following:

11 “11. A city or county that applies for a grant for
12 a project shall specify the expected jobs to be
13 created within the first year following completion of
14 the project. If the project does not”.

15 4. Page 1, line 46, by inserting after the word
16 “grant” the following: “, the city or county”.

17 5. Page 1, by inserting after line 48 the
18 following:

19 “ . A business that is a FORTUNE 500 company
20 shall be given a low priority for providing
21 assistance.”

AL STURGEON

S-5746

1 Amend House File 468, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 16, by inserting after line 33 the
4 following:

5 “Sec. . NEW SECTION. 99F.17 OPERATING AN
6 EXCURSION GAMBLING BOAT WHILE INTOXICATED -- IMPLIED
7 CONSENT.

8 1. As used in this section unless the context
9 otherwise requires:

10 a. “Alcohol concentration” means the number of
11 grams of alcohol per any of the following:

12 (1) One hundred milliliters of blood.

13 (2) Two hundred ten liters of breath.

14 (3) Sixty-seven milliliters of urine.

15 b. “Alcoholic beverage” includes alcohol, wine,
16 spirits, beer, or any other beverage which contains
17 ethyl alcohol and is fit for human consumption.

- 18 c. "Arrest" includes but is not limited to taking
19 into custody pursuant to section 232.19.
- 20 d. "Department" means the department of natural
21 resources.
- 22 e. "Pilot license" means a pilot license issued
23 under chapter 106.
- 24 f. "Peace officer" means:
- 25 (1) A member of the highway patrol.
26 (2) A police officer under civil service as
27 provided in chapter 400.
28 (3) A sheriff.
29 (4) A regular deputy sheriff who has had formal
30 police training.
31 (5) Any other law enforcement officer who has
32 satisfactorily completed an approved course relating
33 to operators under the influence of alcoholic
34 beverages at the Iowa law enforcement academy or a law
35 enforcement training program approved by the
36 department of public safety.
- 37 g. "Serious injury" means a bodily injury which
38 creates a substantial risk of death, or which causes
39 serious permanent disfigurement, or which causes
40 protracted loss or impairment of the function of any
41 bodily organ or major bodily member, or which causes
42 the loss of any bodily member.
- 43 2. a. A person commits the offense of operating
44 while intoxicated if the person operates an excursion
45 gambling boat in this state in either of the following
46 conditions:
- 47 (1) While under the influence of an alcoholic
48 beverage or other drug or a combination of such
49 substances.
50 (2) While having an alcohol concentration as

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- 1 defined in subsection 1 of .10 or more.
- 2 b. A person who violates this subsection commits:
- 3 (1) A serious misdemeanor for the first offense
4 and shall be imprisoned in the county jail for not
5 less than forty-eight hours to be served as ordered by
6 the court, less credit for any time the person was
7 confined in a jail or detention facility following
8 arrest, and assessed a fine of not less than five
9 hundred dollars nor more than one thousand dollars.
- 10 (2) An aggravated misdemeanor for a second offense
11 and shall be imprisoned in the county jail or
12 community-based correctional facility not less than
13 seven days, which minimum term cannot be suspended
14 notwithstanding section 901.5, subsection 3 and

15 section 907.3, subsection 2, and assessed a fine of
16 not less than seven hundred fifty dollars.

17 (3) A class "D" felony for a third offense and
18 each subsequent offense and shall be imprisoned in the
19 county jail or community-based correctional facility
20 for not less than thirty days, which minimum term
21 cannot be suspended notwithstanding section 901.5,
22 subsection 3, and section 907.3, subsection 2, and
23 assessed a fine of not less than seven hundred fifty
24 dollars.

25 c. No conviction for, deferred judgment for, or
26 plea of guilty to, a violation of this section which
27 occurred more than six years prior to the date of the
28 violation charged shall be considered in determining
29 that the violation charged is a second, third, or
30 subsequent offense. Each previous violation shall be
31 considered a separate previous offense without regard
32 to whether each was complete as to commission and
33 conviction or deferral of judgment following or prior
34 to any other previous violation.

35 d. A person shall not be convicted and sentenced
36 for more than one violation of this subsection if the
37 violation is shown to have been committed by either or
38 both of the means described in paragraph "a" in the
39 same occurrence.

40 e. This subsection does not apply to a person
41 operating an excursion gambling boat while under the
42 influence of a drug if the substance was prescribed
43 for the person and was taken under the prescription
44 and in accordance with the directions of a medical
45 practitioner as defined in section 155.3, subsection
46 11, if there is no evidence of the consumption of
47 alcohol and the medical practitioner had not directed
48 the person to refrain from operating an excursion
49 gambling boat.

50 f. In any prosecution under this subsection,

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1 evidence of the results of analysis of a specimen of
2 the defendant's blood, breath, or urine is admissible
3 upon proof of a proper foundation. The alcohol
4 concentration established by the results of an
5 analysis of a specimen of the defendant's blood,
6 breath, or urine withdrawn within two hours after the
7 defendant was operating or in physical control of an
8 excursion gambling boat is presumed to be the alcohol
9 concentration at the time of driving or being in
10 physical control of the excursion gambling boat.

11 3. a. If a defendant is convicted of a violation

12 of subsection 2 and the defendant's pilot license has
13 not been revoked under subsection 8 or 9 for the
14 occurrence from which the arrest arose, the department
15 shall revoke the defendant's pilot license for one
16 hundred eighty days if the defendant has had no
17 previous conviction under subsection 2 or revocation
18 under subsection 8 or 9 within the previous six years
19 and for one year if the defendant has had one or more
20 previous convictions or revocations under those
21 sections within the previous six years.

22 b. If the court defers judgment pursuant to
23 section 907.3 for a violation of subsection 2, the
24 court shall order the department to revoke the
25 defendant's pilot license for a period of not less
26 than thirty days nor more than ninety days if the
27 defendant's pilot license has not been revoked under
28 subsection 8 or 9 for the occurrence from which the
29 arrest arose. The court shall immediately require the
30 defendant to surrender to it the defendant's pilot
31 license held by the defendant, which the court shall
32 forward to the department with a copy of the order
33 deferring judgment.

34 c. (1) Upon a plea or verdict of guilty of a
35 third or subsequent violation of subsection 2, the
36 court shall order the department to revoke the
37 defendant's pilot license for a period of six years.
38 The court shall require the defendant to surrender to
39 it the pilot license held by the defendant, which the
40 court shall forward to the department with a copy of
41 the order for revocation.

42 (2) After two years from the date of the order for
43 revocation, the defendant may apply to the court for
44 restoration of the defendant's eligibility for a pilot
45 license.

46 (3) The department shall establish, by rule, the
47 procedures and circumstances under which a pilot
48 license may be restored to the defendant.

49 d. Upon a plea or verdict of guilty of a violation
50 of subsection 2 which involved a personal injury, the

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1 court shall determine in open court, from
2 consideration of the information in the file and any
3 other evidence the parties may submit, whether a
4 serious injury was sustained by any person other than
5 the defendant and, if so, whether the defendant's
6 conduct in violation of subsection 2 caused the
7 serious injury. If the court so determines, the court
8 shall order the department to revoke the defendant's

9 pilot license for a period of one year in addition to
10 any other period of suspension or revocation. The
11 defendant shall surrender to the court the defendant's
12 pilot license and the court shall forward it to the
13 department with a copy of the order for revocation.

14 e. Upon a plea or verdict of guilty of a violation
15 of subsection 2 which involved a death, the court
16 shall determine in open court, from consideration of
17 the information in the file and any other evidence the
18 parties may submit, whether a death occurred and, if
19 so, whether the defendant's conduct in violation of
20 subsection 2 caused the death. If the court so
21 determines, the court shall order the department to
22 revoke the defendant's pilot license for a period of
23 six years. The defendant shall surrender to the court
24 the defendant's pilot license and the court shall
25 forward it to the department with a copy of the order
26 for revocation.

27 4. When a peace officer has reasonable grounds to
28 believe that an excursion gambling boat operator may
29 be violating or has violated subsection 2, or the
30 operator has been involved in an excursion boat
31 collision resulting in injury or death, the peace
32 officer may request the operator to provide a sample
33 of the operator's breath for a preliminary screening
34 test using a device approved by the commissioner of
35 public safety for that purpose. The results of this
36 preliminary screening test may be used for the purpose
37 of deciding whether an arrest should be made and
38 whether to request a chemical test authorized in this
39 section, but shall not be used in any court action
40 except to prove that a chemical test was properly
41 requested of a person pursuant to this section.

42 5. a. A person who operates an excursion gambling
43 boat in this state under circumstances which give
44 reasonable grounds to believe that the person has been
45 operating an excursion gambling boat in violation of
46 subsection 2 is deemed to have given consent to the
47 withdrawal of specimens of the person's blood, breath,
48 or urine and to a chemical test or tests of the
49 specimens for the purpose of determining the alcohol
50 concentration or presence of drugs, subject to this

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1 section. The withdrawal of the body substances and
2 the test or tests shall be administered at the written
3 request of a peace officer having reasonable grounds
4 to believe that the person was operating an excursion
5 gambling boat in violation of subsection 2, and if any

6 of the following conditions exist:

7 (1) A peace officer has lawfully placed the person
8 under arrest for violation of subsection 2.

9 (2) The person has been involved in an excursion
10 gambling boat accident or collision resulting in
11 personal injury or death.

12 (3) The person has refused to take a preliminary
13 breath screening test provided by this chapter.

14 (4) The preliminary breath screening test was
15 administered and it indicated an alcohol concentration
16 as defined in subsection 1 of .10 or more.

17 (5) The preliminary breath screening test was
18 administered and it indicated an alcohol concentration
19 of less than .10 and the peace officer has reasonable
20 grounds to believe that the person was under the
21 influence of a drug other than alcohol or a
22 combination of alcohol and another drug.

23 b. The peace officer shall determine which of the
24 three substances, breath, blood, or urine, shall be
25 tested. Refusal to submit to a chemical test of urine
26 or breath is deemed a refusal to submit, and
27 subsection 8 applies. A refusal to submit to a
28 chemical test of blood is not deemed a refusal to
29 submit, but in that case, the peace officer shall then
30 determine which one of the other two substances shall
31 be tested and shall offer the test. If the peace
32 officer fails to offer a test within two hours after
33 the preliminary screening test is administered or
34 refused or the arrest is made, whichever occurs first,
35 a test is not required, and there shall be no
36 revocation under subsection 8.

37 c. Notwithstanding paragraph "b", if the peace
38 officer has reasonable grounds to believe that the
39 person was under the influence of a drug other than
40 alcohol or a combination of alcohol and another drug,
41 a urine test may be required even after a blood or
42 breath test has been administered. Subsection 8
43 applies to a refusal to submit to a chemical test of
44 urine requested under this paragraph.

45 6. A person who is dead, unconscious, or otherwise
46 in a condition rendering the person incapable of
47 consent or refusal is deemed not to have withdrawn the
48 consent provided by subsection 5, and the test may be
49 given if a licensed physician certifies in advance of
50 the test that the person is dead, unconscious, or

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1 otherwise in a condition rendering that person
2 incapable of consent or refusal.

3 7. a. A person who has been requested to submit
4 to a chemical test shall be advised by a peace officer
5 of the following:

6 (1) If the person refuses to submit to the test,
7 the person's pilot license will be revoked by the
8 department for the applicable period under subsection
9 8.

10 (2) If the person submits to the test and the
11 results indicate an alcohol concentration as defined
12 in subsection 1 of .10 or more, the person's pilot
13 license will be revoked by the department for the
14 applicable period under subsection 9.

15 b. This subsection does not apply in any case
16 involving a person described in subsection 6.

17 8. If a person refuses to submit to the chemical
18 testing, a test shall not be given, but the
19 department, upon the receipt of the peace officer's
20 certification, subject to penalty for perjury, that
21 the officer had reasonable grounds to believe the
22 person to have been operating an excursion gambling
23 boat in violation of subsection 2, that specified
24 conditions existed for chemical testing pursuant to
25 subsection 5, and that the person refused to submit to
26 the chemical testing, shall revoke the person's pilot
27 license for a period of two hundred forty days if the
28 person has no previous revocation within the previous
29 six years under this chapter; and five hundred forty
30 days if the person has one or more previous
31 revocations within the previous six years under this
32 chapter; or if the person is a resident without a
33 license to operate an excursion gambling boat in this
34 state, the department shall deny to the person the
35 issuance of a license for the same period a license
36 would be revoked, subject to review as provided in
37 this section. The effective date of revocation shall
38 be twenty days after the department has mailed notice
39 of revocation to the person by certified mail or, on
40 behalf of the department, a peace officer offering or
41 directing the administration of a chemical test may
42 serve immediate notice of intention to revoke and of
43 revocation on a person who refuses to permit chemical
44 testing. If the peace officer serves that immediate
45 notice, the peace officer shall take the Iowa license
46 of the pilot, if any, and issue a temporary license
47 effective for only twenty days. The peace officer
48 shall immediately send the person's license to the
49 department along with the officer's certificate
50 indicating the person's refusal to submit to chemical

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1 testing.

2 9. a. Upon certification, subject to penalty for
3 perjury, by the peace officer that there existed
4 reasonable grounds to believe that the person had been
5 operating an excursion gambling boat in violation of
6 subsection 2, that there existed one or more of the
7 necessary conditions for chemical testing described in
8 subsection 5, paragraph "a", and that the person
9 submitted to chemical testing and the test results
10 indicated an alcohol concentration as defined in
11 subsection 1 of .10 or more, the department shall
12 revoke the person's pilot license for a period of one
13 hundred eighty days if the person has had no
14 revocation within the previous six years under this
15 section, and one year if the person has had one or
16 more previous revocations within the previous six
17 years under this section.

18 b. The effective date of the revocation shall be
19 twenty days after the department has mailed notice of
20 revocation to the person by certified mail. The peace
21 officer who requested or directed the administration
22 of the chemical test may, on behalf of the department,
23 serve immediate notice of revocation on a person whose
24 test results indicated an alcohol concentration of .10
25 or more.

26 c. If the peace officer serves that immediate
27 notice, the peace officer shall take the person's
28 pilot license, if any, and issue a temporary license
29 valid only for twenty days. The peace officer shall
30 immediately send the person's pilot license to the
31 department along with the officer's certificate
32 indicating that the test results indicated an alcohol
33 concentration of .10 or more.

34 10. Judicial review of an action of the department
35 may be sought in accordance with the terms of the Iowa
36 administrative procedure Act, chapter 17A.
37 Notwithstanding the terms of that chapter, a petition
38 for judicial review may be filed in the district court
39 in the county where the alleged events occurred or in
40 the county in which the administrative hearing was
41 held.

42 11. Upon the trial of a civil or criminal action or
43 proceeding arising out of acts alleged to have been
44 committed by a person while operating an excursion
45 gambling boat in violation of subsection 2, evidence
46 of the alcohol concentration or the presence of drugs
47 in the person's body substances at the time of the act
48 alleged as shown by a chemical analysis of the

49 person's blood, breath, or urine is admissible. If it
50 is established at trial that an analysis of a breath

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1 specimen was performed by a certified operator using a
2 device and methods approved by the commissioner of
3 public safety, no further foundation is necessary for
4 introduction of the evidence.

5 12. If a person refuses to submit to a chemical
6 test, proof of refusal is admissible in any civil or
7 criminal action or proceeding arising out of acts
8 alleged to have been committed while the person was
9 operating an excursion gambling boat in violation of
10 subsection 2.

11 13. a. A person whose pilot license has been
12 denied or revoked as provided in this section and who
13 operates an excursion gambling boat on the public
14 waters of this state while the license is denied or
15 revoked commits a serious misdemeanor. The
16 department, upon receiving the record of the
17 conviction of a person under this subsection upon a
18 charge of operating an excursion gambling boat while
19 the license of the person was revoked or denied, shall
20 extend the period of revocation or denial for an
21 additional like period, and the department shall not
22 issue a new license during the additional period.

23 b. The department shall notify the commission of
24 the conviction of a person under paragraph "a". The
25 commission shall revoke the license to conduct
26 gambling games on the excursion gambling boat and a
27 license to conduct gambling games on the excursion
28 gambling boat shall not be issued for one year."

29 2. Title page, line 6, by inserting after the
30 word "received," the following: "by extending implied
31 consent to test for alcohol and drugs to excursion
32 gambling boat pilots,".

33 3. By renumbering sections as necessary.

JIM LIND

S-5747

1 Amend House File 2257, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, line 3, by striking the words "this
4 state" and inserting the following: "a lake of more
5 than four thousand acres and less than four thousand
6 two hundred acres located in a county having a

7 population of more than eleven thousand nine hundred
 8 and less than twelve thousand one hundred".
 9 2. Page 1, line 9, by striking the words "this
 10 state" and inserting the following: "a lake described
 11 in this section".
 12 3. Title page, line 1, by striking the words "on
 13 the" and inserting the following: "on certain".

HURLEY HALL

S-5748

1 Amend House File 468, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 6, line 23, by striking the word
 4 "fifteen" and inserting the following: "ten".
 5 2. Page 6, line 24, by striking the word "eight"
 6 and inserting the following: "four".
 7 3. Page 6, by striking lines 25 through 29 and
 8 inserting the following: "shall be licensed for
 9 operation on the Mississippi river; not more than two
 10 excursion gambling boats shall be licensed for
 11 operation on the Missouri river; and not more than
 12 four excursion gambling boats shall be licensed for
 13 operation on lakes, reservoirs, or rivers within the
 14 state other than the".

JACK RIFE

S-5749

1 Amend amendment S-5716 to House amendment
 2 S-5652, to Senate File 2164, as follows:
 3 1. Page 1, line 31, by inserting after the
 4 words "natural resources," the words "human
 5 services, human rights,".

CHARLES BRUNER

HOUSE AMENDMENT TO
 SENATE FILE 2135

S-5750

1 Amend Senate File 2135, as passed by the Senate as
 2 follows:

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

5 "Section 1. Section 542A.2, Code 1987, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The department may deny
8 an application for a permit to a person licensed as a
9 grain dealer under chapter 542 if the grain dealer
10 license is under suspension or has been revoked
11 pursuant to section 542.10. If information or a
12 complaint is filed with the department against the
13 person as a grain dealer in accordance with section
14 542.10, the department may delay approving the
15 application for a permit until after a hearing is
16 provided under that section.

17 Sec. 2. Section 542A.7, Code 1987, is amended by
18 adding the following new unnumbered paragraph after
19 the second unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The department, after a
21 hearing, may suspend or revoke a bargaining agent's
22 permit if the permittee is licensed as a grain dealer
23 under chapter 542 and the permittee's grain dealer
24 license is under suspension or has been revoked
25 pursuant to section 542.10."

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

28 "Sec. 100. Section 543A.3, subsection 2, Code
29 Supplement 1987, is amended to read as follows:

30 2. The grain dealer or warehouse operator shall
31 forward the per-bushel fee to the department in the
32 manner and using the forms prescribed by the
33 department. If the per-bushel fee has not been
34 received by the department by the date required by the
35 department, the grain dealer or warehouse operator is
36 subject to a penalty, of ~~ten dollars~~ for each day the
37 grain dealer or warehouse operator is delinquent. The
38 total penalty for a delinquency shall be the greater
39 of either up to one hundred percent of the amount of
40 the per-bushel fee deficiency or ten percent interest
41 charged on the amount of the per-bushel fee
42 deficiency. If the per-bushel fee has not been
43 received by the department within thirty days after
44 the payment was due, the grain dealer's or warehouse
45 operator's license shall be suspended. The per-bushel
46 fee shall be collected only once on each bushel of
47 grain."

48 3. Page 1, line 13, by inserting before the word
49 "This" the following: "Section 100 of this Act shall
50 be applied retroactively on and after July 1, 1987."

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- 1 4. Title page, line 1, by inserting after the
- 2 words "relating to" the following: "the issuance of
- 3 grain bargaining permits and".
- 4 5. Title page, line 2, by inserting after the
- 5 word "fund," the following: "providing for penalties
- 6 for certain delinquent payments,".
- 7 6. Title page, line 3, by inserting after the
- 8 word "date" the following: "and date of
- 9 applicability".
- 10 7. By renumbering, relettering, or redesignating
- 11 and correcting internal references as necessary.

S-5751

- 1 Amend House File 468, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 12, by inserting before line 14 the fol-
- 4 lowing:
- 5 "___ . The amount of the adjusted gross receipts
- 6 tax credited to the general fund of the state pursuant
- 7 to paragraph "c" is appropriated to the department of
- 8 economic development to be used for international
- 9 trade development, promotion, and marketing. The
- 10 appropriation shall not exceed five million dollars
- 11 annually."
- 12 2. By lettering paragraphs as necessary.

DAVID M. READINGER
BILL HUTCHINS

S-5752

- 1 Amend House File 2294 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, by inserting after line 23, the
- 4 following:
- 5 "The department shall adopt rules pursuant to
- 6 chapter 17A which require that if a health care
- 7 provider attending a person prior to the person's
- 8 death determines that the person suffered from or was
- 9 suspected of suffering from a contagious or infectious
- 10 disease, the health care provider shall place with the
- 11 remains written notification of the condition for the

12 information of any person handling the body of the
13 deceased person subject to the person's death."

BERL E. PRIEBE
DON E. GETTINGS
JOHN E. SOORHOLTZ
EMIL J. HUSAK
DALE L. TIEDEN
EUGENE FRAISE

HOUSE AMENDMENT TO
SENATE FILE 2309

S-5753

1 Amend Senate File 2309, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 14 the
4 following:
5 "The department shall evaluate the feasibility of
6 providing financial and nonfinancial assistance to
7 local and regional tourism organizations to promote
8 local and regional tourism and recreational
9 attractions and sites at the Iowa state fair, and to
10 educate residents of this state and out-of-state
11 visitors about the significant number of tourism and
12 recreational attractions and sites within the state.
13 The department shall consult with regional tourism
14 councils and local tourism organizations to evaluate
15 the type, extent, and effectiveness of providing
16 financial and nonfinancial assistance programs. The
17 department shall report the recommendations, findings,
18 and conclusions resulting from the evaluation to the
19 governor's office and the general assembly on or
20 before February 15, 1989."
21 2. Page 1, by inserting after line 18, the
22 following:
23 "Of the funds appropriated in this subsection
24 thirty thousand (30,000) dollars shall be used for the
25 promotion of state-owned historic attractions and
26 thirty thousand (30,000) dollars shall be used for the
27 promotion of other cultural attractions as determined
28 by the department of cultural affairs."
29 3. Page 1, by striking lines 25 through 27 and
30 inserting the following: "advertising contracts."
31 4. Page 2, by striking lines 14 through 16 and
32 inserting the following: "marketing contracts."
33 5. Page 2, line 18, by striking the word "five"

34 and inserting the following: "six".

35 6. Page 2, by inserting after line 21 the
36 following:

37 "Of the amount appropriated by this subsection, the
38 department may provide to small businesses, as defined
39 by the United States small business administration,
40 financial assistance to defray costs incurred by the
41 businesses participating in foreign trade shows,
42 missions, seminars, or related activities sponsored by
43 the United States department of commerce or by the
44 department of economic development."

45 7. Page 3, line 8, by striking the word "six" and
46 inserting the following: "five".

47 8. Page 3, by inserting after line 10, the
48 following:

49 "Of this amount thirty-three thousand (33,000)
50 dollars shall be transferred to the department of

Page 2

1 inspections and appeals to support not more than one
2 full-time equivalent position for the purpose of
3 certifying targeted small businesses established
4 pursuant to section 10A.104, subsection 8, as enacted
5 by this Act."

6 9. Page 4, by inserting after line 5, the
7 following:

8 "20. Iowa finance authority.

9 For the housing trust fund program, to be deposited
10 in the housing trust fund and to be used for the grant
11 program for the homeless for the construction,
12 rehabilitation, or expansion of group home shelter for
13 the homeless:

14 \$ 100,000".

15 10. Page 4, by inserting after line 16 the fol-
16 lowing:

17 "Sec. ____ . Section 12.43, subsection 1, Code
18 Supplement 1987, is amended to read as follows:

19 1. "Targeted small business" means a business as
20 defined in section ~~220.111~~ 15.111, subsection 1.

21 Sec. ____ . Section 15.108, subsection 7, paragraph
22 c, unnumbered paragraph 1, subparagraph (2), and
23 subparagraph (5), unnumbered paragraph 1, Code
24 Supplement 1987, are amended to read as follows:

25 Aid in the development and implementation of the
26 Iowa targeted small business procurement Act
27 established in sections 73.15 through 73.21 and the
28 targeted small business ~~loan guarantee financial~~
29 ~~assistance~~ program of the Iowa finance authority
30 established in section ~~220.111~~ 15.111. The duties of
31 the director under this paragraph include the
32 following:

33 (2) The director, in conjunction with the director

34 of the department of management, shall publicize the
 35 ~~loan guarantee financial assistance program of the~~
 36 ~~Iowa finance authority established in section 15.111~~
 37 to targeted small businesses.

38 (5) The director shall submit an annual report to
 39 the governor and the general assembly relating
 40 progress toward realizing the goals and objectives of
 41 the procurement set-aside program and the ~~loan~~
 42 ~~guarantee financial assistance program of the Iowa~~
 43 ~~finance authority established in section 15.111~~ during
 44 the preceding fiscal year. The ~~Iowa finance authority~~
 45 ~~and the~~ director of the department of management shall
 46 assist in compiling the data to be included in the
 47 report. The report shall include the following
 48 information:

49 Sec. ____ . Section 12.43, subsections 1 and 2, Code
 50 Supplement 1987, are amended to read as follows:

Page 3

1 1. "Targeted small business" means a business as
 2 defined in section ~~220.111~~ 15.102, subsection 4 5.

3 2. A linked deposit shall only be approved in
 4 connection with a loan application for a targeted
 5 small business which has been certified pursuant to
 6 section ~~15.108~~ 10A.104, subsection 7 8, ~~paragraph "c",~~
 7 ~~subparagraph (4).~~

8 Sec. ____ . **NEW SECTION. 15.111 TARGETED SMALL**
BUSINESS FINANCIAL ASSISTANCE PROGRAM.

10 1. As used in this section, "small business" and
 11 "targeted small business" mean the same as defined in
 12 section 15.102, subsections 4 and 5.

13 2. The department shall establish, contingent upon
 14 the availability of funds authorized for the program,
 15 a targeted small business financial assistance
 16 program, to provide for loans, loan guarantees, or
 17 grants to targeted small businesses. A targeted small
 18 business in any year shall receive under this program
 19 not more than twenty-five thousand dollars in a loan
 20 or grant, and not more than forty thousand dollars in
 21 a guarantee, or a combination of loans, grants, or
 22 guarantees. The program shall provide guarantees not
 23 to exceed seventy-five percent for loans made by
 24 qualified lenders. The department shall establish a
 25 financial assistance reserve account from funds
 26 provided for this program, from which any default on a
 27 guaranteed loan under this section shall be paid. In
 28 administering the program the department shall not
 29 guarantee loan values in excess of the amount credited
 30 to the reserve account and only moneys set aside in

31 the loan reserve account may be used for the payment
 32 of a default.

33 2. All moneys designated for the targeted small
 34 business financial assistance program shall be
 35 credited to the financial assistance reserve account.
 36 The department shall also establish an administrative
 37 account from which the operating costs of the program
 38 shall be paid. The department may transfer moneys
 39 between the reserve and the administrative accounts
 40 except that not more than twenty-five percent of the
 41 funds, pursuant to section 15.241, shall be used to
 42 administer the fund. The department shall determine
 43 what is the actuarially sound reserve requirement for
 44 the amount of guaranteed loans outstanding.

45 3. The department shall adopt rules as necessary
 46 for the administration of the financial assistance
 47 program under this section.

48 4. The general assembly is not obligated to
 49 appropriate moneys to pay for any defaults or to
 50 appropriate moneys to be credited to the loan reserve

Page 4

1 account. The loan guarantee program does not obligate
 2 the state except to the extent provided in this
 3 section, and the department in administering the
 4 program shall not give or lend the credit of the state
 5 of Iowa.

6 Sec. ____ . Section 10A.104, Code 1987, is amended
 7 by adding the following new subsection:
 8 NEW SUBSECTION. 8. Establish by rule standards
 9 and procedures for certifying that targeted small
 10 businesses are eligible to participate in the
 11 procurement set-aside program established in sections
 12 73.15 through 73.21. The procedure for determination
 13 of eligibility shall not include self-certification by
 14 a business. Rules and guidelines adopted pursuant to
 15 this subsection are subject to review and approval by
 16 the director of the department of management. The
 17 director shall maintain a current directory of
 18 targeted small businesses which have been certified
 19 pursuant to this subsection.

20 Sec. ____ . Section 12.44, unnumbered paragraphs 1
 21 and 2, Code Supplement 1987, are amended to read as
 22 follows:

23 Agencies of state government shall be required to
 24 waive the requirement of satisfaction or performance
 25 bonds for targeted small businesses which are able to
 26 demonstrate the inability of securing such a bond
 27 because of a lack of experience. This waiver shall

28 not apply to businesses with a record of repeated
29 failure of substantial performance or material breach
30 of contract in prior circumstances. The waiver shall
31 be applied only to a project or individual transaction
32 amounting to fifty thousand dollars or less,
33 notwithstanding section 573.2. In order to qualify,
34 the targeted small business shall provide written
35 evidence to the department of ~~economic development~~
36 inspections and appeals that the bond would otherwise
37 be denied the business. The granting of the waiver
38 shall in no way relieve the business from its
39 contractual obligations and shall not preclude the
40 state agency from pursuing any remedies under law upon
41 default or breach of contract.
42 The department of ~~economic development~~ inspections
43 and appeals shall certify targeted small businesses
44 for eligibility and participation in this program and
45 shall make this information available to other state
46 agencies.
47 Sec. ____ . Section 15.108, subsection 7, paragraph
48 c, subparagraph (4), Code Supplement 1987, is amended
49 by striking the subparagraph.
50 Sec. ____ . Section 15.108, subsection 7, paragraph

Page 5

1 g, subparagraph (1), Code Supplement 1987, is amended
2 to read as follows:
3 (1) Developing a uniform small business vendor
4 application form which can be adopted by all agencies
5 and departments of state government to identify small
6 businesses and targeted small businesses which desire
7 to sell goods and services to the state. This form
8 shall also contain information which can be used to
9 determine certification as a targeted small business
10 pursuant to ~~paragraph "c", subparagraph (4) section~~
11 10A.104, subsection 8.
12 Sec. ____ . Section 73.16, subsection 2, Code 1987,
13 is amended to read as follows:
14 2. The director of each agency or department of
15 state government having purchasing authority shall
16 designate and set aside for awarding to certified
17 targeted small businesses identified pursuant to
18 ~~section 15.108, subsection 7, paragraph "c"~~ 10A.104,
19 subsection 8, at least two percent, and should set a
20 goal of up to ten percent, of the value of anticipated
21 procurements of goods and services, including
22 construction, but not including utility services, each
23 fiscal year. The director of each department and
24 agency of state government shall cooperate with the

25 director of the department of inspections and appeals,
 26 the director of the department of economic development
 27 and the director of the department of management and
 28 do all acts necessary to carry out the provisions of
 29 this division.

30 Sec. ____ . Section 73.18, Code 1987, is amended to
 31 read as follows:

32 73.18 NOTICE OF SOLICITATION FOR BIDS --
 33 IDENTIFICATION OF TARGETED SMALL BUSINESSES.

34 The director of each agency or department releasing
 35 a solicitation for bids or request for proposal under
 36 the set-aside program shall notify the director of the
 37 department of ~~economic development~~ inspections and
 38 appeals prior to or upon release of the solicitation.
 39 The director of the department of ~~economic development~~
 40 inspections and appeals shall notify the soliciting
 41 agency or department of any targeted small businesses
 42 which have been certified pursuant to section ~~15.108;~~
 43 ~~subsection 7, paragraph "c", subparagraph (4)~~ 10A.104,
 44 subsection 8, and which may be qualified to bid."

45 11. Page 4, by striking lines 32 through 34 and
 46 inserting the following: "and an "invest in Iowa"
 47 program. The".

48 12. Page 6, by inserting after line 3 the
 49 following:

50 "Sec. ____ . The director of the department of

Page 6

1 inspections and appeals shall maintain the directory
 2 of targeted small businesses which have been certified
 3 prior to the effective date of this Act pursuant to
 4 section 15.108, subsection 7, paragraph "c", subpara-
 5 graph (4). Businesses certified by the department of
 6 economic development prior to the effective date of
 7 this Act shall remain certified unless decertified."

8 13. Page 6, inserting after line 7 the following:

9 "Sec. ____ . REPEALS.

10 1. Section 15.110, Code Supplement 1987, is re-
 11 pealed.

12 2. Section 220.111, Code 1987, is repealed.

13 Sec. ____ . Moneys credited to the loan reserve
 14 account and administrative account established under
 15 section 220.111 shall be transferred to the department
 16 of economic development prior to that section's
 17 repeal. The department may use uncommitted moneys in
 18 the loan reserve account and the administrative
 19 account for purposes of the case management assistance
 20 program established pursuant to House File 2416, if
 21 enacted by the Seventy-second General Assembly, 1988

22 Session. The department shall make a good faith
 23 effort to serve clients of the self-employment loan
 24 program, clients that meet the definition of a
 25 targeted small business, or clients that qualify under
 26 the unemployment insurance demonstration project if
 27 authorized by the federal government.

28 Sec. ____ . The department of economic development
 29 and not the Iowa finance authority shall administer
 30 any guarantee and may enforce any agreement or collect
 31 any loan made pursuant to section 15.110 or 220.111 to
 32 the same extent the department did or the Iowa finance
 33 authority did prior to the repeal of those sections.
 34 Any rule, regulation, order, or guideline established
 35 by the department of economic development pursuant to
 36 section 15.110 or by the Iowa finance authority
 37 pursuant to section 220.111 and in effect on the
 38 effective date of this Act shall continue in full
 39 force and effect until amended, repealed, or
 40 supplemented by affirmative action of the department
 41 of economic development. All guarantees made under
 42 section 15.110 or 220.111 shall be maintained by the
 43 department of economic development.”

44 14. Title page, line 2, by inserting after the
 45 word “development” the following: “, providing for
 46 the creation and repeal of programs, and transferring
 47 administration of a program”.

48 15. By renumbering, relettering, or redesignating
 49 and correcting internal references as necessary.

S-5754

1 Amend House File 2155, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, line 1, by striking the word and
 4 figure “subsection 1”.

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

7 “279.43 OPTIONAL FUNDING OF ASBESTOS REMOVAL OR
 8 ENCAPSULATION PROJECT.”

9 3. By striking page 1, line 15, through page 2,
 10 line 6, and inserting the following:

11 “2. The board of directors may also submit a
 12 proposal to the qualified electors of the school
 13 district at a regular school election or at a special
 14 election, to authorize an additional tax levy to pay
 15 the actual cost of an asbestos removal or
 16 encapsulation project.

17 3. The election proposal shall include the
 18 following two parts:

19 a. Shall a tax levy be certified for not more than
20 three consecutive years to pay the actual costs of the
21 asbestos ~~removal or encapsulation~~ project?

22 b. If a tax levy is authorized by the electorate,
23 which of the following tax methods shall be used to
24 pay for the project:

25 (1) A property tax sufficient to pay the actual
26 costs of the project.

27 (2) A combination of an enrichment property tax
28 and a school district income surtax certified and
29 levied as provided in sections 442.14 through 442.20.

30 c. If a property tax levy is selected under
31 paragraph "b", subparagraph (1), the levy shall be
32 certified for not more than three consecutive years.

33 d. If a combination of an enrichment property tax
34 and a school district income surtax is selected, the
35 amount of tax revenue raised shall not exceed the
36 actual cost of the ~~removal or encapsulation of the~~
37 asbestos project or the maximum amount which may be
38 raised by the levy of the combination of the taxes for
39 the three school years, as determined under section
40 442.14, subsections 3 and 4, whichever amount is less.

41 4. If a majority of the qualified electors voting
42 for and against the tax authorization proposed under
43 subsection 3, paragraph "a", favor the certification
44 of a tax levy, the tax method receiving the largest
45 number of votes under subsection 3, paragraph "b",
46 shall be used to pay the actual costs of the ~~removal~~
47 ~~or encapsulation~~ project.

48 5. The taxes certified for levy under this section
49 are in addition to any other taxes or additional
50 enrichment amount raised for other programs as

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1 provided by law.

2 6. Nothing in sections 442.14 through 442.20 or
3 this section ~~shall be construed to require~~ requires
4 more than one favorable election to authorize the use
5 of a property tax or the combination of an enrichment
6 property tax and a school district income surtax to
7 pay the actual cost of an asbestos ~~removal or~~
8 ~~encapsulation~~ project under this section."

JAMES RIORDAN
EDGAR H. HOLDEN

S-5755

1 Amend the amendment, S-5672, to House File 2400 as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 24, by inserting after the word
5 "rate." the following: "The amount or rate of
6 compensation shall be the same without regard to which
7 E911 provider is designated by the joint E911 service
8 board."

EMIL J. HUSAK

S-5756

1 Amend House File 468, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 17, line 28, by inserting after the word
4 "CHAPTER" the following: "UNCLAIMED WINNINGS".
5 2. Page 17, by inserting after line 35 the
6 following:
7 "Winnings provided in section 99D.11 not claimed or
8 gambling tokens, chips, or other forms of wagering
9 credit not exchanged for money under section 99F.9,
10 subsection 4, by the person who placed the wager or
11 made the exchange within sixty days of the close of
12 the racing meet or excursion trip when the wager or
13 original exchange was made are forfeited. The amount
14 forfeited shall be divided with fifty percent to be
15 retained by the licensee, and fifty percent to be paid
16 over equally to the city and county where the licensed
17 facility is located."
18 3. Page 19, by inserting after line 5 the fol-
19 lowing:
20 "Sec. ____ . Section 99D.13, Code 1987, and section
21 99D.16, Code Supplement 1987, are repealed."

LARRY MURPHY

S-5757

1 Amend House File 468 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 10, line 6, by striking the word "tax"
4 and inserting the following: "fee".
5 2. Page 10, line 7, by striking the word "tax"
6 and inserting the following: "fee".
7 3. Page 10, line 10, by striking the word "tax"
8 and inserting the following: "fee".
9 4. Page 10, line 13, by striking the word "tax"

- 10 and inserting the following: "fee".
 11 5. Page 10, line 16, by striking the word "tax-
 12 free" and inserting the following: "fee-free".
 13 6. Page 10, line 20, by striking the word "tax-
 14 free" and inserting the following: "fee-free".
 15 7. Page 10, lines 21 and 22, by striking the word
 16 "tax-free" and inserting the following: "fee-free".
 17 8. Page 10, line 23, by striking the word "tax"
 18 and inserting the following: "fee".

DONALD V. DOYLE

S-5758

- 1 Amend House File 2285 as passed by the House as
 2 follows:
 3 1. Page 5, by striking lines 3 through 20.
 4 2. Page 6, by striking line 29 through page 7,
 5 line 29.

JOE WELSH
 EDGAR H. HOLDEN
 WILLIAM PALMER
 RICHARD F. DRAKE

S-5759

- 1 Amend House File 2269, as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 307B.23, Code 1987, is amended
 6 to read as follows:
 7 307B.23 SPECIAL RAILROAD FACILITY FUND.
 8 1. There is created in the office of the state
 9 treasurer a "special railroad facility fund". This
 10 fund shall include moneys credited to this fund under
 11 sections 307.29, 435.9, and other ~~funds~~ moneys which
 12 by law may be credited to the special railroad
 13 facility fund. The moneys in the special railroad
 14 facility fund are ~~hereby~~ appropriated to and for the
 15 purposes of the authority as provided in this chapter.
 16 The funds in the special railroad facility fund shall
 17 not be considered as a part of the general fund of the
 18 state, ~~shall~~ are not be subject to appropriation for
 19 any other purpose by the general assembly, and in
 20 determining a general fund balance shall not be
 21 included in the general fund of the state but shall

22 remain in the special railroad facility fund to be
23 used for the purposes set forth ~~herein~~ in this
24 section. The treasurer of state shall act as
25 custodian of the fund and disburse amounts contained
26 in it as directed by the authority. The treasurer of
27 state is authorized to invest the funds deposited in
28 the special railroad facility fund at the direction of
29 the authority and subject to any limitations contained
30 in the bond proceedings. The income from such
31 investment shall be credited to and deposited in the
32 special railroad facility fund. This fund shall be
33 administered by the authority and may be used to
34 purchase or upgrade railroad right-of-way and trackage
35 facilities or to purchase general or limited
36 partnership interests in a partnership formed to
37 purchase, upgrade, or operate railroad right-of-way
38 and trackage facilities, to pay or secure obligations
39 issued by the authority, to pay obligations,
40 judgments, or debts for which the authority becomes
41 liable in its capacity as a general partner, or for
42 any other use authorized under this chapter. The fund
43 may also be used to purchase or upgrade railroad
44 right-of-way and trackage facilities for the
45 development of railroad passenger tourism.

46 2. Any moneys credited to the special railroad
47 facility fund under section 435.9 shall be deposited
48 in a separate account within the special railroad
49 facility fund. The authority may issue obligations
50 under this chapter which are secured solely by the

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1 moneys to be deposited in that separate account and
2 the holders or owners of any such obligations ~~shall~~
3 have no rights to payment of bond service charges from
4 any other funds in the special railroad facility fund,
5 including any moneys accruing to the authority from
6 the lease, sale or other disposition, or use of
7 railway facilities, or from payment of the principal
8 of or interest on loans made, or from any other use of
9 the proceeds of the sale of the obligations, and no
10 such moneys may be used for the payment of bond
11 service charges on any such obligations, except for
12 accrued interest, capitalized interest, and reserves
13 funded from proceeds received upon the sale of the
14 obligations.

15 3. Moneys received from repayment from heartland
16 rail corporation as provided in 1983 Iowa Acts,
17 chapter 198, section 32, as amended by 1987 Iowa Acts,
18 chapter 232, section 28, and section 6 of this Act,

19 shall be deposited in a separate account within the
 20 special railroad facility fund and shall be used by
 21 the authority only for debt service or rehabilitation
 22 on branch rail lines whose total projected traffic is
 23 at least fifty percent agricultural products.

24 Sec. 2. NEW SECTION. 307B.25 CERTIFICATION FOR
 25 RECEIPT OF USE TAX MONEYS.

26 The authority shall certify to the treasurer of
 27 state amounts of money necessary for payment of
 28 principle and interest by the authority on obligations
 29 issued on or after July 1, 1988, or to make payments
 30 on leases guaranteed by the authority on or after July
 31 1, 1988. However, certification shall only be made
 32 under this section when there are insufficient moneys
 33 available to the authority for the payment from moneys
 34 credited to the special railroad facility fund or
 35 other sources available to the authority.

36 Certification shall only be made under this section
 37 for projects in which the authority has done all of
 38 the following:

39 1. Conducted a feasibility study, prior to
 40 agreeing to assist the project, which demonstrates
 41 that the proposed project has a reasonable potential
 42 to generate adequate revenues to be economically
 43 viable.

44 2. Obtained from participants in the project
 45 pledges to be received by the authority, which in
 46 combination with other moneys available to the
 47 authority, are sufficient to either retire obligations
 48 issued by the authority to assist the project or make
 49 all payments on leases guaranteed by the authority to
 50 assist the project, including a lien against the

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1 assets of the project and a lien against the assets of
 2 each participant in the project to the extent of that
 3 participant's pledged obligation.

4 Sec. 3. NEW SECTION. 307B.25 APPROPRIATION TO
 5 AUTHORITY.

6 Notwithstanding section 423.24 and prior to the ap-
 7 plication of section 423.24, subsection 1, paragraph
 8 "b", there is appropriated to the authority from
 9 revenues derived from the operation of section 423.7
 10 the amounts certified by the authority under section
 11 307B.25. However, the total amount credited to the
 12 Iowa railway finance authority under this section
 13 shall not exceed two million dollars annually. Moneys
 14 credited to the Iowa railway finance authority under
 15 this section are appropriated only for the payment of

16 principle and interest on obligations or the payment
17 of leases guaranteed by the authority as provided
18 under section 307B.25.

19 Sec. 4. Section 327H.20, unnumbered paragraph 1,
20 Code Supplement 1987, is amended to read as follows:

21 The department may enter into agreements with
22 railroad corporations, the United States government,
23 cities, counties, and other persons for carrying out
24 the purposes of this chapter. Agreements entered into
25 between the department and railroad corporations under
26 this section may require a railroad corporation to
27 reimburse all or part of the costs paid from the
28 railroad assistance fund from revenue derived from all
29 railroad cars and traffic using the main line, branch
30 line, switching yard or sidings defined in the
31 agreement. An agreement which does not require the
32 repayment of railroad assistance funds used for
33 rehabilitation projects shall require the railroad
34 corporation to establish and maintain a separate
35 corporation account to which an amount equal to all or
36 part of the costs paid from the railroad assistance
37 fund shall be credited from revenue derived from all
38 railroad cars and traffic using the main line, branch
39 line, switching yard or siding defined in the
40 agreement. ~~However, one half of the funds credited to~~
41 ~~the railroad assistance fund shall be expended as~~
42 ~~nonreimbursable grants for rehabilitation programs.~~
43 Credits to the corporation account by the railroad
44 corporation may be used for the restoration,
45 conservation, improvement, and construction of the
46 railroad corporation's main line, branch lines,
47 switching yards and sidings within the state. The
48 agreement shall stipulate the terms and conditions
49 governing the use of credits to the corporation
50 account as well as a penalty for the use of the

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1 account in a manner other than as provided in the
2 agreement.

3 Sec. 5. Section 327H.24, unnumbered paragraph 2,
4 Code Supplement 1987, is amended to read as follows:

5 Notwithstanding section 453.7, subsection 2,
6 interest and earnings on moneys deposited in the
7 railroad assistance fund shall be credited to the
8 railroad assistance fund. Interest and earnings
9 credited to the railroad assistance fund under this
10 paragraph ~~shall~~ may be expended as loans or
11 nonreimbursable grants.

12 Sec. 6. 1983 Iowa Acts, chapter 198, section 32,
13 unnumbered paragraph 1, as amended by 1987 Iowa Acts,
14 chapter 232, section 28, is amended to read as
15 follows:

16 Notwithstanding the provisions of section 423.24,
17 there is transferred from revenues collected under
18 chapter 423 during each year of the fiscal period
19 beginning July 1, 1983 and ending June 30, 1985 from
20 the use tax imposed on motor vehicles, trailers and
21 motor vehicle accessories and equipment under section
22 423.7 the sum of seven million five hundred thousand
23 (7,500,000) dollars which shall be transferred to the
24 special railroad facility fund to be used exclusively
25 for the purposes provided in this section. The Iowa
26 railway finance authority may enter into a partnership
27 agreement as allowed under section 307B.7, subsection
28 7, for the purpose of acquiring the right-of-way of
29 the Chicago, Rock Island and Pacific railroad. The
30 funds shall be expended to supplement private
31 investment capital obtained for that purpose by
32 matching any private investment capital on an equal
33 basis. The funds transferred to the special railroad
34 facility fund under this section shall be considered
35 an interest-free loan to be repaid to the road use tax
36 fund from receipts credited to the special railroad
37 facility fund under section 307B.23 except that moneys
38 credited for repayment of the loan during the period
39 beginning July 1, 1987 and ending June 30, ~~1989~~ 1988,
40 shall be credited to the railroad assistance fund.
41 The special railroad facility fund shall repay to the
42 road use tax fund, within thirty years after receipt
43 of each repayment from heartland rail corporation the
44 amount of the repayment, but in the interim the Iowa
45 railway finance authority may lend these moneys for
46 other rail projects without any other limitations
47 contained in this section being applicable.

48 Sec. 7. The legislative council may authorize an
49 interim study to develop recommendations for the
50 branch line rail assistance program. The membership

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1 of the study committee shall consist of two members
2 from the senate and two members from the house of
3 representatives and one member appointed by each of
4 the following:

- 5 1. Iowa grain and feed association.
- 6 2. Iowa institute of cooperation.
- 7 3. Farm bureau.
- 8 4. Rail shippers association.

- 9 5. State department of transportation.
 10 6. Iowa railway finance authority.
 11 The study committee shall report its findings,
 12 including proposed legislation, to the governor and
 13 the members of the general assembly by January 1,
 14 1989.
 15 Sec. 8. This Act, being deemed of immediate
 16 importance, takes effect upon its enactment.”
 17 2. Title page, line 1, by inserting after the
 18 word “to” the following: “the operation and funding
 19 of rail lines including”.
 20 3. Title page, line 2, by inserting after the
 21 word “fund” the following: “and an appropriation”.

RICHARD F. DRAKE
 JEAN LLOYD-JONES
 CALVIN O. HULTMAN
 C. JOSEPH COLEMAN

S-5760

- 1 Amend amendment S-5104 to House File 468 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, line 6, by striking the words “not be
 4 issued, and if issued, shall”.
 5 2. Page 1, by striking lines 21 through 25 and
 6 inserting the following: “games in the county, the
 7 license shall be canceled as of the”.

LEE HOLT

S-5761

- 1 Amend Senate File 2327 as follows:
 2 1. Page 1, by striking lines 22 through 28 and
 3 inserting the following:
 4 “On or before March 1 of each year, the department
 5 of revenue and finance shall pay the moneys in the
 6 fund to the United States olympic committee, one-half
 7 of which shall be made available that year for local
 8 amateur sports and special olympic programs in Iowa
 9 with the advice of the governor’s council on physical
 10 fitness.”
 11 2. Title page, lines 2 and 3, by striking the
 12 words “and the Iowa games committee” and inserting the
 13 following: “, a portion of which shall be made

14 available for amateur sports and special olympic
15 programs in Iowa”.

EMIL J. HUSAK
WILLIAM W. DIELEMAN
DAVID M. READINGER

S-5762

1 Amend House File 2448, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 29, by striking the words
4 “commercial or otherwise” and inserting the following:
5 “provided by a for-profit business”.
6 2. Page 4, line 14, by striking the words and
7 figure “subsections 3 and” and inserting the
8 following: “subsection”.
9 3. Page 4, line 15, by striking the word “are”
10 and inserting the following: “is”.
11 4. Page 4, by striking lines 16 through 24.

WILLIAM W. DIELEMAN

S-5763

1 Amend the House amendment, S-5710, to Senate File
2 2310, as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 2, by striking lines 23 through 46.

C. JOSEPH COLEMAN

HOUSE AMENDMENT TO
SENATE FILE 173

S-5764

1 Amend Senate File 173 as passed by the Senate, as
2 follows:
3 1. Page 1, line 7, by inserting after the word
4 “reside.” the following: “For the purpose of this
5 subsection, “legally obligated” means under a court
6 order.”

S-5765

1 Amend House File 2432 as passed by the House as
2 follows:
3 1. Page 9, line 10, by inserting after the word
4 "institution." the following: "The state board of
5 regents shall investigate, review, and adopt a written
6 policy permitting the compensation of collegiate
7 athletes, who are enrolled in any of the universities
8 under its control and participating in a university-
9 sponsored athletic program, by the university, alumni,
10 or other interested persons. "Compensation" includes,
11 but is not limited to, scholarships, available
12 financial awards or resources, motor vehicles, real or
13 personal property, or anything of value. The state
14 board shall provide the policy to the presidents,
15 athletic directors, and departments of athletics of
16 the universities under its control and the policy
17 shall become effective upon the adoption of a similar
18 policy by five schools of the "Big 10 Conference" or
19 by a majority of schools representing any other
20 athletic conference recognized by the national
21 collegiate athletic association."

TOM MANN, Jr.

HOUSE AMENDMENT TO
SENATE FILE 2018

S-5766

1 Amend Senate File 2018, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 3, by striking the figure
4 "255C.35" and inserting the following: "225C.35".
5 2. Page 2, lines 1 and 2, by striking the
6 following: " , on or before the effective date of this
7 Act,".

HOUSE AMENDMENT TO
SENATE FILE 2091

S-5767

1 Amend Senate File 2091 as passed by the Senate as
2 follows:

3 1. Page 1, line 4, by striking the words
 4 "~~residence or hospital public or private~~" and
 5 inserting the following: "residence or ~~hospital~~
 6 public".

HOUSE AMENDMENT TO
 SENATE FILE 2106

S-5768

1 Amend Senate File 2106, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 1, by striking lines 5 and 6 and in-
 4 serting the following:
 5 "2. The department, working in conjunction with
 6 the department of natural resources, shall identify
 7 existing stocks of chlordane, shall formulate
 8 recommendations for the safe disposal of existing
 9 stocks of chlordane, and shall make those
 10 recommendations available to the owners of existing
 11 stocks of chlordane."

HOUSE AMENDMENT TO
 SENATE FILE 2238

S-5769

1 Amend Senate File 2238, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 12, line 26, by inserting after the word
 4 "organization," the following: "a corporation
 5 organized under chapter 496A,".
 6 2. Page 35, line 18, by striking the word
 7 "supervisor" and inserting the following:
 8 "superintendent".
 9 3. Page 51, line 25, by inserting after the word
 10 "Sections" the following: "135.43, 135.44,".
 11 4. Title page, by striking line 5 and inserting
 12 the following: "provisions, remove ambiguities and
 13 providing effective dates."
 14 5. By renumbering, relettering, or redesignating
 15 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE JOINT RESOLUTION 2006

S-5770

- 1 Amend Senate Joint Resolution 2006 as passed by the
2 Senate as follows:
3 1. Title page, line 4, by inserting after the
4 word "abuse" the following: "and providing an
5 effective date".

HOUSE AMENDMENT TO
SENATE FILE 2259

S-5771

- 1 Amend Senate File 2259 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, line 6, by striking the word
4 "Lienholder" and inserting the following: "Claimant".
5 2. Page 1, line 26, by inserting after the figure
6 "562C.8" the following: "provided that there is no
7 lien on the mobile home or personal property other
8 than a tax lien pursuant to chapter 135D. For
9 purposes of this chapter, a lien exists only if the
10 real property owner receives notice of a lien on the
11 standardized registration form completed by a tenant
12 pursuant to section 562B.27, subsection 3, or a lien
13 has been filed in state or county records on a date
14 before the mobile home is considered to be abandoned."
15 3. Page 2, line 24, by inserting after the word
16 "located" the following: "provided that there is no
17 lien on the mobile home or personal property other
18 than a tax lien pursuant to chapter 135D".
19 4. Page 3, line 9, by striking the figure "60"
20 and inserting the following: "62".
21 5. Page 3, by striking lines 13 through 30 and
22 inserting the following:
23 "3. If a lien exists on the mobile home or
24 personal property, the real property owner shall
25 notify the county treasurer of each county in which a
26 tax lien appears by restricted certified mail sent not
27 less than ten days before the hearing. The notice
28 shall describe the mobile home and shall state the
29 date and time at which the hearing is scheduled, and
30 the county treasurer's right to assert a claim to the
31 mobile home at the hearing. The notice shall also

32 state that failure to assert a claim to the mobile
33 home is deemed a waiver of all right, title, claim,
34 and interest in the mobile home and is deemed consent
35 to the sale or disposal of the mobile home.”
36 6. Page 4, line 15, by striking the word “,
37 lienholder.”
38 7. Page 4, line 17, by striking the word “,
39 lienholder.”
40 8. Page 5, line 2, by striking the word “,
41 lienholder.”
42 9. Page 5, by striking lines 15 and 16 and
43 inserting the following: “property and any tax lien.
44 The”.
45 10. By striking page 5, line 25 through page 6,
46 line 1 and inserting the following:
47 “b. Second, to satisfy any tax lien for which a
48 claim was asserted pursuant to section 562C.4,
49 subsection 3.”
50 11. Page 6, lines 3 and 4, by striking the words

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1 “one year” and inserting the following: “six months”.
2 12. Page 6, line 13, by striking the word “,
3 lienholder.”
4 13. Page 6, lines 16 and 17 by striking the words
5 “a person entitled to be sent notice,” and inserting
6 the following: “the mobile home owner or other
7 claimant”.
8 14. Page 6, by striking lines 24 through 26 and
9 inserting the following: “the judgment of the real
10 property owner and any tax lien.”
11 15. Page 6, line 33, by inserting the figure “3.”
12 the following: “If the personal property is a motor
13 vehicle to which section 321.90 applies, the real
14 property owner shall present the order for disposal
15 obtained pursuant to section 562C.8, subsection 3, to
16 the police authority to obtain a certificate of
17 authority to dispose of the motor vehicle pursuant to
18 section 321.90, subsection 2.”
19 16. Page 7, line 26, by inserting after the word
20 “manner.” the following: “A disposition approved in
21 any judicial proceeding shall be deemed conclusively
22 to be commercially reasonable.”
23 17. Page 8, by striking lines 12 through 18 and
24 inserting the following: “method prescribed by the
25 department of transportation. Two copies are to be
26 provided to the company or person transporting the
27 mobile home with one copy to be carried in the vehicle
28 transporting the mobile home. One copy is to be

29 forwarded to the county treasurer of the county in
30 which the mobile home is to be relocated and one copy
31 is to be retained by the county treasurer issuing the
32 tax clearance statement.”

33 18. Page 10, by striking lines 1 through 16 and
34 inserting the following:

35 “a. If a tenant abandons a mobile home on a mobile
36 home space, the landlord shall notify the mobile home
37 owner or other claimant of the mobile home and
38 communicate to that person that the person is liable
39 for any costs incurred for the mobile home space,
40 including rent and utilities due and owing. However,
41 the person is only liable for costs incurred ninety
42 days before the landlord’s communication. After the
43 landlord’s communication, costs for which liability is
44 incurred shall then become the responsibility of the
45 mobile home owner or other claimant of the mobile
46 home. The mobile home shall not be removed from the
47 mobile home space without a signed written agreement
48 from the landlord showing clearance for removal, and
49 that all debts are paid in full, or an agreement
50 reached with the mobile home owner or other claimant

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1 and the landlord.

2 b. If there is no lien on the mobile home other
3 than a lien for taxes, the landlord shall follow the
4 procedure in chapter 562C to dispose of the mobile
5 home.”

6 19. Page 11, by inserting after line 3 the
7 following:

8 “Sec. ____ . Section 135D.24, subsection 4, Code
9 Supplement 1987, is amended to read as follows:

10 4. The tax is a lien on the vehicle senior to any
11 other lien upon it except a judgment obtained in an
12 action to dispose of an abandoned mobile home under
13 section 562C.8. The mobile home bearing a current
14 registration issued by any other state and remaining
15 within this state for an accumulated period not to
16 exceed ninety days in any twelve-month period is not
17 subject to Iowa tax. However, when one or more
18 persons occupying a mobile home bearing a foreign
19 registration are employed in this state, there is no
20 exemption from the Iowa tax. This tax is in lieu of
21 all other taxes general or local on a mobile home.”

22 20. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2318

S-5772

1 Amend Senate File 2318 as passed by the Senate as
2 follows:

3 1. Page 1, line 15, by inserting after the word
4 "law." the following: "However, a person who earns
5 less than one thousand dollars annually or who
6 performs work or has work performed on the person's
7 own property is not a contractor for purposes of this
8 chapter."

9 2. Page 1, by striking lines 16 through 20 and
10 inserting the following:

11 "2. If a contractor's registration application
12 shows that the contractor is self-employed, does not
13 pay more than one thousand dollars annually to employ
14 other persons in the business, and does not work with
15 or for other contractors in the same phases of
16 construction, the contractor is exempt from the fee
17 requirements under this chapter."

18 3. Page 1, line 29, by inserting after the word
19 "coverage" the following: "annually".

20 4. Page 1, line 31, by inserting after the figure
21 "87.2." the following: "Notice of a policy's
22 cancellation shall be provided to the labor
23 commissioner by the insurance company."

24 5. Page 2, line 23, by inserting after the word
25 "dollars." the following: "A contractor who is in
26 compliance with the requirements listed in section
27 549.2 shall be exempt from this fee."

28 6. Page 2, by inserting after line 35 the
29 following:

30 "When soliciting or performing work, the
31 contractor's public registration number shall be
32 prominently displayed."

33 7. Page 3, by inserting after line 25 the
34 following:

35 "c. The requirement that a contractor prominently
36 display the public registration number."

37 8. Page 6, line 8, by striking the word "January"
38 and inserting the following: "April".

HOUSE AMENDMENT TO
SENATE FILE 2296

S-5773

- 1 Amend Senate File 2296, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the words "private
4 health care benefit plans and".
- 5 2. Page 1, by striking lines 9 through 22 and
6 inserting the following: "education."
- 7 3. Page 1, lines 29 and 30, by striking the words
8 " federal agencies, and private health care
9 providers" and inserting the following: "and federal
10 agencies".
- 11 4. Page 1, lines 32 and 33, by striking the words
12 "and private health care benefit plans".
- 13 5. Page 2, lines 1 and 2, by striking the words
14 "and private health care providers".
- 15 6. Page 2, by striking lines 10 through 21.
- 16 7. By striking page 2, line 26, through page 3,
17 line 3, and inserting the following: "to federally
18 funded health care programs."
- 19 8. Page 3, line 13, by inserting after the figure
20 "1988." the following: "Retroactive Title XIX billing
21 is contingent upon state plan approval."
- 22 9. Page 3, by striking lines 24 through 32 and
23 inserting the following:
24 "10. Students or their parents or guardians
25 covered by a federal health care program shall provide
26 health care information to an area education agency or
27 local school district."
- 28 10. Page 4, by striking lines 10 through 15 and
29 inserting the following: "audiological services
30 provided by an area education agency. It is"
- 31 11. Page 4, line 17, by striking the words and
32 figures "prior to July 1, 1988" and inserting the fol-
33 lowing: "as soon after July 1, 1988, as possible".
- 34 12. Page 4, line 18, by inserting after the
35 figure "1988" the following: "if state plan approval
36 is secured".
- 37 13. Title page, lines 1 and 2, by striking the
38 words "private health care benefit plans and".
- 39 14. Title page, line 4, by inserting after the
40 word "education" the following: "and providing an
41 effective date".

HOUSE AMENDMENT TO
SENATE FILE 302

S-5774

1 Amend Senate File 302 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 225C.22, Code 1987, is amended
6 to read as follows:

7 225C.22 CENTRAL REGISTRY FOR BRAIN INJURIES.

8 1. As used in this section and section 225C.23,
9 "brain injury" means clinically evident brain damage
10 resulting directly or indirectly from trauma,
11 infection, anoxia, ~~or~~ vascular lesions, or spinal cord
12 injuries not primarily related to degenerative or
13 aging processes, which temporarily or permanently
14 impairs a person's physical or cognitive functions.

15 2. The director shall establish and maintain a
16 central registry of persons with brain injuries in
17 order to facilitate the provision of appropriate
18 rehabilitative services to the persons by the
19 department and other state agencies. ~~Hospitals and~~
20 ~~attending~~ Attending physicians shall report a brain
21 injury to the director within seven days after
22 identification of the person sustaining a brain
23 injury. Hospitals shall report a brain injury to the
24 director no later than forty-five days after the close
25 of a quarter in which the patient was discharged. The
26 report shall contain the name, age and residence of
27 the person, the date, type, and cause of the brain
28 injury, and additional information as the director
29 requires, except that hospitals shall not be required
30 to report the Glasgow coma scales. The director shall
31 consult with health care providers concerning the
32 availability of additional relevant information. The
33 department shall maintain the confidentiality of all
34 information which would identify any person named in a
35 report. However, the identifying information may be
36 released for bona fide research purposes if the
37 confidentiality of the identifying information is
38 maintained by the researchers, or the identifying
39 information may be released by the person with the
40 brain injury or by the person's guardian or, if the
41 person is a minor, by the person's parent or
42 guardian."

43 2. Page 1, line 7, by striking the following: "

- 44 the civil rights commission.”
45 3. Page 1, by striking lines 12 through 19.

S-5775

- 1 Amend House File 2155 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 6 the
4 following:
5 “Sec. ____ . Section 280.14, Code 1987, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The board of directors
8 of a school district may contract with the department
9 of corrections to provide for removal of asbestos from
10 the district’s facilities under chapter 88B.”

RAY TAYLOR

S-5776

- 1 Amend House File 2278, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 6, by striking lines 30 through 32 and
4 inserting the following:
5 “~~When If~~ a person eighteen years of age or older is
6 convicted of a simple or serious misdemeanor and a
7 specific penalty is not provided for or if a person
8 under eighteen years of age has been waived to adult
9 court pursuant to section 232.45 on a felony charge
10 and is subsequently convicted of a simple, serious, or
11 aggravated misdemeanor, the court shall determine the
12 sentence, and”.

JACK HESTER

S-5777

- 1 Amend House File 2348 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. ____ . Section 364.17, subsection 3,
6 unnumbered paragraph 1, Code 1987, is amended to read
7 as follows:
8 A city which adopts or is subject to a housing code
9 under this section shall adopt enforcement procedures,
10 which shall include a program for ~~regular rental~~

11 ~~inspections~~; rental inspections upon receipt of
12 complaints, and certification of inspected rental
13 housing, and may include but are not limited to the
14 following:"
15 2. By renumbering sections.

HURLEY W. HALL

S-5778

1 Amend House File 2354 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 13, the
4 following:
5 "4. For the purposes of this section, radon
6 abatement systems shall be classified as mechanical
7 ventilation systems."

RICHARD VARN

S-5779

1 Amend the amendment, S-5537, to House File 2419, as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, line 4, by inserting after the figure
5 "282.11," the following: "or as provided under
6 section 282.7, subsection 3, pursuant to House File
7 2190, if House File 2190 is enacted by the Seventy-
8 second General Assembly, 1988 Session".

DALE TIEDEN
LARRY MURPHY

S-5780

1 Amend the House amendment, S-5753, to Senate File
2 2309 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 2, by inserting after line 5 the
5 following:
6 "___ . Page 3, line 22, by striking the figure
7 "14,535" and inserting the following: "19,535".

EDGAR H. HOLDEN

S-5781

1 Amend the House amendment, S-5739, to Senate File
2 2070, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. By striking page 1, line 49 through page 2,
5 line 2, and inserting the following: "apply to a
6 driver for a private carrier, which is not for hire
7 and which is engaged exclusively in intrastate
8 commerce, when the driver's commercial vehicle is not
9 operated more than one hundred miles from the driver's
10 work reporting location."

RICHARD F. DRAKE

S-5782

1 Amend the House amendment, S-5710, to Senate File
2 2310, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 39 through 43.
5 2. Page 1, by striking lines 47 and 48.
6 3. Page 1, by striking lines 49 and 50.
7 4. Page 2, line 9, by inserting after the word
8 "the" the following: "emergency medical services
9 account of the".
10 5. Page 2, by inserting after line 22, the
11 following:
12 " . Page 17, line 17, by inserting after the
13 figure "1989." the following: "Four thousand (4,000)
14 dollars of the moneys appropriated under this section
15 shall be used for the payment of interpretation
16 services contracted by the division of deaf services
17 for the fiscal period beginning July 1, 1988, and
18 ending June 30, 1989."
19 _____. By striking page 18, line 14 through page
20 19, line 22."
21 6. Page 2, line 26, by striking the word "FUND"
22 and inserting the following: "ACCOUNT".
23 7. Page 2, line 27, by striking the word "fund"
24 and inserting the following: "account".
25 8. Page 2, by striking lines 34 through 36 and
26 inserting the following: "medical services account of
27 the general fund of the state to be used for the
28 funding of emergency".
29 9. Page 2, line 42, by striking the word

30 "driver's" and inserting the following: "motor
31 vehicle".

32 10. Page 2, line 46, by striking the word "fund"
33 and inserting the following: "account".

34 11. By striking page 2, line 47 through page 6,
35 line 4.

36 12. Page 6, by inserting after line 4, the
37 following:

38 "____. Page 19, by inserting after line 33, the
39 following:

40 "DIVISION OF CRIMINAL AND JUVENILE JUSTICE
41 PLANNING.

42 Sec. ____ . NEW SECTION. 601K.131 DEFINITIONS.

43 For the purpose of this subchapter, unless the
44 context otherwise requires:

45 1. "Council" means the criminal and juvenile
46 justice advisory council.

47 2. "Division" means the division of criminal and
48 juvenile justice planning.

49 3. "Administrator" means the administrator of the
50 division of criminal and juvenile justice planning.

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1 Sec. ____ . NEW SECTION. 601K.132 COUNCIL
2 ESTABLISHED --TERMS -- COMPENSATION.

3 A criminal and juvenile justice advisory council is
4 established consisting of thirteen members. The
5 governor shall appoint seven members each for a four-
6 year term beginning and ending as provided in section
7 69.19 and subject to confirmation by the senate as
8 follows:

9 1. Three persons, each of whom is a county
10 supervisor, county sheriff, mayor, city chief of
11 police, or county attorney.

12 2. Two persons who represent the general public
13 and are not employed in any law enforcement, judicial,
14 or corrections capacity.

15 3. Two persons who are knowledgeable about Iowa's
16 juvenile justice system.

17 The departments of human rights, human services,
18 corrections, and public safety, the attorney general,
19 and the chief justice of the supreme court shall each
20 designate a person to serve on the council.

21 Members of the council shall receive reimbursement
22 from the state for actual and necessary expenses
23 incurred in the performance of their official duties.
24 Members may also be eligible to receive compensation
25 as provided in section 7E.3.

26 Sec. ____ . NEW SECTION. 601K.133 DUTIES.

27 The council shall do all of the following:

- 28 1. Identify issues and analyze the operation and
29 impact of present criminal and juvenile justice policy
30 and make recommendations for policy changes.
 - 31 2. Coordinate with data resource agencies to
32 provide data and analytical information to federal,
33 state, and local governments, and assist agencies in
34 the use of criminal and juvenile justice data.
 - 35 3. Report criminal and juvenile justice system
36 needs to the governor, the general assembly, and other
37 decision makers to improve the criminal and juvenile
38 justice system.
 - 39 4. Provide technical assistance upon request to
40 state and local agencies.
 - 41 5. Administer federal funds and funds appropriated
42 by the state or that are otherwise available for
43 study, research, investigation, planning, and
44 implementation in the areas of criminal and juvenile
45 justice.
 - 46 6. Make grants to cities, counties, and other
47 entities pursuant to applicable law.
- 48 Sec. ____ . NEW SECTION. 601K.134 ADMINISTRATOR.
49 The administrator shall be responsible to the
50 council, and pursuant to section 601K.2, with the

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- 1 approval of the council, shall employ and supervise
2 other persons necessary to carry out the programs and
3 policies established by the council.
- 4 Sec. ____ . NEW SECTION. 601K.135 PLAN AND REPORT.
5 Beginning in 1989, and every five years thereafter,
6 the division shall develop a twenty-year criminal and
7 juvenile justice plan for the state which shall
8 include ten-year, fifteen-year, and twenty-year goals
9 and a comprehensive five-year plan for criminal and
10 juvenile justice programs. The five-year plan shall
11 be updated annually and each twenty-year plan and
12 annual updates of the five-year plan shall be
13 submitted to the governor and the general assembly by
14 February 1.
- 15 Sec. ____ . NEW SECTION. 601K.136 STATISTICAL
16 ANALYSIS CENTER.
17 The division shall maintain an Iowa statistical
18 analysis center for the purpose of coordinating with
19 data resource agencies to provide data and analytical
20 information to federal, state, and local governments,
21 and assist agencies in the use of criminal and
22 juvenile justice data. The division of criminal and
23 juvenile justice planning and the statistical analysis

24 center are considered criminal justice agencies for
25 the purposes of receiving criminal history data.””

26 13. Page 6, by striking lines 8 through 10 and
27 inserting the following:

28 “ — . Page 22, by striking line 30 and inserting
29 the following:

30 “7. Division ~~for the blind of criminal and~~
31 juvenile justice planning.

32 Sec. — . Section 601K.3, subsection 1, Code 1987,
33 is amended to read as follows:

34 1. A human rights policy-coordinating council
35 composed of ~~seven eight~~ members is created within the
36 department of human rights. The council is composed
37 of the administrators within the department.”

38 — . Page 23, by inserting after line 6, the
39 following:

40 “Sec. — . Chapter 80C, Code 1987, is repealed.””

41 14. Page 6, by striking lines 12 and 13, and
42 inserting the following: “the following:

43 “establishing a division of criminal and juvenile
44 justice planning, creating an emergency medical.””

45 15. Page 6, lines 14 and 15, by striking the
46 words “driver’s licenses” and inserting the following:
47 “motor vehicle licenses”.

AL STURGEON

S-5783

- 1 Amend amendment S-5754 to House File 2155 as
- 2 amended, passed, and reprinted by the House as follows:
- 3 1. Page 1, line 11, by striking the word “may”
- 4 and inserting the following: “~~may~~ shall”.

C. JOSEPH COLEMAN

S-5784

- 1 Amend amendment S-5759 to House File 2269, as
- 2 passed by the House, as follows:
- 3 1. Page 5, by striking line 9 and inserting the
- 4 following:
- 5 “5. Iowa railroad association.”

HURLEY W. HALL

S-5785

1 Amend House File 2285, as passed by the House, as
2 follows:

3 1. Page 11, by inserting after line 15 the
4 following:

5 "Sec. ____ . Section 427.3, subsection 5, Code 1987,
6 is amended to read as follows:

7 5. The provisions of this section shall apply to
8 personal property held in partnership but not in
9 excess of the value of the veteran's share actually
10 held. Wherever the word "soldier" shall appear in
11 this chapter, it shall be construed to include,
12 without limitation, the members of the United States
13 air force and the United States merchant marine."

JOE WELSH

HOUSE AMENDMENT TO
SENATE FILE 2314

S-5786

1 Amend Senate File 2314 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 7, by striking line 11 and inserting the
4 following: "million three hundred fifty-six thousand
5 (16,356,000)".

6 2. Page 7, line 15, by striking the words "forty-
7 three" and inserting the following: "forty-eight
8 point five".

9 3. Page 7, line 19, by striking the words "the
10 federal Highway Safety Act program" and inserting the
11 following: "federal Highway Safety Act programs".

12 4. Page 8, by inserting after line 9 the
13 following:

14 "An employee of the department of public safety or
15 its successor who retires after the effective date of
16 this Act is eligible for payment of life or health
17 insurance premiums as provided for in the collective
18 bargaining agreement covering the public safety
19 bargaining unit at the time of retirement if that
20 employee previously served in a position which would
21 have been covered by the agreement. The employee
22 shall be given credit for the service in that prior
23 position as though it were covered by that agreement.
24 This section shall not operate to reduce any
25 retirement benefits an employee may have earned under
26 other collective bargaining agreements or retirement
27 programs."

28 5. Page 8, line 18, by striking the word
29 "patroling" and inserting the following:
30 "patrolling".

31 6. Page 9, by striking lines 14 and 15 and
32 inserting the following: "raise at least an
33 additional one million one hundred ninety-four
34 thousand nine hundred twenty-nine (1,194,929) dollars
35 in receipts and federal funds."

36 7. Page 14, by inserting after line 3 the
37 following:

38 "Sec. ____ . There is appropriated to the state
39 department of transportation from the revenue to be
40 credited to the road use tax fund under section
41 423.24, subsection 1, paragraph "b", for the fiscal
42 year beginning July 1, 1988, and ending June 30, 1989,
43 the sum of two hundred thousand (200,000) dollars, or
44 so much thereof as is necessary, for the purposes of a
45 study and pilot projects to evaluate gaps in the
46 federal aviation weather collection and dissemination
47 system in Iowa. The results of the pilot projects and
48 the study shall be used to make recommendations for a
49 comprehensive, coordinated statewide system to meet
50 the needs of Iowa aviation. The study shall be

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1 independently conducted but administered by the state
2 department of transportation. The pilot projects
3 shall include one weather observer only system and one
4 semiautomated system. The moneys appropriated under
5 this section shall be repaid to the road use tax fund
6 from the state aviation fund. For the fiscal year
7 beginning July 1, 1989, and each fiscal year
8 thereafter there is appropriated from the state
9 aviation fund to the road use tax fund the sum of
10 forty thousand (40,000) dollars annually until the
11 full amount of the appropriation under this section
12 has been repaid to the road use tax fund."

13 8. Page 14, by striking lines 4 through 18.

14 9. Page 14, by striking lines 25 through 31.

15 10. Page 15, by inserting after line 14 the
16 following:

17 "Sec. ____ . Section 100.35, Code 1987, is amended
18 by adding the following new unnumbered paragraph:
19 NEW UNNUMBERED PARAGRAPH. The rules adopted by the
20 state fire marshal under this section shall provide
21 standards for fire resistance of cellulose insulation
22 sold or used in this state, whether for public or
23 private use. The rules shall provide for approval of
24 the cellulose insulation by at least one nationally

25 recognized independent testing laboratory.”

26 11. Page 15, by striking lines 15 through 34.

27 12. By striking page 17, line 31 through page 18,
28 line 6.

29 13. Page 18, line 14, by striking the words “one
30 fortieth” and inserting the following: “one fortieth
31 one-twentieth”.

32 14. Page 18, by inserting after line 27 the
33 following:

34 “2. The treasurer of state, before making the
35 allotments provided for in section 312.2, shall credit
36 for the fiscal year beginning July 1, 1988, and ending
37 June 30, 1989, to the state department of
38 transportation one hundred thousand dollars from the
39 road use tax fund from revenue credited to the road
40 use tax fund under section 423.24, subsection 1,
41 paragraph “b”. The state department of transportation
42 shall expend the moneys to carry out the statewide
43 trails development plan provided for in section
44 111F.2.”

45 15. Page 18, by inserting before line 28 the
46 following:

47 “Sec. ____ . Section 321.44, Code 1987, is amended
48 to read as follows:

49 321.44 REGULATIONS GOVERNING CHANGE OF MOTORS
50 ENGINES, DRIVETRAIN ASSEMBLIES AND RELATED PARTS.

Page 3

1 The director is ~~authorized to~~ shall adopt and
2 enforce such rules governing registration and titling
3 of motor vehicles as may be deemed necessary by the
4 director and compatible with the public interest with
5 respect to the change or substitution of ~~one engine in~~
6 place of another engines, drivetrain assemblies or
7 related parts in any motor vehicle.”

8 16. Page 19, line 31, by striking the words “one
9 million four” and inserting the following: “nine”.

10 17. Page 20, by striking line 12 and inserting
11 the following: “or this chapter through one of the
12 department’s computer terminals or through a computer
13 printout generated by the department.”

14 18. Page 20, line 13, by striking the word
15 “printout.”

16 19. Page 20, by striking lines 15 through 18 and
17 inserting the following: “impose a fee of one dollar
18 for each of the first five operating records viewed
19 within a calendar day and two dollars for each
20 additional operating record viewed within the calendar
21 day.”

22 20. Page 20, line 32, by inserting before the
23 word "the" the following: "except as provided in
24 subsection 5."

25 21. Page 20, line 34, by striking the words "this
26 section." and inserting the following: "subsection 1.
27 Should the director make available copies of abstracts
28 of operating records on magnetic tape or on disk or
29 through electronic data transfer, the five dollar fee
30 under subsection 1 applies to each abstract supplied."

31 22. Page 21, line 30, by striking the figure
32 "1989" and inserting the following: "~~1989~~ 1994".

33 23. Page 21, by inserting after line 30 the
34 following:

35 "Each entity which has received a loan pursuant to
36 this section shall have repaid twenty percent of the
37 total amount of the loan by June 30, 1990, forty
38 percent of the total amount of the loan by June 30,
39 1991, sixty percent of the total amount of the loan by
40 June 30, 1992, eighty percent of the total amount of
41 the loan by June 30, 1993, and the total amount of the
42 loan by June 30, 1994. If an entity fails to make a
43 loan repayment as required under this section, the
44 entire amount of the loan is immediately due and
45 payable."

46 24. Page 24, by inserting after line 3 the
47 following:

48 "Sec. 777. 1987 Iowa Acts, chapter 233, section
49 120, is amended by adding the following new
50 subsection:

Page 4

1 NEW SUBSECTION. 7. There is appropriated from the
2 road use tax fund of the state to the state department
3 of transportation, administrative services, for the
4 fiscal year beginning July 1, 1987, the sum of four
5 hundred thousand (400,000) dollars, or so much thereof
6 as may be necessary for the purposes of information
7 processing adjustments. Section 8.33 does not apply
8 to the funds appropriated by this subsection.
9 However, unencumbered or unobligated funds remaining
10 on June 30, 1989, from funds appropriated under this
11 subsection shall revert to the road use tax fund of
12 the state on July 1, 1989."

13 25. Page 24, by inserting before line 19 the
14 following:

15 "Sec. ____ . The legislative fiscal bureau shall
16 conduct a study evaluating the administration of the
17 department of public safety specifically identifying
18 areas of duplication or overlap of functions within

19 the department of public safety and with other
20 departments, and reviewing the organizational
21 structure of the department of public safety. The
22 department of public safety and other state
23 departments and agencies shall cooperate with the
24 legislative fiscal bureau in the study. The study
25 shall, upon completion, be presented to the members of
26 the general assembly."

27 26. Page 24, line 33, by inserting after the word
28 "agencies" the following: "which are".

29 27. Page 25, by striking lines 2 through 5.

30 28. Page 25, by inserting before line 6 the
31 following:

32 "Sec. ____ . The state department of transportation
33 shall adopt rules pursuant to section 325.26,
34 subsection 1, paragraph "d", providing for lesser
35 levels of financial responsibility for intrastate
36 passenger motor carriers. The rules shall not
37 establish a minimal level of financial responsibility
38 for intrastate passenger motor carriers in excess of
39 one million dollars aggregate."

40 29. Page 25, by inserting before line 6 the
41 following:

42 "Sec. 707. Senate File 2196 appropriated moneys to
43 the state department of transportation for a network
44 of commercial and industrial highways and other
45 expenditures. However, the bill does not require a
46 plan or budget for expenditures to be submitted. In
47 order to effectively track the use of these moneys,
48 the state department of transportation shall submit a
49 spending plan on moneys appropriated to it under
50 Senate File 2196 prior to an expenditure of moneys

Page 5

1 appropriated under Senate File 2196 to the legislative
2 fiscal bureau and each member of the fiscal committee
3 of the legislative council. The state department of
4 transportation shall report to the legislative fiscal
5 bureau and each member of the fiscal committee of the
6 legislative council by January 1, 1989, expenditures
7 made to date in regard to moneys appropriated to the
8 department under Senate File 2196. The state
9 department of transportation shall include in future
10 long range programs adopted pursuant to section
11 307A.2, subsection 12, spending plans on moneys
12 appropriated to it under Senate File 2196. The state
13 department of transportation's budget request for the
14 fiscal year beginning July 1, 1989, and ending June
15 30, 1990, shall address any full-time equivalent

16 positions required for the implementation of Senate
 17 File 2196.”
 18 30. Page 25, line 8, by inserting after the
 19 figure “32,” the following: “35 through 40.”
 20 31. Page 25, line 8, by inserting after the
 21 figure “47,” the following: “707.”
 22 32. Page 25, line 8, by inserting after the
 23 figure “47,” the following: “777.”
 24 33. Title page, line 2, by striking the words
 25 “general services.”
 26 34. Title page, line 6, by inserting after the
 27 word “purchases,” the following: “mandating adoption
 28 of rules governing registration and titling of motor
 29 vehicles.”
 30 35. By renumbering, relettering, or redesignating
 31 and correcting internal references as necessary.

S-5787

1 Amend amendment S-5758 to House File 2285, as
 2 passed by the House as follows:
 3 1. Page 1, by inserting after line 5, the
 4 following:
 5 “ . Page 13, by striking lines 4 through 12.
 6 . Page 13, by striking lines 13 through 22.”

JOE J. WELSH

S-5788

1 Amend amendment S-5759 to House File 2269, as
 2 passed by the House, as follows:
 3 1. Page 5, by inserting after line 10 the follow-
 4 ing:
 5 “7. Iowa corn growers association.
 6 8. Iowa soybean association.”

JOHN A. PETERSON
 JACK HESTER

S-5789

1 Amend the House amendment S-5735 to Senate File
 2 2239 as amended, passed, and reprinted by the Senate

3 as follows:

4 1. Page 1, by striking lines 3 through 8.

TOM MANN Jr.

S-5790

1 Amend the House amendment, S-5750, to Senate File
2 2135, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 36 through 42 and
4 inserting the following: "subject to a penalty of ten
5 dollars for each day the grain dealer or warehouse
6 operator is delinquent or an amount equal to the
7 amount of the deficiency, whichever is less. The
8 department may establish and apply a margin of error
9 in determining whether a grain dealer or warehouse
10 operator is delinquent. If the per-bushel fee has not
11 been".

EMIL HUSAK
JOHN E. SOORHOLTZ
ALVIN MILLER
EUGENE FRAISE

S-5791

1 Amend amendment, S-5372, to House File 2283, as
2 amended, passed and reprinted by the House, as
3 follows:
4 1. Page 1, by striking line 6 and inserting the
5 following: "paragraphs a and c, Code 1987, are
6 amended to read as follows:".
7 2. Page 1, by striking line 15 and inserting the
8 following: "persons so related;
9 c. Sixty percent of the gross revenues of the
10 corporation over the last consecutive three-year
11 period comes from farming; and
12 Sec. ____ . Section 172C.1, subsection 8, Code 1987,
13 is amended by adding the following new lettered
14 paragraph:
15 NEW LETTERED PARAGRAPH. d. The person managing or
16 supervising the day-to-day farming operations on the
17 agricultural land must be a voting stockholder of the

18 corporation and must be related to a majority of the
19 other stockholders as provided in paragraph "a".

LARRY MURPHY
JIM RIORDAN
RICHARD VARN

S-5792

1 Amend the House amendment, S-5786, to Senate File
2 2314 as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 44 the
5 following:
6 "____. Page 18, by inserting before line 28 the
7 following:
8 "Sec. ____ . NEW SECTION. 312.2B MAXIMUM
9 APPROPRIATION TO DEPARTMENT OF PUBLIC SAFETY FROM ROAD
10 USE TAX FUND.
11 For the fiscal year beginning July 1, 1987, and
12 ending June 30, 1988, no more than twenty-one million
13 dollars shall be appropriated from the road use tax
14 fund to the department of public safety, division of
15 highway safety and uniformed force. For each
16 succeeding fiscal year the maximum appropriation from
17 the road use tax fund to the department of public
18 safety, division of highway safety and uniformed
19 force, shall be reduced by two point one million
20 dollars. For fiscal years beginning on or after July
21 1, 1997, no moneys shall be appropriated from the road
22 use tax fund to the department of public safety,
23 division of highway safety and uniformed force.""

JOHN W. JENSEN
C. JOSEPH COLEMAN
JACK W. HESTER
WILMER RENSINK
RICHARD VANDE HOEF
LINN FUHRMAN
EDGAR H. HOLDEN
HURLEY W. HALL
KENNETH SCOTT
NORMAN J. GOODWIN
JOY CORNING
BERL E. PRIEBE
JIM RIORDAN
DALE TIEDEN
JIM LIND
LEONARD L. BOSWELL
RICHARD F. DRAKE
JACK NYSTROM
JACK RIFE

JOHN E. SOORHOLTZ
LEE W. HOLT
DAVID READINGER
EMIL HUSAK
RAY TAYLOR
EUGENE FRAISE

S—5793

1 Amend House File 2396 as passed by the House, as
2 follows:

DIVISION S—5793A

- 3 1. Page 9; line 3, by striking the words “twelve
4 directors, seven” and inserting the following:
5 “eighteen directors, ten”.
6 2. Page 9, line 4, by striking the word “five”
7 and inserting the following: “eight”.
8 3. Page 9, line 5, by striking the word “seven”
9 and inserting the following: “ten”.
10 4. Page 9, by inserting after line 13 the
11 following:
12 “h. The administrators of the divisions of the
13 status of women, of Spanish-speaking people, and of
14 the status of blacks.
15 i. Or the designees of the officials named in
16 paragraphs “a” through “h.”
17 5. Page 9, line 14, by inserting after the word
18 “department” the following: “, or the director’s
19 designee.”
20 6. Page 9, line 16, by inserting after the word
21 “corporation” the following: “, or the president’s
22 designee.”

DIVISION S—5793B

- 23 7. Page 9, line 25, by inserting before the word
24 “The” the following: “To the extent practicable, the
25 makeup of the private directors shall reflect the
26 percentage of women and minorities in the general
27 population of the state.”

BEVERLY A. HANNON
TOM MANN, Jr.
JIM RIORDAN
JIM LIND
DAVID READINGER
JOY CORNING

S-5794

1 Amend House File 2285, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the fol-
4 lowing:

5 "Sec. ____ . Section 98.6, subsection 5, Code 1987,
6 is amended by striking the subsection."

7 2. Page 1, by inserting after line 20 the fol-
8 lowing:

9 "Sec. ____ . Section 123.37, Code 1987, is amended
10 to read as follows:

11 123.37 EXCLUSIVE POWER TO LICENSE AND LEVY TAXES.

12 The power to establish licenses and permits and
13 levy taxes as imposed in title VI of the Code is
14 vested exclusively with the state. Unless
15 specifically provided, ~~no a~~ local authority shall ~~levy~~
16 ~~a local tax on the sale of alcoholic beverages, wine,~~
17 ~~or beer,~~ not require the obtaining of a special
18 license or permit for ~~such the sale of alcoholic~~
19 beverages, wine, or beer at any establishment, or
20 require the obtaining of a license by any person as a
21 condition precedent to the person's employment in the
22 sale, serving, or handling of alcoholic beverages,
23 wine, or beer, within an establishment operating under
24 a license or permit."

MICHAEL E. GRONSTAL

S-5795

1 Amend the House amendment, S-5709, to Senate File
2 2284, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 36 the
5 following:

6 "Employees of a self-insured employer, and agents
7 of a self-insured employer which have not filed a
8 statement with the commissioner of insurance pursuant
9 to subsection 1, shall not be granted routine or
10 ongoing access to mental health information unless the
11 employees or agents have signed a statement indicating
12 that they are aware that the information shall not be
13 used or disclosed except as provided in this
14 subsection and that they are aware of the penalty for
15 unauthorized disclosure."

16 2. Page 1, by inserting after line 46, the
17 following:

18 “___ . Page 1, line 1, by striking the words
 19 “subsection 1, Code 1987, is” and inserting the
 20 following: “subsections 1 and 8, Code 1987, are”.”

21 ___ . Page 1, by inserting after line 11, the
 22 following:

23 “8. “Third-party payor” means a person which
 24 provides accident and health benefits or medical,
 25 surgical, or hospital benefits, whether on an
 26 indemnity, reimbursement, service, or prepaid basis,
 27 including but not limited to, insurers, nonprofit
 28 health service corporations, health maintenance
 29 organizations, governmental agencies, and self-insured
 30 employers.””

31 4. Page 1, line 50, by striking the word
 32 “subsection” and inserting the following:
 33 “subsections”.

34 5. Page 2, by inserting after line 11, the
 35 following:

36 “NEW SUBSECTION. 10. “Self-insured employer”
 37 means a person which provides accident and health
 38 benefits or medical, surgical, or hospital benefits on
 39 a self-insured basis to its own employees or to
 40 employees of an affiliated company or companies and
 41 which does not otherwise provide accident and health
 42 benefits or medical, surgical, or hospital benefits.””

BEVERLY A. HANNON

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 278

S-5796

1 Amend the Senate amendment, H-5214, to House File
 2 278, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 1, line 16, by striking the word
 5 “Committee” and inserting the following:
 6 “Commission”.

7 2. Page 1, line 20, by striking the word “Plan”
 8 and inserting the following: “Charter”.

9 3. Page 1, line 43, by striking the word “plan”
 10 and inserting the following: “charter”.

11 4. Page 1, line 45, by striking the word
 12 “committee” and inserting the following:
 13 “commission”.

14 5. Page 2, line 3, by striking the words “The

- 15 plan” and inserting the following: “An alternative
- 16 form of county government”.
- 17 6. Page 2, line 4, by striking the word
- 18 “committee” and inserting the following:
- 19 “commission”.
- 20 7. Page 2, line 7, by striking the word
- 21 “COMMITTEE” and inserting the following:
- 22 “COMMISSION”.
- 23 8. Page 2, line 9, by striking the word
- 24 “committee” and inserting the following:
- 25 “commission”.
- 26 9. Page 2, line 10, by striking the word
- 27 “committee” and inserting the following:
- 28 “commission”.
- 29 10. Page 2, by striking line 35 and inserting the
- 30 following: “members of the commission. A vacancy on
- 31 the commission”.
- 32 11. Page 2, line 43, by striking the word
- 33 “committee” and inserting the following:
- 34 “commission”.
- 35 12. Page 2, line 45, by striking the word
- 36 “committee” and inserting the following:
- 37 “commission”.
- 38 13. Page 2, line 46, by striking the word
- 39 “committee” and inserting the following:
- 40 “commission”.
- 41 14. Page 2, line 48, by striking the word
- 42 “committee” and inserting the following:
- 43 “commission”.
- 44 15. Page 2, line 50, by striking the word
- 45 “committee” and inserting the following:
- 46 “commission”.
- 47 16. Page 3, line 5, by striking the word
- 48 “committee” and inserting the following:
- 49 “commission”.
- 50 17. Page 3, line 6, by striking the word

Page 2

- 1 “committee” and inserting the following:
- 2 “commission”.
- 3 18. Page 3, line 9, by striking the word
- 4 “committee” and inserting the following:
- 5 “commission”.
- 6 19. Page 3, line 11, by striking the word
- 7 “committee” and inserting the following:
- 8 “commission”.
- 9 20. Page 3, line 14, by striking the word
- 10 “COMMITTEE” and inserting the following:
- 11 “COMMISSION”.

- 12 21. Page 3, line 17, by striking the word
13 "committee" and inserting the following:
14 "commission".
- 15 22. Page 3, line 19, by striking the word "plan"
16 and inserting the following: "charter".
- 17 23. Page 3, by striking line 23 and inserting the
18 following: "the commission, the commission shall
19 submit a".
- 20 24. Page 3, line 25, by striking the word "plan"
21 and inserting the following: "charter".
- 22 25. Page 3, line 26, by striking the word "plan"
23 and inserting the following: "charter".
- 24 26. Page 3, line 28, by striking the word "plan"
25 and inserting the following: "charter".
- 26 27. Page 3, line 30, by striking the word
27 "committee" and inserting the following:
28 "commission".
- 29 28. Page 3, line 34, by striking the word
30 "committee" and inserting the following:
31 "commission".
- 32 29. Page 3, line 35, by striking the word
33 "committee" and inserting the following:
34 "commission".
- 35 30. Page 3, line 35, by striking the word "plan"
36 and inserting the following: "charter including a
37 form of government".
- 38 31. Page 3, line 38, by striking the word "plan"
39 and inserting the following: "charter".
- 40 32. Page 3, line 39, by striking the word "plan"
41 and inserting the following: "charter".
- 42 33. Page 3, line 40, by striking the word
43 "committee" and inserting the following:
44 "commission".
- 45 34. Page 3, line 41, by striking the word "plan"
46 and inserting the following: "charter".
- 47 35. Page 3, line 44, by striking the word "plan"
48 and inserting the following: "charter".
- 49 36. Page 3, line 49, by striking the word "plan"
50 and inserting the following: "charter".

Page 3

- 1 37. Page 3, line 49, by striking the word
2 "committee" and inserting the following:
3 "commission".
- 4 38. Page 4, line 1, by striking the word
5 "committee" and inserting the following:
6 "commission".
- 7 39. Page 4, line 2, by striking the word "plan"
8 and inserting the following: "charter".

- 9 40. Page 4, line 3, by striking the word "plan"
10 and inserting the following: "charter".
- 11 41. Page 4, line 4, by striking the word
12 "committee" and inserting the following:
13 "commission".
- 14 42. Page 4, line 17, by striking the word "plan,"
15 and inserting the following: "charter or".
- 16 43. Page 4, line 18, by striking the words ", or
17 charter".
- 18 44. Page 4, line 33, by striking the word "plan"
19 and inserting the following: "charter".
- 20 45. Page 4, line 38, by striking the word "plan"
21 and inserting the following: "charter".
- 22 46. Page 4, line 42, by striking the word "plan"
23 and inserting the following: "charter".
- 24 47. Page 4, line 44, by striking the word "plan"
25 and inserting the following: "charter".
- 26 48. Page 4, line 46, by striking the word "plan"
27 and inserting the following: "charter".
- 28 49. Page 4, line 47, by striking the word "plan"
29 and inserting the following: "charter".
- 30 50. Page 4, line 49, by striking the word "plan"
31 and inserting the following: "charter".
- 32 51. Page 5, line 6, by striking the word "plan"
33 and inserting the following: "charter".
- 34 52. Page 5, line 11, by striking the word "plan"
35 and inserting the following: "charter".
- 36 53. Page 5, line 12, by striking the word "plan"
37 and inserting the following: "charter".
- 38 54. Page 5, line 17, by striking the word "plan"
39 and inserting the following: "charter".
- 40 55. Page 5, line 18, by striking the word "plan"
41 and inserting the following: "charter".
- 42 56. Page 6, by inserting after line 13 the
43 following:
44 "k. A charter or charter amendment shall not
45 contain a provision which relates to the method of
46 conducting nominations or elections pursuant to
47 chapter 43 and 49."
- 48 57. Page 9, line 3, by striking the words "a
49 plan" and inserting the following: "a proposed
50 charter".

Page 4

- 1 58. Page 9, line 3, by striking the words "The
2 plan" and inserting the following: "The proposed
3 charter".
- 4 59. Page 9, line 4, by striking the word "plan"
5 and inserting the following: "charter".

- 6 60. Page 9, line 8, by striking the word "plan"
7 and inserting the following: "charter".
- 8 61. Page 9, line 9, by striking the word "plan"
9 and inserting the following: "charter".
- 10 62. Page 9, line 11, by striking the word "plan"
11 and inserting the following: "charter".
- 12 63. Page 9, line 24, by striking the word
13 "committee" and inserting the following: "commission
14 established under this chapter".
- 15 64. Page 9, line 27, by striking the word "plan"
16 and inserting the following: "charter".
- 17 65. Page 9, line 28, by striking the words
18 "committee and commission" and inserting the
19 following: "county charter commission and city
20 charter commission".
- 21 66. Page 9, line 31, by striking the words
22 "committee and commission" and inserting the
23 following: "county charter commission and city
24 charter commission".
- 25 67. Page 9, line 40, by striking the word "plan"
26 and inserting the following: "charter".
- 27 68. Page 9, line 42, by striking the words
28 "alternative plan" and inserting the following:
29 "charter".
- 30 69. Page 9, line 46, by striking the word "plan"
31 and inserting the following: "charter".
- 32 70. Page 9, line 49, by striking the word "plan"
33 and inserting the following: "charter".
- 34 71. Page 10, line 3, by striking the word "plan"
35 and inserting the following: "charter".
- 36 72. Page 10, line 4, by striking the word "PLAN"
37 and inserting the following: "CHARTER".
- 38 73. Page 10, line 6, by striking the words
39 "committee and commission" and inserting the
40 following: "county charter commission and city
41 charter commission".
- 42 74. Page 10, line 8, by striking the words "plan
43 in addition to the" and inserting the following:
44 "charter including an".
- 45 75. Page 10, by striking lines 9 through 11 and
46 inserting the following: "alternative form of
47 government."
- 48 76. Page 10, line 12, by striking the word "plan"
49 and inserting the following: "charter".
- 50 77. Page 10, lines 29 and 30, by striking the

Page 5

- 1 words "committee and commission" and inserting the
2 following: "county charter commission and the city

- 3 charter commission".
- 4 78. Page 10, line 32, by striking the word "plan"
- 5 and inserting the following: "charter".
- 6 79. Page 10, line 45, by striking the word "plan"
- 7 and inserting the following: "charter".
- 8 80. Page 12, line 1, by striking the word "plan"
- 9 and inserting the following: "charter".
- 10 81. Page 12, line 3, by striking the word "plan"
- 11 and inserting the following: "charter".
- 12 82. Page 12, line 10, by striking the word "plan"
- 13 and inserting the following: "charter".
- 14 83. Page 12, line 11, by striking the word "plan"
- 15 and inserting the following: "charter".
- 16 84. Page 12, line 13, by striking the word "PLAN"
- 17 and inserting the following: "CHARTER".
- 18 85. Page 12, line 16, by striking the word "plan"
- 19 and inserting the following: "charter".
- 20 86. Page 12, line 24, by striking the word "plan"
- 21 and inserting the following: "charter".
- 22 87. Page 12, line 31, by striking the word "plan"
- 23 and inserting the following: "charter".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 105

S-5797

- 1 Amend the Senate Amendment H-6093, to House File
- 2 105, as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 11, by inserting after the word
- 5 "assessors" the words "and providing an effective
- 6 date".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2367

S-5798

- 1 Amend the Senate amendment, H-6077, to House File
- 2 2367 as passed by the House as follows:
- 3 1. Page 1, by inserting after line 30 the
- 4 following:
- 5 "____. Page 2, line 10, by inserting after the
- 6 word "training." the following: "To the extent that

7 the employer provides approved training on the
8 employer's premises, the hours of training completed
9 by employees shall be included in the calculation of
10 nursing or service hours required to be provided to a
11 patient or resident per day.””

HOUSE AMENDMENT TO
SENATE FILE 2193

S-5799

1 Amend Senate File 2193, 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 256.7, subsection 3, Code
6 Supplement 1987, is amended by adding the following
7 new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. By January 1, 1989, the
9 state board shall adopt rules under chapter 17A that
10 prescribe a process for the appointment and operation
11 of evaluation panels for evaluating the performance of
12 teachers possessing initial certification to determine
13 whether the teachers meet the requirements adopted by
14 the board for progressing to the next certification
15 level.

16 Sec. ____ . NEW SECTION. 256.31 CERTIFICATION
17 ADVISORY COMMITTEE.

18 1. A certification advisory committee is
19 established to advise the board of educational
20 examiners concerning the requirements for
21 certification of elementary and secondary school
22 personnel and standards for the preparation and
23 certification of school personnel. The advisory
24 committee shall consist of the following members
25 appointed by the board of educational examiners:

26 a. Eight members who are certificated classroom
27 teachers, three of whom are currently employed as
28 classroom teachers in school districts in this state,
29 and one of whom is currently employed as a classroom
30 teacher in an approved nonpublic school in this state.

31 b. One member who is employed as a certificated
32 principal in this state.

33 c. One member who is employed as a certificated
34 superintendent in this state.

35 d. Two members of the teacher education faculty
36 from institutions of higher education in this state
37 which are approved for teacher education. One member

38 shall be from an institution of higher education under
39 the control of the state board of regents and one
40 member shall be from a private college or university
41 in this state.

42 e. One member who is a certificated employee of an
43 area education agency in this state assigned to
44 instructional programs or staff development
45 responsibilities.

46 2. Committee members shall be appointed to
47 staggered four-year terms. They shall be reimbursed
48 for actual and necessary expenses incurred in the
49 performance of their duties from funds appropriated to
50 the department of education.

Page 2

1 3. The committee shall meet at least quarterly.
2 Staff assistance shall be provided by the department
3 of education.

4 4. A vacancy on the advisory committee shall be
5 filled for the unexpired portion of the term in the
6 same manner as the original appointment."

7 2. Page 1, line 2, by striking the word "The" and
8 inserting the following: "Not later than January 1,
9 1990, the".

10 3. Page 1, line 6, by striking the word and
11 figures "after July 1, 1989".

12 4. Page 1, by striking lines 9 through 14 and
13 inserting the following: "settings. These field
14 experiences shall comprise a total of at least fifty
15 hours' duration at least forty hours of which shall
16 occur after a student's admission to an approved
17 teacher education program. The student teaching
18 experience shall be a minimum of twelve weeks in
19 duration during the student's final year of the
20 teacher education program."

21 5. Page 1, by striking lines 17 through 20 and
22 inserting the following: "elementary, middle, or
23 secondary schools."

24 6. Page 1, line 28, by inserting after the word
25 "state." the following: "The requirement shall be
26 based upon recommendations of the department of
27 education after consultation with teacher education
28 faculty members in colleges and universities."

29 7. Page 1, line 32, by inserting after the word
30 "teacher" the following: "based upon recommendations
31 of the department of education after consultation with
32 teacher education faculty members in colleges and
33 universities".

34 8. Page 2, by inserting after line 21 the fol-

35 lowing:

36 " ____ . A requirement that an approved teacher
37 education program submit evidence that the evaluation
38 of the performance of a student teacher is a
39 cooperative process that involves both the faculty
40 member supervising the student teacher and the
41 cooperating teacher."

42 9. By striking page 2, line 22 through page 3,
43 line 23 and inserting the following:

44 "Sec. ____ . DEPARTMENT OF EDUCATION STUDIES.

45 1. The department of education is directed to
46 develop recommendations concerning incentives that
47 might be used to encourage experienced teachers in
48 elementary and secondary schools to serve as
49 cooperating teachers for student teachers enrolled in
50 approved teacher education programs.

Page 3

1 The recommendations shall be submitted to the
2 general assembly not later than February 1, 1989.

3 2. The department of education is directed to
4 develop recommendations for the establishment of
5 programs that provide for interaction between faculty
6 members in colleges and departments of education at
7 approved teacher education institutions and teachers
8 and students at the elementary and secondary schools.

9 The recommendations shall be submitted to the
10 general assembly not later than February 1, 1989."

11 10. By striking page 3, line 24, through page 4,
12 line 2, and inserting the following:

13 "Sec. ____ . Section 294A.2, subsection 5, Code
14 Supplement 1987, is amended by adding the following
15 new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988,
17 "teacher" includes an individual employed on less than
18 a full-time basis by a school district through a
19 contract between the school district and an
20 institution of higher education with an approved
21 teacher education program in which the teacher is
22 enrolled in a graduate teacher education program.

23 Sec. ____ . Section 294A.14, unnumbered paragraph 9,
24 Code Supplement 1987, is amended to read as follows:

25 For school districts, additional instructional work
26 assignments may include but are not limited to general
27 curriculum planning and development, vertical
28 articulation of curriculum, horizontal curriculum
29 coordination, development of educational measurement
30 practices for the school district, attendance at
31 workshops and other programs for service as

32 cooperating teachers for student teachers, development
 33 of plans for assisting beginning teachers during their
 34 first year of teaching, attendance at summer staff
 35 development programs, development of staff development
 36 programs for other teachers to be presented during the
 37 school year, and other plans locally determined in the
 38 manner specified in section 294A.15 and approved by
 39 the department of education under section 294A.16 that
 40 are of equal importance or more appropriately meet the
 41 educational needs of the school district.”

42 11. Page 4, by inserting after line 2 the
 43 following:

44 “Sec. ____ . Notwithstanding section 256.31, for the
 45 initial membership, two teachers and the area
 46 education agency representative shall serve one-year
 47 terms; two teachers, the principal, and a teacher
 48 education faculty member shall serve two-year terms;
 49 two teachers and the superintendent shall serve three-
 50 year terms; and two teachers and the other teacher

Page 4

1 education faculty member shall serve four-year terms.”

2 12. Title page, line 2, by inserting after the
 3 word “programs” the following: “and the establishment
 4 of a teacher certification advisory committee”.

5 13. By renumbering, relettering, or redesignating
 6 and correcting internal references as necessary.

**HOUSE AMENDMENT TO
 SENATE FILE 2017**

S-5800

1 Amend Senate File 2017 as amended, passed and
 2 reprinted by the Senate as follows:

3 1. Page 3, by striking lines 19 through 33 and
 4 inserting the following: “motor vehicle. The fine
 5 for each violation is ~~fifteen~~ twenty-five dollars.
 6 Proof of conviction of three or more violations
 7 involving improper use of ~~the same a~~ a handicapped
 8 identification device, handicapped registration plate
 9 issued under section 321.34, subsection 7, or a
 10 handicapped identification sticker affixed to a
 11 registration plate is grounds for revocation by the
 12 department of the holder’s privilege to use the
 13 device.”

- 14 2. Page 4, by inserting after line 30 the
15 following:
16 "Sec. ____ . Section 601E.10, Code 1987, is amended
17 by adding the following new subsection:
18 **NEW SUBSECTION. 3.** A handicapped parking sign
19 shall be displayed designating the handicapped parking
20 space. The handicapped parking sign shall be affixed
21 to a pole or affixed vertically on another object so
22 that it is readily visible to a driver of a motor
23 vehicle approaching the handicapped parking space. A
24 handicapped parking space designated only by the
25 international symbol of accessibility being painted or
26 otherwise placed horizontally on the parking space
27 does not meet the requirements of this subsection."
28 3. Page 4, by inserting before line 31 the
29 following:
30 "Sec. ____ . Section 805.8, subsection 2, paragraph
31 s, Code Supplement 1987, is amended to read as
32 follows:
33 s. For a violation of section 601E.6, regulating
34 the use of handicapped parking spaces, the scheduled
35 fine is ~~fifteen~~ twenty-five dollars."
36 4. Page 4, line 33, by striking the figure "1988"
37 and inserting the following: "1989".

HOUSE AMENDMENT TO
SENATE FILE 2068

S-5801

- 1 Amend Senate File 2068 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 4, by striking the word "public".
4 2. Page 1, line 4, by inserting after the word
5 "landfill" the following: "which receives municipal
6 or industrial waste".
7 3. Page 1, line 6, by striking the words "conduct
8 a" and inserting the following: "provide for public
9 notice and the opportunity for".
10 4. Page 1, line 10, by striking the word
11 "public".
12 5. Page 1, by inserting after line 13, the
13 following:
14 "A new sanitary landfill which receives municipal
15 or industrial waste from outside of the county in
16 which the sanitary landfill is located shall not be
17 issued a permit for the construction and operation of
18 a sanitary landfill until the department of natural

19 resources has adopted rules, pursuant to chapter 17A,
20 regarding the comprehensive plans required pursuant to
21 section 455B.306 and until the new sanitary landfill
22 is in compliance with the rules adopted.”
23 6. By renumbering, relettering, or redesignating
24 and correcting internal references as necessary.

S-5802

1 Amend the amendment, S-5648, to House File 2447, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 4, line 45 through page 5,
5 line 1.
6 2. By renumbering as necessary.

AL STURGEON

S-5803

1 Amend amendment S-5792 to the House amendment
2 S-5786, to Senate Filr 2314 as amended, passed and
3 reprinted by the Senate as follows:
4 1. Page 1, line 11, by striking the figure “1987”
5 and inserting the following: “1988”.
6 2. Page 1, line 12, by striking the figure “1988”
7 and inserting the following: “1989”.

JOHN W. JENSEN

S-5804

1 Amend the amendment, S-5727, to House File 2433 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, line 37, by striking the word
5 “school”.

LINN FUHRMAN

S-5805

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 20, by inserting after the figure
4 “E911” the following: “equipment,”.
5 2. Page 2, line 8, by inserting after the word

6 "costs" the following: "to be incurred by the joint
7 E911 service board".

8 3. Page 2, line 11, by striking the words
9 "networking, equipment" and inserting the following:
10 "network equipment".

11 4. Page 2, line 13, by inserting after the word
12 "expenditures" the following: ", including the
13 purchase or lease of subscriber names, addresses, and
14 telephone information from the local exchange service
15 provider".

16 5. Page 2, line 16, by inserting after the word
17 "maintenance" the following: ", including the
18 purchase or lease of subscriber names, addresses, and
19 telephone information from the local exchange service
20 provider".

21 6. Page 2, by inserting after line 18, the
22 following:

23 "Costs are limited to nonrecurring and recurring
24 costs directly attributable to the provision of 911
25 emergency telephone communication service. Costs do
26 not include expenditures for any other purpose, and
27 specifically exclude costs attributable to other
28 emergency services or expenditures for buildings,
29 radios, or personnel."

30 7. Page 3, by inserting after line 15, the
31 following:

32 "11. "Local exchange service provider" means a
33 person engaged in providing telecommunications service
34 between points within an exchange."

35 8. Page 5, by striking lines 11 through 14, and
36 inserting the following:

37 "4. PARTICIPATION IN JOINT E911 SERVICE BOARD
38 REQUIRED. A political subdivision or state agency
39 having a public safety agency within its territory or
40 jurisdiction shall participate in a joint E911 service
41 board and cooperate in preparing the E911 service
42 plan."

43 9. Page 6, line 6, by striking the words "for
44 E911 call retrieval purposes only" and inserting the
45 following: "for all routing, for automatic retrieval
46 of location information, and for associated emergency
47 services".

48 10. Page 6, by inserting after line 8, the
49 following:

50 "When an E911 service plan is implemented, the

Page 2

1 costs of providing E911 service within an E911 service
2 area are the responsibility of the joint E911 service

3 board and the member political subdivisions. Costs in
4 excess of the amount raised by imposition of the E911
5 service surcharge provided for under subsection 1,
6 shall be paid by the joint E911 service board from
7 such revenue sources allocated among the member
8 political subdivisions as determined by the joint E911
9 service board. Funding is not limited to the
10 surcharge, and surcharge revenues may be supplemented
11 by other permissible local and state revenue sources.”

12 11. Page 6, line 10, by striking the word
13 “Funding” and inserting the following: “To encourage
14 local implementation of E911 service, one source of
15 funding”.

16 12. Page 6, line 32, by inserting after the word
17 “collected.” the following: “If the compensation is
18 insufficient to fully recover a provider’s costs for
19 billing and collection of the surcharge, the
20 deficiency shall be included in the provider’s costs
21 for ratemaking purposes to the extent it is reasonable
22 and just under section 476.6.”

23 13. Page 6, lines 34 and 35, by striking the
24 words “within thirty days of collection of the
25 surcharge” and inserting the following: “quarterly”.

26 14. Page 7, line 5, by inserting after the word
27 “surcharge.” the following: “The E911 service
28 surcharge is not subject to sales or use tax.”

29 15. Page 7, line 6, by inserting after the word
30 “SUBSCRIBER” the following: “BILLING”.

31 16. Page 7, line 7, by inserting after the word
32 “pay” the following: “on a single periodic billing”.

33 17. Page 7, line 9, by inserting after the word
34 “equivalent” the following: “, in an E911 service
35 area. A subscriber shall pay the surcharge in each
36 E911 service area in which the subscriber receives
37 access line service”.

38 18. Page 7, line 10, by striking the words
39 “operating authority” and inserting the following:
40 “joint E911 service board”.

41 19. Page 8, line 5, by striking the words
42 “increase the fee” and inserting the following: “,
43 upon application of the joint E911 service board,
44 increase the surcharge”.

45 20. Page 8, line 9, by inserting after the word
46 “year” the following: “, upon one hundred days’ prior
47 notice to the provider”.

48 21. Page 8, line 15, by inserting after the word
49 “service” the following: “, unless the act or
50 omission is determined to be willful and wanton

Page 3

1 negligence”.

2 22. Page 8, by inserting after line 15, the
3 following:

4 “Sec. ____ . NEW SECTION. 477B.7 LOCAL EXCHANGE
5 SERVICE INFORMATION.

6 1. A local exchange service provider shall furnish
7 to the E911 service provider, designated by the joint
8 E911 service board, all names, addresses, and
9 telephone number information concerning its
10 subscribers which will be served by the E911 system
11 and shall periodically update the local exchange
12 service information. The local exchange service
13 provider shall receive as compensation for the
14 provision of local exchange service information
15 charges according to its tariffs on file with and
16 approved by the Iowa utilities board. The tariff
17 charges shall be the same whether or not the local
18 exchange service provider is designated as the E911
19 service provider by the joint E911 service board.

20 2. Subscriber information remains the property of
21 the local exchange service provider.

22 The joint E911 service board, the designated E911
23 provider, and the public safety answering point, their
24 agents, employees, and assigns shall use local
25 exchange service information provided by the local
26 exchange service provider solely for the purposes of
27 providing E911 emergency telephone service, and it
28 shall otherwise be kept confidential. A person who
29 violates this section is guilty of a simple
30 misdemeanor.

31 This chapter does not require a local exchange
32 service provider to sell or provide its subscriber
33 names, addresses, or telephone number information to
34 any person other than the E911 service provider
35 designated by the joint E911 service board.”

36 23. Page 8, by inserting after line 26, the
37 following:

38 “Sec. ____ . This Act, being deemed of immediate
39 importance, is effective upon enactment.”

40 24. Title page, line 9, by inserting after the
41 word “service” the following: “providing a penalty,
42 and an effective date”.

43 25. By renumbering as necessary.

MICHAEL E. GRONSTAL
EMIL J. HUSAK

S-5806

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by inserting after line 15 the
4 following:
5 "Sec. ____ . NEW SECTION. 476.66 LIFELINE
6 ASSISTANCE PROGRAM.
7 1. The utilities board shall adopt rules to
8 implement a lifeline assistance program as permitted
9 by federal law under federal communication commission
10 regulations providing matching funds to qualified
11 state programs to reduce subscriber line charges to
12 low-income households. The rules shall at minimum:
13 a. Conform with federal regulations for a
14 qualified state program.
15 b. Provide that upon request of a local exchange
16 utility, the board may approve inclusion of the
17 utility's lifeline program costs in its cost of
18 services for ratemaking purposes. The local exchange
19 utility's lifeline assistance program shall be
20 supplemented by federal matching funds provided for
21 under federal communication commission regulations.
22 2. A dispute regarding a utility's existing cost
23 of service shall not be a basis for rejecting a
24 utility's lifeline assistance program proposal."
25 2. By renumbering as necessary.

CHARLES BRUNER

S-5807

1 Amend House File 2278, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 14, by inserting after the figure
4 "802" the following: "and further provided that the
5 juvenile court has not already waived its jurisdiction
6 over the person and the alleged offense".

JACK HESTER

S-5808

1 Amend the House amendment, S-5710, to Senate File
2 2310 as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 46 the
5 following:

- 6 " ____ . Page 6, by striking line 35 and inserting
- 7 the following:
- 8 "a. For salaries and support of not more than
- 9 fifty-nine full."
- 10 ____ . Page 7, by inserting after line 3, the
- 11 following:
- 12 "b. For salaries and support of not more than five
- 13 full-time equivalent positions annually, maintenance,
- 14 and miscellaneous purposes:
- 15 \$1,000,000
- 16 It is the intent of the general assembly that the
- 17 moneys appropriated under this paragraph shall be used
- 18 for the training of emergency medical services
- 19 personnel at the state, county, and local levels."
- 20 2. Page 2, by striking lines 7 through 16.
- 21 3. Page 2, by striking lines 23 through 46.

C. JOSEPH COLEMAN
AL STURGEON

S-5809

- 1 Amend the House amendment, S-5773, to Senate File
- 2 2296, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 21 the
- 5 following:
- 6 " ____ . Page 3, line 15, by striking the word
- 7 "annually" and inserting the following: "quarterly"."

RICHARD VARN

S-5810

- 1 Amend House File 2441, as amended, passed, and
- 2 reprinted by the House, as follows:

DIVISION S—5810B

- 3 1. Page 2, by striking lines 25 and 26, and
- 4 inserting the following: "tanks installed prior to
- 5 ~~May 1, 1986~~ January 14, 1987. The ~~commission~~ shall
- 6 ~~adopt these rules not later than April 1, 1986;~~
- 7 ~~however, the~~".

DIVISION S—5810A

8 2. Page 2, by striking line 27, and inserting the
9 following: "effective date of the rules adopted shall
10 be ~~May 1, 1988~~ January 1, 1989."

DIVISION S—5810B (cont'd.)

11 3. Page 3, by striking lines 5 through 13, and
12 inserting the following:
13 "NEW UNNUMBERED PARAGRAPH. The department may
14 issue a variance, which includes an enforceable
15 compliance schedule, from the mandatory monitoring
16 requirement for an owner or operator who demonstrates
17 plans for tank removal, replacement, or filling with
18 an inert material pursuant to a department approved
19 variance. A variance may be renewed for just cause."

20 4. Page 3, by inserting after line 22, the
21 following:
22 "Sec. ____ . Section 455B.474, subsection 3,
23 paragraph d, Code Supplement 1987, is amended to read
24 as follows:

25 d. Rules adopted by the commission shall specify
26 adequate monitoring systems to detect the presence of
27 a leaking underground storage tank and to provide for
28 protection of the groundwater resources from regulated
29 tanks installed after ~~May 1, 1986~~ January 14, 1987.
30 ~~The commission shall adopt these rules not later than~~
31 ~~January 1, 1986; however, the effective date of the~~
32 ~~rules adopted shall be May 1, 1986.~~ In the event that
33 federal regulations are adopted by the United States
34 environmental protection agency after the commission
35 has adopted state standards pursuant to this
36 subsection, the commission shall immediately proceed
37 to adopt rules consistent with those federal
38 regulations adopted. Tanks installed on or after
39 January 14, 1987, shall continue to be considered new
40 tanks for purposes of this chapter and are subject to
41 state monitoring requirements unless federal
42 requirements are more restrictive."

43 5. Page 7, by striking lines 3 through 32, and
44 inserting the following:
45 "(1) TANKS INSTALLED PRIOR TO JANUARY 14, 1967.
46 The owner or operator of an underground storage tank
47 has been granted a variance by the department which
48 includes an enforceable compliance schedule pursuant
49 to section 455B.474, subsection 1, paragraph "f".
50 However, if an adequate monitoring system is not

Page 2

DIVISION S—5810B (cont'd.)

1 installed before the later of January 1, 1989, or the
2 expiration of a variance issued by the department, the
3 fund shall not provide further coverage to the owner
4 or operator of the tank unless the monitoring system
5 has been installed.

6 (2) TANKS INSTALLED BETWEEN JANUARY 14, 1967, AND
7 JANUARY 13, 1987. The owner or operator of an
8 underground storage tank installed between January 14,
9 1967, and January 13, 1987, has been granted a waiver
10 by the board. Waivers shall include an enforceable
11 schedule for installation of a monitoring system
12 satisfactory to the board. A waiver may allow for a
13 delay in the installation of a monitoring system until
14 either November 1, 1989, or until six months from the
15 date on which insurance is provided, whichever is
16 later. A waiver shall be granted to an owner who
17 demonstrates plans for tank removal, replacement, or
18 filling with an inert material pursuant to a
19 department approved variance, or significant tank
20 upgrades or improvements. Waivers may be renewed or
21 extended for just cause within the times set out
22 above, but after the deadline or expiration of a
23 waiver, the fund shall not provide further coverage to
24 the owner or operator of the tank unless the
25 monitoring system is installed.”

26 6. Page 8, line 3, by inserting after the word
27 “system” the following: “and the board shall not
28 accept a monitoring system less stringent than
29 department rules require, or published rules will
30 require when effective, for the tank”.

31 7. Page 13, by inserting after line 32 the
32 following:

33 “4. FEE COLLECTION. For the purpose of
34 determining the amount of liability for the
35 comprehensive petroleum underground storage tank fee
36 for each distributor, a distributor shall file with
37 the department of revenue and finance, not later than
38 the last day of the month following the month in which
39 the fee is imposed, a monthly fee statement certified
40 under penalties for false certificate. The statement
41 shall show, with reference to each location at which
42 petroleum is subject to the fee, the amount of
43 petroleum deposited into an underground storage tank,
44 the amount of the fee collected in the preceding
45 calendar month, and such information as the department
46 may reasonably require for the proper administration

47 and enforcement of the fee.
 48 5. PAYMENTS. The statement shall be accompanied
 49 by remittance in the amount of the fee due for the
 50 month in which the comprehensive petroleum underground

Page 3

DIVISION S—5810B (cont'd.)

1 storage tank fee was imposed.
 2 6. DEDUCTIONS AND CREDITS. The statement shall
 3 show the amount of deductions or credits claimed by
 4 the distributor as authorized in this division in such
 5 detail and with such supporting evidence as is
 6 prescribed by the department of revenue and finance
 7 and as may be required for administration of this
 8 division.
 9 7. OTHER INFORMATION. Such other information as
 10 the department of natural resources, the board, or the
 11 department of revenue and finance may require for the
 12 enforcement and administration of this chapter.
 13 8. ENFORCEMENT. Enforcement of fee collection is
 14 the responsibility of the department of revenue and
 15 finance.”
 16 8. Renumber as necessary.

COMMITTEE ON ENVIRONMENT
 AND ENERGY UTILITIES
 PATRICK J. DELUHERY, Chairperson

S-5811

1 Amend House File 2294, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 9, by inserting after line 6 the
 4 following:
 5 “Sec. ____ . **NEW SECTION. 246.515 HUMAN**
 6 **IMMUNODEFICIENCY VIRUS-RELATED MATTERS -- EXEMPTION.**
 7 The provision of chapters 135H and 135I relating to
 8 knowledge and consent do not apply to persons
 9 committed to the custody of the department. The
 10 department may provide for medically acceptable
 11 procedures to inform employees, visitors, and persons
 12 committed to the department of possible infection and
 13 to protect them from possible infection.”
 14 2. By renumbering as necessary.

AL STURGEON

S-5812

1 Amend House File 2407, as passed by the House, as
2 follows:
3 1. Page 3, by inserting after line 1, the
4 following:
5 "Sec. ____ . Section 515.48, subsection 10, Code
6 1987, is amended to read as follows:
7 10. Insure any additional risk not specifically
8 included within any of the foregoing classes, which is
9 a proper subject for insurance, is not prohibited by
10 law or contrary to sound public policy, and which,
11 after public notice and hearing, is specifically
12 approved by the commissioner of insurance, ~~except~~
13 ~~title insurance or insurance against loss or damage by~~
14 ~~reason of defective title, encumbrances or otherwise.~~
15 When such additional kind of insurance is approved by
16 the commissioner, the commissioner shall designate
17 within which classification of risks provided for in
18 section 515.49 it shall fall.
19 Sec. ____ . Section 515.48, Code 1987, is amended by
20 adding the following new subsection:
21 NEW SUBSECTION. 11. Issue, sell, or underwrite
22 title insurance to insure property titles against loss
23 or damage by reason of defective title, encumbrances,
24 or otherwise."
25 2. By renumbering as necessary.

CALVIN O. HULTMAN

S-5813

1 Amend House File 2278, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, by striking line 25 and inserting the
4 following:
5 "The".

JULIA B. GENTLEMAN

S-5814

1 Amend House File 2339, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 3, by inserting after line 23 the

4 following:

- 5 "Sec. ____ . APPLICABILITY. This section and the
6 amendments contained in this Act to section 80.15,
7 Code 1987, are retroactive to July 1, 1978."
8 2. Title page, line 2, by inserting after the
9 word "state" the following: "and providing for the
10 applicability of the Act".
11 3. By renumbering as necessary.

JOE WELSH
LEE W. HOLT

S-5815

- 1 Amend the House amendment, S-5710, to Senate File
2 2310, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 39 through 43.
5 2. Page 1, by striking lines 47 and 48.
6 3. Page 1, by striking lines 49 and 50.
7 4. Page 2, by inserting after line 22, the
8 following:
9 " . Page 17, line 17, by inserting after the
10 figure "1989." the following: "Four thousand (4,000)
11 dollars of the moneys appropriated under this section
12 shall be used for the payment of interpretation
13 services contracted by the division of deaf services
14 for the fiscal period beginning July 1, 1988, and
15 ending June 30, 1989."
16 ____ . By striking page 18, line 14 through page
17 19, line 22."
18 5. By striking page 2, line 47 through page 6,
19 line 4.
20 6. Page 6, by inserting after line 4, the
21 following:
22 "____ . Page 19, by inserting after line 33, the
23 following:
24 "DIVISION OF CRIMINAL AND JUVENILE JUSTICE
25 PLANNING.
26 Sec. ____ . NEW SECTION. 601K.131 DEFINITIONS.
27 For the purpose of this subchapter, unless the
28 context otherwise requires:
29 1. "Council" means the criminal and juvenile
30 justice advisory council.
31 2. "Division" means the division of criminal and
32 juvenile justice planning.
33 3. "Administrator" means the administrator of the
34 division of criminal and juvenile justice planning.
35 Sec. ____ . NEW SECTION. 601K.132 COUNCIL

36 ESTABLISHED --TERMS -- COMPENSATION.

37 A criminal and juvenile justice advisory council is
38 established consisting of thirteen members. The
39 governor shall appoint seven members each for a four-
40 year term beginning and ending as provided in section
41 69.19 and subject to confirmation by the senate as
42 follows:

- 43 1. Three persons, each of whom is a county
44 supervisor, county sheriff, mayor, city chief of
45 police, or county attorney.
- 46 2. Two persons who represent the general public
47 and are not employed in any law enforcement, judicial,
48 or corrections capacity.
- 49 3. Two persons who are knowledgeable about Iowa's
50 juvenile justice system.

Page 2

- 1 The departments of human rights, human services,
2 corrections, and public safety, the attorney general,
3 and the chief justice of the supreme court shall each
4 designate a person to serve on the council.
- 5 Members of the council shall receive reimbursement
6 from the state for actual and necessary expenses
7 incurred in the performance of their official duties.
- 8 Members may also be eligible to receive compensation
9 as provided in section 7E.3.
- 10 Sec. ____ . NEW SECTION. 601K.133 DUTIES.
- 11 The council shall do all of the following:
 - 12 1. Identify issues and analyze the operation and
13 impact of present criminal and juvenile justice policy
14 and make recommendations for policy changes.
 - 15 2. Coordinate with data resource agencies to
16 provide data and analytical information to federal,
17 state, and local governments, and assist agencies in
18 the use of criminal and juvenile justice data.
 - 19 3. Report criminal and juvenile justice system
20 needs to the governor, the general assembly, and other
21 decision makers to improve the criminal and juvenile
22 justice system.
 - 23 4. Provide technical assistance upon request to
24 state and local agencies.
 - 25 5. Administer federal funds and funds appropriated
26 by the state or that are otherwise available for
27 study, research, investigation, planning, and
28 implementation in the areas of criminal and juvenile
29 justice.
 - 30 6. Make grants to cities, counties, and other
31 entities pursuant to applicable law.
- 32 Sec. ____ . NEW SECTION. 601K.134 ADMINISTRATOR.

33 The administrator shall be responsible to the
 34 council, and pursuant to section 601K.2, with the
 35 approval of the council, shall employ and supervise
 36 other persons necessary to carry out the programs and
 37 policies established by the council.

38 Sec. ____ . NEW SECTION. 601K.135 PLAN AND REPORT.

39 Beginning in 1989, and every five years thereafter,
 40 the division shall develop a twenty-year criminal and
 41 juvenile justice plan for the state which shall
 42 include ten-year, fifteen-year, and twenty-year goals
 43 and a comprehensive five-year plan for criminal and
 44 juvenile justice programs. The five-year plan shall
 45 be updated annually and each twenty-year plan and
 46 annual updates of the five-year plan shall be
 47 submitted to the governor and the general assembly by
 48 February 1.

49 Sec. ____ . NEW SECTION. 601K.136 STATISTICAL
 50 ANALYSIS CENTER.

Page 3

1 The division shall maintain an Iowa statistical
 2 analysis center for the purpose of coordinating with
 3 data resource agencies to provide data and analytical
 4 information to federal, state, and local governments,
 5 and assist agencies in the use of criminal and
 6 juvenile justice data. The division of criminal and
 7 juvenile justice planning and the statistical analysis
 8 center are considered criminal justice agencies for
 9 the purposes of receiving criminal history data.”

10 7. Page 6, by striking lines 8 through 10 and
 11 inserting the following:

12 “____ . Page 22, by striking line 30 and inserting
 13 the following:

14 “7. Division ~~for the blind of criminal and~~
 15 juvenile justice planning.

16 Sec. ____ . Section 601K.3, subsection 1, Code 1987,
 17 is amended to read as follows:

18 1. A human rights policy-coordinating council
 19 composed of ~~seven eight~~ members is created within the
 20 department of human rights. The council is composed
 21 of the administrators within the department.”

22 ____ . Page 23, by inserting after line 6, the
 23 following:

24 “Sec. ____ . Chapter 80C, Code 1987, is repealed.”

25 8. Page 6, by striking lines 11 through 15 and
 26 inserting the following:

27 “____ . Title page, by striking lines 4 through 6
 28 and inserting the following: “the department of

29 public health and establishing a division of criminal
30 and juvenile justice planning.”

AL STURGEON

S-5816

1 Amend House File 2432, as passed by the House, as
2 follows:

3 1. Page 8, by inserting after line 5 the fol-
4 lowing:

5 “Sec. ____ . NEW SECTION. 262.34A ATHLETIC
6 COMPENSATION POLICY.

7 The state board of regents shall urge the national
8 collegiate athletic association to adopt rules to
9 permit the compensation of collegiate athletes. The
10 state board of regents shall investigate, review, and
11 adopt a policy permitting the compensation of
12 collegiate athletes, who are enrolled in any of the
13 universities under its control and participating in a
14 university-sponsored athletic program, by the
15 university, alumni, or other interested persons.
16 “Compensation” includes, but is not limited to,
17 scholarships, available financial awards or resources,
18 motor vehicles, real or personal property, or anything
19 of value. The state board shall provide the policy to
20 the presidents, athletic directors, and departments of
21 athletics of the universities under its control. The
22 state board shall review, update, and reissue the
23 policy annually. However, the state board shall delay
24 implementation of the policy until the national
25 collegiate athletic association adopts a similar
26 policy permitting compensation of athletes.”
27 2. Title page, line 4, by inserting after the
28 word “team,” the following: “requiring a compensation
29 policy for collegiate athletes,”.
30 3. Renumber as necessary.

RICHARD VARN

S-5817

1 Amend Senate File 2300 as follows:

2 1. Page 1, by striking lines 3 through 17 and
3 inserting the following:

4 “1. a. There is appropriated from the general
5 fund of the state to the department of natural
6 resources for the fiscal period beginning January 1,

7 1988, and ending June 30, 1989, the sum of fifty
 8 thousand (50,000) dollars to prepare a plan for
 9 development and management of Brushy Creek state
 10 recreation area as a wilderness resort area. The plan
 11 shall be completed and submitted to the majority
 12 leader of the senate and the speaker of the house of
 13 representatives not later than January 15, 1989.
 14 b. There is appropriated from the general fund of
 15 the state to the department of natural resources for
 16 the fiscal period beginning January 1, 1988, and
 17 ending June 30, 1989, the sum of one hundred thousand
 18 (100,000) dollars, or so much thereof as is necessary,
 19 for the construction of wilderness resort facilities
 20 as specified in subsection 2, paragraph "q",
 21 consistent with the development and management plan."
 22 2. Page 2, line 8, by inserting after the word
 23 "impoundment" the following: "on the main channel of
 24 Brushy Creek".
 25 3. Page 2, line 10, by inserting after the word
 26 "fishing" the following: "on the tributaries to
 27 Brushy Creek".
 28 4. Page 2, by inserting after line 10 the
 29 following:
 30 "Sec. ____ . This Act, being deemed of immediate
 31 importance, takes effect upon enactment."
 32 5. Title page, line 3, by inserting after the
 33 word "resort" the following: ", and providing an
 34 effective date".

LINN FUHRMAN
 JAMES R. RIORDAN

S-5818

1 Amend the House amendment, S-5786, to Senate File
 2 2314, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 2 the fol-
 5 lowing:
 6 "____ . Page 3, by striking lines 1 and 2 and
 7 inserting the following: "information system, the sum
 8 of one million nine hundred thirty-five thousand six
 9 hundred eight (1,935,608) dollars, or so much"."
 10 2. Page 2, by inserting before line 26 the fol-
 11 lowing:
 12 "____ . Page 15, by inserting after line 14 the
 13 following:
 14 "Sec. ____ . Section 302.1, Code Supplement 1987, is
 15 amended by adding the following new subsection:

16 NEW SUBSECTION. 6. All other moneys by law
 17 credited to the permanent school fund.””
 18 3. Page 4, by inserting after line 12 the
 19 following:
 20 “___ . Page 24, by inserting before line 4 the
 21 following:
 22 “Sec. ___ . 1988 Iowa Acts, Senate File 2196,
 23 section 8, is repealed.””
 24 4. Page 4, by inserting after line 12 the fol-
 25 lowing:
 26 “___ . Page 24, by inserting before line 4 the
 27 following:
 28 “Sec. ___ . There is appropriated from the general
 29 fund to the permanent school fund the sum of fifty-
 30 five thousand (55,000) dollars.””
 31 5. Page 4, by striking lines 30 through 39.

JOE J. WELSH
 DON GETTINGS

S-5819

1 Amend the House Amendment, S-5710, to Senate File
 2 2310, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 43 the fol-
 5 lowing:
 6 “___ . Page 5, by inserting after line 35, the
 7 following:
 8 “7. For salaries, support, and maintenance of the
 9 elder law education program.
 10 \$ 100,000””.
 11 2. By renumbering as necessary.

AL STURGEON
 JOE WELSH

S-5820

1 Amend Senate File 2328 as follows:
 2 1. Page 13, by inserting after line 31 the
 3 following:
 4 “f. For the fiscal year beginning July 1, 1988,
 5 only, the unobligated moneys left in the Iowa plan
 6 fund as a result of the appropriation made for the
 7 fiscal year beginning July 1, 1985, pursuant to
 8 section 99E.31, subsection 5, paragraph “e”, are

9 appropriated to the Iowa State University of science
 10 and technology to support collaborative research with
 11 the United States department of agriculture to improve
 12 reproductive performance and disease resistance in
 13 swine."

BERL PRIEBE
 JOHN E. SOORHOLTZ
 EMIL J. HUSAK
 DALE L. TIEDEN
 JOHN A. PETERSON
 KENNETH SCOTT
 LEONARD L. BOSWELL
 JOE J. WELSH
 BILL HUTCHINS
 ALVIN MILLER
 LEE W. HOLT

S-5821

1 Amend amendment S-5648 to House File 2447,
 2 as amended, passed and reprinted by the House,
 3 as follows:
 4 1. Page 4, by inserting after line 42 the
 5 following:
 6 "22. Page 13, by inserting after line 29 the
 7 following:
 8 "3. As a condition, qualification, and limitation
 9 of the funds appropriated under this section, the
 10 department shall identify the amount of the state
 11 funds and federal block grant funds saved under
 12 this appropriation and the amount of additional
 13 federal funds gained as a result of the case
 14 management provided under section 19, subsection 1,
 15 of this Act and transfer the total of the amounts to
 16 the funds appropriated under section 19 to provide
 17 enhanced mental health, mental retardation, and
 18 developmental disabilities services.'"

CHARLES BRUNER

S-5822

1 Amend the House amendment, S-5786, to Senate File
 2 2314, as amended, passed, and reprinted by the Senate,
 3 as follows:

DIVISION S—5822A

- 4 1. Page 1, by inserting after line 2 the fol-
5 lowing:
6 “___ . Page 3, by striking lines 1 and 2 and
7 inserting the following: “information system, the sum
8 of one million nine hundred thirty-five thousand six
9 hundred eight (1,935,608) dollars, or so much.”

DIVISION S—5822B

- 10 2. Page 1, by striking lines 12 through 27.

DIVISION S—5822A (cont'd.)

- 11 3. Page 2, by inserting before line 26 the fol-
12 lowing:
13 “___ . Page 15, by inserting after line 14 the
14 following:
15 “Sec. ___ . Section 302.1, Code Supplement 1987, is
16 amended by adding the following new subsection:
17 NEW SUBSECTION. 6. All other moneys by law
18 credited to the permanent school fund.””
19 4. Page 4, by inserting after line 12 the
20 following:
21 “___ . Page 24, by inserting before line 4 the
22 following:
23 “Sec. ___ . 1988 Iowa Acts, Senate File 2196,
24 section 8, is repealed.””
25 5. Page 4, by inserting after line 12 the fol-
26 lowing:
27 “___ . Page 24, by inserting before line 4 the
28 following:
29 “Sec. ___ . There is appropriated from the general
30 fund to the permanent school fund the sum of fifty-
31 five thousand (55,000) dollars.””
32 6. Page 4, by striking lines 30 through 39.

JOE WELSH
DON GETTINGS

S-5823

- 1 Amend House File 2278, as amended, passed, and reprinted
2 by the House, as follows:

3 1. By striking page 1, line 35 through page 3,
4 line 3.

DONALD V. DOYLE
TOM MANN, Jr.

S-5824

1 Amend the House amendment S-5753, to Senate File
2 2309, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 35 through 44.

5 2. Page 1, by inserting after line 44 the
6 following:

7 "___ . Page 2, by inserting after line 26 the
8 following:

9 "___ . Export trade activities.

10 For the establishment of international trade
11 activities including a program to encourage and
12 increase participation in trade shows and trade
13 missions by providing financial assistance to
14 businesses for a percentage of their costs of
15 participating in trade shows and trade missions,
16 lease/sublease showcase space in existing world trade
17 centers, provide temporary office space for foreign
18 buyers, international prospects, and potential reverse
19 investors, development of an Iowa export trading
20 company, and other promotional and assistance
21 activities.

22 \$ 400,000".

23 3. Page 2, by striking lines 17 through 20.

24 4. Page 2, line 21, by striking the word "Sec."
25 and inserting the following: ""Sec."

26 5. Page 2, line 38, by striking the figure "(5)".

27 6. By renumbering as necessary.

JOE WELSH
LEONARD BOSWELL

S-5825

1 Amend House File 2377, as passed by the House, as
2 follows:

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

5 "Section 1. LEGISLATIVE INTENT. The general
6 assembly finds:

7 1. It is in the state's interest to promote a
8 college education for Iowa children.

9 2. The cost of paying for a college education in
10 the future will be even more expensive than today and

11 may be out of reach for Iowa families of average
12 means.

13 3. A savings program is the best way to finance a
14 college education.

15 4. The state board of regents is authorized to
16 issue general obligation bonds for constructing
17 academic buildings on the campuses of its institutions
18 of higher education and a portion of these bonds could
19 be issued and sold to residents of this state to
20 facilitate savings for future higher education costs.

21 5. An Iowa college super savings plan should be
22 created as provided in this Act."

23 2. Page 1, line 4, by striking the words "and
24 with funding from".

25 3. By striking page 1, line 13 through page 4,
26 line 2, and inserting the following:

27 "Sec. ____ . NEW SECTION. 262A.6A IOWA COLLEGE
28 SUPER SAVINGS PLAN.

29 1. The board shall issue bonds authorized under
30 section 262A.4 by the Seventy-second General Assembly
31 in an amount not exceeding nineteen million dollars in
32 the form of capital appreciation bonds as provided in
33 this section rather than the form prescribed in
34 sections 262A.5 and 262A.6. The capital appreciation
35 bonds shall be designed to be marketed primarily to
36 Iowans to facilitate savings for future higher
37 education costs.

38 2. Bonds issued under this section may be sold by
39 the board at public sale on the basis of sealed
40 proposals received pursuant to a notice specifying the
41 time and place of sale and the amount of bonds to be
42 sold which shall be published at least once not less
43 than seven days prior to the date of sale in a
44 newspaper published in the state of Iowa and having a
45 general circulation in the state but if the board
46 deems it advisable and in the best interests of the
47 public, bonds issued under this section may be sold at
48 private sale without published notice of any kind or
49 the taking of competitive bids in a manner and upon
50 terms as may be provided in the resolution of the

Page 2

1 board authorizing the issuance of the bonds. Chapter
2 75 does not apply to bonds issued under this section,
3 but the bonds shall be sold upon terms of not less
4 than ninety-seven percent of par plus accrued
5 interest. Bonds issued to refund other bonds issued
6 under this section may either be sold at public or
7 private sale in the manner specified in this section

8 and the proceeds applied to the payment of the
9 obligations being refunded, or the refunding bonds may
10 be exchanged for and in payment and discharge of the
11 obligations being refunded. The refunding bonds may
12 be sold or exchanged in installments at different
13 times or an entire issue or series may be sold or
14 exchanged at one time. An issue or series of
15 refunding bonds may be exchanged in part or sold in
16 parts in installments at different times or at one
17 time. The refunding bonds may be sold or exchanged at
18 any time on, before, or after the maturity of the
19 outstanding bonds or other obligations to be
20 refinanced and may be issued for the purpose of
21 refunding a like or greater principal amount of bonds,
22 except that the principal amount of the refunding
23 bonds may exceed the principal amount of the bonds to
24 be refunded to the extent necessary to pay any premium
25 due on the call of the bonds to be refunded or to fund
26 interest in arrears or which is to become due.

27 Bonds issued under this section are payable solely
28 and only from and shall be secured by an irrevocable
29 pledge of a sufficient portion of the student fees and
30 charges and institutional income received by the
31 particular institution. Bonds issued under this
32 section have all the qualities of a negotiable
33 investment security under the laws of this state.

34 3. The bonds may bear a date or dates, may bear
35 interest at a rate or rates, payable at a time or
36 times, may mature at a time or times, may be in a form
37 and denominations, may carry registration privileges,
38 may be payable at a place or places, may be subject to
39 terms of redemption prior to maturity with or without
40 premium, if so stated on their face, and may contain
41 terms and covenants, including the establishment of
42 reserves, all as may be provided by the resolution of
43 the board authorizing the issuance of the bonds. In
44 addition to the estimated cost of construction,
45 including site costs, the cost of the project may
46 include interest upon the bonds during construction
47 and for six months after the estimated completion
48 date, the compensation of a fiscal agent or adviser,
49 engineering, architectural, administrative and legal
50 expenses and provision for contingencies. The bonds

Page 3

1 shall be executed by the president of the state board
2 of regents and attested by the executive secretary,
3 secretary or other official of the state board
4 performing the duties of secretary, and the coupons

5 attached to the bonds shall be executed with the
6 original or facsimile signatures of the president,
7 executive secretary, secretary or other official. The
8 facsimile signatures of the officers executing the
9 bonds may be imprinted on the face of the bonds in
10 lieu of the manual signature of the officer, but at
11 least one of the signatures appearing on the face of
12 each bond shall be a manual signature. Bonds bearing
13 the signatures of officers in office on the date of
14 the signing are valid and binding for all purposes,
15 notwithstanding that before delivery any or all of the
16 persons whose signatures appear have ceased to be
17 officers. Each bond shall state upon its face the
18 name of the institution on behalf of which it is
19 issued, that it is payable solely and only from the
20 student fees and charges and institutional income
21 received by the institution, and that it does not
22 constitute a debt of or charge against the state of
23 Iowa within the meaning or application of a
24 constitutional or statutory limitation or provision.
25 The issuance of these bonds shall be recorded in the
26 office of the treasurer of the institution on behalf
27 of which the bonds are issued, and a certificate by
28 the treasurer to this effect shall be printed on the
29 back of each bond.

30 4. In negotiating a private sale of the bonds
31 under this section the board shall assign preference
32 to a syndicate of underwriters which is led by an Iowa
33 domiciled underwriting firm to facilitate selling the
34 marketing of the bonds to Iowans within the plan for
35 the bonds. The plan shall include:

36 a. Provisions for advertisements in Iowa
37 newspapers which precede, by at least two weeks, the
38 date the bonds will go on sale to the public.

39 b. The advertisements shall include the date the
40 bonds will go on sale and a list of offices where
41 investors may purchase the bonds.

42 c. The bond issue shall be structured so that at
43 least fifty percent of the bonds are sold at a price
44 to the initial purchaser, not including an underwriter
45 or bond house, of one thousand dollars or less. The
46 board shall make a report of sale to the general
47 assembly within ninety days of sale date. The report
48 shall specify the terms and conditions of the sale as
49 well as the placement of the bonds by denomination and
50 by county."

RICHARD VARN
BILL HUTCHINS
JOE WELSH

WALLY E. HORN
JAMES WELLS
MICHAEL E. GRONSTAL
EMIL J. HUSAK
GEORGE R. KINLEY
BILL PALMER
BERL E. PRIEBE
C. JOSEPH COLEMAN
TOM MANN, Jr.
CHARLES BRUNER
LEONARD L. BOSWELL
BEVERLY A. HANNON
JACK NYSTROM
LARRY MURPHY
LINN FUHRMAN
ROBERT CARR
JEAN LLOYD-JONES
EUGENE FRAISE
AL STURGEON
KENNETH SCOTT
JOHN A. PETERSON
JIM R. RIORDAN
DONALD V. DOYLE
WILLIAM DIELEMAN
DON GETTINGS
ALVIN MILLER
CHARLES P. MILLER
PAT DELUHERY
WILMER RENSINK
JIM LIND

S-5826

1 Amend House File 566, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, by inserting after line 18 the follow-
4 ing:
5 "Sec. 777. Section 321.215, subsection 1, Code
6 1987, is amended to read as follows:
7 1. Upon Notwithstanding sections 321.218 and
8 321.560, upon conviction and the suspension or
9 revocation of a person's motor vehicle license under
10 section 321.209, subsections 5 and 6, 321.210,
11 321.218, or 321.555, subsection 2, and upon the denial
12 by the director of an application for a temporary
13 restricted license, a person may apply to the district
14 court having jurisdiction for the residence of the
15 person for a temporary restricted permit to operate a
16 motor vehicle to and from work and to and from school.

17 The application may be granted only if all the
18 following criteria is satisfied:

19 a. The restricted temporary permit is requested
20 only for a case of extreme hardship where alternative
21 means of transportation does not exist.

22 b. The permit applicant has not made an
23 application for such a permit in any other district
24 court in the state which was denied or revoked.

25 c. The permit is restricted for travel to and from
26 work and to and from school at times specified in the
27 permit.

28 d. Proof of financial responsibility is
29 established as defined in chapter 321A, however, such
30 proof is not required if the license was suspended,
31 under section 321.513.

32 Sec. ____ . PROSPECTIVE AND RETROACTIVE APPLICATION.

33 Section 777, being deemed of immediate importance,
34 takes effect upon its enactment. The section applies
35 prospectively. The section also applies retroactively
36 for persons who have had their licenses suspended or
37 revoked under section 321.218, and notwithstanding any
38 other provision of the Code may make application for a
39 temporary restricted permit under section 321.215 and
40 in such instances section 321.215, subsection 1, para-
41 graph "b" does not apply."

42 2. Title, line 2, by inserting after the word
43 "license" the following: "and providing for the is-
44 suance and use of a temporary restricted permit in
45 certain circumstances".

RICHARD VANDE HOEF

S-5827

1 Amend the amendment, S-5648, to House File 2447 as
2 amended, passed, and reprinted by the House as
3 follows:

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

6 "____. Page 1, line 7, by striking the figure
7 "45,400,000" and inserting the following:
8 "48,328,449"."

9 2. Page 1, by inserting after line 39 the
10 following:

11 "____. As a condition, qualification, and
12 limitation of the appropriation made by this section,
13 the schedule of basic needs under the aid to families
14 with dependent children program is established for one
15 person at one hundred seventy-four dollars, for two

16 persons at three hundred forty-three dollars, for
17 three persons at four hundred six dollars, for four
18 persons at four hundred seventy-two dollars, for five
19 persons at five hundred twenty-two dollars, for six
20 persons at five hundred eighty-one dollars, for seven
21 persons at six hundred thirty-eight dollars, for eight
22 persons at six hundred ninety-six dollars, for nine
23 persons at seven hundred fifty-three dollars, for ten
24 persons at eight hundred twenty-three dollars, and for
25 each additional person at eighty-two dollars.”

26 3. Page 1, by inserting after line 41 the
27 following:

28 “___ . Page 3, line 21 by inserting after the word
29 “that” the following: “effective July 1, 1988.”

30 ___ . Page 3, line 25, by inserting after the word
31 “data,” the following: “on the condition that
32 effective January 1, 1989, the basis for establishing
33 and maintaining the maximum medical assistance rate
34 for intermediate care facilities shall be the seventy-
35 fourth percentile of all facility per diems as
36 calculated from the June 30, 1988, unaudited
37 compilation of cost and statistical data and that the
38 minimum number of hours of care per resident of an
39 intermediate care facility shall be two hours per
40 resident per day computed on a seven-day week.”

41 4. Page 1, line 44, by striking the figure
42 “148,353,442” and inserting the following:
43 “163,290,645”.

44 5. Page 4, by inserting after line 30 the
45 following:

46 “___ . Page 10, line 31, by striking the figure
47 “2,471,000” and inserting the following:
48 “2,479,045”.

49 6. Page 4, by inserting after line 35 the
50 following:

Page 2

1 “___ . Page 12, line 28, by striking the words
2 “three point twenty-five” and inserting the following:
3 “five point five”.

4 ___ . Page 12, line 35, by striking the figure
5 “31,863,000” and inserting the following:
6 “31,890,603”.

7 7. Page 4, by inserting after line 42 the
8 following:

9 “___ . Page 13, lines 26 and 27, by striking the
10 words “ninety-five point twenty-five” and inserting
11 the following: “ninety-seven point five”.

12 8. Page 9, by inserting after line 45 the

13 following:

14 " ____ . Page 22, line 15, by striking the figure
15 "12,208,400" and inserting the following:
16 "14,995,600"."

17 9. Page 12, by inserting after line 3 the
18 following:

19 " ____ . Page 25, line 21, by striking the figure
20 "1,600,000" and inserting the following:
21 "2,100,000"."

22 10. Page 12, by inserting after line 7 the
23 following:

24 " ____ . Page 27, line 14, by striking the figure
25 "2,002,000" and inserting the following: "2,502,000".

26 ____ . Page 27, line 24, by striking the figure
27 "32,378,800" and inserting the following:
28 "38,247,000"."

29 11. Page 14, by inserting after line 17 the
30 following:

31 "Sec. 100. SUPPLEMENTAL APPROPRIATION. There is
32 appropriated from the general fund of the state for
33 the fiscal year beginning July 1, 1987, and ending
34 June 30, 1988, to the department of human services,
35 the following amount, or so much thereof as is
36 necessary, to supplement the prior appropriation for
37 medical assistance to be used for the same purposes
38 and to supplement funds appropriated by 1987 Iowa
39 Acts, chapter 234, section 203, subsection 2:
40 \$ 3,600,000".

41 ____ . Page 41, by inserting after line 6 the
42 following:

43 "Sec. ____ . EFFECTIVE DATE. Section 100 of this
44 Act takes effect upon enactment."

45 ____ . Title page, line 2, by striking the word
46 "year" and inserting the following: "years".

47 ____ . Title page, by striking line 3 and inserting
48 the following: "July 1, 1987, and July 1, 1988, and
49 providing effective"."

50 12. By renumbering as necessary.

CHARLES BRUNER
JOE WELSH

S-5828

1 Amend the House Amendment, S-5710, to Senate File
2 2310 as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 2, by inserting after line 22, the
5 following:

6 “ ____ . Page 19, by inserting after line 22 the
 7 following:
 8 “Sec. 100. Section 331.424, Code 1987, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 3. For general county services or
 11 for rural county services, an amount sufficient to
 12 fund the training of emergency medical services
 13 personnel and the acquisition of emergency medical
 14 services equipment. The levy shall not exceed ten
 15 cents per thousand dollars of the assessed value of
 16 all taxable property in the county for general county
 17 services, or in the county outside of incorporated
 18 city areas for rural county services. In expenditure
 19 of funds, the board shall meet the standards for
 20 emergency medical services established by the
 21 statewide emergency medical services task force.”
 22 2. Page 6, by inserting after line 10 the
 23 following:
 24 “ ____ . Page 23, by inserting after line 6 the
 25 following:
 26 “Sec. ____ . Section 100 of this Act takes effect
 27 July 1, 1990.””

RICHARD VANDE HOEF

S-5829

1 Amend the House amendment, S-5800, to Senate File
 2 2017, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 “ ____ . Page 1, line 27, by striking the figure
 7 “601E.1” and inserting the following: “601E.1, unless
 8 the applicant has previously provided satisfactory
 9 evidence to the department that the owner of the
 10 vehicle is permanently handicapped in which case the
 11 furnishing of additional evidence shall not be
 12 required for renewal.”
 13 2. Page 1, by inserting before line 14 the
 14 following:
 15 “ ____ . Page 4, by inserting before line 8 the
 16 following:
 17 “Sec. ____ . Section 601E.6, subsection 3, paragraph
 18 b, Code Supplement 1987, is amended to read as
 19 follows:
 20 b. Requiring persons who seek permanent
 21 handicapped identification devices or handicapped
 22 identification stickers to furnish evidence upon

23 initial application that they are permanently
24 handicapped; and requiring persons who seek temporary
25 handicapped identification devices to furnish evidence
26 upon initial application that they are physically
27 handicapped and, in addition, to furnish evidence at
28 three-month intervals that they remain physically
29 handicapped. A person who has provided satisfactory
30 evidence to the department that the person is
31 permanently handicapped shall not be required to
32 furnish evidence of being handicapped at a later
33 date.”

EDGAR H. HOLDEN

S-5830

1 Amend Senate File 2328 as follows:
2 1. Page 8, by inserting after line 4, the
3 following:
4 “ . For the fiscal year beginning July 1, 1988,
5 to the department of education the sum of one million
6 dollars for the purposes and under the conditions
7 specified in section 99E.31, subsection 5, paragraph
8 “c.””

JOHN W. JENSEN
JIM LIND
JOY CORNING
DALE TIEDEN
JAMES WELLS
HURLEY W. HALL

S-5831

1 Amend amendment, S-5759, to House File 2269, as
2 passed by the House, as follows:
3 1. Page 3, line 18, by inserting after the figure
4 “307B.25.” the following: “Moneys credited to the
5 authority under this section shall be repaid from the
6 general fund to the road use tax fund.”

RICHARD DRAKE
JOE WELSH

S-5832

1 Amend Senate File 2328 as follows:
2 1. Page 5, line 30, by striking the words “two

3 hundred fifty" and inserting the following: "three
4 hundred ninety-three".

JOY CORNING

S-5833

1 Amend Senate File 2328 as follows:
2 1. Page 9, line 17, by striking the words
3 "department of cultural affairs" and inserting the
4 following: "Iowa state arts council".
5 2. Page 9, line 20, by striking the words
6 "department of cultural affairs" and inserting the
7 following: "Iowa state arts council".

JOY CORNING

HOUSE AMENDMENT TO
SENATE FILE 356

S-5834

1 Amend Senate File 356, 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 170.1, subsection 2, Code
6 1987, is amended to read as follows:
7 2. "Food establishment" ~~shall mean any means a~~
8 place used as a bakery, confectionery, cannery,
9 packinghouse, slaughterhouse where animals or poultry
10 are killed or dressed for food, retail grocery, meat
11 market, or other place in which food is kept,
12 produced, prepared, or distributed for commercial
13 purposes for ~~off the premise off-the-premises~~
14 consumption, except ~~those premises covered by a~~
15 ~~current class "A" beer permit as provided in chapter~~
16 ~~123. for the following:~~
17 a. Premises covered by a current class "A" beer
18 permit as provided in chapter 123.
19 b. Premises which are licensed as a home food
20 establishment as defined in section 170C.1.
21 c. Premises which operate as a farmers market.
22 d. Premises of a residence in which nonhazardous
23 food is sold for consumption off-the-premises, if the
24 food is labeled to identify the name and address of

25 the person preparing the food and the common name of
26 the food. As used in this paragraph, nonhazardous
27 food means only the following:

28 (1) Baked goods except the following: soft pies,
29 bakery products with custard or cream fillings, or any
30 other potentially hazardous goods.

31 (2) Wholesome, fresh eggs that are kept at a
32 temperature of sixty degrees Fahrenheit or less.

33 (3) Honey which is labeled with additional
34 information as provided by departmental rule.

35 Sec. 2. Section 170.1, Code 1987, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 6. "Farmers market" means a
38 marketplace which seasonally operates principally as a
39 common market for fresh fruits and vegetables on a
40 retail basis for off-the-premises consumption.

41 Sec. 3. NEW SECTION. 170.6 FARMERS MARKET.

42 A vendor who offers a product for sale at a farmers
43 market shall have the sole responsibility to obtain
44 and maintain any license required to sell or
45 distribute such product.

46 Sec. 4. NEW SECTION. 170.56 ADOPTION BY RULE.

47 The director shall adopt the retail food store
48 sanitation code by rule as part of the Iowa retail
49 food store sanitation code with the following
50 exception:

Page 2

1 1.2-101 shall be amended to allow food licensed
2 under chapter 170C or food specified under section
3 170.1, subsection 2, paragraph "d", to be used or
4 offered for sale.

5 Sec. 5. NEW SECTION. 170.57 EXEMPTION.

6 This chapter does not apply to the premises of a
7 residence in which food is prepared to be used or sold
8 by churches, fraternal societies, charitable
9 organizations, or civic organizations.

10 Sec. 6. Section 170A.3, Code 1987, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 6. 2-101 shall be amended to
13 allow food licensed under chapter 170C and food
14 specified under section 170.1, subsection 2, paragraph
15 "d", to be used or offered for sale.

16 Sec. 7. NEW SECTION. 170C.1 DEFINITIONS.

17 As used in this chapter unless the context
18 otherwise requires:

19 1. "Food" means any raw, cooked, or processed
20 edible substance, ice, beverage, or ingredient used or
21 intended for use or sale in whole or in part for human

22 consumption.

23 2. "Department" means the department of
24 inspections and appeals.

25 3. "Home food establishment" means a business on
26 the premises of a residence in which prepared food is
27 created for sale or resale, for consumption off-the-
28 premises, if the business has gross annual sales of
29 prepared food of less than twenty thousand dollars.
30 However, a home food establishment does not include a
31 residence in which food is prepared to be used or sold
32 by churches, fraternal societies, charitable
33 organizations, or civic organizations.

34 4. "Prepared food" means soft pies, bakery
35 products with a custard or cream filling, or any other
36 potentially hazardous baked goods. "Prepared food"
37 does not mean nonhazardous baked goods, including but
38 not limited to breads, fruit pies, cakes, or other
39 nonhazardous pastries.

40 Sec. 8. NEW SECTION. 170C.2 REGULATION --
41 LICENSURE AND INSPECTION.

42 1. A person shall not open or operate a home food
43 establishment until a license has been obtained from
44 the department of inspections and appeals. The
45 department shall collect a fee of twenty-five dollars
46 for a license. After collection, the fees shall be
47 deposited in the general fund of the state. A license
48 shall expire one year from date of issue. A license
49 is renewable.

50 2. A person shall not sell or distribute from a

Page 3

1 home food establishment if the home food establishment
2 is unlicensed, the license of the home food
3 establishment is suspended, or the food fails to meet
4 standards adopted for such food by the department.

5 3. An application for a license under this chapter
6 shall be made upon a form furnished by the department
7 and shall contain the items required by it according
8 to rules adopted by the department.

9 4. The department shall regulate, license, and
10 inspect home food establishments according to
11 standards adopted by rule.

12 5. The department shall provide for the periodic
13 inspection of a home food establishment. The
14 inspector may enter the home food establishment at any
15 reasonable hour to make the inspection. The
16 department shall inspect only those areas related to
17 preparing food for sale.

18 6. The department shall regulate and inspect food

19 prepared at a home food establishment according to
 20 standards adopted by rule. The inspection may occur
 21 at any place where the prepared food is created,
 22 transported, or stored for sale or resale.

23 Sec. 9. NEW SECTION. 170C.3 PENALTY.

24 A person who violates a provision of this chapter,
 25 including a standard adopted by departmental rule,
 26 relating to home food establishments or prepared foods
 27 created in a home food establishment, is guilty of a
 28 simple misdemeanor. Each day that the violation
 29 continues constitutes a separate offense.

30 Sec. 10. NEW SECTION. 170C.4 INJUNCTIVE RELIEF.

31 A person operating a home food establishment or
 32 selling prepared foods created at a home food
 33 establishment in violation of a provision of this
 34 chapter may be restrained by injunction from further
 35 operating that home food establishment. If an
 36 imminent health hazard exists, the home food
 37 establishment must cease operation. Operation shall
 38 not be resumed until authorized by the department.

39 Sec. 11. NEW SECTION. 170C.5 DUTY OF COUNTY
 40 ATTORNEY.

41 The county attorney in each county shall assist in
 42 the enforcement of this chapter.

43 Sec. 12. NEW SECTION. 170C.6 CONFLICTING
 44 STATUTES.

45 Provisions of this chapter, including standards for
 46 home food establishments adopted by the department, in
 47 conflict with the state building code shall not apply
 48 where the state building code has been adopted or when
 49 the state building code applies throughout the state.”

50 2. Title page, by striking lines 1 and 2 and

Page 4

1 inserting the following: “An Act relating to the
 2 regulation of home prepared foods and foods sold at
 3 farmers markets, and providing for penalties.”

S-5835

1 Amend House File 2396, as passed by the House, as
 2 follows:

- 3 1. Page 10, line 30, by inserting after the word
- 4 “board.” the following: “In addition to other
- 5 criteria developed the following factors and
- 6 requirements shall be considered or applied:
- 7 a. A business that has an average hourly wage for
- 8 a majority of its employees of less than five dollars

9 fifty cents is disqualified from receiving assistance.
 10 b. A business that does not provide health
 11 insurance coverage to its employees shall lose three
 12 points in making the computations for determining
 13 assistance.
 14 c. Not more than two hundred fifty thousand
 15 dollars may be provided as a grant unless the board
 16 unanimously approves a grant in excess of that amount,
 17 but in no case may a grant exceed one million dollars.
 18 d. A business awarded a grant that does not create
 19 at least fifty percent of the expected jobs within two
 20 years of the awarding of the grant shall repay the
 21 full amount of the grant within six months of the end
 22 of the two-year period.
 23 e. A business that is a FORTUNE 500 company shall
 24 be given a low priority for providing assistance.
 25 f. The point rankings of the proposed projects
 26 shall be public information. If assistance is awarded
 27 to a project which has a ranking below that of
 28 proposed projects denied assistance, an explanation of
 29 the reason why one was approved over the other shall
 30 be written up and shall accompany the point rankings
 31 as public information."

DAVID READINGER
 JACK RIFE
 JIM LIND

S-5836

1 Amend amendment S-5648 to House File 2447,
 2 as amended, passed and reprinted by the House,
 3 as follows:
 4 1. Page 5, line 1, by inserting after the word
 5 "ordered" the following: "when the general
 6 assembly is not in session without receiving
 7 approval from the legislative council after
 8 notification to the fiscal committee and the
 9 membership of the human services appropriations
 10 subcommittee".

CHARLES BRUNER

HOUSE AMENDMENT TO
 SENATE FILE 2092

S-5837

1 Amend Senate File 2092, as amended, passed, and re-
 2 printed by the Senate, as follows:

3 1. Page 1, by striking lines 28 through 32 and
4 inserting the following: "so that at least fifty-five
5 percent of the moneys are for the traditional
6 infrastructure category, at least fifteen percent of
7 the moneys are for the new infrastructure category,
8 and thirty percent of the moneys are for the housing
9 category. If moneys allocated to the housing category
10 are not used or dedicated by January 1, of the fiscal
11 year, the moneys shall be reallocated to the other
12 categories that have the most need as determined by
13 the department. At least one-third of the moneys".

14 2. Page 1, line 34, by striking the word "twenty"
15 and inserting the following: "five".

16 3. Page 2, lines 24 and 25, by striking the words
17 "be below the prevailing market rate" and inserting
18 the following: "range from zero to five percent".

19 4. Page 3, line 6, by inserting after the word
20 "services," the following: "physical improvements
21 under town square and main street programs, physical
22 improvements to historic, art, and cultural sites and
23 attractions,".

24 5. Page 3, lines 22 and 23, by striking the words
25 "be below the prevailing market rate" and inserting
26 the following: "range from zero to five percent".

27 6. Page 4, line 1, by striking the words ", or
28 elderly people,".

29 7. Page 4, line 2, by inserting after the word
30 "housing" the following: "or in meeting the purposes
31 of the housing trust fund program as described in
32 section 220.100, subsection 2".

33 8. Page 4, by inserting after line 2, the
34 following:

35 "___ . For purposes of this section:

36 a. "Low-income" means an amount less than or equal
37 to one hundred fifty percent of the then current
38 poverty level as published by the federal department
39 of health and human services in the federal register.

40 b. "Moderate-income" means an amount less than or
41 equal to three hundred percent of the then current
42 poverty level as published by the federal department
43 of health and human services in the federal register."

44 9. Page 4, line 3, by inserting after the figure
45 "3." the following: "a."

46 10. Page 4, by inserting after line 9 the
47 following:

48 "b. The Iowa finance authority shall give a
49 preference in the awarding of assistance to the
50 following:

Page 2

1 (1) The assistance will be used to meet the
2 purposes of the housing trust fund program.

3 (2) The applicant is a nonprofit entity.

4 (3) Programs to assist low income and the
5 disadvantaged.

6 (4) A project that will qualify for the low-income
7 housing credit under section 42 of the Internal
8 Revenue Code.

9 (5) A project that will not otherwise qualify for
10 the low-income housing credit but will provide an
11 income mix of the residents as described in section
12 42(g)(1)(A) or (B) of the Internal Revenue Code.”

13 11. Page 5, line 16, by striking the word “Two”
14 and inserting the following: “One”.

15 12. Page 5, line 19, by striking the word “five”
16 and inserting the following: “four”.

17 13. Page 5, line 21, by inserting after the
18 figure “15.287.” the following: “Deposits under this
19 section to the revolving fund in section 15.287 shall
20 not be made during a fiscal year for which an
21 appropriation from other sources to the revolving fund
22 has been made. However, if the amount of such
23 appropriations does not equal four million dollars or
24 has to be reduced below that amount for any reason,
25 deposits under this section shall be made to the
26 extent that the amount appropriated, less any
27 reduction, is less than four million dollars.”

28 14. Page 8, line 19, by striking the words “may
29 be invested at the direction of” and inserting the
30 following: “shall be invested by the treasurer of
31 state in cooperation with”.

32 15. Page 11, by inserting after line 1 the
33 following:

34 “Sec. ____ . Section 220.100, subsection 7, Code
35 Supplement 1987, is amended by striking the
36 subsection.”

37 16. Title page, line 8, by inserting after the
38 word “program” the following: “, and providing
39 effective dates”.

40 17. By renumbering, relettering, or redesignating
41 and correcting internal references as necessary.

S-5838

1 Amend the amendment, S-5648, to House File 2447 as
2 amended, passed, and reprinted by the House as
3 follows:

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

6 “— . Page 1, line 7, by striking the figure
7 “45,400,000” and inserting the following:
8 “48,328,449”.”

9 2. Page 1, by inserting after line 39 the
10 following:

11 “— . As a condition, qualification, and
12 limitation of the appropriation made by this section,
13 the schedule of basic needs under the aid to families
14 with dependent children program is established for one
15 person at one hundred sixty-nine dollars, for two
16 persons at three hundred thirty-three dollars, for
17 three persons at three hundred ninety-four dollars,
18 for four persons at four hundred fifty-eight dollars,
19 for five persons at five hundred seven dollars, for
20 six persons at five hundred sixty-four dollars, for
21 seven persons at six hundred nineteen dollars, for
22 eight persons at six hundred seventy-six dollars, for
23 nine persons at seven hundred thirty-one dollars, for
24 ten persons at seven hundred ninety-nine dollars, and
25 for each additional person at eighty dollars.”

26 3. Page 1, by inserting after line 41 the
27 following:

28 “— . Page 3, line 21 by inserting after the word
29 “that” the following: “effective July 1, 1988.”

30 — . Page 3, line 25, by inserting after the word
31 “data,” the following: “on the condition that
32 effective January 1, 1989, the basis for establishing
33 and maintaining the maximum medical assistance rate
34 for intermediate care facilities shall be the seventy-
35 fourth percentile of all facility per diems as
36 calculated from the June 30, 1988, unaudited
37 compilation of cost and statistical data and that the
38 minimum number of hours of care per resident of an
39 intermediate care facility shall be two hours per
40 resident per day computed on a seven-day week,”.”

41 4. Page 1, line 44, by striking the figure
42 “148,353,442” and inserting the following:
43 “163,290,645”.

44 5. Page 4, by inserting after line 30 the
45 following:

46 “— . Page 10, line 31, by striking the figure
47 “2,471,000” and inserting the following:
48 “2,527,045”.”

49 6. Page 4, by inserting after line 35 the
50 following:

Page 2

1 “___ . Page 12, line 28, by striking the words
2 “three point twenty-five” and inserting the following:
3 “five point five”.

4 ___ . Page 12, line 35, by striking the figure
5 “31,863,000” and inserting the following:
6 “31,890,603”.

7 7. Page 4, by inserting after line 42 the
8 following:

9 “___ . Page 13, lines 26 and 27, by striking the
10 words “ninety-five point twenty-five” and inserting
11 the following: “ninety-seven point five”.

12 8. Page 9, by inserting after line 45 the
13 following:

14 “___ . Page 22, line 15, by striking the figure
15 “12,208,400” and inserting the following:
16 “14,995,600”.

17 9. Page 12, by inserting after line 3 the
18 following:

19 “___ . Page 25, line 21, by striking the figure
20 “1,600,000” and inserting the following:
21 “2,100,000”.

22 10. Page 12, by inserting after line 7 the
23 following:

24 “___ . Page 27, line 14, by striking the figure
25 “2,002,000” and inserting the following: “2,502,000”.

26 ___ . Page 27, line 24, by striking the figure
27 “32,378,800” and inserting the following:
28 “38,247,000”.

29 11. Page 14, by inserting after line 17 the
30 following:

31 “”Sec. 100. SUPPLEMENTAL APPROPRIATION. There is
32 appropriated from the general fund of the state for
33 the fiscal year beginning July 1, 1987, and ending
34 June 30, 1988, to the department of human services,
35 the following amount, or so much thereof as is
36 necessary, to supplement the prior appropriation for
37 medical assistance to be used for the same purposes
38 and to supplement funds appropriated by 1987 Iowa
39 Acts, chapter 234, section 203, subsection 2:
40 \$ 3,600,000”.

41 ___ . Page 41, by inserting after line 6 the
42 following:

43 “Sec. ___ . EFFECTIVE DATE. Section 100 of this
44 Act takes effect upon enactment.”

45 ___ . Title page, line 2, by striking the word
46 “year” and inserting the following: “years”.

47 ___ . Title page, by striking line 3 and inserting
48 the following: “July 1, 1987, and July 1, 1988, and

49 providing effective”.”
50 12. By renumbering as necessary.

CHARLES BRUNER
JEAN LLOYD-JONES
JOE WELSH

S-5839

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by inserting after line 6, the
4 following:
5 “Sec. ____ . NEW SECTION. 477B.5A REFERENDUM ON
6 E911 IN PROPOSED SERVICE AREA.
7 1. Before a joint E911 service board may request
8 imposition of the surcharge by the administrator, the
9 board shall submit the following question to either
10 voters or subscribers, as provided in subsection 2, in
11 the proposed E911 service area, and the question shall
12 receive a favorable vote from a simple majority of
13 persons submitting valid ballots on the following
14 question within the proposed E911 service area:
15 “Should enhanced 911 emergency telephone service be
16 funded, in whole or in part, by a surcharge of (up to
17 twenty-five cents) per month per telephone access line
18 collected as part of each telephone subscriber's
19 monthly phone bill if provided within (description of
20 the proposed E911 service area)?”
21 2. The referendum required as a condition of the
22 surcharge imposition in subsection 1 shall be
23 conducted using one of the following electoral
24 mechanisms at the option of the joint E911 service
25 board:
26 a. A local exchange access company providing
27 service to subscribers within the proposed E911
28 service area shall provide the name and address of
29 each subscriber to be served to the joint E911 service
30 board proposing to provide E911 service. The names
31 and addresses may be used by the joint E911 service
32 board for the purpose of mailing referendum ballots.
33 Ballots shall be returned to the subscriber's county
34 commissioner of elections who shall report the results
35 to the joint E911 service board. The joint E911
36 service board shall compile the results if subscribers
37 from more than one county are included within the
38 proposed service area. The board shall announce
39 whether a simple majority of subscribers submitting
40 valid ballots within the proposed E911 service area

41 approved the referendum question. A subscriber may
 42 only vote once.
 43 b. At the request of the joint E911 service board
 44 a county commissioner of elections shall include the
 45 question on the next eligible election ballot in each
 46 electoral precinct to be served, in whole or in part,
 47 by the proposed E911 service area. The question may
 48 be included in the next election in which all of the
 49 voters in the proposed E911 service area will be
 50 eligible to vote on the same day, such as a primary,

Page 2

1 general, or school board election. The county
 2 commissioner of elections shall report the results to
 3 the joint E911 service board. The joint E911 service
 4 board shall compile the results if subscribers from
 5 more than one county are included within the proposed
 6 service area. The joint E911 service board shall
 7 announce whether a simple majority of the compiled
 8 votes reported by the commissioner approved the
 9 referendum question.
 10 3. The secretary of state, in consultation with
 11 the administrator of the office of disaster services
 12 of the department of public defense, shall adopt rules
 13 for the conduct of joint E911 service referendums as
 14 required by and consistent with subsections 1 and 2.”
 15 2. Page 6, by striking lines 11 and 12, and
 16 inserting the following: “systems shall come from a
 17 surcharge of twenty-five cents, per month, per access
 18 line on each access line subscriber, except as
 19 provided in”.
 20 3. Page 8, line 3, by striking the words “ten
 21 cents” and inserting the following: “twenty-five
 22 cents”.
 23 4. Page 8, line 8, by striking the words “ten
 24 cents” and inserting the following: “twenty-five
 25 cents”.
 26 5. By renumbering as necessary.

EMIL J. HUSAK
 MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO
 SENATE FILE 484

S-5840

1 Amend Senate File 484 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. FINDINGS -- PURPOSE. The general
6 assembly finds that access to high quality medical and
7 hospital services at reasonable costs is in the public
8 interest and is necessary to ensure the health,
9 safety, and welfare of Iowa citizens.

10 The general assembly finds that the increasing
11 costs and decreasing availability of adequate medical
12 liability insurance for health care providers and
13 hospitals threaten the public access to high quality
14 medical and hospital services at reasonable costs.

15 The general assembly finds that it has become
16 necessary to take legislative action to achieve the
17 public interest and assure the health, safety, and
18 welfare of Iowa citizens, such action to include the
19 balancing of interests between an individual's right
20 of recovery for injuries and society's need for
21 necessary services.

22 It is the purpose of this Act to maintain and
23 increase the public's access to high quality medical
24 and hospital services at reasonable costs, thereby
25 protecting the health, safety, and welfare of the
26 citizens of this state. To effectuate this purpose,
27 it is the intent of the general assembly that the
28 provisions of this Act be construed liberally to
29 achieve the following:

30 1. An increase in the availability and
31 affordability of medical liability insurance for
32 health care providers and hospitals.

33 2. To maximize an individual's right to redress
34 for injuries within the confines of the broader
35 purpose of protecting the health, safety, and welfare
36 of all citizens.

37 3. To obtain such data as is necessary to develop
38 long-term solutions to the problems related to these
39 findings.

40 4. To decrease the incidence of medical
41 malpractice.

42 5. To provide such incentives as are necessary to
43 retain medical and hospital services in all parts of
44 this state.

45 6. To increase the resolution of medical liability
46 actions by more cost-efficient means than traditional
47 litigation.

48 7. To insure that the costs of medical liability
49 insurance accurately reflect the exposure to risk.

50 Sec. 2. NEW SECTION. 147B.1 SHORT TITLE.

Page 2

- 1 This chapter shall be known as the "Health Care
2 Provider and Patient Assistance Act."
- 3 Sec. 3. NEW SECTION. 147B.2 DEFINITIONS.
- 4 As used in this chapter, unless the context
5 requires otherwise:
- 6 1. "Administrator" means the compensation fund
7 administrator appointed pursuant to section 147B.13,
8 or the administrator's designee.
- 9 2. "Commissioner" means the commissioner of
10 insurance.
- 11 3. "Fund" means the patient catastrophic injury
12 fund established in section 147B.6.
- 13 4. "Future injuries" means all legal harm relating
14 to an injury which the trier of fact determines will
15 be incurred by the injured party subsequent to the
16 entry of judgment.
- 17 5. "Health care provider" means a person licensed
18 or certified in this state under chapter 148, 150,
19 150A, 152, or 153 to provide professional health care
20 services to an individual during that individual's
21 medical care, treatment, or confinement.
- 22 6. "Health services" means clinically related
23 diagnostic, curative, or rehabilitative services, and
24 includes alcoholism, drug abuse, and mental health
25 services.
- 26 7. "Hospital" means a hospital licensed pursuant
27 to chapter 135B.
- 28 8. "Injured person" means the person during whose
29 medical treatment or care the acts or omissions of
30 medical malpractice are determined to have occurred.
- 31 9. "Injured party" means a party plaintiff to a
32 medical malpractice action or other person not a party
33 to the action but who may have a cause of action
34 against a health care provider or hospital as a result.
35 of an injury alleged to have occurred as a result of
36 medical malpractice, and includes the injured person.
- 37 10. "Injury" means a legal harm for which damages
38 are recoverable in an action arising under this
39 chapter.
- 40 11. "Medical malpractice" means acts or omissions
41 of a health care practitioner in the practice of the
42 practitioner's profession or occupation, or acts or
43 omissions of a hospital in patient treatment or care,
44 including but not limited to negligence, failure to
45 provide care, breach of contract relating to providing
46 care, or claim based upon failure to obtain informed
47 consent for an operation or treatment.
- 48 Sec. 4. NEW SECTION. 147B.3 QUALIFIED PROVIDER -

49 - PATIENT.

50 1. A health care provider is qualified to

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1 participate under this chapter if the health care
2 provider does the following:
3 a. Files with the commissioner proof that the
4 health care provider is insured with an insurance
5 company admitted to do business in this state under a
6 policy of medical liability insurance providing a
7 minimum of five hundred thousand dollars per
8 occurrence in coverage.
9 b. Pays a surcharge levied on the health care
10 provider pursuant to section 147B.6.
11 2. A hospital is qualified to participate under
12 this chapter if the hospital does the following:
13 a. Files with the commissioner proof of financial
14 responsibility in an amount of five hundred thousand
15 dollars per occurrence. The hospital is qualified as
16 long as the required proof of financial responsibility
17 remains effective. Financial responsibility is proven
18 by providing a certified copy of a professional
19 liability insurance policy currently in force, with
20 annual proof of policy renewal required; a notarized
21 letter from the professional liability insurance
22 carrier stating that the hospital is covered by a
23 policy of professional liability insurance, with
24 annual proof of policy renewal required; the posting
25 of a bond; or the payment of cash to the commissioner.
26 If proof of financial responsibility is by
27 professional liability insurance the hospital shall
28 provide information evidencing the policy period,
29 amount of coverage, premium paid, claim form of
30 policy, and any reservation of rights by the carrier.
31 b. Pays a surcharge levied on the hospital
32 pursuant to section 147B.6.
33 3. The commissioner may permit qualification of a
34 health care provider who has retired or ceased doing
35 business if the health care provider files proof of
36 insurance as required in subsection 1 and pays a one-
37 time surcharge as may be determined to be appropriate
38 by the commissioner. The amount of the surcharge
39 shall not exceed the cost of five hundred thousand
40 dollars of medical liability coverage above the
41 initial five hundred thousand dollars of medical
42 liability coverage for the period subsequent to the
43 health care provider's retirement or ceasing to do
44 business. The commissioner shall adopt rules to
45 implement this subsection.

46 4. A claim or cause of action against a health
47 care provider or hospital shall not be denied as a
48 result of the health care provider or hospital not
49 being qualified at the time the action is instituted
50 if the health care provider or hospital was qualified

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1 at the time of the alleged occurrence. A health care
2 provider or hospital not qualified at the time of the
3 alleged occurrence is not qualified under this chapter
4 by filing proof of financial responsibility and making
5 payment of the required surcharge subsequent to the
6 occurrence giving rise to the claim.

7 Sec. 5. NEW SECTION. 147B.3A NOTICE -- AP-
8 PPLICATION FEE.

9 1. Prior to consideration for qualification
10 pursuant to this chapter, a health care provider shall
11 give notice to the commissioner of the provider's
12 intention to qualify. The notice of intention shall
13 be accompanied by a one-time application fee of fifty
14 dollars for health care practitioners and five hundred
15 dollars for hospitals.

16 2. Fees received by the commissioner pursuant to
17 subsection 1 shall only be expended for purposes of
18 payment of the reasonable expenses incurred or to be
19 incurred in the implementation of this chapter.

20 3. To the extent that fees received pursuant to
21 subsection 1 are in excess of the expenses of
22 implementation of this chapter, the commissioner shall
23 transfer the excess fees to the fund.

24 4. Notice and application fees received subsequent
25 to the implementation of this chapter shall be placed
26 in the fund upon receipt.

27 Sec. 6. NEW SECTION. 147B.4 EXPRESS CONTRACT
28 ASSURING RESULTS.

29 Liability shall not be imposed upon a health care
30 provider or hospital as a result of an alleged breach
31 of an express or implied contract assuring results to
32 be obtained by any procedure undertaken in the course
33 of health care unless the contract is expressly set
34 forth in writing and is signed by the health care
35 provider or hospital or by an authorized agent of the
36 health care provider or hospital. The only exception
37 to the written requirement shall be when the health
38 care provider or hospital expressly represents to the
39 patient in the presence of an employee of the health
40 care provider or hospital the results to be obtained
41 from a procedure undertaken. This section does not
42 exempt a health care provider or hospital from the

43 standard of due care in administering any procedure
44 undertaken.

45 Sec. 7. NEW SECTION. 147B.6 PATIENT CATASTROPHIC
46 INJURY FUND.

47 1. A patient catastrophic injury fund is created
48 for the purposes stated in this chapter. The fund and
49 income from the fund shall be deposited with the
50 treasurer of state to be used for the payment of

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1 qualifying claims under this chapter and
2 administrative expenses of the mediation system
3 established pursuant to section 147B.24, and the fund
4 is appropriated for those purposes. Appropriations to
5 the fund are not subject to reversion under section
6 8.33.

7 The fund shall be wholly responsible for paying
8 settlements or judgments in excess of the amount of
9 the combined financial responsibility required under
10 section 147B.3. If more than one health care provider
11 or hospital, or both, are liable on a claim, the
12 combined financial responsibility amounts shall be
13 primary coverage, and the fund shall constitute
14 secondary coverage.

15 2. An annual surcharge shall be levied on all
16 health care providers and hospitals qualifying under
17 section 147B.3. The surcharge for a health care
18 provider or hospital is determined by the commissioner
19 subject to the following limitations:

20 a. The annual surcharge shall not exceed the
21 difference of the premium amount which the health care
22 provider or hospital would pay annually to maintain a
23 policy of medical liability insurance providing one
24 million dollars of coverage less the premium amount
25 which the health care provider or hospital pays or
26 would pay to maintain a policy of medical liability
27 insurance providing five hundred thousand dollars of
28 coverage.

29 b. The amount of the surcharge shall not exceed
30 the amount necessary to assure that the fund is
31 actuarially sound.

32 3. The surcharge required for qualification under
33 section 147B.3 is due and payable at the time the
34 health care provider or hospital qualifies pursuant to
35 section 147B.3, and is payable annually thereafter in
36 amounts as determined by the commissioner.

37 4. If the annual premium surcharge required for
38 qualification under section 147B.3 is not paid within
39 the time specified in subsection 3, the qualification

40 of the health care provider or hospital shall be
41 suspended until the annual premium surcharge is paid.
42 The suspension shall not be effective as to patients
43 claiming against the health care provider or hospital
44 unless, at least thirty days before the effective date
45 of the suspension, a written notice giving the date
46 upon which the suspension becomes effective has been
47 provided by the commissioner to the health care
48 provider or hospital.
49 Sec. 8. NEW SECTION. 147B.6A LIMITATION OF
50 LIABILITY.

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1 A health care provider or hospital qualified under
2 this chapter determined to be liable for an
3 occurrence, to which this chapter applies, resulting
4 in an injury or death of a patient arising out of
5 medical malpractice shall be liable for all amounts
6 due under a judgment or settlement recoverable by an
7 injured party in excess of any amount for which the
8 fund is liable under section 147B.10.
9 Sec. 9. NEW SECTION. 147B.7 COVERAGE BY FUND.
10 1. The fund shall provide coverage to the health
11 care provider or hospital on the same basis as the
12 underlying professional liability insurance or other
13 proof of financial responsibility maintained by the
14 health care provider or hospital.
15 2. If at any time prior to the health care
16 provider's or hospital's qualification under this
17 chapter, the health care provider or hospital had
18 acquired coverage under an occurrence form policy of
19 medical liability insurance for an occurrence of
20 alleged medical malpractice occurring during the term
21 that policy was in effect, the fund shall provide
22 coverage only for claims for alleged medical
23 malpractice covered under the policy to the extent
24 that a judgment or settlement exceeds the limits of
25 the policy.
26 3. The fund shall not provide coverage for a
27 medical malpractice claim against a health care
28 provider or hospital qualified under this chapter if
29 the medical malpractice claim was made against that
30 health care provider or hospital prior to the time of
31 the health care provider's or hospital's qualification
32 under this chapter.
33 4. The fund may provide coverage for an alleged
34 occurrence of medical malpractice by a health care
35 provider or hospital which occurred prior to the
36 health care provider's or hospital's qualification

37 under this chapter if the health care provider or
38 hospital had not received notice and the health care
39 provider or hospital had a claims made policy of
40 medical liability insurance in effect immediately
41 prior to the health care provider's or hospital's
42 qualification under this chapter. A health care
43 provider or hospital may be required to pay a
44 surcharge for such coverage as determined by the
45 commissioner to be appropriate if the prior claims
46 made policy was not mature.

47 Sec. 10. NEW SECTION. 147B.8 REINSURANCE.
48 The commissioner may cause all or any part of the
49 potential liability of the fund to be reinsured, if
50 reinsurance is available on a fair and reasonable

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1 basis. The cost of the reinsurance shall be paid by
2 the fund and the fact of the reinsurance shall be
3 taken into account in determining the surcharge.

4 Sec. 11. NEW SECTION. 147B.9 SOURCE OF FUNDING
5 FOR PATIENT CATASTROPHIC INJURY FUND.

6 1. An assessment of one percent is imposed on
7 patient billings for inpatient acute care services and
8 routine and surgical outpatient services, other than
9 those involving Medicaid or Medicare, by hospitals
10 beginning January 1, 1989. This assessment shall be
11 collected by the hospital and the assessments received
12 shall be remitted by the hospital to the patient cata-
13 strophic injury fund monthly. A hospital shall not be
14 responsible for the collection or remittance of
15 assessments on billings deemed uncollectible by the
16 hospital.

17 2. The assessment created by this section shall be
18 charged to and paid in full by the primary payor and
19 shall be considered a covered benefit for purposes of
20 third-party reimbursement. A primary payor's
21 obligations under this section shall not be altered by
22 contract or agreement.

23 3. The assessment pursuant to subsection 1 shall
24 be implemented on January 1, 1989, and shall only
25 continue in force and effect until the patient
26 catastrophic injury fund is found to be actuarially
27 sound. The determination that the fund is actuarially
28 sound shall be made by the commissioner. The
29 assessment shall only be reinstated upon order of
30 the commissioner based upon evidence that the
31 reinstatement of the assessment is necessary to
32 maintain actuarial soundness of the fund. The order

33 shall only be made following notice and hearing to
34 interested parties.

35 Sec. 12. NEW SECTION. 147B.10 LIABILITY OF
36 PATIENT CATASTROPHIC INJURY FUND -- STANDING
37 APPROPRIATION.

38 The patient catastrophic injury fund is liable for
39 all sums to be paid under a judgment, verdict, award,
40 or settlement approved by the court which exceeds five
41 hundred thousand dollars, but does not exceed three
42 million dollars, with respect to an occurrence of
43 medical malpractice in this state.

44 There is appropriated from the general fund of the
45 state to the patient catastrophic injury fund each
46 fiscal year an amount sufficient to pay any amounts
47 outstanding for which the fund is liable when all
48 moneys deposited in the fund for that year have been
49 expended.

50 However, the fund is liable for the repayment to

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1 the general fund for any amounts expended for payment
2 of any claims under this chapter. These amounts shall
3 be repaid out of any amounts collected pursuant to
4 this chapter in subsequent years which are in excess
5 of the amount determined by the commissioner necessary
6 to maintain the fund in an actuarially sound manner.

7 Sec. 13. NEW SECTION. 147B.10A FUND NOT PART OF
8 THE IOWA INSURANCE GUARANTY ASSOCIATION.

9 The fund is not an insurance company or insurer
10 under the laws of this state and shall not be a member
11 of, nor be entitled to file a claim against, the Iowa
12 insurance guaranty association created under chapter
13 515B.

14 Sec. 14. NEW SECTION. 147B.11 ANNUAL REPORT.

15 The commissioner shall, pursuant to rules issued by
16 the commissioner, on or before the first day of
17 February of each year, provide to the chairpersons,
18 vice chairpersons, and ranking members of the senate
19 standing committees on judiciary and commerce, and the
20 house of representatives standing committees on
21 judiciary and law enforcement, and small business and
22 commerce, a report regarding claims filed against the
23 fund and claims closed involving the fund for the
24 previous calendar year. However, the report shall not
25 include any confidential information regarding a claim
26 currently being litigated or which will be litigated,
27 or a claim where the parties have entered into or will
28 enter into discussions intended to result in a
29 settlement of the claim, if the release of the

30 information may impede settlement negotiations or
31 adversely affect either party to the negotiations or
32 litigation. The report shall contain to the extent
33 the information is available the following
34 information:

- 35 1. Parties to the claims.
- 36 2. Causes of action.
- 37 3. Amounts reserved or paid per claim, including
38 the present value for structured settlements or
39 awards.
- 40 4. Legal fees, expert witness fees, court costs,
41 or other associated costs of judgments or decrees per
42 claim.
- 43 5. Allocated loss adjustment expense.
- 44 6. Administrative costs.
- 45 7. Other claims information as deemed necessary by
46 the commissioner.

47 The report is a public record.

48 Sec. 15. NEW SECTION. 147B.12A PROFESSIONAL
49 LIABILITY PREMIUM DISCOUNT.

50 Every insurer providing a policy of professional

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1 liability insurance to a health care provider in Iowa
2 on or after January 1, 1989, shall review the health
3 care provider's civil and criminal record for a period
4 of not less than five years prior to the effective
5 date of any new or renewed policy of insurance.

6 If the record establishes that the health care
7 provider is claim-free for the period, the insurer
8 shall do one of the following according to rules
9 established by the commissioner:

10 1. Discount the provider's premium by an amount to
11 be determined annually by the commissioner.

12 2. Issue the health care provider a policy based
13 upon a preferred risk selection program, if the
14 insurer has previously established such a program.

15 3. Specifically provide within the policy a review
16 of the underwriting considerations accounting for the
17 fact that the provider has had no claims within the
18 last five years. However, the policy may be reviewed
19 by the commissioner for reasonableness of underwriting
20 considerations, and the commissioner may order that
21 the underwriting considerations be replaced by a
22 discount in the minimum amount provided in subsection
23 1.

24 Sec. 16. NEW SECTION. 147B.13 CATASTROPHIC
25 INJURY FUND ADMINISTRATOR.

26 The commissioner may appoint an administrator to

27 perform all duties and responsibilities pursuant to
 28 this chapter. The administrator shall serve at the
 29 pleasure of the commissioner. The salary and expenses
 30 of the administrator shall be paid from the fund.

31 Sec. 17. NEW SECTION. 147B.14 ADMINISTRATION.

32 The commissioner shall provide staff services
 33 necessary for the implementation of this chapter, or
 34 may contract with an insurance company licensed to do
 35 business in this state, or both, to perform any
 36 administrative duties of the commissioner pursuant to
 37 this chapter. The commissioner shall retain
 38 supervisory control over all services for which a
 39 contract is entered into. All reasonable costs and
 40 charges incurred in the administration of this chapter
 41 shall be paid from the fund.

42 The administrator and all persons employed or
 43 contracted with to provide staff services necessary
 44 for the operation of this chapter are employees of the
 45 state for purposes of chapter 25A, but for no other
 46 purposes.

47 Sec. 18. NEW SECTION. 147B.15 RULES.

48 The commissioner shall adopt rules pursuant to
 49 chapter 17A for the efficient administration of this
 50 chapter in accordance with its terms and intent.

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1 Sec. 19. NEW SECTION. 147B.17 ADVANCE PAYMENT
 2 NOT ADMISSION.

3 A payment made by a health care provider or
 4 hospital or the health care provider's or hospital's
 5 insurer or surety to or for the patient or any other
 6 person on the patient's behalf in advance of a final
 7 determination of liability shall not be construed as
 8 an admission of liability for injuries or damages
 9 suffered in a medical malpractice action. In the
 10 event of an advance payment, the court shall reduce
 11 the judgment to the plaintiff by the amount of the
 12 advance payment. If the advance payment exceeds the
 13 liability of the defendant, the court shall order any
 14 adjustment necessary to equalize the amount under
 15 which each defendant is obligated to pay and in no
 16 case shall an advance in excess of the amount found to
 17 be due be repayable to the health care provider or
 18 hospital or the insurer or surety making the payment.

19 Sec. 20. NEW SECTION. 147B.18 SETTLEMENT NOT
 20 ADMISSION.

21 If at any time the health care provider, hospital,
 22 an insurance carrier, a surety, or the fund tenders
 23 payment to the patient or a person acting on the

24 patient's behalf of any sum for the purpose of
25 settlement and not as an advance, the tender shall not
26 be considered an admission of liability by the health
27 care provider or hospital. Liability or fault is not
28 deemed admitted as a matter of law.

29 Sec. 21. NEW SECTION. 147B.20 COSTS OF DEFENSE.

30 1. Coverage for medical malpractice under the fund
31 and under professional liability policies or other
32 items posted for proof of financial responsibility to
33 comply with the requirements of this chapter shall
34 include defense costs and allocation for loss
35 adjustment expense. Such benefits or coverage shall
36 not in any way reduce the coverage available to
37 provide for payment of judgments by a health care
38 provider or hospital to an injured party.

39 2. The administrator may employ the services of
40 outside legal counsel to defend the fund against
41 claims and to assist a health care provider's insurer
42 in defending a claim.

43 3. The administrator may, by agreement with the
44 health care provider's insurer, allow the health care
45 provider's insurer to provide a defense for a claim
46 against the health care provider and the fund. The
47 administrator and the health care provider's insurer
48 may agree to any apportionment of the costs of
49 defense.

50 4. All actual expenses of collecting, protecting,

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1 and administering the fund shall be paid from the
2 fund, including necessary costs of outside legal
3 counsel. The attorney general is not responsible for
4 representation or legal defense of the fund.

5 Sec. 22. NEW SECTION. 147B.21 FAILURE TO
6 QUALIFY.

7 1. A health care provider or hospital who fails to
8 qualify under this chapter is not covered by this
9 chapter and is subject to liability as provided
10 elsewhere in statute or common law. A patient's
11 remedies against a nonqualified health care provider
12 or hospital shall not be affected by this chapter.

13 2. A health care provider need not be a resident
14 of this state to be eligible for coverage under this
15 chapter. A nonresident may submit an application to
16 the commissioner or the commissioner's designee to
17 qualify for coverage under the terms and conditions
18 provided by rule. However, the fund shall not be
19 liable for any occurrence occurring outside of this
20 state involving a resident or nonresident health care

21 provider, unless the commissioner has by rule reached

22 an agreement of reciprocity with the other state.

23 Sec. 23. NEW SECTION. 147B.22 ACTION -- AMOUNT
24 RECOVERABLE -- SETTLEMENT.

25 1. Parties commencing an action governed by the
26 provisions of this chapter have all rights afforded to
27 them under statute or common law unless provided
28 otherwise, and actions shall be commenced and governed
29 as provided for under the rules of civil procedure.

30 2. The fund shall not be a named party to any
31 suit. However, notice of suit shall be served upon
32 the commissioner.

33 3. Payment of policy limits by the health care
34 provider's or hospital's professional liability
35 carrier or surety absolves the health care provider or
36 hospital from any additional individual liability.
37 The payment of policy or bond limits or any portion
38 thereof must be coordinated with the fund and shall
39 not absolve the carrier from participation in the
40 defense of the fund on behalf of the health care
41 provider or hospital. The payment of policy or bond
42 limits or any portion thereof shall not affect the
43 injured parties' right to a jury trial.

44 4. The fund may participate in the settlement of
45 claims prior to a health care provider's or hospital's
46 liability carrier or surety tendering policy limits.

47 5. If multiple health care providers or hospitals
48 are named as individual defendants, this chapter
49 applies only to those providers or hospitals who are
50 qualified under this chapter.

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1 Sec. 24. NEW SECTION. 147B.23 STRUCTURED
2 JUDGMENTS.

3 1. In a medical malpractice action against a
4 health care provider or hospital subject to this
5 chapter, the verdict shall be itemized to distribute
6 the monetary damages, if any, between past loss and
7 future loss. In a trial to the court, the court shall
8 itemize its findings in accordance with this section.

9 2. The court, in a medical malpractice action
10 subject to this chapter in which a damage award
11 against all defendant health care providers and
12 hospitals exceeds the financial responsibility of
13 those health care providers and hospitals required
14 under section 147B.3 and where the fund is responsible
15 for paying damages for future injuries to a party
16 exceeds one hundred thousand dollars and upon
17 application of one of the parties, shall enter a

18 judgment ordering the portion of the award to the
19 party in excess of one hundred thousand dollars to be
20 paid in periodic payments, subject to the limitations
21 contained in this section. The court shall make a
22 specific finding as to the dollar amount of regular
23 payments which will be required to compensate the
24 party periodically for loss of future income and
25 future noneconomic harm, based upon the life
26 expectancy of the party and the damages awarded. The
27 periodic payments shall reflect interest in accordance
28 with annuity principles. The judgment shall specify
29 the recipient of the periodic payments, the dollar
30 amount of each payment, the interval between payments,
31 and the number of payments required to be made. The
32 judgment shall specify the amount of and the purposes
33 for which the balance of the judgment awarded for the
34 future care and treatment of the party may be used.

35 3. Attorney fees of the party receiving an award,
36 if payable out of the judgment, shall be applied pro
37 rata against amounts awarded for past injuries and for
38 future injuries. The amount determined by the court
39 to be payable out of damages for future injuries shall
40 be deducted by the court from the amount to be ordered
41 paid as provided in this subsection, and shall be
42 deducted pro rata from those amounts awarded, if any,
43 for loss of future income, future expenses for care
44 and treatment, and future noneconomic harm. The
45 amount of attorney fees attributable to the award for
46 future injuries shall be payable upon entry of
47 judgment.

48 4. If a judgment has been entered ordering
49 periodic payments pursuant to this section, the health
50 care provider's or hospital's insurer shall pay to the

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1 fund the amount for which the insurer is liable under
2 this chapter, after apportionment of costs of defense,
3 for distribution by the fund to the party receiving
4 the award.

5 5. If a judgment has been entered ordering
6 periodic payments pursuant to this section, the fund
7 shall make the payments as ordered or, alternatively,
8 the fund may purchase an annuity from an insurance
9 company admitted to do business in this state
10 sufficient to make the periodic payments.

11 6. If the party receiving the award dies, amounts
12 to be paid for loss of future income are payable to
13 those persons to whom the party receiving the award

14 owed a duty of support. If the party receiving the
15 award dies prior to payment of the amounts for other
16 than loss of future income, the judgment is satisfied
17 upon the payment of all obligations incurred up to the
18 time of death and of the expenses of final illness and
19 reasonable burial expenses. Amounts remaining for
20 other than loss of future income upon satisfaction of
21 the judgment shall remain in the fund.

22 7. Except with respect to amounts representing
23 loss of future income, a judgment for future injuries
24 is a contingent award, and the right to payment vests
25 only at such times and in such amounts as accrue
26 pursuant to the order specifying the amount of
27 periodic payments and the interval of those payments.

28 8. The district court shall retain jurisdiction of
29 a medical malpractice action in which the judgment in
30 the action orders periodic payments, and upon the
31 death of the party receiving the award in the case of
32 an award for loss of future income, the dependents of
33 the decedent or any other interested party to the
34 action or a representative of an interested party, may
35 petition the court for a modification of the judgment
36 and for a redesignation of the recipient of the
37 payments, in accordance with the rights of persons
38 established by this section. Unless otherwise
39 ordered, the redesignated recipients of payments for
40 loss of future income shall be paid in those amounts
41 and at those intervals specified in the original
42 judgment. Payments shall continue until the remaining
43 amounts designated for that purpose have been paid, or
44 until the death of those dependents, whichever occurs
45 first. If the last surviving dependent dies prior to
46 depletion of the amount specified for loss of future
47 income, the judgment is deemed satisfied upon payment
48 of amounts accrued up to the time of that death.
49 Amounts remaining for loss of future income upon
50 satisfaction of the judgment shall remain in the fund.

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1 Sec. 25. NEW SECTION. 147B.24 MEDIATION SYSTEM.

2 The commissioner shall establish a mediation system
3 which consists of mediation panels to assist in the
4 resolution of disputes, regarding medical malpractice
5 between an injured party and a health care provider or
6 hospital.

7 Sec. 26. NEW SECTION. 147B.25 REQUEST FOR
8 MEDIATION.

9 1. An injured party who may have a cause of action
10 against a health care provider or hospital as a result

11 of an injury alleged to have occurred as a result of
12 medical malpractice may file a request for mediation.
13 However, if the injured party has filed a court action
14 claiming a cause of action against a health care
15 provider or hospital as a result of an injury alleged
16 to have occurred as a result of medical malpractice,
17 the injured party shall file a request for mediation
18 within fifteen days after the date of filing.

19 2. A request for mediation must be in writing and
20 must include all of the following:

- 21 a. The name and address of all injured parties.
- 22 b. The name and address of the injured patient, if
23 not included in paragraph "a".
- 24 c. The name and address of all health care
25 providers and hospitals alleged to have committed
26 medical malpractice resulting in the injury.
- 27 d. The condition or disease for which the health
28 care provider or hospital was treating the injured
29 party when the alleged medical malpractice occurred.
- 30 e. A brief description of the injury alleged to
31 have been caused by the health care provider or
32 hospital.

33 3. a. A request for mediation shall be delivered
34 to the commissioner in person or by certified mail.
35 The injured party requesting mediation and all health
36 care providers and hospitals named in the request for
37 mediation shall participate in the mediation.

38 b. An injured party shall pay a filing fee of
39 twenty dollars at the time the request is filed with
40 the commissioner, to be deposited in the patient
41 catastrophic injury fund created pursuant to section
42 147B.6.

43 4. If a court action has not been commenced at the
44 time the request for mediation is filed with the
45 commissioner, any applicable statute of limitations is
46 tolled on the date the commissioner receives the
47 request for mediation if delivered in person or on the
48 date of mailing if sent by certified mail and remains
49 tolled until thirty days after the last day of the
50 mediation period. A court action shall not be

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1 commenced unless a request for mediation has been
2 filed and the mediation period has expired. An
3 injured party who has filed a request for mediation
4 and commences a court action after the expiration of
5 the mediation period shall notify the commissioner
6 that a court action has been filed.

7 5. If a court action has been commenced prior to

8 the time the request for mediation is filed with the
9 commissioner, any applicable statute of limitations is
10 tolled during the mediation period.

11 Sec. 27. NEW SECTION. 147B.26 NOTICE TO HEALTH
12 CARE PROVIDERS AND HOSPITALS.

13 The commissioner shall serve notice upon all health
14 care providers and hospitals named in the request for
15 mediation by certified mail within seven days after
16 the commissioner receives the request if delivered in
17 person or within ten days after the date of mailing of
18 the request to the commissioner if sent by certified
19 mail.

20 Sec. 28. NEW SECTION. 147B.27 MEDIATION PANELS.

21 1. The commissioner shall appoint the members of a
22 mediation panel and send notice to the claimant and
23 all respondents by certified mail. The notice shall
24 inform the claimant and all respondents of the names
25 of the members appointed to the mediation panel and
26 the date, time, and place of the first mediation
27 session. The commissioner may change the date, time,
28 or place of the mediation session as necessary to
29 accommodate the parties, but the session shall be held
30 before the expiration of the mediation period.

31 2. A mediation panel shall consist of the
32 following members appointed by the commissioner:

33 a. One public member who is neither an attorney
34 nor a health care provider and who is selected from a
35 list of ten public member mediators appointed by the
36 commissioner every two years. A member on the list
37 may be reappointed to the list.

38 b. One attorney who is licensed to practice law in
39 this state.

40 c. One health care provider as follows:

41 (1) Except as provided in subparagraphs (4) and
42 (5), if all respondents named in the request for
43 mediation are health care providers licensed under
44 chapter 148 or 150A, a health care provider who is
45 licensed to practice in this state and who is selected
46 from a list prepared by the board of medical
47 examiners.

48 (2) Except as provided in subparagraphs (4) and
49 (5), if none of the respondents named in the request
50 for mediation is a health care provider licensed under

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1 chapter 148 or 150A, a health care provider who is
2 licensed to practice in this state in the same health
3 care field as the respondent and who is selected from
4 a list prepared by the examining board that regulates

5 health care providers in that health care field.

6 (3) Except as provided in subparagraphs (4) and
7 (5), if more than one respondent is named in the
8 request for mediation at least one of whom is a health
9 care provider and one of whom is a hospital, a health
10 care provider who is licensed to practice in this
11 state and who is selected from a list under
12 subparagraph (1) or (2), as determined by the
13 commissioner.

14 (4) If the commissioner determines that a list
15 under subparagraph (1) or (2) is inadequate to permit
16 the selection of an appropriate health care provider,
17 a health care provider who is licensed to practice in
18 this state and who is selected from an additional list
19 prepared by the commissioner.

20 (5) If the commissioner determines that the lists
21 under subparagraph (1) or (2) and subparagraph (4) are
22 inadequate to permit the selection of an appropriate
23 health care provider for a particular dispute, a
24 health care provider who is licensed to practice in
25 this state and is selected by the commissioner.

26 3. If a person appointed to a panel resigns from
27 or is unable to serve on the mediation panel, the
28 commissioner shall appoint a replacement selected
29 pursuant to subsection 2.

30 4. A person shall not serve on a mediation panel
31 if the person has a professional or personal interest
32 in the dispute.

33 5. Each member of the mediation panel is entitled
34 to one hundred fifty dollars per diem plus actual and
35 necessary expenses for each day of mediation
36 conducted. The amounts provided for under this
37 subsection shall be paid from the patient catastrophic
38 injury fund created pursuant to section 147B.6.

39 6. A person serving as a mediator is immune from
40 civil liability for any good faith act or omission
41 within the scope of the mediator's powers and duties
42 under this chapter.

43 Sec. 29. NEW SECTION. 147B.28 MEDIATION PERIOD.

44 The period for mediation shall expire ninety days
45 after the commissioner receives a request for
46 mediation if delivered in person or within ninety-
47 three days after the date of mailing the request to
48 the commissioner by certified mail, or within a longer
49 period agreed to by the claimant and all respondents
50 and specified by them in writing.

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1 Sec. 30. NEW SECTION. 147B.29 PROCEDURE.

2 The mediation shall be conducted without record or
3 transcript and all parties shall be in attendance
4 unless excused by the panel. Discovery is not
5 allowed, and no witnesses may be subpoenaed and no
6 oaths may be administered during the mediation period.
7 However, the mediation panel or any member of the
8 panel may consult with any expert, and upon
9 authorization of the commissioner, the expert may be
10 compensated out of the patient catastrophic injury
11 fund created pursuant to section 147B.6.

12 All patient health care records in the possession
13 of a mediation panel shall be kept confidential by all
14 members of the mediation panel and all other persons
15 participating in the mediation. Any finding,
16 statement, or opinion made in the course of mediation
17 is not admissible in any court action.

18 Any person participating in mediation may be
19 represented by counsel authorized to act for the
20 person.

21 Sec. 31. NEW SECTION. 147B.30 MEDIATION SYSTEM
22 EXPENSES AND REPORT.

23 The administrative expenses of the mediation system
24 established in this chapter shall be paid out of the
25 patient catastrophic injury fund created pursuant to
26 section 147B.6.

27 The commissioner shall submit a report on the
28 operation of the mediation system and on the status of
29 the mediation system expenses on or before March 1 of
30 each year to the majority leader and minority leader
31 of the senate, and the speaker, majority leader, and
32 minority leader of the house of representatives.

33 Sec. 32. Section 258A.4, subsection 1, paragraph
34 i, unnumbered paragraph 2, Code 1987, is amended to
35 read as follows:

36 The commissioner of insurance shall by rule in
37 consultation with the licensing boards enumerated in
38 section 258A.1 and the department of public health,
39 require insurance carriers which insure professional
40 and occupational licensees or hospitals licensed
41 pursuant to chapter 135B for acts or omissions which
42 constitute negligence, careless acts or omissions in
43 the practice of a profession or occupation or patient
44 care to file reports with the commissioner of
45 insurance within sixty days following final
46 disposition of each malpractice claim settled or
47 adjudicated. If the licensee or hospital is not
48 insured by an insurance carrier admitted in this

49 state, the licensee or hospital shall file the report.
50 The reports shall include information pertaining to

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1 incidents by a licensee which may affect the licensee
2 as defined by rule, involving an insured of the
3 insurer the following:

4 (1) The nature of the claim and date of
5 occurrence.

6 (2) The alleged injury and the damages asserted.

7 (3) Attorney's fees and expenses incurred in
8 connection with the claim or defense.

9 (4) The amount of any settlement or judgment.

10 (5) The name and address of the licensee or
11 hospital. The commissioner of insurance shall forward
12 reports pursuant to this section to the appropriate
13 licensing board or to the department of public health.
14 Reports of a settlement shall at the request of any
15 party to the settlement be confidential and not a
16 public record.

17 Sec. 33. NEW SECTION. 258A.9A DUTIES OF CERTAIN
18 MEDICAL LICENSEES.

19 1. As used in this section, unless the context
20 otherwise requires, "licensee" means a person subject
21 to the authority of a board specified in section
22 258A.1, subsection 1, paragraph "j", "l", or "m", or
23 subject to chapter 135B.

24 2. A licensee shall make a report within seven
25 days to the appropriate licensing authority of any act
26 which the licensee knows or should reasonably know
27 constitutes malpractice, unauthorized practice, or
28 professional misconduct. Where a hospital is a
29 licensee, the hospital administrator shall make a
30 report within ten days of any such acts by a person
31 licensed under chapters 148, 150A, 152, or 153.
32 Reports required under this section shall, where
33 applicable, be coordinated with a report required
34 under section 147.135, subsection 3. Failure to make
35 the report is grounds for licensee discipline and a
36 civil penalty of not less than five hundred dollars
37 nor more than five thousand dollars. Fines collected
38 pursuant to this section shall be transferred to the
39 patient catastrophic injury fund created in section
40 147B.6 for use as authorized in chapter 147B.

41 3. A report received pursuant to this section is
42 confidential and shall not be released by the
43 licensing board except where an action against the
44 health care provider or hospital has been commenced

45 and the release is pursuant to a court order. In no
46 case shall the identity of the licensee making the
47 report under subsection 2 be disclosed. Upon receipt
48 of a report pursuant to this section, the licensing
49 board shall investigate and take action as appropriate
50 and within the authority provided in this chapter.

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1 4. The duties in this section are in addition to
2 any other duties of licensees and licensing boards
3 contained elsewhere in this chapter.
4 Sec. 34. NEW SECTION. 515A.31 REGIONAL PRICING -
5 - AUTHORIZATION TO COMMISSIONER -- PROCEDURE.
6 1. The commissioner of insurance shall conduct an
7 examination of insurance rating practices relating to
8 the use of nonstate specific experience in the setting
9 of rates in this state, and shall take or recommend
10 such action as necessary to maximize the impact which
11 state experience has on the setting of rates in this
12 state.
13 2. For purposes of such action, the commissioner
14 may do all of the following:
15 a. Determine which lines of insurance necessary to
16 the public welfare and safety are presently not price
17 competitive.
18 b. Determine the lines of insurance which have
19 sufficient state experience and permit the use of only
20 state experience for ratemaking purposes.
21 c. Determine which lines of insurance presently
22 lack sufficient state experience credibility and allow
23 the use of regional experience to augment present
24 state experience for ratemaking purposes.
25 d. Determine which lines of insurance presently
26 lack sufficient state and regional credibility and
27 allow the use of countrywide experience to augment
28 present state and regional experience for ratemaking
29 purposes.
30 e. Determine which states, jurisdictions, or
31 rating areas are excessively dissimilar to this state,
32 and suggesting the prohibition of their inclusion in
33 any countrywide experience used for ratemaking
34 purposes in this state. For purposes of this
35 paragraph, excessively dissimilar may be measured by
36 evidence including, but not limited to, the following:
37 (1) The number of suits per one hundred thousand
38 population in a covered line.
39 (2) The average size of judgments, awards, and
40 settlements in a covered line.

41 (3) The significant differences in civil justice
42 systems or procedures.

43 (4) The significant differences in insurance
44 regulatory systems or procedures,

45 3. Prior to taking any action pursuant to this
46 section, the commissioner shall publish notice of such
47 action in the Iowa administrative bulletin not less
48 than sixty days prior to the proposed action. Any
49 affected insurer may request a hearing concerning the
50 action prior to implementation.

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1 Sec. 35. NEW SECTION. 519B.1 DEFINITIONS.

2 As used in this chapter, unless the context
3 requires otherwise:

4 1. "Commissioner" means the commissioner of
5 insurance.

6 2. "Fund" means the Iowa medical care availability
7 assistance trust fund.

8 3. "Hospital" means a hospital licensed pursuant
9 to chapter 135B.

10 4. "Medical malpractice" means acts or omissions
11 of a health care provider in the practice of the
12 provider's profession or occupation, or acts or
13 omissions of a hospital in patient treatment or care,
14 including but not limited to negligence, failure to
15 provide care, breach of contract relating to providing
16 care, or claim based upon failure to obtain informed
17 consent for an operation or treatment.

18 5. "Physician" means a physician and surgeon
19 licensed pursuant to chapter 148; an osteopath
20 licensed pursuant to chapter 150; an osteopathic
21 physician and surgeon licensed pursuant to chapter
22 150A; or a dentist licensed pursuant to chapter 153.

23 Sec. 36. NEW SECTION. 519B.2 TRUST FUND -- DIS-
24 TRIBUTIONS.

25 1. The Iowa medical care availability assistance
26 trust fund is established to be administered by the
27 commissioner for the purposes set forth in this
28 chapter. Distributions from the fund shall be made on
29 an annual basis, as follows:

30 a. The commissioner shall, on July 1 of each year,
31 distribute from the fund to each eligible physician an
32 amount equal to the amount by which the physician's
33 premium payments for medical liability insurance for
34 the preceding calendar year exceeded fifteen percent
35 of the physician's annual gross income derived from
36 the physician's delivery of medical services for the
37 preceding calendar year. The physician shall have the

38 burden of establishing to the commissioner's
39 satisfaction the gross income derived from the
40 delivery of medical services in the preceding calendar
41 year, the amount of premiums paid for medical
42 liability insurance in the preceding calendar year,
43 the medical specialty practiced by the physician
44 during the previous calendar year, and the physician's
45 eligibility to participate in the premium assistance
46 plan.
47 b. If the amount in the fund is inadequate to pay
48 in full all claims to qualified physicians, the amount
49 paid to each eligible physician shall be prorated.
50 2. The amount of premium payments considered under

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1 this section shall not be less than or exceed the
2 premium amount necessary for the physician to obtain
3 medical liability insurance coverage in an amount of
4 five hundred thousand dollars per occurrence. If a
5 physician applying for assistance is currently paying
6 premiums for coverage in excess of five hundred
7 thousand dollars per occurrence, the department shall
8 determine the premium amount which would be paid if
9 coverage were limited to five hundred thousand dollars
10 per occurrence. If more than one policy is in effect
11 during a calendar year for which application for
12 assistance is made, the premium paid under each policy
13 shall be prorated by the number of months the policy
14 is in effect during that calendar year, and the
15 amounts determined for each policy for that year shall
16 constitute in total the premium paid for the calendar
17 year.
18 If a single policy provides coverage for more than
19 one physician, the commissioner shall determine the
20 amount of premium to be attributed to the coverage for
21 the applying physician.
22 3. An eligible physician entitled to a
23 distribution under this section must file an
24 application with the commissioner on or before May 1
25 of the year following the year for which assistance is
26 sought. Failure to file an application by May 1 of
27 any year constitutes a waiver of any distribution to
28 which the physician might have been entitled for the
29 preceding year. The commissioner shall provide the
30 application form.
31 4. Prior to making a distribution to an eligible
32 physician, the commissioner shall obtain an assignment
33 of any right the physician may have to a dividend,
34 refund, or reimbursement of premium under the terms of

35 the physician's medical liability insurance contract
36 or agreement. Amounts received by the commissioner as
37 a result of the assignment shall be deposited in the
38 fund. The commissioner's rights under an assignment
39 shall not exceed the amount distributed to the
40 physician under this section.

41 Sec. 37. NEW SECTION. 519B.3 PHYSICIAN
42 ELIGIBILITY.

43 1. A physician is eligible to receive a
44 distribution if the physician files an application for
45 a distribution as provided in section 519B.2, and
46 meets the following requirements:

47 a. The physician was engaged in the active
48 practice of medicine in Iowa during the entire
49 preceding calendar year.

50 b. The physician was insured with an insurance

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1 company admitted to this state under a policy of
2 medical liability insurance during the entire
3 preceding calendar year providing coverage in an
4 amount of at least five hundred thousand dollars per
5 occurrence.

6 c. The physician had staff privileges during the
7 entire preceding calendar year at a hospital in this
8 state, which had an emergency room and which required
9 physicians with staff privileges to provide, when
10 needed, medical care to unassigned patients entering
11 the hospital through the emergency room. The
12 physician has the burden of establishing to the
13 commissioner's satisfaction that the physician was
14 available to provide medical care to unassigned
15 patients and that, when needed, did provide medical
16 care to unassigned patients entering the hospital
17 through the emergency room.

18 d. The physician has not incurred two or more
19 claims for medical malpractice resulting in judgments,
20 awards, or settlements exceeding one hundred twenty-
21 five thousand dollars each in the preceding five
22 years. Payment of a claim by an uninsured physician
23 exceeding one hundred twenty-five thousand dollars
24 shall be counted when determining the number of
25 judgments, awards, or settlements under this
26 paragraph.

27 e. The physician does not have an unsatisfied
28 medical malpractice judgment which was entered within
29 the preceding five years, or if one exists, the
30 physician can show that at least two hundred fifty
31 thousand dollars of the judgment has been satisfied.

32 2. The burden to establish eligibility under all
33 criteria in this chapter by clear and convincing
34 evidence is upon an applying physician.

35 3. The commissioner may waive the requirements
36 provided in subsection 1, paragraphs "a", "b", or "c",
37 if the physician establishes that it was not possible
38 for the physician to meet the requirement through no
39 fault of the physician.

40 Sec. 38. STUDY OF MEDICAL SERVICES. The division
41 of insurance, in conjunction with the department of
42 public health, shall conduct a study to determine
43 where the state is experiencing a shortage of needed
44 medical services, which shall be based on the
45 availability of physicians by geographic area and
46 medical specialty. The division shall consider the
47 following factors in conducting the study:

48 1. The supply and demand for medical services and
49 facilities.

50 2. The health of the population in a geographic

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1 area, including mortality, morbidity, and births.

2 3. Any other relevant demographic information
3 which indicates the need for medical services and
4 facilities.

5 The results of the study shall be reported on or
6 before January 15, 1989, to the governor, majority and
7 minority leaders of the senate, and the speaker and
8 majority and minority leaders of the house of
9 representatives.

10 Sec. 39. APPROPRIATION. There is appropriated
11 from the general fund of the state to the division of
12 insurance in the department of commerce for the fiscal
13 year beginning July 1, 1988, and ending June 30, 1989,
14 one hundred fifty thousand dollars, or as much thereof
15 as is necessary, for services necessary for the
16 implementation of sections 35 through 37 this Act. In
17 addition, the commissioner shall provide an estimate
18 of the cost of the program and shall provide that
19 estimate to the governor, majority and minority
20 leaders of the senate, and the speaker and majority
21 and minority leaders of the house of representatives
22 on or before January 15, 1989. Appropriations to the
23 fund are not subject to reversion under section 8.33.

24 Sec. 40. Sections 1 through 31 of this Act apply
25 only to occurrences after January 1, 1989.

26 Sec. 41. Sections 35 through 37 of this Act take
27 effect on January 1, 1990, with the initial
28 distribution to be made to eligible physicians

29 commencing June 30, 1990, for the 1989 calendar year.”
30 2. Title page, by striking lines 1 through 11 and
31 inserting the following: “An Act relating to health
32 care providers, hospitals, and patients by providing
33 for the creation of a patient catastrophic injury fund
34 for health care providers and hospitals, establishing
35 a surcharge to be deposited in the fund, providing for
36 an assessment on hospital charges, establishing
37 qualifications for a health care provider, hospital,
38 or patient to be protected by the fund, establishing a
39 limitation on the liability of the fund, and a health
40 care provider or hospital, establishing a study and
41 certain other powers and duties of the commissioner of
42 insurance, providing for indemnification agreements
43 between a hospital and a health care provider,
44 providing that the Act does not apply to certain
45 contracts guaranteeing results, establishing certain
46 reporting requirements, providing for the appointment
47 of a fund administrator and for administration of the
48 fund, providing that an advance payment or a
49 settlement is not an admission of liability, providing
50 for liability of defense costs in certain actions,

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1 authorizing the fund to procure reinsurance, providing
2 for structured settlements, establishing a mediation
3 system ensuring the availability of physicians to all
4 citizens of this state by establishing a medical care
5 availability assistance plan and trust fund, providing
6 appropriations, establishing an effective date, and
7 providing for applicability.”

S-5841

1 Amend the House amendment, S-5786, to Senate File
2 2314 as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by inserting after line 44 the
5 following:
6 “___ . Page 18, by inserting before line 28 the
7 following:
8 “Sec. ___ . **NEW SECTION. 312.2B MAXIMUM**
9 **APPROPRIATION TO DEPARTMENT OF PUBLIC SAFETY FROM ROAD**
10 **USE TAX FUND.**
11 For the fiscal year beginning July 1, 1989, and
12 ending June 30, 1990, no more than twenty-one million
13 dollars shall be appropriated from the road use tax

14 fund to the department of public safety, division of
15 highway safety and uniformed force. For each
16 succeeding fiscal year the maximum appropriation from
17 the road use tax fund to the department of public
18 safety, division of highway safety and uniformed
19 force, shall be reduced by two point one million
20 dollars. For fiscal years beginning on or after July
21 1, 1999, no moneys shall be appropriated from the road
22 use tax fund to the department of public safety,
23 division of highway safety and uniformed force.””

JOHN W. JENSEN

S-5842

1 Amend House File 566, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 2, line 10, by inserting after the word
4 “superintendent” the following: “. or
5 superintendent’s designee.”.

WALLY HORN

S-5843

1 Amend House File 566 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by inserting before line 18 the
4 following:
5 “Sec. ____ . Section 321.180, subsection 1, un-
6 numbered paragraph 1, Code 1987, is amended to read as
7 follows:
8 Any person who is at least fourteen years of age
9 and who, except for the person’s lack of instructions
10 in operating a motor vehicle, would otherwise be
11 qualified to obtain an operator’s license, shall upon
12 meeting the requirements of section 321.186 other than
13 driving demonstration, and upon paying the required
14 fee, be issued a temporary instruction permit by the
15 department, entitling the permittee while having ~~such~~
16 the permit in the permittee’s immediate possession to
17 drive a motor vehicle upon the highways for a period
18 of two years from the date of issuance when
19 accompanied by a licensed operator or chauffeur who is
20 at least eighteen years of age, or an approved driver
21 education instructor, or a prospective driver
22 education instructor who is enrolled in and has been
23 specifically designated by a teacher education

24 institution with a safety education program approved
25 by the department of education, and who is actually
26 occupying a seat beside the driver; except that any
27 instruction permit issued to a person who is less than
28 sixteen years of age shall entitle ~~such~~ the permittee
29 to drive a motor vehicle upon the highways only when
30 accompanied by a parent or guardian, or an approved
31 driver education instructor, or a prospective driver
32 education instructor, who is enrolled in and has been
33 specifically designated by a teacher education
34 institution with a safety education program approved
35 by the department of education, or by any person who
36 is twenty-five years of age or more if written
37 permission is granted by the parent or guardian, who
38 is a holder of a valid operator's or a chauffeur's
39 license, and who is actually occupying a seat beside
40 the driver. If a permittee also has a school license
41 issued under section 321.194 and is found to be guilty
42 of operating a motor vehicle between the hours of
43 10:00 p.m. to 6:00 a.m. when not accompanied by
44 another person as required by this section, the
45 department shall revoke both the temporary instruction
46 permit and the school license issued to the person."
47 2. Page 2, by striking lines 7 through 9 and
48 inserting the following:
49 "Upon certification of a special need by the school
50 board or the".

Page 2

1 3. Page 2, line 12, by inserting after the word
2 "years." the following: "After July 1, 1988, a person
3 shall not be issued a school license unless the person
4 has successfully completed an approved driver
5 education course."
6 4. Page 2, line 31, by striking the words "is
7 enrolled in" and inserting the following: "has
8 completed".
9 5. Page 3, by inserting after line 6 the
10 following:
11 "Sec. ____ . Section 321.194, unnumbered paragraph
12 3, Code 1987, is amended to read as follows:
13 A license issued under this section is subject to
14 suspension or revocation in like manner as any other
15 license or permit issued under a law of this state.
16 The department may also suspend a license upon
17 receiving satisfactory evidence that the licensee has
18 violated the restrictions of the license or has been
19 involved in one or more accidents chargeable to the
20 licensee. The department may suspend a license issued

21 under this section upon receiving a record of the
22 licensee's conviction for one violation and shall
23 revoke the license upon receiving a record of
24 conviction for two or more violations of a law of this
25 state or a city ordinance regulating the operation of
26 motor vehicles on highways other than parking
27 violations as defined in section 321.210. If a
28 licensee also has a temporary instruction permit
29 issued under section 321.180 and is found to be guilty
30 of operating a motor vehicle between the hours of
31 10:00 p.m. to 6:00 a.m. when not accompanied by
32 another person as required under section 321.180,
33 subsection 1, the department shall revoke both the
34 temporary instruction permit and the school license
35 issued to the person. After revoking a license under
36 this section the department shall not grant an
37 application for a new license or permit until the
38 expiration of one year or until the licensee's
39 sixteenth birthday whichever is the longer period."
40 6. Page 3, by inserting after line 6 the
41 following:

42 "Sec. ____ . Section 321.194, Code 1987, is amended
43 by adding the following new unnumbered paragraph
44 immediately following unnumbered paragraph 2:
45 **NEW UNNUMBERED PARAGRAPH.** A school license issued
46 under this section may also entitle the holder to
47 operate a motor vehicle over the most direct and
48 accessible route between the licensee's residence or
49 school and place of employment and between the
50 licensee's place of employment and the licensee's

Page 3

1 residence or school if the licensee's employer
2 certifies to the department that a need exists for
3 such use of the license. The department shall adopt
4 rules pursuant to chapter 17A establishing criteria
5 for the issuance of an employer's certificate of
6 necessity. Upon receipt of a certification of
7 necessity from an employer of a licensee which meets
8 the criteria established by the department and receipt
9 of certification that the licensee has successfully
10 completed an approved driver education course, the
11 department shall issue a validation certificate
12 authorizing the licensee to operate a motor vehicle to
13 and from the licensee's place of employment. The
14 validation certificate shall be in the licensee's
15 immediate possession when the motor vehicle is being
16 operated to and from the licensee's place of
17 employment. An employer who has submitted a

18 certificate of necessity under this paragraph, shall
19 notify the department within seven days of the
20 termination of the employment of the licensee. Upon
21 notification of the termination of employment, the
22 department shall cancel the validation certificate.
23 Upon receipt of notice of cancellation of the
24 certificate from the department, the licensee shall
25 surrender the certificate to the department. A
26 validation certificate issued under this paragraph is
27 not valid for operating to and from the licensee's
28 place of employment if such employment is in violation
29 of chapter 92."
30 7. Title page, line 1, by striking the words
31 "enrollment in" and inserting the following:
32 "completion of".

WILMER RENSINK
JIM LIND
LARRY MURPHY
JIM RIORDAN

S-5844

1 Amend the amendment, S-5472, to House File 2283, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 3 through 28, and
5 inserting the following:
6 " ____ . Page 1, by inserting before line 1, the
7 following:
8 "Section 1. Section 172C.1, subsection 8,
9 paragraph c, Code 1987, is amended to read as follows:
10 c. Sixty percent of the gross revenues of the
11 corporation over the last consecutive three-year
12 period comes from farming-; and
13 Sec. ____ . Section 172C.1, subsection 8, Code 1987,
14 is amended by adding the following new lettered
15 paragraph:
16 NEW LETTERED PARAGRAPH. d. The person managing or
17 supervising the day-to-day farming operations on the
18 agricultural land must be a voting stockholder of the
19 corporation and must be a family member as provided in
20 paragraph "a"."
21 2. Page 1, line 31, by striking the word and
22 figure "1 of" and inserting the following: "172C.1,

23 subsection 8, as amended by”.
 24 3. By renumbering as necessary.

LARRY MURPHY
 RICHARD VARN
 JIM RIORDAN

S-5845

1 Amend Senate File 2328 as follows:
 2 1. Page 1, line 35, by striking the words “five
 3 million ~~seven nine~~” and inserting the following: “six
 4 million ~~seven~~”.
 5 2. Page 2, line 1, by striking the words “hundred
 6 ~~fifty thirty-seven~~” and inserting the following:
 7 “~~hundred fifty eighty-seven~~”.
 8 3. Page 2, line 13, by striking the words
 9 “sixteen million ~~nine four~~” and inserting the
 10 following: “fourteen million ~~nine three~~”.
 11 4. Page 9, by striking lines 4 through 7.
 12 5. Page 9, by striking lines 22 through 24.
 13 6. Page 16, by striking lines 4 through 11.
 14 7. Page 17, by striking lines 17 through 22.
 15 8. Page 17, by inserting after line 22 the
 16 following:
 17 “NEW LETTERED PARAGRAPH. There is appropriated
 18 from the allotment to the jobs now capitals account
 19 under subsection 1 for the fiscal year beginning July
 20 1, 1988, to the Iowa department of economic
 21 development the sum of two million dollars for the
 22 promotion of Iowa through advertising and promotional
 23 marketing.”

LEONARD L. BOSWELL

S-5846

1 Amend the House amendment, S-5753, to Senate File
 2 2309, as amended, passed, and reprinted by the Senate,
 3 as follows:

DIVISION S—5846A

4 1. Page 1, by inserting after line 20, the
 5 following:
 6 “ . Page 1, line 18, by striking the figure
 7 “515,000” and inserting the following: “915,000”.”

DIVISION S—5846B

- 8 2. Page 1, by inserting after line 30, the
9 following:
10 “— . Page 2, line 7, by striking the figure
11 “190,000” and inserting the following: “790,000”.”

LEONARD L. BOSWELL

S-5847

- 1 Amend the House amendment, S-5786, to Senate File
2 2314, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 5, by inserting after line 25 the
5 following:
6 “— . Title page, line 3, by inserting after the
7 word “enforcement” the following: “and to the
8 permanent school fund”.”

DON GETTINGS
JOE WELSH

S-5848

- 1 Amend House File 2441, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 14, by striking lines 30 and 31.
4 2. By striking page 18, line 13 through page 21,
5 line 2.
6 3. By renumbering as necessary.

JOE WELSH
JACK RIFE

S-5849

- 1 Amend the House amendment, S-5753, to Senate File
2 2309, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 46 the
5 following:
6 “— . Page 3, line 10, by striking the figure
7 “342,094” and inserting the following: “302,094”.”
8 2. By striking page 1, line 47 through page 2,

- 9 line 5.
10 3. By renumbering as necessary.

LEONARD L. BOSWELL
JOE WELSH

S-5850

- 1 Amend the amendment, S-5648, to House File 2447, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 6, by inserting after line 25 the
5 following:
6 "As a condition, qualification, and limitation of
7 the funds appropriated by this section, five hundred
8 thousand (500,000) dollars, or so much thereof as is
9 necessary, shall be used to phase in and staff new
10 beds at the Iowa veterans home; however, if federal or
11 private per diem rates paid to the home exceed the
12 rates budgeted for the fiscal year, then the amount of
13 unplanned revenue from the increased rates shall be
14 used first."

WILLIAM W. DIELEMAN

S-5851

- 1 Amend the House amendment, S-5801, to Senate File
2 2068, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking line 22 and inserting the
5 following: "is in compliance with the rules adopted."
6 Sec. 2. NEW SECTION. 455B.313 RESTRICTION ON
7 SANITARY LANDFILL SERVICE AREA.
8 A city, county, or private agency operating a
9 sanitary landfill permitted under this part shall not
10 provide sanitary landfill service to the residents of
11 more than eight counties. The director shall revoke
12 the permit of any sanitary landfill operating in
13 violation of this section.
14 Sec. 3. Section 2 of this Act applies
15 retroactively to any permit issued on or after January
16 1, 1988, for the construction or operation of a
17 sanitary landfill.
18 Sec. 4. This Act, being deemed of immediate
19 importance, takes effect upon enactment."
20 2. Page 1, by inserting after line 24 the

21 following:

22 "____. Title page, by striking lines 1 and 2 and
23 inserting the following: "An Act relating to the
24 construction and operation of sanitary landfills,
25 providing for retroactive applicability, and providing
26 an effective date.""

JOHN A. PETERSON

S-5852

1 Amend House File 2400, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, by striking lines 11 and 12, and
4 inserting the following: "systems shall come from a
5 surcharge of twenty-five cents, per month, per access
6 line on each access line subscriber, except as
7 provided in".
8 2. Page 8, line 3, by striking the word "ten" and
9 inserting the following: "twenty-five".
10 3. Page 8, by striking line 8, and inserting the
11 following: "twenty-five cents per month, per access
12 line, except as provided in paragraph "d". The
13 surcharge may only".
14 4. Page 8, by inserting after line 9, the
15 following:
16 "d. For the first twelve months of the surcharge
17 it shall be fifty cents per month, per access line, in
18 order to more fully fund start-up costs."

JOE J. WELSH

S-5853

1 Amend Senate File 2328 as follows:
2 1. Page 13, by inserting after line 31 the
3 following:
4 "f. For the fiscal year beginning July 1, 1988,
5 only to the Iowa State University of science and
6 technology, the sum of forty-five thousand dollars for
7 research on the eradication of multiflora rose."

BERL PRIEBE
JAMES RIORDAN
LEONARD L. BOSWELL
JOE WELSH
DALE TIEDEN
RAY TAYLOR

JOHN SOORHOLTZ
KEN SCOTT

S-5854

1 Amend the House amendment, S-5786, to Senate File
2 2314, as amended, passed, and reprinted, as follows:
3 1. Page 2, by inserting after line 16 the
4 following:
5 "Sec. ____ . NEW SECTION. 80A.22 SPECIAL EMERGENCY
6 VEHICLES -- CERTIFICATES.
7 1. The commissioner shall adopt rules providing
8 for vehicles owned by private security licensees to be
9 certified as special emergency vehicles when the
10 vehicles are used to extricate or assist persons in
11 dangerous situations involving their bodily welfare.
12 The rules shall include:
13 a. A requirement for current liability insurance
14 coverage in an amount determined by the commissioner
15 sufficient to protect the public against damages that
16 might occur in the course of operation of the special
17 emergency vehicle.
18 b. Specifications for colored lights and other
19 equipment as the commissioner deems necessary.
20 c. Fees for the issuance and renewal of special
21 emergency vehicle certificates, which shall be
22 sufficient to cover administrative costs under this
23 section.
24 d. Provisions governing the duration and renewal
25 of certificates.
26 e. Grounds and procedures for the suspension and
27 revocation of certificates.
28 2. A vehicle for which a special emergency vehicle
29 certificate is issued has the privileges set forth in
30 section 321.231A only when all of the following
31 requirements are met:
32 a. The certificate is carried in the vehicle.
33 b. The vehicle is operated by a person who holds a
34 private security identification card and a special
35 training card.
36 c. The operator of the vehicle is responding to an
37 emergency situation.
38 d. The operator of the vehicle is using a colored
39 light in accordance with requirements established by
40 the commissioner and the department of
41 transportation."

LEE W. HOLT

S-5855

1 Amend House File 566, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 3, by inserting after line 18 the
4 following:
5 "Sec. ____ . Sections 1, 2, and 3 of this Act are
6 effective July 1, 1988.
7 Sec. ____ . This Act, being deemed of immediate
8 importance, is effective upon enactment."
9 2. Title page, line 2, by inserting after the
10 word "license" the following: "and providing
11 effective dates".

JAMES RIORDAN

S-5856

1 Amend Senate File 2328 as follows:
2 1. Page 13, by inserting after line 31 the
3 following:
4 "f. For the fiscal year beginning July 1, 1988.
5 only, to the office of continuing education of Iowa
6 State University of science and technology the sum of
7 one hundred thousand dollars. The appropriation shall
8 be credited to the corps account established under
9 section 266.55."
10 2. Page 19, by inserting after line 8 the
11 following:
12 "Sec. ____ . NEW SECTION. 266.50 DEFINITIONS.
13 As used in sections 266.50 through 266.55, unless
14 the context otherwise requires:
15 1. "Corps" means the Iowa heritage corps.
16 2. "Director" means the director of the corps.
17 Sec. ____ . NEW SECTION. 266.51 IOWA HERITAGE
18 CORPS CREATED -- PURPOSES.
19 1. An Iowa heritage corps is created. The corps
20 is attached for administrative purposes to the office
21 of continuing education of Iowa state university of
22 science and technology.
23 2. The objectives of the corps are to promote
24 public appreciation of Iowa's natural and cultural
25 heritage, promote the economic development of Iowa
26 tourism, and provide meaningful and productive service
27 jobs for students enrolled in public and private
28 colleges and universities in this state. The corps

29 shall provide opportunities in the area of historical
30 and cultural preservation and education, community
31 improvement, and tourism. The corps shall provide the
32 participants with an opportunity to explore careers,
33 gain work experience and college credit, and
34 contribute to the general welfare of their communities
35 and state.

36 Sec. ____ . NEW SECTION. 266.52 DIRECTOR APPOINTED
37 -- DUTIES.

38 1. The dean of the cooperative extension service
39 of Iowa state university of science and technology
40 shall appoint a director of the corps. The director
41 shall serve at the pleasure of the dean. The director
42 shall receive a salary as determined by the dean.

43 2. The director shall:

44 a. Cooperate with museums, historical
45 organizations, public agencies, and community
46 development organizations in the development of
47 internship positions which will provide meaningful and
48 productive work experiences for college students.

49 b. Supervise the academic instruction of project
50 interns.

Page 2

1 c. Consult with museums, historical organizations,
2 public agencies, and community development
3 organizations in the development of programs to
4 increase public awareness of, and appreciation for,
5 Iowa's natural and cultural heritage.

6 d. Administer funds received by the corps.

7 e. Submit by January 15 of each year a report to
8 the governor and the general assembly on the
9 activities of the corps.

10 f. Adopt rules, subject to chapter 17A, as
11 necessary to provide for the administration and
12 operation of the corps.

13 g. Employ necessary administrative and clerical
14 staff.

15 Sec. ____ . NEW SECTION. 266.53 ELIGIBILITY FOR
16 CORPS PROGRAMS.

17 An intern in the corps shall be a resident of this
18 state and be enrolled at the time of application in an
19 accredited public or private college or university in
20 this state. The director shall adopt, by rule
21 pursuant to chapter 17A, minimum eligibility
22 requirements for interns employed by the corps.

23 Notwithstanding chapters 19A, 96, and 97B, interns
24 employed in corps programs are exempt from state merit
25 system requirements, are not eligible for membership

26 in the Iowa public employees' retirement system, and
 27 are not eligible to receive unemployment compensation
 28 benefits.
 29 Sec. ____ . NEW SECTION. 266.54 CONTRIBUTIONS.
 30 A public or private person participating in a corps
 31 project shall contribute at least one-third of the
 32 salary of each intern involved in the project. An
 33 intern employed by the corps is exempt from tuition
 34 fees of Iowa state university of science and
 35 technology which may arise from participation in a
 36 corps project.
 37 An internship position in the corps shall not
 38 replace existing maintenance or other full-time
 39 employment provided by a participating agency.
 40 Sec. ____ . NEW SECTION. 266.55 CORPS ACCOUNT.
 41 The treasurer of Iowa state university of science
 42 and technology shall establish an account for the
 43 corps. The account shall include all moneys
 44 appropriated to the corps by the general assembly and
 45 all other funds contributed by public or private
 46 persons for the purpose of implementing the corps
 47 projects. Funds shall be disbursed from the account
 48 at the direction of the director."

JIM RIORDAN
 JOE WELSH
 LEONARD L. BOSWELL
 BEVERLY HANNON
 JACK NYSTROM
 LARRY MURPHY
 CHARLES BRUNER
 TOM MANN, Jr.

S-5857

1 Amend House File 683, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 476.1A, unnumbered paragraph
 6 2, Code 1987, is amended to read as follows:
 7 However, sections 476.20, 476.21, 476.41 through
 8 476.44, 476.51, and 476.61, and 476.66 and chapters
 9 476A and 478, to the extent applicable, apply to such
 10 electric utilities.
 11 Sec. 2. Section 476.1B, subsection 1, Code 1987,
 12 is amended by adding the following new paragraph:
 13 NEW PARAGRAPH. h. Enforcement of section 476.66.
 14 Sec. 3. NEW SECTION. 476.66 CUSTOMER

15 CONTRIBUTION FUND.

16 1. The utilities board shall adopt rules which
17 shall require each electric and gas public utility to
18 establish a fund whose purposes shall include the
19 receiving of contributions to assist the utility's
20 low-income customers with weatherization and to
21 supplement the energy assistance received under the
22 federal low-income heating energy assistance program
23 for the payment of winter heating bills.

24 2. The rules shall require each utility to
25 periodically notify its customers of the availability
26 and purpose of the fund and to provide them with forms
27 on which they can authorize the utility to bill their
28 contribution to the fund on a monthly basis.

29 3. The rules shall permit the fund to accept
30 matching funds from persons or organizations who wish
31 to provide assistance for customers of the utility.

32 4. The utility may be reimbursed by the fund for
33 the administrative costs of the billings,
34 disbursements, notices to customers, and financial
35 recordkeeping. However, such reimbursement shall not
36 exceed five percent of the total revenues collected.

37 5. The utility shall establish a board or
38 committee to determine the appropriate distribution of
39 the funds. The board or committee shall include
40 representatives from community or regional
41 organizations which are active in assisting citizens
42 with payment of their winter heating bills.

43 6. The rules established by the utilities board
44 shall require an annual report to be filed for each
45 fund. The utilities board shall compile an annual
46 statewide report of the fund results. The division of
47 community action agencies of the department of human
48 rights shall prepare an annual report of the unmet
49 need for energy assistance and weatherization. Both
50 reports shall be submitted to the appropriations

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1 committees of the general assembly on the first day of
2 the following session.

3 7. Existing programs to receive customer
4 contributions established by public utilities shall be
5 construed to meet the requirements of this section.
6 Such plans shall be subject to review by the utilities
7 board. If determined not to be in compliance with the
8 provisions of this section, they shall be given until
9 July 1989 to modify their operation so as to be in
10 compliance.

11 Sec. 4. NEW SECTION. 601K.101 EMERGENCY

12 WEATHERIZATION FUND.

13 1. The division of community action agencies of
14 the department of human rights shall identify all
15 participants in the low-income home energy assistance
16 program for the 1987-1988 winter heating season whose
17 household income was less than seventy-five percent of
18 the poverty level.

19 2. The division shall conduct within each
20 community action agency an inventory of the residences
21 of these individuals to determine the number of
22 residences eligible for weatherization under the two
23 programs currently administered by the division but
24 which will not be weatherized in the next twelve
25 months due to the current priorities imposed by the
26 federal programs.

27 3. One and one-half percent of the total amount of
28 funds appropriated by 1988 Iowa Acts, Senate File
29 2323, to the division of community action agencies for
30 the fiscal year beginning October 1, 1988, for the
31 low-income home energy assistance block grants, shall
32 be expended by the division for the operation of the
33 program under this section. The one and one-half
34 percent shall be taken from those funds to be used for
35 low-income residential weatherization or other related
36 home repairs for low-income households; however, no
37 less than ten percent of the total amount of funds
38 appropriated for the low-income home energy assistance
39 block grants shall be expended by the division for
40 low-income residential weatherization or other related
41 home repairs for low-income households.

42 4. The division shall allocate the available funds
43 among the nineteen community action agencies and shall
44 establish weatherization goals for each agency based
45 upon the inventory in subsection 2 of this section.
46 The division shall give priority to weatherizing these
47 residences prior to the 1988-1989 winter heating
48 season.

49 5. The division shall submit a report to the
50 general assembly on February 1, 1989. The report

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1 shall include the number of residences identified as
2 eligible for weatherization in this project, the
3 number of residences weatherized from July 1, 1988, to
4 December 31, 1988, the average cost per dwelling
5 weatherized, and the range of costs for individual
6 weatherizations. In addition, the report shall
7 include the department's recommendation for a program
8 to complete the weatherization of the remaining

9 residences in this category. The report shall also
 10 include an inventory of the number of residences not
 11 weatherized for the 1987-1988 participants whose
 12 household incomes fall between seventy-five percent
 13 and one hundred percent of the poverty level.

14 Sec. 5. NEW SECTION. 601K.102 ENERGY CRISIS
 15 FUND.

16 1. An energy crisis fund is created in the state
 17 treasury. Moneys deposited in the fund shall be used
 18 to assist low-income families who qualify for the low-
 19 income heating energy assistance program to avoid loss
 20 of essential heating.

21 2. The fund may receive moneys including, but not
 22 limited to, the following:

23 a. Moneys appropriated by the general assembly for
 24 the fund.

25 b. Moneys credited to the fund under sections
 26 556.4 and 556.18.

27 c. After July 1, 1988, unclaimed patronage
 28 dividends of electric cooperative corporations or
 29 associations shall be applied to the fund following
 30 the time specified in section 556.12 for claiming the
 31 dividend from the holder.

32 d. The fund may also receive contributions from
 33 customer contribution funds established under section
 34 476.66.

35 3. Under rules developed by the division of
 36 community action agencies of the department of human
 37 rights, the fund may be used to negotiate reconnection
 38 of essential utility services with the energy
 39 provider.

40 Sec. 6. AFFORDABLE HEATING PAYMENT PROGRAM PILOT
 41 PROJECT.

42 1. The division of community action agencies of
 43 the department of human rights in cooperation with the
 44 department of natural resources and the utilities
 45 board shall conduct a two-year pilot project from
 46 October 1, 1988, through September 30, 1990, to do all
 47 of the following:

48 a. Determine the most economical and effective
 49 means of maintaining low-income Iowans' access to
 50 heating fuels at a cost that is within their means.

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1 b. Develop more effective programs for
 2 weatherizing residences and achieving energy
 3 conservation.

4 2. The pilot projects shall:

5 a. Involve at least one provider of each of these

6 sources of heat in the state:

7 (1) Natural gas.

8 (2) Electricity.

9 (3) Deliverable fuels.

10 Providers shall be selected on a voluntary basis.

11 The scope of the project shall include a statistically
12 valid demographic region but will not necessarily
13 include all customers of the selected energy provider
14 in the state. If a provider has a pilot project in
15 progress, that project may be selected for a pilot
16 project under this section.

17 b. Provide a schedule or formula under which funds
18 appropriated by this Act are used to make up the
19 difference between what a low-income family or
20 individual pays toward heating costs plus federal low-
21 income home energy assistance payments and either the
22 actual heating cost or the cost determined by rule by
23 the division of community action agencies, department
24 of human rights, as the cost of reasonable heating
25 fuel consumption for the customer, considering size of
26 family, location of residence, and such other factors
27 as may be considered appropriate by the division.

28 c. Include programs designed to promote the use of
29 energy conservation strategies by the participant.
30 These programs shall be cost-effective.

31 d. Include a plan for affordable budget level
32 repayment of heating provider bills in arrears at the
33 time a customer enters an affordable heating payment
34 program.

35 e. Provide for data gathering and evaluation of
36 the projects to determine the effect of the program on
37 residents who participate in comparison with residents
38 in areas where such programs are not available.

39 f. Be designed and implemented to operate within
40 funds appropriated or budgeted for the projects.
41 3. An advisory board is created to provide
42 guidance in the development of the pilot programs and
43 their administration.

44 a. The advisory board shall include the
45 administrator of the division of community action
46 agencies, who shall serve as chairperson of the board,
47 the director of the department of natural resources,
48 or the director's designee, the chairperson of the
49 utilities board, or the chairperson's designee, the
50 consumer advocate, or the consumer advocate's

Page 5

1 designee, and the following members to be appointed by
2 the governor to serve for the two-year term of the

3 pilot projects:

4 (1) A representative of an investor-owned utility.

5 (2) A representative of a municipal utility.

6 (3) A representative of a rural electric

7 cooperative.

8 (4) A representative of dealers of deliverable

9 fuels.

10 (5) Representatives of two local community action
11 agencies.

12 (6) Representatives of two private advocacy or
13 assistance agencies.

14 The speaker of the house of representatives, the
15 senate majority leader, and the minority leaders of
16 the house of representatives and senate shall each
17 name a member of the general assembly to serve on the
18 advisory board without vote.

19 b. Advisory board members who are not members of
20 the general assembly shall serve without compensation,
21 but shall be reimbursed for actual expenses from
22 moneys appropriated under subsection 4.

23 c. The advisory board shall provide the general
24 assembly with an evaluation of the first year of the
25 program and recommendations for further legislative
26 action no later than January 15, 1990.

27 4. The division of community action agencies of
28 the department of human rights shall adopt rules
29 pursuant to chapter 17A regarding eligibility for
30 customer participation, means of calculating
31 assistance payments, and procedures for provider
32 participation under the pilot projects."

33 2. Title page, by striking lines 2 through 4 and
34 inserting the following: "requiring each gas and
35 electric".

36 3. Title page, by striking lines 7 through 11 and
37 inserting the following: "projects, making civil
38 penalties applicable, and providing an appropriation."

COMMITTEE ON WAYS AND MEANS
CHARLES BRUNER, Chairperson

S-5858

1 Amend House File 2457 as follows:

2 1. Page 8, line 28, by striking the words

3 "Sections 331.660 and 422.100, Code 1987, are" and

4 inserting the following: "Section 422.100, Code 1987,
5 is".

COMMITTEE ON WAYS AND MEANS
CHARLES BRUNER, Chairperson

S-5859

- 1 Amend the amendment, S-5753, to Senate File 2309,
- 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, line 14, by striking the figure
- 7 "926,533" and inserting the following: "1,126,533"."
- 8 2. Page 1, by inserting after line 20 the
- 9 following:
- 10 "2A. To the bureau of tourism to allocate among
- 11 the regional coordinating councils for the purpose of
- 12 assisting local tourism organizations and political
- 13 subdivisions in this state to encourage tourism in
- 14 local areas.
- 15 \$ 300,000".
- 16 3. By renumbering as necessary.

ROBERT CARR

HOUSE AMENDMENT TO
SENATE JOINT RESOLUTION 1

S-5860

- 1 Amend Senate Joint Resolution 1, as passed by the
- 2 Senate, as follows:
- 3 1. Page 3, by striking lines 8 through 13.
- 4 2. Page 4, by inserting after line 2 the
- 5 following:
- 6 "Sec. 3. Section 22 of Article IV of the
- 7 Constitution of the State of Iowa, as amended by
- 8 amendment number 1 of the Amendments of 1972, is
- 9 repealed beginning with the general election in the
- 10 year 1994, and the following adopted in lieu thereof:
- 11 SEC 22. An auditor of state and a treasurer of
- 12 state shall be elected by the qualified electors at
- 13 the same time that the governor is elected and for a
- 14 four-year term commencing on the first day of January
- 15 next after their election and they shall perform such

16 duties as may be provided by law.

17 Sec. 4. Section 18 of Article IV of the
18 Constitution of the State of Iowa is repealed
19 beginning with the second Monday in January, 1995, and
20 the following adopted in lieu thereof:

21 SEC. 18. The lieutenant governor shall perform
22 those duties assigned to the secretary of state, those
23 duties of the governor assigned to the lieutenant
24 governor by the governor, and such other duties as may
25 be provided by law.

26 Sec. 5. The foregoing proposed amendment contained
27 in sections 3 and 4 of this resolution to the
28 Constitution of the State of Iowa is referred to the
29 General Assembly to be chosen at the next general
30 election for members of the General Assembly and the
31 Secretary of State is directed to cause it to be
32 published for three consecutive months before the date
33 of that election as provided by law."

34 3. Page 4, line 3, by inserting after the word
35 "amendment" the following: "contained in sections 1
36 and 2 of this resolution".

HOUSE AMENDMENT TO
SENATE FILE 2234

S-5861

1 Amend Senate File 2234, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 2, by inserting after line 20 the follow-
4 ing:

5 "Sec. 4. NEW SECTION. 442.26A AID REDUCTION FOR
6 EARLY SCHOOL STARTS.

7 State aid payments made pursuant to section 442.26
8 for a fiscal year shall be reduced by one one-hundred-
9 eightieth for each day of that fiscal year for which
10 the school district begins school before the earliest
11 starting date specified in section 279.10, subsection
12 1. However, this section does not apply to a school
13 district that has received approval from the director
14 of the department of education under section 279.10,
15 subsection 4, to commence classes for regularly
16 established elementary and secondary schools in
17 advance of the starting date established in section
18 279.10, subsection 1."

19 2. Title page, line 2, by inserting after the
20 word "schools" the following: "and providing a

- 21 penalty".
22 3. By renumbering as necessary.

S-5862

- 1 Amend Senate File 2328 as follows:
2 1. Page 16, line 19, by inserting after the word
3 "facilities." the following: "The department may use
4 up to two and one-half percent of the appropriated
5 amount for administrative costs."

MICHAEL E. GRONSTAL

S-5863

- 1 Amend House File 566, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 34, by inserting after the word
4 "instruction." the following: "The actual cost of
5 instruction shall include but is not limited to
6 insurance and equipment costs."
7 2. Page 3, by striking lines 7 through 18.

LARRY MURPHY

S-5864

- 1 Amend the House amendment, S-5774, to Senate File
2 302, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking line 20, and inserting the
5 following: "attending For a patient who is not
6 admitted to a hospital but is treated as a hospital
7 outpatient or in a hospital emergency room, attending
8 physicians shall report a brain".

BEVERLY HANNON

S-5865

- 1 Amend the House amendment, S-5786, to Senate File
2 2314, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 3, by inserting after line 7 the
5 following:
6 "Sec. ____ . Section 321.449, Code Supplement 1987,
7 is amended by adding the following new unnumbered

8 paragraph:

9 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
10 provisions of this section, rules adopted under this
11 section for a driver of a commercial vehicle shall not
12 apply to a driver for a private carrier, which is not
13 for hire and which is engaged exclusively in
14 intrastate commerce, when the driver's commercial
15 vehicle is not operated more than one hundred miles
16 from the driver's work reporting location.””

JOE WELSH
DONALD GETTINGS
JIM RIORDAN

S-5866

1 Amend the House amendment, S-5786, to Senate File
2 2314, as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 4, by inserting after line 12 the
5 following:
6 “Sec. ____ . 1988 Iowa Acts, Senate File 2196,
7 section 9, is amended to read as follows:
8 SEC. 9. NEW SECTION. 314.20 UTILITY EASEMENTS ON
9 HIGHWAY RIGHT-OF-WAY.
10 The department shall develop an accommodation plan
11 for the longitudinal utility use of freeway right-of-
12 way, in consultation with the utilities board. The
13 plan shall be consistent with the rules of the federal
14 highway administration of the United States department
15 of transportation and shall be submitted to the
16 federal highway administration for its approval by
17 January 1, 1989. In developing the plan, the
18 department shall provide for extended payment and
19 lease agreements to provide continuous funding for the
20 living roadway trust fund. The plan shall provide for
21 charges for the use of the right-of-way and all moneys
22 collected shall be credited to the living roadway
23 trust fund established in section 312.2, subsection
24 21, and shall be used by the department for the
25 planting and maintenance of alternative roadside
26 vegetation on interstate highways. If the department
27 after good faith efforts is unable to negotiate
28 extended payments, the department may negotiate such
29 other payment terms as will maximize revenues to the
30 living roadway trust fund.””

JAMES D. WELLS
HURLEY W. HALL

S-5867

1 Amend Senate File 2330 as follows:
2 1. Page 4, line 9, by inserting after the word
3 "department." the following: "The county or
4 consortium of counties may subcontract for the
5 provision of case management services so long as the
6 subcontract meets the same standards."

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-5868

1 Amend the House amendment, S-5773, to Senate File
2 2296, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 18 the
5 following:
6 " ____ . Page 3, line 4, by striking the figure
7 "1988" and inserting the following: "1989".
8 ____ . Page 3, line 9, by striking the figure
9 "1988" and inserting the following: "1989".
10 ____ . Page 3, line 10, by striking the word and
11 figures "November 1, 1988" and inserting the
12 following: "July 1, 1990"."
13 2. Page 1, by striking lines 19 and 20 and
14 inserting the following:
15 " ____ . Page 3, line 13, by striking the figure
16 "1988." and inserting the following: "1989.
17 Retroactive Title XIX billing"."
18 3. Page 1, by striking lines 31 through 33 and
19 inserting the following:
20 " ____ . Page 4, line 17, by striking the figure
21 "1988" and inserting the following: "1989"."
22 4. Page 1, by striking lines 34 and 35 and
23 inserting the following:
24 " ____ . Page 4, line 18, by striking the figure
25 "1988" and inserting the following: "1989 if state
26 plan approval"."

LARRY MURPHY
DAVID READINGER
JIM LIND

S-5869

- 1 Amend the House amendment, S-5786, to Senate File
2 2314, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 2, by striking lines 4 through 12 and
5 inserting the following: "semiautomated system."

DON GETTINGS
JOE WELSH
LEE W. HOLT
RICHARD F. DRAKE
BILL HUTCHINS

S-5870

- 1 Amend amendment S-5840, to Senate File 484,
2 as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 7, line 5, by striking the word "FUND"
5 and inserting the following: "FUND AND FOR ENHANCED
6 MEDICAL SERVICES FUND".
7 2. Page 7, by inserting after line 34, the
8 following:
9 "4. An additional assessment of one percent
10 is imposed on patient billings for inpatient acute
11 care services and routine and surgical outpatient
12 services, other than those involving Medicaid or
13 Medicare, by hospitals beginning January 1, 1989.
14 The assessment shall be collected by the hospital
15 and the assessments received shall be remitted by
16 the hospital to the enhanced medical services fund
17 established in section 147B.31 monthly. A hospital
18 shall not be responsible for the collection or
19 remittance of assessments on billings deemed
20 uncollectible by the hospital."
21 3. Page 17, by inserting after line 32 the
22 following:
23 "Sec. 32. NEW SECTION. 147B.31 ENHANCED
24 MEDICAL SERVICES FUND.
25 1. There is established an enhanced medical
26 health services fund within the department of
27 human services from the fees collected under
28 section 147B.9, subsection 4.
29 2. The department shall use sixty percent of
30 the funds collected to increase the reimbursement
31 rate for hospitals in the state under the medical
32 assistance program. Such enhancement shall be in

33 addition to any other increases established, and
34 shall be made in consultation with the Iowa
35 hospital association.
36 3. The department shall use twenty-eight
37 percent of the funds collected to increase
38 eligibility for the elderly, blind, and disabled
39 below the poverty level under the medical assis-
40 tance program or to provide other medical assistance
41 to that population. The department shall develop
42 such expansion strictly within the funds available
43 from this fund, and in consultation with the
44 medical assistance advisory council and the general
45 assembly, and in addition to any other authorized expansions.
46 4. The department shall transfer two percent
47 of the funds collected to the department of public
48 health for the purposes of section 135B.33.
49 5. The department shall transfer ten percent
50 of the funds to the department of public health

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1 for the provision of additional assistance for
2 emergency medical services. Such enhancement
3 shall be in addition to any other funding
4 established for such services.”

CHARLES BRUNER

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2440

S-5871

1 Amend the Senate amendment, H-6014, to House File
2 2440, as passed by the House, as follows:
3 1. Page 1, by striking lines 6 through 9, and
4 inserting the following:
5 “___ . Page 5, by striking lines 31 through 35.”
6 2. By renumbering as necessary.

S-5872

1 Amend the Committee amendment, S-5857, to House
2 File 683, as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 3, by striking lines 27 through 31.

EDGAR H. HOLDEN

S-5873

1 Amend the House amendment, S-5801, to Senate File
 2 2068, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, line 22, by inserting after the word
 5 "adopted." the following: "The provisions of this
 6 paragraph shall not prevent the issuance of a permit
 7 to a new sanitary landfill if the landfill is under
 8 consideration for a permit on or before July 1, 1988."

PATRICK J. DELUHERY

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2443

S-5874

1 Amend amendment, H-5992, to House File 2443 as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, by striking lines 3 through 14 and
 5 inserting the following:
 6 "___ . Page 2, by inserting after line 13 the
 7 following:
 8 "7. For the legal assistance for farmers program
 9 \$ 60,000."
 10 2. By striking page 2, line 33, through page 3,
 11 line 2, and inserting the following:
 12 "Sec. ___. The legislative council shall create a
 13 corrections task force to review and assess the
 14 state's corrections system. The task force shall
 15 address how to achieve the maximum safety for the
 16 public in the most cost-effective and efficient manner
 17 for the taxpayers and citizens of Iowa. The task
 18 force shall be composed of five members of the senate,
 19 five members of the house of representatives, one
 20 member representing the board of parole, one member
 21 representing the department of corrections and one
 22 member representing the judicial district department
 23 of correctional services. The task force is
 24 authorized to contract with consultants and experts
 25 within the corrections area to review and assess the
 26 state's corrections system for the purpose of

27 recommending a long-term master plan. The plan shall
28 include two-year, five-year, and ten-year goals and a
29 comprehensive ten-year master plan for the corrections
30 system. This plan shall include a study and
31 evaluation of the custody classification system
32 regarding the availability of minimum, medium, and
33 maximum security beds in the correctional institutions
34 and the availability of beds within the judicial
35 district departments of correctional services. The
36 study shall compare recommended classification levels
37 of the national institute of corrections and the
38 federal board of parole. The classification study
39 shall include the development of a profile of the
40 state's prison population, a determination of whether
41 an identifiable group of inmates exists which could be
42 placed in alternative correctional programs without
43 increased risk to the public safety, an examination of
44 the current aggregate custody needs involving the
45 state's prison population so that preliminary
46 estimates may be made of prison capacity needs by
47 custody level, and a determination of the overuse or
48 underuse of bed space at the various custody levels.
49 The master plan shall also include an evaluation of
50 the risk assessment model used by the board of parole

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1 in comparison with other available models including
2 the Rand study model.
3 The master plan shall include recommendations
4 relating to sentencing patterns and practices, release
5 criteria, and resource allocation. The plan shall
6 also include evaluation and recommendations for use of
7 diversion and community service programs and the use
8 of alternative and intermediate sanction programs,
9 such as intensive supervision and electronic
10 monitoring. Recommendations shall also be made as to
11 institutional staffing levels and training programs
12 for corrections officers. Correctional policy
13 alternatives with cost-benefit analyses regarding
14 those alternatives shall be provided. The plan shall
15 project prison population for the next five years and
16 if necessary make recommendations concerning the
17 construction and maintenance of additional prison
18 space. Any recommendations for additional space shall
19 include the location or locations of additional
20 correctional bed space and to the extent intermediate
21 or alternative sanctions can reduce the need for any
22 additional space. The plan shall also address
23 programs targeted toward OWI offenders, substance

24 abusers, and sex offenders, and shall include the
 25 cost-effectiveness of lease purchase arrangements to
 26 build any new prison space. The task force shall
 27 recommend a five-year to ten-year maintenance program
 28 for the correctional institutions in this state.
 29 The task force shall report to the legislative
 30 council and the general assembly by January 15, 1989,
 31 its determinations and findings concerning the custody
 32 classification system and the risk assessment model
 33 used by the board of parole. The master plan shall be
 34 completed and a report made to the legislative council
 35 and the general assembly by January 1, 1990.”
 36 3. By renumbering, relettering, or redesignating
 37 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2444

S-5875

1 Amend the amendment, H-6013, to House File 2444, 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, lines 17 and 18, by striking the
 7 words “the offices of the clerks of the district court
 8 of the judicial department.”
 9 “___ . Page 2, by inserting after line 15 the
 10 following:
 11 “Sec. 101. There is appropriated from the
 12 administrative surcharge trust fund to the department
 13 of employment services for the fiscal year beginning
 14 July 1, 1987, and ending June 30, 1988, the following
 15 amounts, or so much thereof as is necessary, for the
 16 purpose of rural job service office operations:
 17 \$ 1,300,000”
 18 2. Page 1, by striking lines 3 through 10.
 19 3. Page 1, by inserting after line 26 the
 20 following:
 21 “___ . Page 6, line 8, by striking the word
 22 “twenty-six” and inserting the following: “twenty-
 23 seven”.
 24 “___ . Page 6, line 10, by striking the figure
 25 “\$3,920,680” and inserting the following:
 26 “\$3,960,680”.
 27 4. Page 3, line 1, by inserting after the word

28 "Code" the following: "Supplement".

29 5. Page 3, line 10, by inserting after the word
30 "Act." the following: "An interior designer
31 performing customary interior design services shall
32 not be deemed to be engaged in the unlawful practice
33 of architecture. Customary interior design services
34 include nonstructural aspects of interior space as
35 provided in section 118.18.""

36 6. Page 3, by striking lines 11 through 14.

37 7. Page 3, by inserting before line 15 the
38 following:

39 "____. Page 21, by inserting after line 15 the
40 following:

41 "Sec. ____ . NEW SECTION. 258A.11 CONTINUING
42 EDUCATION MINIMUM REQUIREMENTS.

43 The board of barber examiners and the board of
44 cosmetology examiners, created pursuant to chapter
45 147, shall each require, as a condition of license
46 renewal, a minimum of six hours of continuing
47 education in the two years immediately prior to a
48 licensee's license renewal.""

49 8. Page 3, by striking line 15.

50 9. Page 3, by inserting before line 16 the

Page 2

1 following:

2 "____. Page 22, by inserting after line 17, the
3 following:

4 "Sec. ____ . Section 714.23, unnumbered paragraph 1,
5 Code 1987, is amended by striking the unnumbered
6 paragraph and inserting in lieu thereof the following:

7 A student enrolled in a proprietary school which
8 offers a course of study of more than four months in
9 length and leads to a degree, diploma, or license
10 shall, upon terminating study in the course, be
11 obligated to the school for costs not to exceed the
12 following:

13 1. The total cost of all textbooks, tools,
14 equipment, uniforms, and other course-related
15 materials purchased and received by the student as of
16 the date of termination.

17 2. Fees charged by the school, not to exceed one
18 hundred fifty dollars.

19 3. The total tuition cost of the course multiplied
20 by a factor whose numerator shall be the time the
21 student was in attendance and whose denominator shall
22 be the total length of the course. In determining the
23 student's tuition obligation to the school, the
24 following rules shall apply:

25 a. The student's starting date shall be the first
26 day the student attends classes.

27 b. The student's termination date shall be the
28 last day the student attends classes.

29 c. Time in attendance shall be the actual time the
30 student was at the school; total length of the course
31 shall be stated in identical units as time in
32 attendance.

33 All moneys collected by the proprietary school from
34 or for the benefit of the student in excess of the
35 total of subsections 1 through 3 shall, within thirty
36 days of the student's termination date, be returned to
37 the appropriate agency or person. For purposes of
38 this chapter, unless the context otherwise requires,
39 "proprietary school" means a person offering a course
40 of instruction at the postsecondary level, for profit,
41 that is more than four months in length and leads to a
42 degree, diploma, or license.

43 Sec. ____ . NEW SECTION. 714.24 PERFORMANCE BOND.

44 A proprietary school shall, prior to enrollment of
45 any students and thereafter annually on or before June
46 30 of each year, present evidence to the attorney
47 general that the school has obtained a performance
48 bond to be used to make refunds of moneys received by
49 the school for the benefit of students in the event
50 the school ceases business or is otherwise unable to

Page 3

1 perform as required by section 714.23.

2 The amount of the performance bond shall be fifty
3 thousand dollars for a school which has not operated
4 in the state in the previous twelve months, and shall
5 be fifty thousand dollars or twenty-five percent of
6 the school's previous year's tuition receipts,
7 whichever is less, for a school which has operated in
8 the state in the previous calendar year.

9 Sec. ____ . NEW SECTION. 714.25 DISCLOSURE.

10 A proprietary school located within the state
11 shall, prior to the time a student is obligated for
12 payment of any moneys, inform the student of all of
13 the following:

14 1. The total cost of the course of instruction as
15 charged by the school.

16 2. An estimate of any fees which may be charged
17 the student by others which would be required if the
18 student is to successfully complete the course and, if
19 applicable, obtain a degree, diploma, or license.

20 3. The percentage of students who successfully
21 complete the course, the percentage who terminate

22 prior to completing the course, and the period of time
 23 upon which the school has based these percentages.
 24 The reporting period shall not be less than one year
 25 in length and shall not extend more than five years
 26 into the past.

27 4. If claims are made by the school as to
 28 successful placement of students in jobs upon
 29 completion of the course of study, the school shall
 30 provide the student with all of the following:

31 a. The percentage of graduating students who were
 32 placed in jobs in fields related to the course of
 33 instruction.

34 b. The percentage of graduating students who went
 35 on to further education immediately upon graduation.

36 c. The percentage of students who, ninety days
 37 after graduation, were without a job and had not gone
 38 on to further education.

39 d. The period of time upon which the reports
 40 required by paragraphs "a" through "c" were based.
 41 The reporting period shall not be less than one year
 42 in length and shall not extend more than five years
 43 into the past.

44 5. If claims are made by the school as to income
 45 levels of students who have graduated and are working
 46 in fields related to the school's course of
 47 instruction, the school shall inform the student of
 48 the method used to derive such information."

49 10. Page 3, by striking line 16.

50 11. Page 3, line 19, by striking the words "Section 100"

Page 4

1 and inserting the following: "Sections 100 and 101".

2 12. Page 3, line 20, by striking the word "is" and
 3 inserting the following: "are".

4 13. Page 3, by inserting after line 20, the
 5 following:

6 " — . Title page, lines 12 and 13, by striking
 7 the words "an effective date" and inserting the
 8 following: "certain effective dates".

9 14. By renumbering, relettering, or redesignating
 10 and correcting internal references as necessary.

S-5876

1 Amend the House amendment, S-5840, to Senate File
 2 484, as amended, passed, and reprinted by the Senate
 3 as follows:

4 1. Page 17, by inserting after line 32, the

5 following:

6 "Sec. ____ . NEW SECTION. 249B.1 DEFINITNIONS.

7 As used in this chapter, unless the context

8 otherwise requires:

9 1. "Commissioner" means the commissioner of human
10 services.

11 2. "Medicare" means the Health Insurance for the
12 Aged Act, Title XVIII of the federal Social Security
13 Act.

14 3. "Medicare Assignment" means the decision of a
15 physician to accept as patients beneficiaries of
16 Medicare.

17 4. "Medicare intermediary" means the person
18 contracted with by the United States government to
19 administer the Medicare program in this state.

20 5. "Participating physician" means a physician who
21 accepts an amount equal to the reasonable charge, as
22 determined by the United States secretary of health
23 and human services, as payment in full for services
24 rendered to a beneficiary of Medicare or a physician
25 who participates in the voluntary Medicare assignment
26 program established in conjunction with the area
27 agencies on aging.

28 6. "Physician" means a person licensed to practice
29 medicine and surgery, osteopathy and surgery, or
30 osteopathy under the laws of this state.

31 Sec. ____ . NEW SECTION. 249B.2 MEDICARE
32 PARTICIPATION.

33 1. By July 1, 1989, and in each calendar quarter
34 thereafter, at least eighty percent of the physicians
35 in each area of specialty shall be participating
36 physicians.

37 2. In computation of the percentage level required
38 under subsection 1, licensed physicians employed by a
39 medical education facility shall not be included.
40 However, this subsection does not prohibit such a
41 physician from choosing to be a participating
42 physician.

43 3. If the level specified in subsection 1 is not
44 achieved by July 1, 1989, or if the level is not
45 maintained in any subsequent quarter, the board of
46 medical examiners shall require as a condition of
47 issuing a license or renewal of a license to practice
48 as a physician, that a physician who accepts Medicare
49 assignments also agrees to be a participating
50 physician.

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- 1 Sec. ____ . NEW SECTION. 249B.3 MEDICARE
2 PARTICIPATION -- RECORDKEEPING.
3 1. A participating physician shall submit a report
4 annually to the Medicare intermediary on the form
5 required and provided by the Medicare intermediary.
6 The report shall include but is not limited to the
7 following:
8 a. The speciality of and type of license held by
9 the physician.
10 b. The area of practice in which the physician
11 accepts Medicare assignments.
12 c. The address of the location of the physician's
13 practice.
14 d. The total number of Medicare beneficiaries
15 provided services by the physician and the percentage
16 of the physician's patients who are Medicare
17 beneficiaries.
18 2. The Medicare intermediary shall, annually,
19 submit a summary of the reports collected under
20 subsection 1 to the human resources standing
21 committees of the general assembly.
22 3. The commissioner may, in accordance with rules
23 adopted pursuant to chapter 17A, require the inclusion
24 of additional information in the reports submitted by
25 participating physicians."
26 2. Page 24, line 2, by inserting after the word
27 "settlements," the following: "providing for an
28 established level of Medicare participation by certain
29 physicians."
30 3. By renumbering as necessary.

AL STURGEON

S-5877

- 1 Amend the House amendment, S-5801, to Senate File
2 2068, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 3 through 6.
5 2. Page 1, by striking lines 10 and 11.
6 3. Page 1, lines 14 and 15, by striking the words
7 "municipal or industrial" and inserting the following:
8 "solid".

CALVIN O. HULTMAN

S-5878

1 Amend the House amendment, S-5786, to Senate File
2 2314, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 4, by inserting after line 12, the
5 following:

6 " ____ . Page 24, by inserting after line 18, the
7 following:

8 "Sec. ____ . The legislative fiscal bureau shall
9 evaluate the department of public safety's employee
10 recruitment, management, and retention policies and
11 practices, and submit a report to the legislative
12 council on or before January 14, 1989. The report
13 shall at minimum address the following:

14 1. A method of establishing, and recommended
15 structure of, a civil service type commission to
16 govern the department of public safety's employment
17 program, employer-employee relations, and related
18 issues, including recommendations on membership for
19 the commission. The commission should operate to
20 assure recruitment, development, and retention of
21 peace officers and other employees of high caliber,
22 and maintenance of fair and just employer-employee
23 relations."

24 2. By renumbering as necessary.

JOE WELSH
LEE W. HOLT

S-5879

1 Amend the House amendment, S-5786, to Senate File
2 2314, as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 3, by inserting after line 7 the
5 following:

6 "Sec. ____ . Section 321.449, Code Supplement 1987,
7 is amended by adding the following new unnumbered
8 paragraph:

9 NEW UNNUMBERED PARAGRAPH. Notwithstanding other
10 provisions of this section, rules adopted under this
11 section for a driver of a commercial vehicle shall not
12 apply to a driver for a private carrier, who is not
13 for hire and who is engaged exclusively in intrastate
14 commerce, when the driver's commercial vehicle is not

15 operated more than one hundred miles from the driver's
16 work reporting location."

JOE WELSH
DONALD GETTINGS

S-5880

1 Amend the House amendment, S-5710, to Senate File
2 2310, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 15 through 30, and
5 inserting the following:

6 "____. By striking page 2, line 29 through page 3,
7 line 13, and inserting the following:

8 "8. DIVISION OF CRIMINAL AND JUVENILE JUSTICE
9 PLANNING.

10 For salaries and support of not more than five
11 full-time equivalent positions annually, maintenance,
12 and miscellaneous purposes:

13 \$ 215,392".

AL STURGEON

S-5881

1 Amend the House amendment, S-5840, to Senate File
2 484, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 7, by inserting after line 34 the fol-
5 lowing:

6 "Sec. ____ . NEW SECTION. 147B.9A MAXIMUM
7 LIABILITY FOR NONECONOMIC DAMAGES.

8 1. In a verdict issued pursuant to this chapter,
9 that portion of a verdict attributable to noneconomic
10 damages including, but not limited to, damages for
11 pain and suffering, loss of consortium, loss of
12 chance, or punitive or exemplary damages against any
13 one defendant shall not exceed two hundred fifty
14 thousand dollars.

15 2. In an action pursuant to this chapter and tried
16 to a jury, and in which noneconomic damages including,
17 but not limited to, damages for pain and suffering,
18 loss of consortium, loss of chance, or punitive or
19 exemplary damages are sought or argued, the court
20 shall, unless otherwise agreed to by all parties,
21 instruct the jury that the portion of a verdict

22 attributable to noneconomic damages including, but not
23 limited to, damages for pain and suffering, loss of
24 consortium, loss of chance, or punitive or exemplary
25 damages against any one defendant shall not exceed two
26 hundred fifty thousand dollars.
27 3. In an action brought pursuant to this chapter
28 and tried to a jury, and in which noneconomic damages
29 including, but not limited to, damages for pain and
30 suffering, loss of consortium, loss of chance, or
31 punitive or exemplary damages are sought or argued,
32 the court shall, unless otherwise agreed to by all
33 parties, require that the jury return a verdict
34 itemizing the injuries and damages awarded pursuant to
35 the verdict.”

JULIA B. GENTLEMAN

S-5882

1 Amend House File 2396, as passed by the House, as
2 follows:
3 1. Page 10, line 30, by inserting after the word
4 “board.” the following: “In addition to other
5 criteria developed the following factors and
6 requirements shall be considered or applied:
7 a. A business that has an average hourly wage for
8 a majority of its employees of less than five dollars
9 fifty cents is disqualified from receiving assistance.
10 b. A business that does not provide health
11 insurance coverage to its employees shall lose three
12 points in making the computations for determining
13 assistance.
14 c. Not more than two hundred fifty thousand
15 dollars may be provided in financial assistance unless
16 the board unanimously approves the financial
17 assistance in excess of that amount, but in no case
18 may financial assistance exceed one million dollars.
19 d. A business awarded financial assistance that
20 does not create at least fifty percent of the expected
21 jobs within two years of the awarding of financial
22 assistance shall repay the full amount of the
23 financial assistance within six months of the end of
24 the two-year period.
25 e. A business that is a FORTUNE 500 company shall
26 be given a low priority for providing assistance.
27 f. The point rankings of the proposed projects
28 shall be public information. If assistance is awarded
29 to a project which has a ranking below that of
30 proposed projects denied assistance, an explanation of

31 the reason why one was approved over the other shall
32 be written up and shall accompany the point rankings
33 as public information."

DAVID READINGER
JACK RIFE

S-5883

1 Amend the House amendment, S-5840, to Senate File
2 484 as amended, passed, and reprinted by the Senate,
3 as follows:

DIVISION S—5883A

4 1. Page 3, by striking lines 35 and 36 and
5 inserting the following: "business or a hospital
6 which has ceased doing business or providing services
7 if the health care provider or hospital files proof of
8 insurance as required in subsection 1 or 2, as
9 applicable, and pays a one-".
10 2. Page 3, line 44, by inserting after the word
11 "business" the following: "or the hospital's ceasing
12 to do business or providing services".

DIVISION S—5883B

13 3. Page 7, by striking lines 40 through 42 and
14 inserting the following: "or settlement approved by
15 the court in excess of five hundred thousand dollars,
16 and up to five million dollars, against a health care
17 provider or hospital qualified under this chapter with
18 respect to an occurrence of".

DIVISION S—5883A (cont'd.)

19 4. Page 8, line 22, by inserting after the word
20 "commerce," the following: "and to the legislative
21 fiscal bureau,".
22 5. Page 8, by inserting after line 46, the
23 following:
24 "The annual report shall also include an actuarial
25 review of the solvency of the fund and contain
26 appropriate recommendations relating to the protection
27 of the solvency of the fund including, but not limited
28 to, the need for mandatory participation by health
29 care providers or hospitals, the need for additional
30 revenue sources, and other recommendations deemed
31 appropriate by the commissioner."

- 32 6. Page 8, by inserting after line 47 the
 33 following:
 34 "The legislative fiscal bureau shall have the
 35 authority to retain an actuary, upon the approval of
 36 the legislative council, to examine and report on the
 37 patient catastrophic injury fund."
 38 7. Page 11, by striking lines 33 through 36 and
 39 inserting the following: "3."
 40 8. Page 12, line 16, by striking the words
 41 "exceeds one hundred" and inserting the following:
 42 "which exceed two hundred fifty".
 43 9. Page 12, line 18, by inserting after the word
 44 "award" the following: "where the fund is responsible
 45 for paying damages for future injuries".
 46 10. Page 12, line 19, by striking the words "one
 47 hundred thousand dollars" and inserting the following:
 48 "two hundred fifty thousand dollars, including any
 49 amount for future damages to be paid by the health
 50 care provider or hospital in excess of the limits of

Page 2

DIVISION S—5883A (cont'd.)

- 1 the fund,".
 2 11. Page 13, by striking lines 11 through 50.
 3 12. Page 17, line 38, by inserting after the
 4 figure "258A.1" the following: "the department of
 5 inspections and appeals."
 6 13. Page 17, line 45, by inserting after the word
 7 "insurance" the following: "and to the legislative
 8 fiscal bureau".
 9 14. Page 18, by striking line 13 and inserting
 10 the following: "licensing board authority of the
 11 health care provider or hospital."
 12 15. Page 18, line 31, by inserting after the
 13 figure "153" the following: ", except where such acts
 14 also involve disciplinary actions against a health
 15 care provider by the hospital, reports shall be made".
 16 16. Page 18, by striking lines 32 and 33.
 17 17. Page 19, lines 30 and 31, by striking the
 18 words ", jurisdictions, or rating areas".
 19 18. Page 20, by striking lines 6 and 7 and
 20 inserting the following:
 21 "2. "Fund" means the patient catastrophic injury
 22 fund established in section 147B.6."
 23 19. Page 20, by striking lines 23 through 30 and
 24 inserting the following:
 25 "Sec. ____ . NEW SECTION. 519B.2 INSURANCE PREMIUM
 26 DISTRIBUTIONS.

- 27 The commissioner shall, on July 1 of each year.”
 28 20. Page 20, by striking lines 47 through 49.
 29 21. Page 23, by striking lines 10 through 23 and
 30 inserting the following:
 31 “Sec. ____ . An amount not to exceed one hundred
 32 thousand dollars shall be paid out of the patient
 33 catastrophic injury fund to the board of medical
 34 examiners established under chapter 147 for the
 35 purpose of enhancing the board’s administration and
 36 enforcement of the provisions of law relating to those
 37 licensed to practice medicine and surgery, osteopathic
 38 medicine and surgery, and osteopathy.”
 39 22. Page 23, lines 39 and 40, by striking the
 40 words “and a health care provider or hospital.”
 41 23. Page 23, line 46, by inserting after the word
 42 “requirements” the following: “regarding claims”.
 43 24. Page 24, by striking lines 3 through 7 and
 44 inserting the following: “system to assist in the
 45 resolution of disputes, establishing certain mandatory
 46 reporting requirements for health care providers
 47 regarding acts which may constitute malpractice,
 48 providing for regional pricing of insurance,
 49 establishing a system for the reimbursement of certain
 50 amounts paid for medical liability insurance to ensure

Page 3

DIVISION S—5883A (cont’d.)

- 1 the availability of physicians to all citizens of this
 2 state, establishing a study to determine where the
 3 state is experiencing a shortage of needed medical
 4 services, establishing an effective date, providing
 5 for applicability and establishing penalties.”
 6 25. By renumbering as necessary.

DONALD DOYLE
 BILL HUTCHINS

S-5884

- 1 Amend amendment, S-5846, to House amendment, S-
 2 5753, to Senate File 2309, as amended, passed and
 3 reprinted by the Senate, as follows:
 4 1. Page 1, by inserting after line 11 the
 5 following:
 6 “ ____ . Page 2, by inserting after line 7 the
 7 following:
 8 “Of this amount the sum of three hundred thousand

9 (300,000) dollars shall be transferred to the bureau
10 of tourism and visitors to contract with the tourism
11 regions for the purpose of assisting local tourism
12 organizations and political subdivisions in this state
13 to encourage tourism in local areas.””

ROBERT CARR

S-5885

1 Amend the House amendment, S-5799, to Senate File
2 2193, as amended, passed, and reprinted to by the
3 Senate, as follows:

4 1. Page 2, by striking lines 21 through 23 and
5 inserting the following:

6 “___ . Page 1, by striking lines 19 and 20 and
7 inserting the following: “a period not exceeding five
8 years in duration at the elementary, middle, or
9 secondary level.””

10 2. Page 2, line 41, by inserting after the word
11 “teacher.” the following: “The rules shall require
12 that each institution develop a written evaluation
13 procedure for use by the cooperating teacher and a
14 form for evaluating student teachers, and require that
15 a copy of the completed form be included in the
16 student teacher’s permanent record.”

17 3. Page 2, by striking line 43 and inserting the
18 following: “line 10.”

19 4. Page 2, by inserting before line 44 the
20 following:

21 “___ . Page 3, by striking lines 21 through 23 and
22 inserting the following: “the student teaching
23 experience shall receive from the institution either a
24 monetary recompense or a reduction in tuition for
25 graduate hours of coursework equivalent to the value
26 of the monetary recompense, rounded to the nearest
27 whole credit hour. If, because of a policy adopted by
28 the board of directors employing the teacher, the
29 amount of the monetary recompense is not made
30 available to the teacher for the teacher’s own
31 personal use or the salary paid to the cooperating
32 teacher by the employing board is correspondingly
33 reduced, the institution shall grant the teacher the
34 reduction in tuition pursuant to this section in lieu
35 of the monetary recompense.”

36 ___ . By striking page 3, line 24 through page 4,
37 line 2 and inserting the following:”.

- 38 5. Page 3, by striking lines 11 and 12.
39 6. Page 3, by striking lines 42 and 43.

RICHARD J. VARN
LARRY MURPHY

S-5886

- 1 Amend Senate File 2328 as follows:
2 1. Page 15, line 19, by striking the word "state"
3 and inserting the following: "public".

LEONARD L. BOSWELL
JOE WELSH

S-5887

- 1 Amend Senate File 2328 as follows:
2 1. Page 1, line 1, by striking the words
3 "paragraph b" and inserting the following:
4 "paragraphs b and o".
5 2. Page 1, line 2, by striking the word "is" and
6 inserting the following: "are".
7 3. Page 1, by inserting after line 28 the fol-
8 lowing:
9 "o. Requirement that a licensee either print or
10 stamp the licensee's name and address on the back of
11 each instant ticket, except pull-tab tickets."

LEONARD L. BOSWELL
JOE WELSH

S-5888

- 1 Amend the House amendment, S-5799, to Senate File
2 2193, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 30 the
5 following:
6 "___ . One member who is employed as a school
7 service person."

LARRY MURPHY

S-5889

- 1 Amend the House amendment, S-5840, to Senate File
2 484, as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 10, by inserting after line 28 the

5 following:

6 "Sec. ____ . NEW SECTION. 147B.19 FRIVOLOUS
7 ACTIONS.

8 In all cases against a health care provider or
9 hospital under this chapter, the court may, in its
10 discretion, upon application by the prevailing party
11 and in an amount determined by the court, charge
12 reasonable attorney fees as costs payable to the
13 prevailing party, if the court finds that the losing
14 party did not have a reasonable likelihood of recovery
15 or a reasonable likelihood of a successful defense.
16 The charging of costs under this section is the sole
17 responsibility of the named parties and shall not in
18 any way be considered a cost of defense or reduce in
19 any manner insurance coverage provided to either party
20 thereby reducing the amount of coverage available for
21 the payment of any judgment rendered against that
22 party.

JULIA GENTLEMAN

HOUSE AMENDMENT TO
SENATE FILE 2312

S-5890

1 Amend Senate File 2312, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking line 24 and inserting the
4 following:

5 "3. For the historical division:

6 a. For salaries and support".

7 2. Page 1, line 30, by striking the word

8 "subsection" and inserting the following:

9 "paragraph".

10 3. Page 1, by inserting after line 33 the
11 following:

12 "b. For equipment, planning and construction costs
13 for exhibits:

14 \$ 600,000".

15 4. Page 2, by striking line 2 and inserting the
16 following:

17 " \$ 1,177,842".

18 5. Page 2, by striking line 13 and inserting the
19 following:

20 " \$ 6,030,706".

21 6. Page 2, by striking lines 14 through 25.

- 22 7. Page 3, by inserting after line 2 the
- 23 following:
- 24 " ____ . To assist the Iowa newspaper association in
- 25 funding the Iowa tomorrow: 2010 project, a project
- 26 that will consist of statewide consensus building for
- 27 Iowa's economic future:
- 28 \$ 100,000".
- 29 8. Page 3, by inserting after line 2 the
- 30 following:
- 31 "Sec. ____ . The director of the department of
- 32 cultural affairs shall include in reports that compile
- 33 national statistical financial data on expenditures
- 34 for the arts, the total spending for the community
- 35 cultural grants program of the department of cultural
- 36 affairs, funded under section 99E.32, subsection 3,
- 37 paragraph "c", and expenditures of the arts division
- 38 of the department of cultural affairs."
- 39 9. Page 4, by inserting after line 20 the
- 40 following:
- 41 "Sec. ____ . Notwithstanding 1986 Iowa Acts, chapter
- 42 1246, section 102 and section 103, as amended by 1987
- 43 Iowa Acts, chapter 228, section 7, moneys appropriated
- 44 in those sections that remain unobligated and
- 45 unencumbered on June 30, 1988, shall not revert to the
- 46 general fund on June 30, 1988, but shall remain
- 47 available for expenditure for the purposes specified
- 48 until June 30, 1989."
- 49 10. Page 4, by striking lines 21 through 30.
- 50 11. Page 5, by striking line 23 and inserting the

Page 2

- 1 following:
- 2 " \$ 279,251".
- 3 12. Page 6, by striking lines 23 and 24 and
- 4 inserting the following: "1989, the sum of twenty-
- 5 eight million nine hundred eight thousand four hundred
- 6 fifty (28,908,450) dollars, or as".
- 7 13. Page 7, by striking lines 21 through 24 and
- 8 inserting the following:
- 9 "Sec. ____ . Notwithstanding the appropriation
- 10 provided in section 261.53, there is appropriated from
- 11 the general fund of the state to the college aid
- 12 commission for the fiscal year beginning July 1, 1988,
- 13 and ending June 30, 1989, the sum of twenty-five
- 14 thousand (25,000) dollars for loans under the science
- 15 and mathematics loan program."
- 16 14. By striking page 7, line 25 through page 8,
- 17 line 4.
- 18 15. Page 9, by inserting after line 9 the

19 following:

20 "Sec. ____ . Section 261.2, Code 1987, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 11. Review reports filed by
23 accredited private institutions under section 261.9,
24 subsection 5, to determine compliance."

25 16. Page 9, line 10, by striking the words and
26 figures "subsections 4 and 7, Code Supplement 1987,
27 are" and inserting the following: "subsection 4, Code
28 Supplement 1987, is".

29 17. Page 9, by inserting after line 14 the
30 following:

31 "Sec. ____ . Section 261.9, subsection 5, Code
32 Supplement 1987, is amended by adding the following
33 new paragraph:

34 NEW PARAGRAPH. f. Which promotes equal
35 opportunity and affirmative action efforts in the
36 recruitment, appointment, assignment, and advancement
37 of personnel at the institution. In carrying out this
38 responsibility the institution shall do all of the
39 following:

40 (1) Designate a position as the affirmative action
41 coordinator.

42 (2) Adopt affirmative action standards.

43 (3) Gather data necessary to maintain an ongoing
44 assessment of affirmative action efforts.

45 (4) Monitor accomplishments with respect to
46 affirmative action remedies identified in affirmative
47 action plans.

48 (5) Conduct studies of preemployment and
49 postemployment processes in order to evaluate
50 employment practices and develop improved methods of

Page 3

1 dealing with all employment issues related to equal
2 employment opportunity and affirmative action.

3 (6) Establish an equal employment committee to
4 assist in addressing affirmative action needs,
5 including recruitment.

6 (7) Address equal opportunity and affirmative
7 action training needs by:

8 (a) Providing appropriate training for managers
9 and supervisors.

10 (b) Insuring that training is available for all
11 staff members whose duties relate to personnel
12 administration.

13 (c) Investigating means for training in the area
14 of career development.

15 (8) Require development of equal employment

16 opportunity reports, including the initiation of the
17 processes necessary for the completion of the annual
18 EEO-6 reports required by the federal equal employment
19 opportunity commission.

20 (9) Address equal opportunity and affirmative
21 action policies with respect to employee benefits and
22 leaves of absence.

23 (10) File annual reports with the college aid
24 commission of activities under this paragraph.”

25 18. Page 9, by inserting before line 15 the
26 following:

27 “Sec. ____ . Section 261.9, subsection 7, Code
28 Supplement 1987, is amended to read as follows:”.

29 19. Page 10, line 10, by striking the word
30 “parttime” and inserting the word “part-time”.

31 20. Page 12, by inserting after line 10 the
32 following:

33 “Sec. ____ . Section 261.85, Code Supplement 1987,
34 is amended to read as follows:

35 261.85 APPROPRIATION.

36 There is appropriated from the general fund of the
37 state to the commission for each fiscal year the sum
38 of two million ~~one~~ six hundred fifty thousand dollars
39 for the work-study program.

40 From moneys appropriated in this section, one
41 million ~~one five~~ five hundred ~~fifty~~ thousand dollars shall
42 be allocated to institutions of higher education under
43 the state board of regents and merged area schools and
44 the remaining ~~one million~~ dollars appropriated in this
45 section shall be allocated by the commission on the
46 basis of need as determined by the portion of the
47 federal formula for distribution of work study funds
48 that relates to the current need of institutions.”

49 21. Page 12, by striking line 22 and inserting
50 the following:

Page 4

1 “ \$ 5,337,825
2 It is the intent of the general assembly that as a
3 condition, limitation, and qualification of the
4 appropriation in this subsection, the department shall
5 expend moneys for the development of model human
6 growth and development curricula for grades
7 kindergarten through twelve and for the identification
8 and dissemination of information about early interven-
9 tion programs for students who are at the greatest
10 risk of suffering from the problems of dropping out of
11 school, substance abuse, adolescent pregnancy, or
12 suicide.”

13 22. By striking page 13, line 25 through page 15,
14 line 6 and inserting the following:

15 "___ . SPECIAL PROGRAMS AND PROJECTS.

16 For enhancing the preparation, teaching
17 experiences, and induction of educators, and for
18 assisting teachers to use technologies in the
19 classroom:

20 \$ 750,000

21 The department shall expend the moneys appropriated
22 in this subsection for the following programs:

23 a. To develop, in cooperation with approved
24 teacher education programs, model training and
25 incentive programs for cooperating teachers, including
26 studying the feasibility of establishing a cooperating
27 teacher approval.

28 b. To develop criteria for enhancing the clinical
29 experiences of prospective teachers and for grants for
30 pilot projects that designate certain schools as
31 clinical schools.

32 c. For grants for pilot projects that enhance the
33 interaction between the faculty of approved teacher
34 education institutions and teachers in school
35 districts that accept student teachers from that
36 institution.

37 d. For developing an evaluation system to be used
38 by evaluator panels that are evaluating teachers after
39 the initial certification and before advancement to
40 the next certification level.

41 e. For developing, in cooperation with approved
42 teacher education institutions, model systems for
43 evaluating student teachers and for self-evaluation
44 systems for student teachers and teachers.

45 f. To provide funds to be used in conjunction with
46 the University of Northern Iowa to develop a
47 networking system that translates effective teaching
48 methods through the use of a computer conferencing
49 system to form information exchange networks.

50 g. For grants for pilot projects for approved

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1 teacher education institutions to develop
2 instructional programs that will instruct teachers in
3 the use of electronic technologies.

4 h. To conduct a feasibility study of the
5 establishment of five-year teacher education programs.

6 School districts and institutions receiving moneys
7 under this subsection shall file a report with the
8 department upon completion of the pilot project.

9 Notwithstanding the maximum number of full-time

10 equivalent employees authorized in subsection 1, the
11 department may employ a full-time equivalent
12 individual to assist the department employees in
13 fulfilling the requirements of this subsection.
14 Notwithstanding section 8.33, moneys appropriated
15 in this subsection shall not revert to the general
16 fund of the state but shall remain available for
17 expenditure for the purposes specified until June 30,
18 1990.”

19 23. Page 15, by striking line 35 and inserting
20 the following:

21 “ \$ 3,146,215”.

22 24. Page 17, line 5, by striking the word “For”
23 and inserting the following: “a. For”.

24 25. Page 17, by striking lines 10 through 27 and
25 inserting the following: “fifty-seven million two
26 hundred ninety-five thousand eight hundred twenty-
27 seven (57,295,827) dollars to be allocated as follows:

28 (1) Merged Area I	\$ 2,654,050
29 (2) Merged Area II	\$ 3,294,267
30 (3) Merged Area III	\$ 3,058,380
31 (4) Merged Area IV	\$ 1,493,218
32 (5) Merged Area V	\$ 3,460,235
33 (6) Merged Area VI	\$ 3,465,025
34 (7) Merged Area VII	\$ 4,573,775
35 (8) Merged Area IX	\$ 4,739,009
36 (9) Merged Area X	\$ 7,529,839
37 (10) Merged Area XI	\$ 7,392,910
38 (11) Merged Area XII	\$ 3,392,923
39 (12) Merged Area XIII	\$ 3,584,746
40 (13) Merged Area XIV	\$ 1,489,940
41 (14) Merged Area XV	\$ 4,432,771
42 (15) Merged Area XVI	\$ 2,734,739”

43 26. Page 17, line 30, by inserting after the word
44 “expend” the following: “from moneys appropriated in
45 this paragraph”.

46 27. Page 18, by inserting after line 3 the
47 following:

48 “b. For distribution as property tax replacement
49 moneys to each of the merged area schools in amounts
50 determined by the department:

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1 \$ 588,246

2 The moneys distributed under this paragraph shall
3 be considered as part of the moneys generated under
4 chapter 286A on a statewide basis.”

5 28. Page 18, by striking lines 7 through 23 and
6 inserting the following: “the amount of eight hundred

7 twenty-eight thousand twelve (828,012) dollars to be
8 allocated as follows:

9	a. Merged Area I	.....	\$	65,152
10	b. Merged Area II	.....	\$	50,567
11	c. Merged Area III	.....	\$	33,891
12	d. Merged Area IV	.....	\$	23,204
13	e. Merged Area V	.....	\$	60,042
14	f. Merged Area VI	.....	\$	34,514
15	g. Merged Area VII	.....	\$	57,884
16	h. Merged Area IX	.....	\$	69,103
17	i. Merged Area X	.....	\$	97,180
18	j. Merged Area XI	.....	\$	142,463
19	k. Merged Area XII	.....	\$	46,200
20	l. Merged Area XIII	.....	\$	40,972
21	m. Merged Area XIV	.....	\$	20,826
22	n. Merged Area XV	.....	\$	55,026
23	o. Merged Area XVI	.....	\$	30,988".

24 29. By striking page 18, line 27 through page 19,
25 line 12, and inserting the following: "state
26 financial aid to merged areas the amount of twenty-
27 three million fifty-five thousand three hundred fifty-
28 six (23,055,356) dollars, to be accrued as income and
29 used for expenditures incurred by the area schools
30 during the fiscal year beginning July 1, 1988, and
31 ending June 30, 1989, to be allocated to each area
32 school as follows:

33	1. Merged Area I	.....	\$	1,069,231
34	2. Merged Area II	.....	\$	1,327,820
35	3. Merged Area III	.....	\$	1,245,067
36	4. Merged Area IV	.....	\$	611,651
37	5. Merged Area V	.....	\$	1,388,438
38	6. Merged Area VI	.....	\$	1,388,244
39	7. Merged Area VII	.....	\$	1,843,493
40	8. Merged Area IX	.....	\$	1,896,400
41	9. Merged Area X	.....	\$	3,035,941
42	10. Merged Area XI	.....	\$	2,935,708
43	11. Merged Area XII	.....	\$	1,379,340
44	12. Merged Area XIII	.....	\$	1,431,518
45	13. Merged Area XIV	.....	\$	606,620
46	14. Merged Area XV	.....	\$	1,799,477
47	15. Merged Area XVI	.....	\$	1,096,408".

48 30. By striking page 19, line 19, through page
49 20, line 3, and inserting the following: "replacement
50 payments under section 427A.13, the amount of three

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1 hundred fifty-four thousand eight hundred sixty
2 (354,860) dollars, to be accrued as income and used
3 for expenditures incurred by the area schools during

4 the fiscal year beginning July 1, 1988, and ending
 5 June 30, 1989, to be allocated to each area as
 6 follows:

7	1. Merged Area I	\$	27,922
8	2. Merged Area II	\$	21,671
9	3. Merged Area III	\$	14,525
10	4. Merged Area IV	\$	9,924
11	5. Merged Area V	\$	25,732
12	6. Merged Area VI	\$	14,792
13	7. Merged Area VII	\$	24,807
14	8. Merged Area IX	\$	29,615
15	9. Merged Area X	\$	41,649
16	10. Merged Area XI	\$	61,056
17	11. Merged Area XII	\$	19,800
18	12. Merged Area XIII	\$	17,559
19	13. Merged Area XIV	\$	8,925
20	14. Merged Area XV	\$	23,582
21	15. Merged Area XVI	\$	13,281".

22 31. Page 20, by striking lines 18 through 28.

23 32. Page 20, by inserting after line 35 the
 24 following:

25 "Sec. ____ . The department of education may solicit
 26 gifts and grants to be used to finance the costs of
 27 conducting a study of the literacy of Iowa's young
 28 adults.

29 If sufficient moneys are received for the study,
 30 the department of education shall award the contract
 31 to an independent testing corporation located in this
 32 state. The specifications for the study shall be
 33 substantially similar to the specifications for the
 34 national assessment of educational progress study of
 35 the literacy of young adults in the United States
 36 conducted by the educational testing service."

37 33. Page 21, by inserting after line 7 the
 38 following:

39 "Sec. 100. For the fiscal year beginning July 1,
 40 1988, and ending June 30, 1989, section 280.4,
 41 subsection 4, is void and weighted enrollment
 42 calculated under section 442.4, subsection 6, does not
 43 include application of the non-English speaking
 44 weighting plan in section 280.4."

45 34. Page 21, by striking lines 9 through 13 and
 46 inserting the following:

47 "1. The state board of education may approve the
 48 request of an area vocational school to be
 49 reclassified as an area community college, but shall
 50 not allow the school to create an associate of arts

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1 program leading to the associate of arts degree until
2 the requirements of this section have been met. An
3 area vocational school reclassified as an area
4 community college may contract with an accredited
5 private institution, as defined in section 261.9,
6 subsection 5, that is located within the merged area,
7 for the area community college students to enroll in
8 courses leading to an associate of arts degree."

9 35. Page 21, line 24, by inserting after the
10 word "board" the following: ", the task force created
11 in section 500 of this Act,".

12 36. Page 21, by striking lines 28 and 29, and
13 inserting the following: "creation of the associate
14 of arts degree program under subsection 1 and of the
15 creation of a separate arts and".

16 37. Page 21, line 30, by inserting after the word
17 "division" the following: "under subsection 2".

18 38. Page 21, line 33, by striking the word
19 "reclassification" and inserting the following:
20 "creation of the associate of arts degree program
21 under subsection 1".

22 39. Page 21, line 34, by inserting after the word
23 "division" the following: "under subsection 2".

24 40. Page 22, line 5, by inserting after the
25 word "assembly" the following: ", the task force
26 created in section 500 of this Act,".

27 41. Page 22, by inserting after line 7 the
28 following:

29 42. Page 22, by inserting after line 7 the
30 following:

31 "Sec. ____ . Section 19B.11, subsections 1 and 2,
32 Code 1987, are amended to read as follows:

33 1. It is the policy of this state to provide equal
34 opportunity in school district, area education agency,
35 and merged area school employment to all persons. An
36 individual shall not be denied equal access to school
37 district, ~~or~~ area education agency, or merged area
38 school employment opportunities because of race,
39 creed, color, religion, national origin, sex, age, or
40 physical or mental disability. It also is the policy
41 of this state to apply affirmative action measures to
42 correct deficiencies in school district, area
43 education agency, and merged area school employment
44 systems where those remedies are appropriate. This
45 policy shall be construed broadly to effectuate its
46 purposes.

47 2. The director of the department of education
48 shall actively promote fair employment practices for

49 all school district, area education agency, and merged
50 area school employees and the state board of education

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1 shall ~~inform~~ adopt rules requiring specific steps by
2 school districts, area education agencies, and merged
3 area schools ~~concerning their efforts~~ to accomplish
4 ~~this goal~~ the goals of equal employment opportunity
5 and affirmative action in the recruitment,
6 appointment, assignment, and advancement of personnel.
7 Each school district, area education agency, and
8 merged area school shall be required to develop
9 affirmative action standards which are based on the
10 population of the community in which it functions, the
11 student population served, or the persons who can be
12 reasonably recruited. The director of education shall
13 consult with the department of personnel in the
14 performance of duties under this section."

15 "Sec. ____ . Section 256.17, unnumbered paragraph 2,
16 Code Supplement 1987, is amended to read as follows:

17 Notwithstanding the standards included in section
18 256.11, not later than July 1, 1987, the state board
19 shall adopt rules establishing new standards for
20 accredited schools. The rules shall be adopted under
21 chapter 17A and shall require that schools and school
22 districts meet the standards adopted by the state
23 board not later than July 1, 1989, except for the
24 following:

25 1. Schools and school districts are not required
26 to meet the standard adopted by the state board
27 requiring that ten units of vocational education be
28 offered and taught in grades nine through twelve
29 unless the general assembly enacts legislation
30 relating to the requirements stated in the standard.
31 Until that time the occupational education
32 requirements stated in section 256.11, subsection 6,
33 paragraph "h", remain in effect.

34 2. Schools and school districts are not required
35 to meet the standard adopted by the state board
36 specifically relating to the number of instructional
37 days and length of the school day for kindergarten
38 programs on July 1, 1992, unless the general assembly
39 has adopted legislation that provides additional state
40 moneys to school districts for the increased costs of
41 the kindergarten programs. The kindergarten program
42 standard shall not take effect until the additional
43 state moneys have been provided.

44 3. Schools and school districts are not required
45 to meet the requirement stated in the standards that

46 prohibits an individual who is employed or contracted
47 for as superintendent from also serving as a principal
48 in that school or school district unless the general
49 assembly adopts legislation to prohibit the
50 combination. The department of education shall review

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1 the literature relating to administrative
2 organizational structure of schools and make
3 recommendations for an alternative structure to the
4 general assembly not later than February 1, 1989.
5 Sec. ____ . The legislative council is requested to
6 establish a study committee composed of members of the
7 house and senate committees on education from both
8 political parties to conduct a comprehensive study of
9 the provision of vocational education courses for
10 secondary school students. The study shall include,
11 but not be limited to, the vocational education
12 requirements contained in the rules adopted by the
13 state board of education pursuant to section 256.17,
14 the courses offered by school districts, the costs of
15 offering the various areas of vocational education
16 courses, enrollment trends, and the feasibility of
17 alternative means of offering vocational education
18 courses, including but not limited to, requiring that
19 secondary school vocational education courses be
20 provided by the area schools in either the high school
21 or area school setting or an alternative setting.
22 The study committee shall submit a report of its
23 recommendations to the higher education task force
24 created in section 500 of this Act, the legislative
25 council, and the general assembly meeting in 1989.
26 Sec. ____ . The legislative fiscal bureau shall
27 conduct a survey of school districts to determine the
28 feasibility of requiring that the kindergarten program
29 operate a minimum of one hundred eighty days and meet
30 a minimum school day time requirement of four and one-
31 half hours. The survey shall include an inventory of
32 additional space requirements and the availability of
33 vacant classrooms in school district facilities,
34 additional staff requirements, availability of
35 educational materials, and transportation needs.
36 The legislative fiscal bureau shall report the
37 results of the survey to the chairpersons and ranking
38 members of the senate and house committees on
39 education not later than December 1, 1988.”
40 “Sec. ____ . Section 256.30, unnumbered paragraph 2,
41 Code Supplement 1987, is amended to read as follows:

42 The tribal council shall first use moneys
 43 distributed to it by the department of education for
 44 the purposes of this section to pay the additional
 45 costs of salaries for certificated instructional staff
 46 for educational attainment and full-time equivalent
 47 years of experience to equal the salaries listed on
 48 the proposed salary schedule for the school at the Sac
 49 and Fox Indian settlement for the that school year
 50 ~~beginning July 1, 1987 as that salary schedule existed~~

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1 on ~~May 1, 1987~~, but the salary for a certificated
 2 instructional staff member employed on a full-time
 3 basis shall not be less than eighteen thousand
 4 dollars. The department of management shall approve
 5 allotments of moneys appropriated in this section when
 6 the department of education certifies to the
 7 department of management that the requirements of this
 8 section have been met."

9 44. Page 22, by striking lines 8 through 20.

10 45. Page 22, by inserting after line 20 the fol-
 11 lowing:

12 "Sec. ____ . Notwithstanding 1986 Iowa Acts, chapter
 13 1246, section 105, subsection 1, paragraph "c", the
 14 moneys appropriated to the department of education and
 15 allocated for the development of a mental retardation
 16 model curriculum shall not revert to the general fund
 17 of the state on June 30, 1988, but shall remain
 18 available for expenditure for the purpose specified
 19 until June 30, 1989."

20 46. Page 22, by inserting after line 20 the
 21 following:

22 "Sec. ____ . Section 279.19B, unnumbered paragraph
 23 1, Code 1987, is amended to read as follows:

24 The board of directors of a school district shall
 25 offer an extracurricular contract for varsity head
 26 coach of the interscholastic athletic activities of
 27 football, basketball, track not including cross
 28 country, baseball, softball, volleyball, gymnastics,
 29 hockey, and wrestling only to an individual possessing
 30 a teaching certificate with a coaching endorsement
 31 issued pursuant to chapter 260."

32 47. Page 22, by inserting after line 26 the
 33 following:

34 "Sec. ____ . Section 282.31, subsection 1, paragraph
 35 b, Code Supplement 1987, is amended by adding the
 36 following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. However, on June 30 of a

38 school year, if the board of directors of a school
 39 district determines that the number of children under
 40 this paragraph who were counted in the basic
 41 enrollment of the school district on the third Friday
 42 of September of that school year is fewer than the sum
 43 of the number of months all children were enrolled in
 44 the school district under this paragraph during the
 45 school year divided by nine, the secretary of the
 46 school district may submit a claim to the department
 47 of education by August 1 following the school year for
 48 an amount equal to the district cost per pupil of the
 49 district for the previous school year multiplied by
 50 the difference between the number of children counted

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1 and the number of children calculated by the number of
 2 months of enrollment. The amount of the claim shall
 3 be paid by the department of revenue and finance to
 4 the school district by October 1 in the same manner as
 5 the claims are paid under paragraph "a".

6 48. By striking page 22, line 27 through page 25,
 7 line 25.

8 49. By striking page 26, line 1, through page 27,
 9 line 18.

10 50. Page 27, line 29, by inserting after the word
 11 "purposes" the following: "and for the establishment
 12 of a consortium consisting of representatives of Iowa
 13 State University, the University of Iowa, and the
 14 University of Northern Iowa as equal participants to
 15 establish and use a process for the exchange and
 16 integration of knowledge among the universities in the
 17 fields including but not limited to food production,
 18 food processing, food preservation, nutrition,
 19 medicine, pharmacy, chemical-free water, clean air,
 20 and environmental safety. The consortium shall also
 21 establish a means for the integration of knowledge
 22 across disciplines in each of the universities. In
 23 the establishment of the process for integration and
 24 exchange of knowledge for these purposes, the
 25 consortium shall also develop a process for
 26 disseminating this knowledge to the public for
 27 personal and business use by Iowans".

28 51. Page 27, by striking line 30 and inserting
 29 the following:

30 " \$ 516,272".

31 52. Page 28, by striking lines 6 through 18.

32 53. Page 28, by striking lines 19 through 25.

33 54. Page 28, by striking line 32, and inserting
 34 the following:.

35 " \$138,262,377
 36 It is the intent of the general assembly that as a
 37 condition, limitation, and qualification of the
 38 appropriation made in this subparagraph, the
 39 University of Iowa shall expend moneys for salaries
 40 and support for the labor center."
 41 55. Page 28, line 35, by inserting after the word
 42 "subparagraph," the following: "from moneys available
 43 to the state University of Iowa,"
 44 56. Page 29, by inserting after line 6 the
 45 following:
 46 "(3) For acquisition of library materials:
 47 \$ 341,250".
 48 57. Page 29, by striking line 6 and inserting
 49 the following:
 50 " \$ 59,940".

Page 13

1 58. Page 29, by striking line 13 and inserting
 2 the following:
 3 " \$ 26,199,603"
 4 59. Page 29, by striking line 20 and inserting
 5 the following:
 6 " \$ 1,511,061"
 7 60. Page 29, by striking line 27 and inserting
 8 the following:
 9 " \$ 337,256".
 10 61. Page 30, line 15, by inserting after the
 11 letter "b," the following: "subparagraph (1)."
 12 62. Page 30, line 16, by striking the words "this
 13 section" and inserting the following: "that
 14 subparagraph".
 15 63. Page 31, by inserting after line 5 the fol-
 16 lowing:
 17 " ____ . As a condition of the appropriation made in
 18 paragraph "b", subparagraph (1), university hospitals
 19 shall compile and transmit to the general assembly the
 20 following information for the fiscal year beginning
 21 July 1, 1987:
 22 (1) Revenue from all income sources, by source,
 23 including but not limited to state appropriations,
 24 other state funds, tuition income, patient charges,
 25 payments from political subdivisions, interest income,
 26 and gifts, and grants from public and private sources.
 27 (2) Expenditures by program and revenue source.
 28 (3) Net revenue over spending from hospital opera-
 29 tions, including the method used to calculate the
 30 results.
 31 The legislative fiscal bureau shall develop forms

32 for collecting the information required in this sub-
 33 paragraph.”
 34 64. Page 31, by striking line 12 and inserting
 35 the following:
 36 “ \$ 6,014,532”
 37 65. Page 31, by striking line 17 and inserting
 38 the following:
 39 “ \$ 2,507,968”
 40 66. Page 31, by striking line 22 and inserting
 41 the following:
 42 “ \$ 4,542,607”
 43 67. Page 31, by striking line 27 and inserting
 44 the following:
 45 “ \$ 2,498,481”.
 46 68. Page 31, by striking line 33 and inserting
 47 the following:
 48 “ \$116,234,916
 49 It is the intent of the general assembly that as a
 50 condition, limitation, and qualification of the

Page 14

1 appropriation made in this paragraph, Iowa State
 2 University shall expend two million (2,000,000)
 3 dollars for the construction of livestock units for
 4 cattle and swine research and one million (1,000,000)
 5 dollars for the purchase of agronomy building
 6 equipment.”
 7 69. Page 32, line 1, by inserting after the word
 8 “paragraph,” the following: “from moneys available to
 9 Iowa State University,”.
 10 70. Page 32, by striking line 8 and inserting the
 11 following:
 12 “ \$ 13,556,178”
 13 71. Page 32, by striking line 14 and inserting
 14 the following:
 15 “ \$ 13,317,224”
 16 72. Page 32, by striking line 18 and inserting
 17 the following:
 18 “ \$ 90,000”
 19 73. Page 32, by striking line 21 and inserting
 20 the following:
 21 “ \$ 389,456”.
 22 74. Page 32, by striking lines 22 through 25.
 23 75. Page 32, by inserting before line 26 the
 24 following:
 25 “g. For acquisition of library materials:
 26 \$ 234,400”.
 27 76. Page 32, line 27, by striking the word “For” and inserting
 28 the following:

29 "a. For".

30 77. Page 32, by striking line 30 and inserting
31 the following:

32 " \$ 45,136,113".

33 78. Page 32, line 33, by inserting after the word
34 "subsection," the following: "from moneys available
35 to the University of Northern Iowa,".

36 79. Page 32, line 35, by inserting after the word
37 "assistants" the following: "and three hundred
38 thousand (300,000) dollars shall constitute an equity
39 adjustment to maintain and support the university's
40 academic programs".

41 80. Page 32, by inserting after line 35 the
42 following:

43 "It is a condition, limitation, and qualification
44 of the appropriation made in this subsection that
45 moneys appropriated in this subsection not be expended
46 for the power plant addition at the University of
47 Northern Iowa."

48 81. Page 32, by inserting after line 35 the
49 following:

50 "b. For acquisition of library materials:

Page 15

1 \$ 60,850".

2 82. Page 33, by striking line 5 and inserting
3 the following:

4 " \$ 4,957,177"

5 83. Page 33, by striking line 10 and inserting
6 the following:

7 " \$ 2,742,752".

8 84. Page 33, by inserting after line 16 the fol-
9 lowing:

10 "Sec. 600.

11 1. From funds in the state treasury not otherwise
12 appropriated there is appropriated to the state board
13 of regents for the fiscal year beginning July 1, 1987,
14 and ending June 30, 1988, an amount not exceeding
15 eleven million one hundred thousand (11,100,000)
16 dollars to be allocated to the University of Northern
17 Iowa for construction of a power plant addition.
18 Notwithstanding section 262.28, the moneys
19 appropriated in this section shall not be committed by
20 the state board of regents or paid, either in full or
21 in part, until the governor has certified to the
22 department of revenue and finance that the estimated
23 budget resources during the fiscal year are sufficient
24 to pay all other appropriations in full and to pay all
25 or a portion of the appropriation made in this

26 section.

27 2. From funds in the state treasury not otherwise
28 appropriated, there is appropriated to the state board
29 of regents for the fiscal year beginning July 1, 1988,
30 and ending June 30, 1989, an amount equal to the dif-
31 ference between the amount of the appropriation
32 approved by the governor under subsection 1 for the
33 purpose specified in subsection 1 and eleven million
34 one hundred thousand (11,100,000) dollars. The
35 payment of the appropriation made in this subsection
36 is subject to the same restrictions as the
37 appropriation made in subsection 1.

38 3. Unobligated or unencumbered funds appropriated
39 by subsection 1 for the fiscal year beginning July 1,
40 1987, and ending June 30, 1988, remaining on June 30,
41 1988, and unobligated or unencumbered funds
42 appropriated by subsection 2 for the fiscal year
43 beginning July 1, 1988, and ending June 30, 1989,
44 remaining on June 30, 1989, shall revert to the
45 general fund of the state on September 30, 1990.
46 However, if the project for which these funds are
47 appropriated is completed prior to June 30, 1990, the
48 remaining unobligated or unencumbered funds shall
49 revert to the general fund of the state on September
50 30 following the end of the fiscal year in which the

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1 project is completed.”

2 85. Page 33, line 22, by striking the figure “43”
3 and inserting the following: “49”.

4 86. Page 34, by inserting after line 7 the
5 following:

6 “Sec. ____ . It is the intent of the general
7 assembly that the office of the state board of regents
8 shall study the child care needs of faculty members,
9 other staff members, and students at each institution
10 of higher education under its control. The state
11 board of regents shall survey each institution for
12 potential locations for child care centers, explore
13 the possibility of receiving federal funding for
14 operation of the child care centers, and examine the
15 feasibility of adopting a sliding fee scale based upon
16 income of the parent or guardian. As a part of this
17 study, the office of the state board of regents shall
18 solicit input from the state association composed of
19 students from the three institutions.

20 The state board of regents shall present to the
21 general assembly no later than November 30, 1988, a

22 comprehensive proposal for meeting the child care
23 needs at each institution. This proposal shall
24 include recommendations for using students enrolled at
25 the institutions for meeting the child care needs with
26 payment through the state work-study program.”

27 87. Page 34, by striking lines 13 through 21 and
28 inserting the following: “medically indigent
29 persons.”

30 88. Page 34, by inserting after line 28 the
31 following:

32 “Sec. ____ . Notwithstanding House File 2444,
33 section 1, if House File 2444 is enacted by the
34 Seventy-second General Assembly, the auditor of state
35 shall monitor the costs of performing examinations of
36 the state board of regents and shall seek
37 reimbursement under section 11.5A.”

38 89. Page 34, by inserting after line 28 the
39 following:

40 “Sec. ____ . Section 262.9, Code Supplement 1987, is
41 amended by adding the following new subsection:
42 NEW SUBSECTION. 19. Establish a hall of fame for
43 distinguished graduates at the Iowa braille and sight-
44 saving school and at the Iowa school for the deaf.”

45 90. Page 34, by inserting after line 28 the fol-
46 lowing:

47 “Sec. 500. POSTSECONDARY EDUCATION TASK FORCE. There is
48 established a citizens postsecondary education task force to
49 study and make recommendations regarding the goals,
50 and the legislation necessary to meet the goals, of

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1 the state’s postsecondary education system in the future.
2 The study shall include, but not be limited to, the
3 following:

4 1. Ways to preserve equal educational opportunity
5 and equal access to a quality education for the
6 students of Iowa.

7 2. An analysis of present and future needs of
8 Iowans for postsecondary education.

9 3. An inventory of the distribution of the educa-
10 tional programs and services available in the state’s
11 board of regents institutions, merged area schools,
12 private colleges and universities, and technical
13 schools, and the college aid commission.

14 4. Demographic projections of enrollment trends,
15 including trends among the various kinds of postsecondary
16 education offerings available.

17 5. A comprehensive fiscal analysis of the state’s
18 postsecondary education financing effort, including historic

19 financing trends, per pupil trends, and projections of
 20 the state's capacity to finance its postsecondary education
 21 system in the future.

22 6. A twenty-year postsecondary education plan that
 23 recommends methods and the structure necessary to
 24 match the recommended goals with the state resources
 25 necessary to fund them, accompanied by a recommended
 26 chronology and coordination within the postsecondary
 27 education system itself and within the elementary and
 28 secondary education systems.

29 The members of the citizens committee shall be
 30 appointed by the speaker and the minority leader of
 31 the house of representatives and by the majority and
 32 minority leaders of the senate. There shall be seven
 33 citizen members whose composition shall be bipartisan,
 34 and from which a chair shall be appointed. Four
 35 legislators, one from each political party in the
 36 house and one from each political party in the senate,
 37 shall be appointed by the joint leaders of the house
 38 and senate. The task force shall be appointed by no
 39 later than June 1, 1988, and shall report to the
 40 legislative council by December 15, 1988, how it will
 41 be organized and conduct its research in order to
 42 report its recommendations to the general assembly by
 43 no later than July 1, 1990. If the legislative
 44 council approves of the task force organizational
 45 plan, it may authorize the task force to employ an
 46 executive director beginning February 1, 1989, until
 47 completion of report in July 1990, and may
 48 authorize the expenditure of moneys from section 2.12
 49 to fund the cost of the task force. The task force
 50 may request and receive research assistance from the

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1 education commission of the states. The task force
 2 may accept gifts and donations, and may contract with
 3 a foundation for additional funds. The legislative
 4 council may authorize the payment of per diem and
 5 expenses for the citizen members of the task force.

6 Staff assistance to the task force shall be
 7 provided by the legislative service bureau, the
 8 legislative fiscal bureau, and the caucus staffs, who
 9 shall work under the direction of the chair of the
 10 task force and the executive director if an executive
 11 director is employed.

12 Sec. ____ . NEW SECTION. 182.23 BOARD MEMBER
 13 DISCLOSURE.

14 Notwithstanding section 182.13, a member of the
 15 board may receive compensation, including a salary,

16 from an organization or agency, including an
17 educational institution, receiving funds from the
18 board. If a member of the board has a pecuniary
19 interest, either direct or indirect, in matter
20 considered by the board, the interest shall be
21 disclosed by the member to the board and included in
22 the minutes for that meeting of the board. The member
23 having the pecuniary interest shall not participate in
24 an action taken by the board on the matter.

25 Sec. ____ . NEW SECTION. 269.3 CLASSROOM TEACHERS.

26 For purposes of chapter 20, classroom teachers
27 employed by the Iowa braille and sight-saving school
28 may be accreted to the faculty employee organization
29 at the University of Northern Iowa or any other
30 approved employee organization established under
31 chapter 20 upon the affirmative vote of a majority of
32 the classroom teachers employed by the school.

33 Sec. ____ . NEW SECTION. 270.11 CLASSROOM
34 TEACHERS.

35 For purposes of chapter 20, classroom teachers
36 employed by the school for the deaf may be accreted to
37 the faculty employee organization at the University of
38 Northern Iowa or any other approved employee
39 organization established under chapter 20 upon the
40 affirmative vote of a majority of the classroom
41 teachers employed by the school.

42 Sec. ____ . NEW SECTION. 347.25A SELECTION OF
43 TRUSTEES.

44 1. For purposes of this section, unless the
45 context otherwise requires:

46 a. "Board" means the board of trustees of the
47 hospital.

48 b. "Hospital" means the hospitals, medical service
49 clinics, and medical service laboratories of the state
50 University of Iowa.

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1 c. "Trustee" means a duly appointed member of the
2 board.

3 2. A board of trustees of the hospital of the
4 state University of Iowa is established which shall
5 report to the state board of regents. The leadership
6 of the senate and house of representatives shall
7 submit a list of eighteen names from which the
8 governor shall appoint at least six in addition to the
9 governor's own appointments, all of which shall be for
10 staggered three-year terms. The board shall consist
11 of nine members. Each congressional district shall be
12 represented on the board by no more than two trustees

13 who are residents of a single congressional district.
14 A trustee shall be appointed to represent the health
15 insurance industry, a trustee shall be appointed who
16 is knowledgeable regarding hospital finance, and a
17 trustee shall be appointed who is knowledgeable
18 regarding rural health services delivery needs. The
19 gender balance provisions under section 69.16A and
20 political affiliation provisions under section 69.16
21 shall apply.

22 3. In addition to the pecuniary interest
23 prohibition under section 347.15, all of the following
24 apply to trustees:

25 a. A person or spouse of a person with medical or
26 special staff privileges in the hospital, or who
27 receives direct or indirect compensation from the
28 hospital, or direct or indirect compensation from a
29 person contracting for services with the hospital
30 shall not be eligible to serve as a trustee.

31 b. If a person or member of the immediate family
32 of the person receives medical care or services from
33 the hospital or staff of the hospital at no charge or
34 reduced charge, the person shall not be eligible to
35 serve as a trustee.

36 4. The board shall meet every other month and may
37 hold special meetings on the call of the chairperson.
38 The meetings of the board shall comply with the
39 provisions for official meetings open to the public
40 under chapter 21. The board may adopt rules pursuant
41 to chapter 17A as it deems necessary for the conduct
42 of its business. The trustees shall be reimbursed for
43 actual expenses while engaged in their official
44 duties.

45 5. The board, with the approval of the state board
46 of regents, shall:

47 a. Adopt bylaws and rules for its own guidance and
48 for the government of the hospital.

49 b. Purchase, condemn, or lease a site for the
50 hospital, and provide and equip suitable hospital

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1 buildings.

2 c. Cause plans and specifications to be subject to
3 the provisions under section 135.63 regarding
4 certificate of need for all hospital buildings, and
5 advertise for bids, as required by law for state
6 buildings, before making a contract for the
7 construction of a building.

8 d. Procure equipment under bidding and contracting
9 requirements prescribed by law and procure supplies

10 necessary for the operation of the hospital.
11 e. Have general supervision and care of the
12 hospital grounds and buildings.
13 f. Employ an administrator, and necessary
14 assistants and employees, and fix their compensation.
15 g. Cause one of its members to visit and examine
16 the hospital at least twice each month.
17 h. Determine whether or not a patient is indigent
18 and entitled to free treatment, and fix the price to
19 be paid by other patients admitted to the hospital.
20 i. Fix at the regular August meeting in each year,
21 the amount necessary for the improvement and
22 maintenance of the hospital and for support of
23 ambulance service during the ensuing fiscal year, and
24 cause the president and the secretary to certify the
25 amount to the state board of regents before September
26 1 of each year.
27 j. File with the state board of regents and the
28 legislative council during the fourth week in July of
29 each year, a report covering their proceedings with
30 reference to the hospital, and a statement of all
31 receipts and expenditures during the preceding fiscal
32 year which are not otherwise covered in reporting
33 requirements elsewhere in the statutes.
34 6. The administrator of the hospital shall serve
35 as the administrative officer to the board and shall
36 be responsible for implementing policies and programs.
37 The administrator may employ other persons necessary
38 to carry out the programs of the board.
39 Sec. ____ . NEW SECTION. 262.12A BOARD OF TRUSTEES
40 UNDER BOARD.
41 The state board of regents shall maintain a board
42 of trustees over the hospitals, medical service
43 clinics, and medical service laboratories of the state
44 University of Iowa. The state board of regents shall
45 delegate responsibilities as outlined under section
46 347.25A to the board of trustees, subject to approvals
47 deemed necessary by the state board of regents.
48 Sec. ____ . Section 262.44, subsection 1, Code
49 Supplement 1987, is amended by striking the subsection
50 and inserting in lieu thereof the following:

Page 21

1 1. Set aside and use portions of the respective
2 campuses of the institutions of higher education under
3 its control, namely, the state University of Iowa, the
4 Iowa State University of science and technology, and
5 the University of Northern Iowa, as the board
6 determines are suitable for the acquisition or

7 construction of the following self-liquidating and
 8 revenue producing buildings and facilities: Student
 9 unions, recreational buildings, auditoriums, stadiums,
 10 field houses, athletic buildings and areas, parking
 11 structures and areas, research equipment if the debt
 12 incurred in its acquisition will be retired by
 13 federal, private, or other lawfully available
 14 nonappropriated funds, and additions to or alterations
 15 of existing buildings or structures.

16 Except as provided for self-liquidating dormitories
 17 and buildings and facilities specifically listed in
 18 this subsection, the state board of regents, or any
 19 bonding authority established by them, shall not issue
 20 any notes, bonds, or other evidence of indebtedness
 21 for construction of other buildings or facilities
 22 without prior approval by the general assembly and the
 23 governor in the manner provided in section 262A.4 for
 24 bonds issued under that chapter.

25 Sec. —. NEW SECTION. 263A.1A BOARD OF TRUSTEES
 26 UNDER BOARD.

27 The state board of regents shall maintain a board
 28 of trustees over the buildings and facilities. The
 29 state board of regents shall delegate responsibilities
 30 as outlined under section 347.25A to the board of
 31 trustees, subject to approvals deemed necessary by the
 32 state board of regents.

33 Sec. ——. INITIAL APPOINTMENTS. Three of the
 34 members appointed to the initial board of trustees
 35 established in section 347.25A shall be designated by
 36 the governor to serve a one-year term, three shall be
 37 designated by the governor to serve two-year terms and
 38 three shall be designated by the governor to serve
 39 three-year terms."

40 91. Page 34, by inserting before line 31 the
 41 following:

42 "Sec. 101. Section 442.4, subsection 1, unnumbered
 43 paragraph 6, Code Supplement 1987, is amended to read
 44 as follows:

45 A school district shall certify its basic
 46 enrollment to the department of education by October 1
 47 of each year, and the department shall promptly
 48 forward the information to the department of
 49 management. For purposes of determining whether a
 50 district is entitled to an advance for increasing

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1 enrollment a determination of actual enrollment shall
 2 be made on the third Friday of September in the budget
 3 year by counting the pupils in the same manner and to

4 the same extent that they are counted in determining
5 basic enrollment, but substituting the count in the
6 budget year for the count in the base year. In
7 addition, a school district shall determine its
8 additional enrollment because of special education, as
9 defined in this section 442.38, on December 1 of each
10 year and if the district is entitled to an advance for
11 special education, it shall certify its additional
12 enrollment because of special education to the
13 department of education by December 15 of each year,
14 and the department shall promptly forward the
15 information to the department of management.
16 For the purposes of this chapter, "additional
17 enrollment because of special education" is determined
18 by multiplying the weighting of each category of child
19 under section 281.9 times the number of children in
20 each category totaled for all categories minus the
21 actual enrollment.

22 Sec. 102. Section 442.4, subsection 6, unnumbered
23 paragraph 2, Code Supplement 1987, is amended to read
24 as follows:

25 Commencing with the school year beginning July 1,
26 ~~1981~~ 1988, and each school year thereafter, the
27 weighted enrollment shall be determined on the basis
28 of a count of a district's additional enrollment
29 because of special education, as defined in section
30 ~~442.38~~ subsection 1, on December 1 of the base year."

31 92. Page 35, line 9, by striking the word and
32 figure "section 442.38" and inserting the following:
33 "subsection 1".

34 93. Page 38, by inserting after line 19 the
35 following:

36 "Sec. 103. Section 442.26, unnumbered paragraph 2,
37 Code 1987, is amended to read as follows:

38 All state aids paid under this chapter, unless
39 otherwise stated, shall be paid in monthly
40 installments beginning on September 15 of a budget
41 year and ending on June 15 of the budget year and the
42 installments shall be as nearly equal as possible as
43 determined by the department of management, taking
44 into consideration the relative budget and cash
45 position of the state resources. However, the state
46 aids paid to school districts under section 442.28
47 shall be paid in monthly installments beginning on
48 December 15 and ending on June 15 of a budget year and
49 state aids paid to school districts under section
50 ~~442.38~~ shall be paid in monthly installments beginning

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- 1 on February 15 and ending on June 15 of a budget
 2 year.”
- 3 94. Page 40, by inserting after line 2 the
 4 following:
 5 “Sec. 104. Section 442.38, Code 1987, is
 6 repealed.”
- 7 95. Page 40, line 7, by striking the words and
 8 figures “subsections 5 and 6” and inserting the
 9 following: “subsection 6”.
- 10 96. Page 40, line 7, by inserting after the
 11 figure “6” the following: “and section 49, subsection
 12 3, paragraph “a””.
- 13 97. Page 40, line 7, by inserting after the
 14 figure “6” the following: “and section 600”.
- 15 98. Page 40, by striking lines 9 through 11 and
 16 inserting the following:
 17 “Sec. ____ . Sections 55 through 63 and 100 through
 18 104 of this Act”.
- 19 99. Page 40, line 14, by inserting after the
 20 figure “50” the following: “, 55 through 64, 100
 21 through 104 and 200” .
- 22 100. Page 40, line 14, by striking the word and
 23 figure “and 50” and inserting the following: “, 50,
 24 and 600”.
- 25 101. By renumbering, relettering, or
 26 redesignating and correcting internal references as
 27 necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2262

S-5891

- 1 Amend Senate File 2262, 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 190.1, Code 1987, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 68. SORGHUM SYRUP. Sorghum syrup
 8 is liquid food derived by the concentration and heat
 9 treatment of the juice of sorghum cane.”
- 10 2. Page 1, line 7, by inserting after the words
 11 “a product” the following: “other than beef or pork”.

- 12 3. Page 1, line 8, by striking the word "meat,".
 13 4. Page 1, line 27, by striking the word
 14 "arsenic" and inserting the following: "arsenical".
 15 5. Page 1, line 34, by inserting after the word
 16 "were" the following: "all".
 17 6. Page 2, line 14, by striking the word "two-
 18 year" and inserting the following: "one-year".
 19 7. Page 2, line 15, by striking the word "In".
 20 8. Page 2, by striking lines 16 through 18.
 21 9. Page 3, line 4, by inserting after the words
 22 "whom the" the following: "food product or".
 23 10. Page 3, line 28, by inserting after the word
 24 "food." the following: "A food product advertised as
 25 organic, organically produced, or by using a
 26 derivative of the term organic, shall not include an
 27 ingredient unless the product or receptacle containing
 28 the product is marked in a manner that identifies the
 29 ingredient."
 30 11. Page 6, line 20, by striking the figure
 31 "1990" and inserting the following: "1989".
 32 12. By renumbering, relettering, or redesignating
 33 and correcting internal references as necessary.

S-5892

- 1 Amend Senate File 2328 as follows:
 2 1. Page 1, line 19, by striking the words "or
 3 currency" and inserting the following: "or
 4 currency, tickets, or tokens which can be instantly
 5 redeemed".

WILLIAM W. DIELEMAN

S-5893

- 1 Amend House File 2459 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by inserting after line 27 the
 4 following:
 5 "Sec. 10. NEW SECTION. 422.59A CATALOG SALES.
 6 1. For purposes of this section, unless the
 7 context otherwise requires:
 8 a. "Destination of sale" means the location to
 9 which a seller of tangible personal property delivers
 10 that property or causes that property to be delivered,
 11 to the purchaser of that property or to the agent or
 12 designee of that purchaser, by any means of delivery,
 13 including but not limited to the United States postal

14 service, a common carrier, or a contract carrier.

15 b. "Person" means the same as defined in section
16 7701(a)(1) of the Internal Revenue Code.

17 c. "Soliciting of sales" means making known that a
18 kind of tangible personal property is for sale.

19 2. In the case of a person who may not
20 constitutionally be required, under any other section
21 of this division or chapter 423, to collect the tax
22 imposed under this division or under chapter 423, the
23 director shall require such person to collect the tax
24 imposed under this division or under chapter 423 with
25 respect to the sale of tangible personal property if
26 all of the following apply:

27 a. The destination of the sale is in this state.

28 b. The person meets the following conditions:

29 (1) The person engages in regular or systematic
30 soliciting of sales in the state.

31 (2) The person has gross receipts from the sale of
32 such tangible personal property in the one-year period
33 ending September 30 preceding the calendar year in
34 which the sale which is the subject of the tax occurs
35 of over twelve million five hundred thousand dollars
36 in the United States or over five hundred thousand
37 dollars in this state.

38 3. The director shall not require a person who
39 collects the tax pursuant to this section to make an
40 accounting for the receipts of the tax on the basis of
41 the geographical location at which a taxable transac-
42 tion occurs.

43 4. The director shall not require a person who is
44 required to collect the tax pursuant to this section
45 to file more than four sales tax returns reporting the
46 amount of tax collected or required to be collected in
47 any one-year period or shall not require such person
48 to file a sales tax return or remit the receipts of
49 the tax more frequently than once in a calendar
50 quarter or before the expiration of the twenty-day

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1 period beginning on the last day of the period for
2 which the sales tax return is required to be filed."

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

5 "Sec. ____ . Section 10 of this Act is effective
6 upon the passage by Congress and the enactment into
7 law of an Act of Congress authorizing the states and
8 the District of Columbia to collect sales taxes with
9 respect to the sales of tangible personal property by
10 nonresident persons who solicit such sales."

11 3. Title page, line 2, by inserting after the
12 word "retailers" the following: "and providing an
13 effective date".

MICHAEL GRONSTAL

S-5894

1 Amend Senate File 2319 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 422.43, Code Supplement 1987,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 12. A tax of four percent is
7 imposed upon the gross receipts from all sales of
8 tangible personal property, consisting of goods,
9 wares, or merchandise, except as otherwise provided in
10 this division, sold at retail in the state to
11 consumers or users within the state by retailers that
12 meet any of the following criteria:
13 a. Solicit retail sales of tangible personal
14 property from residents of this state on a continuous,
15 regular, seasonal, or systematic basis by means of
16 advertising which is broadcast from or relayed from a
17 transmitter within this state.
18 b. Solicit orders from residents of this state for
19 tangible personal property by mail or otherwise, if
20 the solicitations are continuous, regular, or
21 systematic and if the retailer benefits from any
22 banking; financing, debt collection,
23 telecommunications, or marketing activities occurring
24 in this state or benefits from the location in this
25 state of authorized installation, servicing, or repair
26 facilities.
27 c. Are owned or controlled by the same interests
28 which own or control a retailer engaged in business in
29 the same or a similar line of business in this state.
30 d. Maintain or have a franchisee or licensee
31 operating under the retailer's trade name in this
32 state if the franchisee or licensee is required to
33 collect the tax imposed by this division or chapter
34 423.
35 Sec. 2. Section 422.69, Code 1987, is amended by
36 adding the following new subsection:
37 NEW SUBSECTION. 4. The director shall estimate
38 the amount of tax revenues collected as a result of
39 the sales tax imposed under section 422.43, subsection
40 12, and shall deposit a like amount in a "GAAP escrow
41 account" to be created within the general fund.

42 Amounts deposited in the GAAP escrow account shall be
43 used to implement generally accepted accounting
44 principles as required in 1986 Iowa Acts, chapter
45 1245, section 2046, as amended by 1986 Iowa Acts,
46 chapter 1238, section 59.

47 Sec. 3. Section 422B.8, unnumbered paragraph 1,
48 Code 1987, is amended to read as follows:

49 A local sales and services tax at the rate of not
50 more than one percent may be imposed by a county on

Page 2

1 the gross receipts taxed by the state under chapter
2 422, division IV. A local sales and services tax
3 shall be imposed on the same basis as the state sales
4 and services tax and may not be imposed on the sale of
5 any property or on any service not taxed by the state,
6 except the tax shall not be imposed on the gross
7 receipts from the sale of motor fuel or special fuel
8 as defined in chapter 324, on the gross receipts from
9 the rental of rooms, apartments, or sleeping quarters
10 which are taxed under chapter 422A during the period
11 the hotel and motel tax is imposed, on the gross
12 receipts from the sale of natural gas or electric
13 energy in a city or county where the gross receipts
14 are subject to a franchise fee or user fee during the
15 period the franchise or user fee is imposed, on the
16 gross receipts upon which sales tax is imposed only
17 under section 422.43, subsection 12, and on the gross
18 receipts from the sale of a lottery ticket or share in
19 a lottery game conducted pursuant to chapter 99E.
20 ~~However, notwithstanding that the gross receipts from~~
21 ~~the sale or rental of the tangible personal property~~
22 ~~described in section 422.45, subsections 26 and 27 are~~
23 ~~taxable during the period beginning July 1, 1985 and~~
24 ~~ending June 30, 1987, a local sales and services tax~~
25 ~~shall not be imposed on the sale or rental of such~~
26 ~~property.~~ A local sales and services tax is
27 applicable to transactions within those incorporated
28 and unincorporated areas of the county where it is
29 imposed and shall be collected by all persons required
30 to collect state gross receipts taxes. All cities
31 contiguous to each other shall be treated as part of
32 one incorporated area and the tax would be imposed in
33 each of those contiguous cities only if the majority
34 of those voting in the total area covered by the
35 contiguous cities favor its imposition.”
36 2. Title page, by striking lines 1 through 4 and
37 inserting the following: “An Act relating to the

38 imposition and collection of the state sales,
39 services, and use taxes by out-of-state retailers.”

MICHAEL GRONSTAL

S-5895

1 Amend House File 2285 as follows:

2 1. Page 11, by inserting after line 15 the
3 following:

4 “Sec. 50. Section 446.9, subsections 1 and 2, Code
5 1987, are amended to read as follows:

6 1. A notice of the time and place of the annual
7 tax sale shall be served upon the person in whose name
8 the real estate subject to sale is taxed. The
9 treasurer shall serve the notice by sending it by
10 regular first class mail to the person's last known
11 address not later than May 1 of each fiscal year. The
12 notice shall contain a description of the real estate
13 to be sold which is clear, concise, and sufficient to
14 distinguish the real estate to be sold from all other
15 parcels. It shall also contain the amount of
16 delinquent taxes, both regular and special, for which
17 the real estate is liable each year, the amount of the
18 penalty; and interest, ~~and ten dollars representing~~
19 ~~costs~~; all to be incorporated as a single sum. The
20 notice shall contain a statement that, after the sale,
21 if the real estate is not redeemed within the period
22 provided in chapter 447, the right to redeem expires
23 and a deed may be issued.

24 2. Publication of the time and place of the annual
25 tax sale shall be made once by the treasurer in an
26 official newspaper in the county at least one week,
27 but not more than three weeks, before the day of sale.
28 The publication shall contain a description of the
29 real estate to be sold that is clear, concise, and
30 sufficient to distinguish the real estate to be sold
31 from all other parcels. All items offered for sale
32 pursuant to section 446.18 may be indicated by an “s”
33 or by an asterisk. The publication shall also contain
34 the name of the person in whose name the real estate
35 to be sold is taxed, the amount of delinquent taxes,
36 both regular and special, for which the real estate is
37 liable for each year, the amount of the penalty; and
38 interest, ~~and ten dollars representing costs~~; all to
39 be incorporated as a single sum. The publication
40 shall contain a statement that, after the sale, if the
41 real estate is not redeemed within the period provided
42 in chapter 447, the right to redeem expires and a deed

43 may be issued."

44 2. Page 13, by inserting after line 22 the
45 following:

46 "Sec. ____ . Section 50 of this Act applies to
47 property taxes due and payable on or after July 1,
48 1988."

MICHAEL E. GRONSTAL

S-5896

1 Amend House File 2391 as passed by the House as
2 follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "Sec. ____ . **NEW SECTION. 617.17 PERSONS BY WHOM**
6 **PROCESS MAY BE SERVED.**

7 The original notice or any pleading, notice,
8 motion, subpoena, or other process that is required by
9 law or rule to be personally served upon a party or an
10 agent of a party to a civil action or proceeding, may
11 be served by a sheriff, deputy sheriff, or other peace
12 officer, and may be served by any other person who is
13 at least eighteen years of age and who is not a party
14 to the action or proceeding. The attorney of a party
15 may serve any process except an original notice,
16 unless prohibited by the rules of civil procedure.

17 Sec. ____ . Section 622.64, Code 1987, is amended to
18 read as follows:

19 622.64 **PROOF OF SERVICE -- COSTS.**

20 When a subpoena is served by any person other than
21 the sheriff or constable, proof thereof of service
22 shall be shown by affidavit; but no costs for serving
23 the same shall be allowed.

24 Sec. ____ . Section 625.14, Code 1987, is amended by
25 adding the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. The clerk also shall tax
27 in favor of the party who recovers costs, the fee and
28 mileage expense that is paid by the party to a person
29 other than a peace officer for personal service of the
30 original notice or any pleading, notice, motion,
31 subpoena, or other process as awarded by the court.
32 Upon motion of the party against whom costs are taxed,
33 the court may disallow a portion of the fee paid for
34 service of process if the court finds the fee to be
35 excessive based upon the nature of the process and the
36 circumstances surrounding service."

37 2. Page 2, by inserting after line 6 the
38 following:

39 "Sec. ____ . Section 631.6, subsection 3, Code 1987,
40 is amended to read as follows:

41 3. Fees for personal service ~~by peace officers or~~
42 ~~other officials of the state~~ are the amounts ~~specified~~
43 authorized by law or by the court."

44 3. By renumbering as necessary.

EDGAR H. HOLDEN

S-5897

1 Amend House File 2419, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 6, by inserting after the word
4 "territory" the following: ", including but not
5 limited to contiguous districts in other states".

6 2. Page 1, line 7, by inserting after the word
7 "agreements" the following: "requested".

8 3. Page 1, line 11, by striking the words "and
9 adjacent territory" and inserting the following: "
10 adjacent territory, and contiguous districts in other
11 states".

12 4. Page 1, by inserting after line 25, the
13 following:

14 "Sec. ____ . Section 275.1, unnumbered paragraph 1,
15 Code 1987, is amended to read as follows:

16 It is the policy of the state to encourage
17 economical and efficient school districts which will
18 ensure an equal educational opportunity to all
19 children of the state. All areas of the state shall
20 be in school districts maintaining kindergarten and
21 twelve grades. If a school district ceases to
22 maintain kindergarten and twelve grades except as
23 otherwise provided in sections section 28E.9, 280.15,
24 257.28 256.13, and 282.7, subsection 1 or subsections
25 1 and 3, or 282.8, it shall reorganize within six
26 months or the state board shall attach the school
27 district not maintaining kindergarten and twelve
28 grades to one or more adjacent districts. Voluntary
29 reorganizations under this chapter shall be commenced
30 only if the affected school districts are contiguous
31 to one another. A reorganized district shall meet the
32 requirements of section 275.3.

33 Sec. ____ . Section 282.1, Code 1987, is amended to
34 read as follows:

35 282.1 SCHOOL AGE -- NONRESIDENTS.

36 Persons between five and twenty-one years of age
37 are of school age. A board may establish and maintain
38 evening schools for residents of the corporation

39 regardless of age and for which no tuition need be
40 charged. Nonresident children shall be charged the
41 maximum tuition rate as determined in section 282.24,
42 subsection 1, with the exception that those residing
43 temporarily in a school corporation may attend school
44 in the corporation upon terms prescribed by the board,
45 and boards discontinuing grades under section 282.7,
46 subsection 1 or subsections 1 and 3, shall be charged
47 tuition as provided in section 282.24, subsection 2.
48 Sec. ____ . Section 282.7, Code Supplement 1987, is
49 amended by adding the following new subsection:
50 NEW SUBSECTION. 3. Notwithstanding section 282.8

Page 2

1 and section 28E.9, a school district may negotiate an
2 agreement under subsection 1 for attendance of its
3 pupils in a school district located in a contiguous
4 state subject to a reciprocal agreement by the two
5 state boards in the manner provided in this
6 subsection. Prior to negotiating an agreement with
7 the school district in the contiguous state, the board
8 of directors shall file a written request with the
9 state board of education for a determination whether
10 the school district in the contiguous state meets
11 requirements substantially similar to those required
12 for accredited or approved school districts in this
13 state and the school district receives or has
14 available services equivalent to those that would be
15 provided in this state by an area education agency.
16 The school district shall also obtain approval by the
17 department of education of the sharing proposal,
18 before the agreement becomes effective. Six months
19 prior to making the request for approval, the district
20 shall request a feasibility study from the department
21 of education. If the state board of this state and
22 the corresponding state board in the contiguous state
23 agree that the school districts of their respective
24 states meet substantially similar requirements and
25 have substantially similar services available to the
26 school district, and if the Iowa department of
27 education approves the proposed contract, the two
28 state boards may sign a reciprocal agreement for
29 attendance of their pupils in the school district of
30 the other state, subject to the agreement signed
31 between the boards of directors of the two districts.
32 A school district that negotiates an agreement with a
33 school district in a contiguous state under this
34 subsection is not eligible for supplementary weighting
35 under section 442.39 as a result of that agreement.

36 Sec. ____ . Section 282.10, subsection 1, Code
37 Supplement 1987, is amended to read as follows:
38 1. Whole grade sharing is a procedure used by
39 school districts whereby all or a substantial portion
40 of the pupils in any grade in two or more school
41 districts share an educational program for all or a
42 substantial portion of a school day under a written
43 agreement pursuant to section 256.13, 280.15, or
44 282.7, subsection 1 or subsections 1 and 3. Whole
45 grade sharing may either be one-way or two-way
46 sharing.
47 Sec. ____ . Section 282.24, subsection 1, unnumbered
48 paragraph 1, Code Supplement 1987, is amended to read
49 as follows:
50 There is established a maximum tuition fee that may

Page 3

1 be charged for elementary and high school students
2 residing within another school district or corporation
3 except students attending school in another district
4 under section 282.7, subsection 1 or subsections 1 and
5 3. That fee is the district cost per pupil of the
6 receiving district as computed in section 442.9,
7 subsection 1, paragraph "a".

DALE TIEDEN

S-5898

1 Amend Senate File 2328 as follows:
2 1. Page 13, by inserting after line 31 the
3 following:
4 "f. For the fiscal year beginning July 1, 1988,
5 only, to the food crops processing research center at
6 the Iowa State University of science and technology
7 the sum of one hundred thousand dollars for funding
8 grain quality programs. The moneys shall be used to:
9 (1) Evaluate and, if feasible, develop an
10 electronic warehouse and electronic marketing system
11 that could track the availability of specific quality
12 grain more easily than present trading mechanisms.
13 (2) Assemble and interpret the vast amount of
14 available information on grain quality related issues
15 including, but not limited to, genetics, handling,
16 drying, and the value of grain quality to users.
17 (3) Expand existing programs of testing instrument
18 and genetic research related to grain quality.
19 (4) Provide assistance as needed to state

20 marketing specialists working with potential buyers
 21 and sellers and support efforts to provide state
 22 certification on grain quality factors requested by
 23 buyers but not in the current U.S. grades.
 24 A three-member working committee shall be formed to
 25 assure coordination of research and market development
 26 activities. The members shall represent the
 27 university, the Iowa department of agriculture and the
 28 Iowa department of economic development and shall be
 29 appointed by the president of the university and the
 30 directors of the departments. Reports detailing
 31 specific progress on each of the areas for which money
 32 is used shall be prepared as requested by the
 33 committee and annual reports shall be filed with the
 34 general assembly and appropriate agencies."

LEONARD L. BOSWELL
JOE WELSH

S-5899

1 Amend Senate File 2328 as follows:
 2 1. Page 9, line 7, by striking the word
 3 "marketing." and inserting the following: "marketing
 4 as follows:
 5 (1) Seven hundred ninety-three thousand dollars
 6 for contracting exclusively for advertising for in-
 7 state and out-of-state tourism, tourism marketing, and
 8 tourism promotion programs for electronic media and
 9 printed materials.
 10 The department shall develop public-private
 11 partnerships with Iowa businesses in the tourism
 12 industry, Iowa tour groups, Iowa tourism
 13 organizations, and political subdivisions in this
 14 state to assist in the development of advertising
 15 efforts and to the fullest extent possible, match on a
 16 dollar-for-dollar basis, contributions from other
 17 sources to fund the advertising contracts. A
 18 contracted advertisement shall not directly refer to
 19 or contain the personal appearance or representation
 20 of any elected state official.
 21 (2) One million two hundred seven thousand dollars
 22 for contracting exclusively for marketing and
 23 advertising contracts for out-of-state national
 24 marketing programs for electronic media and printed
 25 materials.
 26 The department shall develop public-private
 27 partnerships with Iowa businesses, Iowa business
 28 organizations, Iowa chambers of commerce, and

29 political subdivisions in this state, to assist in the
30 development of the marketing efforts and to the
31 fullest extent possible, match on a dollar-for-dollar
32 basis, contributions from other sources to fund the
33 marketing contracts. An advertisement under the
34 marketing contract shall not directly refer to or
35 contain the personal appearance or representation of
36 any elected state official.
37 (3) The amount appropriated under this paragraph
38 is in addition to any amounts appropriated under
39 Senate File 2309, if enacted."

JOE WELSH

S-5900

1 Amend the House amendment, S-5801, to Senate File
2 2068, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 22, by inserting after the word
5 "adopted." the following: "The provisions of this
6 paragraph shall not prevent the issuance of a permit
7 to a new sanitary landfill if the landfill is under
8 consideration for a permit on or before July 1, 1988."

WILLIAM W. DIELEMAN

S-5901

1 Amend the House amendment, S-5774, to Senate File
2 302, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking line 20, and inserting the
5 following: "~~attending~~ For a patient who is not
6 admitted to a hospital but is treated in a physician's
7 office, physicians shall report a brain".
8 2. Page 1, by striking lines 29 and 30 and in-
9 serting the following: "requires, except that where
10 available, physicians and hospitals shall report the
11 Glasgow coma scale. The director shall".

BEVERLY HANNON

S-5902

1 Amend House File 2457, as passed by the House, as
2 follows:

3 1. Page 6, by inserting before line 1 the
 4 following:
 5 "Sec. ____ . Section 411.20, subsection 1, Code
 6 1987, is amended to read as follows:
 7 1. There is appropriated from the general fund of
 8 the state ~~to the municipal assistance fund established~~
 9 ~~in chapter 405~~ for each fiscal year an amount
 10 necessary to be distributed to cities which have
 11 established fire and police retirement systems under
 12 the provisions of this chapter. Funds shall be used
 13 to finance the costs of benefits provided in this
 14 chapter by amendments of the Acts of the Sixty-sixth
 15 General Assembly, chapter 1089."

EMIL J. HUSAK
 ALVIN V. MILLER

S-5903

1 Amend House File 2278 as amended, passed and
 2 reprinted by the House as follows:
 3 1. By striking page 1, line 35 through page 3,
 4 line 3 and inserting the following:
 5 "Sec. 2. Section 232.22, subsection 2, paragraph
 6 c, subparagraph (1), Code Supplement 1987, is amended
 7 to read as follows:
 8 (1) The child is at least ~~sixteen~~ fourteen years
 9 of age."

DONALD V. DOYLE
 JULIA GENTLEMAN

S-5904

1 Amend House File 2441, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 18, the
 4 following:
 5 "Sec. ____ . Section 455B.474, subsection 1,
 6 paragraph e, Code Supplement 1987, is amended to read
 7 as follows:
 8 e. The closure of tanks to prevent any future
 9 release of a regulated substance into the environment.
 10 If consistent with federal environmental protection
 11 agency technical standard regulations, state tank
 12 closure rules shall include, at the tank owner's
 13 election, an option to fill the tank with an inert
 14 material. Removal of a tank shall not be required if

15 the tank is filled with an inert material pursuant to
 16 department of natural resources rules. A tank closed,
 17 or to be closed and which is actually closed, within
 18 one year of the effective date of this Act, shall not
 19 be required to have a monitoring system installed.”
 20 2. By renumbering as necessary.

BERL E. PRIEBE
 EMIL J. HUSAK
 JOHN E. SOORHOLTZ
 BILL HUTCHINS
 ALVIN V. MILLER
 KENNETH SCOTT
 DALE TIEDEN
 JOE WELSH
 LINN FUHRMAN
 LEE W. HOLT
 TOM MANN, Jr.
 DONALD DOYLE
 HURLEY W. HALL
 LEONARD L. BOSWELL
 EUGENE FRAISE
 DON GETTINGS
 JOHN A. PETERSON

S-5905

1 Amend House File 2441, as amended, passed, and
 2 reprinted by the House, as follows:

DIVISION S—5905A

3 1. Page 2, line 27, by striking the figure “1988”
 4 and inserting the following: “~~1988~~ 1989”.
 5 2. Page 9, by inserting after line 18 the
 6 following:
 7 “9. FUND COVERAGE LIMITED TO CORRECTIVE ACTION
 8 PRIOR TO EFFECTIVE DATE OF FEDERAL RULES.
 9 Notwithstanding any other provision of this division,
 10 before the effective date of the federal environmental
 11 protection agency petroleum underground storage tank
 12 financial responsibility regulations, the following
 13 conditions apply to the operation of the fund:
 14 a. The fund shall only insure corrective action,
 15 and third-party liability is specifically excluded.
 16 b. The deductible is ten thousand dollars.
 17 c. The limit of fund coverage shall be one hundred
 18 thousand dollars, with the first ten thousand being

19 the minimum financial responsibility of the owner or
20 operator, which is the deductible, so that the fund
21 shall not pay out more than ninety thousand dollars
22 for corrective action per occurrence.

23 d. Fund coverage is for the lesser of one year or
24 the period prior to the effective date of the federal
25 regulations. A risk adjusted premium as required by
26 section 455B.477 shall be required prior to providing
27 coverage for any period of time on or after the
28 effective date of the federal regulations.

29 All other limits, requirements, terms, or
30 conditions of fund coverage or operation apply both
31 before and after the effective date of the federal
32 regulations unless expressly provided otherwise."

33 3. Page 10, by inserting after line 14 the
34 following:

35 "e. Two public members with experience in the
36 petroleum industry, appointed by the governor and
37 confirmed by the senate to staggered four-year terms."

38 4. Page 11, by striking line 32.

39 5. Page 12, line 7, by striking the words
40 "PETROLEUM TANK FEE" and inserting the following:
41 "GUARANTEE OF FUND'S SOLVENCY".

42 6. Page 12, by striking lines 8 through 23.

43 7. Page 12, line 24, by striking the word and
44 figure "(2) Increase" and inserting the following:

45 "1. PREMIUM INCREASES. If the unexpended balance
46 in the fund falls below two million dollars, the board
47 shall increase".

48 8. Page 12, line 27, by inserting after the word
49 "months" the following: ", except that the premium
50 may not be increased more than fifty dollars per

Page 2

DIVISION S—5905A (cont'd.)

1 tank".

2 9. By striking page 12, line 29 through page 13,
3 line 29.

4 10. By striking Page 17, line 32, through page
5 18, line 12, and inserting the following:

6 "Sec. ____ . NEW SECTION. 455B.479I BEGINNING DATE
7 OF FUND COVERAGE.

8 Fund coverage shall be provided to eligible
9 applicants no later than the effective date of
10 department of natural resources rules on petroleum
11 underground storage tank monitoring standards,
12 provided that the board, in its discretion, may extend
13 coverage earlier."

DIVISION S—5905B

- 14 11. Page 22, by inserting after line 15, the
 15 following:
 16 "Sec. ____ . 1. There is appropriated from the
 17 general fund of the state for the fiscal year
 18 beginning July 1, 1988, and ending June 30, 1989, five
 19 hundred thousand (500,000) dollars, to be transferred
 20 to and deposited in the comprehensive petroleum
 21 underground storage tank fund on July 1, 1988.
 22 2. The amount appropriated in subsection 1, is
 23 appropriated from the comprehensive petroleum
 24 underground storage tank fund to be transferred to and
 25 deposited in the general fund of the state by June 30,
 26 1989."
 27 12. By renumbering and relettering as necessary.

EMIL J. HUSAK
 BERL E. PRIEBE
 JIM LIND
 JOE WELSH
 WILLIAM PALMER
 RICHARD F. DRAKE
 JOHN JENSEN
 DALE TIEDEN
 JOHN SOORHOLTZ

S-5906

- 1 Amend Senate File 2333 as follows:
 2 1. By striking the enacting clause.

TOM MANN, Jr.

S-5907

- 1 Amend the Senate File 2328 as follows:
 2 1. Page 17, by inserting after line 22 the
 3 following:
 4 "Sec. ____ . Section 99E.32, Code Supplement 1987,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 9. Notwithstanding any provision
 7 of this chapter to the contrary, only those
 8 appropriations made for the fiscal year beginning July
 9 1, 1988, or an earlier fiscal year shall be honored,
 10 and those appropriations for the fiscal year beginning
 11 July 1, 1989, or for a future fiscal year shall be
 12 void. For all fiscal years beginning on or after July

13 1, 1989, notwithstanding any provision of this chapter
14 to the contrary, the treasurer of state shall make
15 allotments of the moneys within the Iowa plan fund
16 created in section 99E.10 to separate accounts within
17 that fund as follows:

18 a. Forty percent of the moneys shall be allotted
19 to the elderly services account to be used under the
20 administration of the department of elder affairs for
21 programs which may include but are not limited to the
22 following: a buy-down prescription drug program for
23 low-income elderly persons, homemaker-home health aide
24 programs, property tax relief for low-income elderly
25 persons, and other community-based service programs
26 for the elderly.

27 b. Thirty-five percent of the moneys shall be
28 allotted to the natural resources, wildlife, and park
29 development account to be used under the
30 administration of the department of natural resources
31 for programs which may include but are not limited to
32 the following: programs for the development of state
33 and county parks, the expansion of wilderness areas,
34 and the development of bike trails.

35 c. Ten percent of the moneys shall be allotted to
36 the student aid account to be used under the
37 administration of the college aid commission for the
38 provision of financial assistance to low-income and
39 middle-income students to help the students finance a
40 public or private college or university education.

41 d. Fifteen percent of the moneys shall be allotted
42 to the state capitals account to be used upon the
43 direction of the general assembly for state capitals
44 projects which may include but are not limited to the
45 construction of a new state prison to replace the
46 state penitentiary, other essential corrections
47 capital projects, state capitol building restoration,
48 and other essential state building or capital
49 projects.”

50 2. By renumbering as necessary.

AL STURGEON
BEVERLY HANNON
LARRY MURPHY
JIM RIORDAN
C. JOSEPH COLEMAN
RICHARD VARN
JIM LIND
BOB CARR
MICHAEL E. GRONSTAL
CHARLES BRUNER

HOUSE AMENDMENT TO
SENATE FILE 2311

S-5908

1 Amend Senate File 2311, as amended and passed by
2 the Senate, as follows:

3 1. Page 1, line 9, by striking the figure
4 "1,429,237" and inserting the following: "1,450,437".

5 2. Page 1, line 11, by striking the figure
6 "62,000" and inserting the following: "72,470".

7 3. Page 1, line 34, by inserting after the word
8 "members" the following: "and as a condition,
9 limitation, and qualification of this appropriation,
10 the ad hoc committees, councils, and task forces
11 appointed by the governor shall be subject to the
12 provisions of chapters 21 and 22 and the members shall
13 be so informed".

14 4. Page 4, by striking lines 5 through 7 and
15 inserting the following: "however, if the revenue
16 estimate for the fiscal year beginning July 1, 1988,
17 approved by the revenue estimating conference as of
18 December 15, 1988, is less than two billion seven
19 hundred forty million seven hundred thousand
20 (2,740,700,000) dollars the department shall transfer
21 three hundred fifty thousand (350,000) dollars, or so
22 much thereof as is necessary, of those savings to the
23 general fund of the state on June 30, 1989."

24 5. By striking page 5, line 30 through page 6,
25 line 10 and inserting the following: "this fund."

26 6. Page 6, line 11, by striking the words
27 "general service" and inserting the following:
28 "centralized purchasing permanent".

29 7. Page 6, line 16, by striking the words
30 "general service" and inserting the following:
31 "centralized purchasing permanent".

32 8. Page 9, by striking lines 20 through 23 and
33 inserting the following: "council prior to October 1,
34 1988."

35 9. Page 10, by striking lines 13 and 14 and
36 inserting the following: "one million four hundred
37 eighty-five thousand eight hundred fifty-one
38 (1,485,851) dollars, or so much thereof as is
39 necessary."

40 10. Page 10, by striking lines 16 and 17 and
41 inserting the following: "appropriation, no more than
42 one million three hundred thirty-five thousand seven
43 hundred fifty (1,335,750) dollars from all".

- 44 11. Page 10, line 20, by striking the word
45 "twenty-nine" and inserting the following: "thirty-
46 three".
47 12. Page 10, lines 21 and 22, by striking the
48 words "and for program administration of justice
49 assistance funds".
50 13. Page 10, by striking lines 22 and 23 and

Page 2

- 1 inserting the following: "funds and not more than two
2 hundred six thousand five hundred one (206,501)
3 dollars from all revenue".
4 14. Page 10, by striking lines 28 through 30.
5 15. Page 12, line 18, by striking the words
6 "general service" and inserting the following:
7 "centralized purchasing permanent".
8 16. Page 12, by striking lines 22 through 27 and
9 inserting the following:
10 "Sec. 26. Notwithstanding section 8.55, the moneys
11 in the Iowa economic emergency fund are transferred to
12 the general fund of the state if necessary to avoid a
13 deficit in the general fund of the state and to defray
14 expenses at the conclusion of the fiscal year
15 beginning July 1, 1988, and ending June 30, 1989."
16 17. Page 13, by inserting after line 11 the
17 following:
18 "Sec. ____ . Section 18.75, Code 1987, is amended by
19 inserting the following new subsection after
20 subsection 7 and renumbering the subsequent
21 subsection:
22 NEW SUBSECTION. 8. By September 1 of each year
23 supply a report which contains the name, gender,
24 county or city of residence when possible, official
25 title, salary received during the previous fiscal
26 year, base salary as computed on July 1 of the current
27 fiscal year, and traveling and subsistence expense of
28 the personnel of each of the departments, boards, and
29 commissions of the state government except personnel
30 who receive an annual salary of less than one thousand
31 dollars. The number of the personnel and the total
32 amount received by them shall be shown for each
33 department in the report. All employees who have
34 drawn salaries, fees, or expense allowances from more
35 than one department or subdivision shall be listed
36 separately under the proper departmental heading. On
37 the request of the superintendent, the head of each
38 department, board, or commission shall furnish the
39 data covering that agency. The report shall be paid
40 for out of moneys in the general fund not otherwise

41 appropriated. A report shall be distributed upon
42 request without charge to each member of the general
43 assembly and the state law library. Other persons may
44 purchase a copy for a fee not less than the amount
45 required to print the copy. All funds from the sale
46 of the report shall be deposited in the general fund."

47 18. Page 13, by inserting after line 11 the
48 following:

49 "Sec. ____ . Section 2.10, subsection 7, Code
50 Supplement 1987, is amended to read as follows:

Page 3

1 7. If a special session of the general assembly is
2 convened, members of the general assembly shall
3 receive, in addition to their annual salaries, the sum
4 of forty dollars per day for each day the general
5 assembly is actually in special session, and the same
6 travel allowances and expenses as authorized by this
7 section. A member of the general assembly shall
8 receive the additional per diem, travel allowances and
9 expenses only for the days of attendance during a
10 special session."

11 19. Page 13, by inserting after line 11 the
12 following:

13 "Sec. ____ . Section 19.29, Code 1987, is amended to
14 read as follows:

15 19.29 PERFORMANCE OF DUTY -- EXPENSE.

16 The executive council shall not employ others, or
17 incur any expense, for the purpose of performing any
18 duty imposed upon such the council when such the duty
19 may, without neglect of their usual duties, be
20 performed by the members, or by their regular
21 employees, but, subject to such this limitation, the
22 council may incur the necessary expense to perform or
23 cause to be performed any legal duty imposed on said
24 the council, and pay the same out of any money in the
25 state treasury not otherwise appropriated. The
26 council shall consider the original sources of funds
27 prior to committing general fund moneys in performing
28 its duties under this section."

29 20. Title page, by striking line 7 and inserting
30 the following: "collected by filing officers,".

31 21. By renumbering, relettering, or redesignating
32 and correcting internal references as necessary.

S-5909

1 Amend the House amendment, S-5773, to Senate File
2 2296, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 21, by inserting after the word
5 "approval." the following: "Nothing contained in this
6 section shall be construed to allow nonlicensed
7 individuals to perform services which otherwise
8 require licenses under the laws of this state or to
9 allow licensed providers to perform services outside
10 their scope of practice."

LARRY MURPHY
RICHARD VARN

S-5910

1 Amend Senate File 2328, as follows:
2 1. Page 2, line 35, by inserting after the figure
3 "99E.33." and inserting the following: "The financial
4 assistance provided shall not be grants, except in the
5 form of loans that may be forgiven upon the business
6 meeting specified criteria set by the department."
7 2. Page 3, line 2, by inserting after the word
8 "program" the following: "though use of forgivable
9 loans".
10 3. Page 3, line 4, by inserting after the word
11 "program" the following: "though use of forgivable
12 loans".
13 4. Page 3, line 7, by striking the word "Grants"
14 and inserting the following: "Forgivable loans".
15 5. Page 3, line 11, by striking the word "grant"
16 and inserting the following: "forgivable loan".
17 6. Page 3, line 19, by inserting after the word
18 "paragraph" the following: "; except that grants,
19 other than forgivable loans, are not allowed".

ROBERT M. CARR
LARRY MURPHY
AL STURGEON
RICHARD VARN
TOM MANN, Jr.
JOE WELSH
DONALD V. DOYLE
CHARLES BRUNER
WALLY HORN
EUGENE FRAISE
C. JOSEPH COLEMAN

S-5911

- 1 Amend Senate File 2329 as follows:
- 2 1. By striking page 1, line 27 through page 2,
- 3 line 4.
- 4 2. By striking page 2, line 13 through page 5,
- 5 line 21.
- 6 3. By renumbering as necessary.

JULIA GENTLEMAN
DAVID READINGER
BEVERLY HANNON

S-5912

- 1 Amend Senate File 2328 as follows:

DIVISION S—5912A

- 2 1. Page 7, lines 11 and 12 by striking the words
- 3 “one million eight hundred thousand” and inserting the
- 4 following: “one million”.
- 5 2. Page 7, line 14, by inserting after the figure
- 6 “15.225” the following: “of which two hundred
- 7 thousand dollars shall be used for minority youth
- 8 employment”.

DIVISION S—5912B

- 9 3. Page 17, line 20, by striking the word “six”
- 10 and inserting the following: “four”.

BEVERLY HANNON

S-5913

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 8, by striking lines 23 through 27.

HURLEY W. HALL

S-5914

- 1 Amend Senate File 2328, as follows:
- 2 1. Page 14, line 34, by inserting after the word

3 "system." the following: "In addition, for the fiscal
4 year beginning July 1, 1988, there is appropriated to
5 the department of public safety the sum of one million
6 thirty-five thousand dollars for the following items
7 related to the automated fingerprint identification
8 system:
9 (1) Four remote terminals, seven hundred twenty
10 thousand dollars.
11 (2) One processor upgrade, two hundred thirty
12 thousand dollars.
13 (3) One communication package, thirty-eight
14 thousand dollars.
15 (4) Service for the remote terminals, thirty-three
16 thousand dollars.
17 (5) Service increase for dual processor, fourteen
18 thousand dollars."

GEORGE KINLEY
JOE WELSH

S-5915

1 Amend amendment, S-5845, to Senate File 2328 as
2 follows:
3 1. Page 1, line 23, by striking the word
4 "marketing," and inserting the following: "marketing
5 as follows:
6 (1) Seven hundred ninety-three thousand dollars
7 for contracting exclusively for advertising for in-
8 state and out-of-state tourism, tourism marketing, and
9 tourism promotion programs for electronic media and
10 printed materials.
11 The department shall develop public-private
12 partnerships with Iowa businesses in the tourism
13 industry, Iowa tour groups, Iowa tourism
14 organizations, and political subdivisions in this
15 state to assist in the development of advertising
16 efforts and to the fullest extent possible, match on a
17 dollar-for-dollar basis, contributions from other
18 sources to fund the advertising contracts.
19 (2) One million two hundred seven thousand dollars
20 for contracting exclusively for marketing and
21 advertising contracts for out-of-state national
22 marketing programs for electronic media and printed
23 materials.
24 The department shall develop public-private
25 partnerships with Iowa businesses, Iowa business
26 organizations, Iowa chambers of commerce, and
27 political subdivisions in this state, to assist in the

28 development of the marketing efforts and to the
29 fullest extent possible, match on a dollar-for-dollar
30 basis, contributions from other sources to fund the
31 marketing contracts.

32 (3) The amount appropriated under this paragraph
33 is in addition to any amounts appropriated under
34 Senate File 2309, if enacted.”

JOE WELSH

S-5916

1 Amend Senate File 2328 as follows:

DIVISION S—5916A

2 1. Page 15, by striking lines 31 through 33 and
3 inserting the following: “for the fiscal year
4 beginning July 1, 1988, to the utilities board within
5 the utilities division of the department of commerce
6 the sum of seventy-five thousand dollars for the
7 lifeline assistance program under section 476.66.”

DIVISION S—5916B

8 2. Page 19, by inserting after line 8 the
9 following:
10 “Sec. —. NEW SECTION. 476.66 LIFELINE
11 ASSISTANCE PROGRAM.
12 1. The utilities board shall adopt rules to
13 implement a lifeline assistance program as permitted
14 by federal law under federal communication commission
15 regulations providing matching funds to qualified
16 state programs to reduce subscriber line charges to
17 low-income households. The rules shall at minimum:
18 a. Conform with federal regulations for a
19 qualified state program.
20 b. Provide that upon request of a local exchange
21 utility, the board may approve inclusion of the
22 utility’s lifeline program costs in its cost of
23 services for ratemaking purposes. The local exchange
24 utility’s lifeline assistance program shall be
25 supplemented by federal matching funds provided for
26 under federal communication commission regulations.
27 c. The first request by a local exchange utility
28 for a lifeline program to be approved by the utilities
29 board shall be awarded seventy-five thousand dollars
30 appropriated to the board under section 99E.32,
31 subsection 3, paragraph “h”, provided that the federal

32 government will provide matching funds for the award,
 33 and provided the utility utilizes the seventy-five
 34 thousand dollars for its lifeline program in
 35 conformance with state and federal rules.
 36 2. A dispute regarding a utility's existing cost
 37 of service shall not be a basis for rejecting a
 38 utility's lifeline assistance program proposal."

BEVERLY HANNON
 CHARLES BRUNER
 AL STURGEON
 JEAN LLOYD-JONES

S-5917

1 Amend Senate File 2328 as follows:
 2 1. Page 9, line 9, by striking the word "one" and
 3 inserting the following: "three".
 4 2. Page 9, line 10, by inserting after the word
 5 "center" the following: ", for the repair and
 6 rehabilitation of the international center at the
 7 University of Iowa, and for the opportunity at Iowa
 8 program".

JOE WELSH
 RICHARD VARN
 LEONARD L. BOSWELL

S-5918

1 Amend Senate File 2328 as follows:
 2 1. Page 8, line 25, by striking the words "two
 3 pilot".

HURLEY W. HALL
 JIM LIND

S—5919

1 Amend the House amendment, S—5890, to Senate File
 2 2312, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 10, by inserting after line 4 the follow-
 5 ing:
 6 ". Schools and school districts are not
 7 required to meet the standard adopted by the state
 8 board requiring the adoption of a plan and review

9 procedures to incorporate global perspectives into all
 10 areas and levels of the educational program or the
 11 standard requiring the establishment of a media
 12 services program, including a media center, until July
 13 1, 1990. Until that time the media services program
 14 requirements stated in section 256.11, subsection 9,
 15 paragraph "a", remain in effect."

LINN FUHRMAN

S-5920

1 Amend Senate File 2333 as follows:
 2 1. Page 1, line 2, by striking the word
 3 "paragraph" and inserting the following:
 4 "paragraphs".
 5 2. Page 1, by inserting after line 11 the
 6 following:
 7 "NEW UNNUMBERED PARAGRAPH. A city may apply the
 8 provisions of this chapter to all appointive permanent
 9 employees employed twenty or more hours per week."

CHARLES BRUNER

S-5921

1 Amend Senate File 2328 as follows:
 2 1. Page 13, by inserting after line 31 the
 3 following:
 4 "f. For the fiscal year beginning July 1, 1988,
 5 only, to the Indian creek nature center the sum of
 6 five thousand dollars to aid in rural diversification
 7 by providing demonstrations and information on
 8 tapping, making, and selling maple syrup. This
 9 appropriation is contingent upon a dollar-to-dollar
 10 match by the nature center."

JIM RIORDAN
 BEVERLY A. HANNON

S-5922

1 Amend House File 2441, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 14, line 4, by inserting after the word
 4 "basis." the following: "The department of revenue
 5 and finance shall be compensated for the actual costs

6 incurred for administration, collection, and
 7 enforcement of the comprehensive petroleum underground
 8 storage tank fee."

MICHAEL E. GRONSTAL

S-5923

1 Amend the House amendment, S-5890, to Senate File
 2 2312 as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 9, line 20, by inserting after the word
 5 "schools." the following: "Rules adopted by the state
 6 board shall permit a school board to apply to the
 7 department of education for a waiver of a requirement
 8 that certain subjects be taught. An application for a
 9 waiver shall include documentation that a certificated
 10 teacher was employed and assigned a schedule that
 11 would have allowed students to enroll, that the class
 12 was properly scheduled, that students were aware of
 13 the course offerings, and that no students enrolled."

LEONARD BOSWELL

S-5924

1 Amend Senate File 2333 as follows:
 2 1. Page 1, line 2, by striking the word
 3 "paragraph" and inserting the following:
 4 "paragraphs".
 5 2. Page 1, by inserting after line 11 the
 6 following:
 7 "NEW UNNUMBERED PARAGRAPH. A city council may
 8 apply the provisions of this chapter to appointive
 9 permanent part-time employees employed twenty or more
 10 hours per week if not otherwise excluded by the
 11 provisions of this chapter."

CHARLES BRUNER

S-5925

1 Amend Senate File 2328 as follows:
 2 1. Page 8, by striking lines 24 and 25, and
 3 inserting the following: "area school branch of the

4 department of education the sum of one hundred fifty
5 thousand dollars to fund lamb and wool".

HURLEY W. HALL
JIM LIND
RICHARD VANDE HOEF

S-5926

1 Amend Senate File 2328, as follows:
2 1. Page 13, line 32, by inserting after the word
3 "b," the following: "i,".
4 2. Page 14, by inserting after line 34 the
5 following:
6 "i. There is appropriated from the allotment to
7 the jobs now capitals account under subsection 1 for
8 the fiscal year beginning July 1, 1987 to the Iowa
9 department of economic development the sum of two
10 million dollars for the establishment of welcome
11 centers as provided in sections 15.271 and 15.272. Of
12 the amounts appropriated, sixty thousand dollars shall
13 be used for the establishment of rural centers to be
14 located in or near communities with populations of
15 five thousand or less. Not more than twenty thousand
16 dollars shall be expended for each center. The local
17 communities are required to equally match state funds.
18 Welcome centers and rural centers that have received
19 moneys from the department under this paragraph are
20 required to promote the region in which they are
21 located and the state as a whole."

BEVERLY A. HANNON

S-5927

1 Amend Senate File 2328 as follows:
2 1. Page 15, by striking lines 23 through 28.

JULIA GENTLEMAN

HOUSE AMENDMENT TO
SENATE FILE 2304

S-5928

1 Amend Senate File 2304 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 4, lines 32 and 33, by striking the words
4 "or the administrator".
5 2. Page 4, by inserting after line 33 the

6 following:

7 "b. Represent an indigent party, without fee and
8 upon an order of the court, in child in need of
9 assistance, family in need of assistance, delinquency,
10 and termination of parental rights proceedings
11 pursuant to chapter 232. The local public defender
12 shall counsel and represent an indigent party in all
13 proceedings pursuant to chapter 232 and prosecute
14 before or after judgment any appeals or other remedies
15 which the local public defender considers to be in the
16 interest of justice unless the court appoints other
17 counsel. The state public defender shall be
18 reimbursed by the counties for services rendered by
19 employees of the local public defenders' offices under
20 this subsection, pursuant to section 232.141."

21 3. Page 5, by inserting after line 4 the
22 following:

23 "2. An appointed attorney under this section is
24 not liable to a person represented by the attorney
25 pursuant to this chapter for damages as a result of a
26 conviction unless the court determines in a
27 postconviction appeal that the person's conviction
28 resulted from ineffective assistance of counsel."

29 4. Page 5, by inserting after line 34 the
30 following:

31 "Sec. ____ . Section 19A.3, subsection 11, Code
32 Supplement 1987, is amended to read as follows:
33 11. Professional employees under the supervision
34 of the attorney general, the ~~appellate defender state~~
35 public defender, the auditor of state, the treasurer
36 of state, and the public employment relations board.
37 However, employees of the consumer advocate division
38 of the department of justice, other than the consumer
39 advocate, are subject to the merit system."

40 5. Page 6 by inserting after line 17 the
41 following:

42 "Sec. ____ . ACCRUED EMPLOYEE RIGHTS.

43 1. Persons who were paid salaries by the counties
44 immediately prior to becoming state employees as a
45 result of this Act shall not forfeit accrued vacation,
46 accrued sick leave, or seniority, except as provided
47 in this section.

48 2. As a part of its rulemaking authority, the
49 department of personnel, after consulting with the
50 department of management, shall prescribe rules to

Page 2

1 provide for the following:

2 a. Each person referred to in subsection 1 shall

3 have to the person's credit as a state employee
4 commencing on the date of becoming a state employee
5 the number of accrued vacation days that was credited
6 to the person as a county employee as of the end of
7 the day prior to becoming a state employee.

8 b. Each person referred to in subsection 1 shall
9 have to the person's credit as a state employee
10 commencing on the date of becoming a state employee
11 the number of accrued days of sick leave that was
12 credited to the person as a county employee as of the
13 end of the day prior to becoming a state employee.
14 However, the number of days of sick leave credited to
15 a person under this subsection and eligible to be
16 taken when sick or eligible to be received upon
17 retirement shall not respectively exceed the maximum
18 number of days, if any, or the maximum dollar amount
19 as provided in section 79.23 that state employees
20 generally are entitled to accrue or receive according
21 to rules in effect as of the date the person becomes a
22 state employee.

23 c. Commencing on the date of becoming a state
24 employee, each person referred to in subsection 1 is
25 entitled to claim the person's most recent continuous
26 period of service in full-time county employment as
27 full-time state employment for purposes of determining
28 the number of days of vacation which the person is
29 entitled to earn each year. The actual vacation
30 benefit, including the limitation on the maximum
31 accumulated vacation leave, shall be determined as
32 provided in section 79.1 according to rules in effect
33 for state employees of comparable longevity,
34 irrespective of any greater or lesser benefit as a
35 county employee.

36 Sec. ____ . COLLECTIVE BARGAINING.

37 A person who becomes a state employee as a result
38 of this Act is a public employee, as defined in
39 section 20.3, subsection 3, for purposes of chapter
40 20. Such employees shall be accreted into bargaining
41 units which exist for state employees. The public
42 employment relations board shall adopt rules pursuant
43 to chapter 17A to implement this subsection."

44 6. Page 6, line 27, by striking the words "or
45 employee benefits".

46 7. Title page, line 2, by inserting after the
47 word "cases" the following: "and proceedings under
48 chapter 232".

49 8. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

S-5929

1 Amend the House amendment, S-5890, to Senate File
2 2312, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 10, by inserting after line 4 the fol-
5 lowing:

6 "4. Schools and school districts are not required
7 to meet the standard adopted by the state board of
8 education requiring adoption of a plan and review
9 procedures to incorporate global perspectives into all
10 areas and levels of the education program unless the
11 general assembly enacts legislation to require in-
12 corporation of global perspectives."

RICHARD VANDE HOEF

S-5930

1 Amend Senate File 2328, as follows:

2 1. Page 8, line 24, by striking the words
3 "agriculture and land stewardship" and inserting the
4 following: "education".

5 2. Page 8, line 25, by striking the word "two"
6 and inserting the following: "three".

7 3. Page 8, by striking line 27 and inserting the
8 following: "department, subject to the following:

9 (1) The purpose of the projects is to assist lamb
10 and wool producers in increasing agricultural income
11 by the efficient production of quality lamb and wool,
12 through education in modern management practices and
13 new approaches to marketing lamb and wool products.
14 The three projects shall be established by the area
15 school branch in the department of education which
16 shall allocate moneys appropriated under this
17 paragraph equally between area schools selected as
18 project sites. The selection of an area school as a
19 project site shall be based upon the evaluation and
20 recommendations of an advisory committee created by
21 the department and composed of persons actively
22 engaged in lamb and wool production, persons
23 representing the agricultural experiment station of
24 the Iowa State University of science and technology,
25 and persons expert in postsecondary education. The
26 committee shall conduct an evaluation of area schools
27 applying to be selected as pilot project sites. The
28 committee in formulating its recommendations shall
29 assign a weight to and consider the following

30 criteria:

31 (a) The area school's relevant and available
32 educational facilities.

33 (b) The number of persons interested in beginning
34 or expanding lamb and wool production in the area
35 school's merged area.

36 (c) The current number of sheep in the area
37 school's merged area.

38 (d) The increase in the number of sheep in the
39 area school's merged area.

40 (e) The creation or expansion of lamb and wool
41 production facilities in the area school's merged
42 area.

43 (f) The size and number of lamb and wool producer
44 groups in the area school's merged area, and the
45 degree to which such groups promote lamb and wool
46 production in the area.

47 (g) The qualifications of the person selected by
48 the area school to direct the project, and the
49 qualifications of persons selected by the area school
50 to instruct producers participating in the project.

Page 2

1 The committee shall be staffed by employees of the
2 department of education as appointed by the director
3 of the department. The evaluation and recommendations
4 shall be submitted to the director of education not
5 later than December 30, 1988.

6 (2) An area school selected to be a pilot project
7 site is entitled to regular disbursements of funds by
8 the department to establish the project, and for
9 salaries, support, maintenance, and other operational
10 purposes according to a schedule which shall be
11 established by the area school branch of the
12 department of education. An area school shall not
13 have less than thirty producers participating in the
14 project, on or after December 30, 1990. If after that
15 time, less than thirty producers participate in a
16 project when the department is disbursing scheduled
17 funds to the area school, the amount of funds to the
18 school shall be reduced proportionately according to
19 the number of producers participating in the project.
20 The amount withheld shall be added equally to the
21 amount disbursed to area schools having thirty or more
22 producers participating in their respective projects.
23 Only producers are eligible to participate in a
24 project. The area school branch of the department of
25 education may establish additional requirements for

26 participation in the project, including a fee which
 27 shall be charged for producers participating in the
 28 project. A producer shall be charged the fee
 29 notwithstanding any other fee paid to the area school.
 30 However, the total amount charged to producers to
 31 participate in the program shall not be more than the
 32 amount appropriated under this section.

33 (3) Each pilot site shall provide participating
 34 producers with the following: assistance in
 35 implementing sound management practices to improve
 36 production efficiency; education in the areas of
 37 nutrition, breeding practices, lambing techniques,
 38 animal health, facilities design, marketing, and
 39 recordkeeping; information regarding lamb and wool
 40 research; advice relating to marketing, acquiring
 41 sound breeding stock, and breeding and feeding
 42 methods; seminars relating to lamb and wool production
 43 and marketing; and information to financial
 44 institutions about opportunities available in lamb and
 45 wool production.

46 (4) As used in this paragraph, "producer" means a
 47 person actively engaged or seeking to become actively
 48 engaged in lamb or wool production."

RICHARD VANDE HOEF
 JIM LIND
 HURLEY W. HALL

S-5931

1 Amend amendment S-5845 to Senate File 2328 as
 2 follows:

3 1. Page 1, by striking lines 2 through 10 and
 4 inserting the following:

5 " ____ . Page 1, line 35, by striking the words
 6 "five million seven nine" and inserting the following:
 7 "seven million seven one".

8 ____ . Page 2, line 1, by striking the word
 9 "thirty-seven" and inserting the following: "twenty-
 10 two".

11 ____ . Page 2, lines 13 and 14, by striking the
 12 words "sixteen million nine four hundred" and
 13 inserting the following: "fourteen million nine six
 14 hundred seventy-eight".

15 ____ . Page 2, line 19, by striking the words "five

16 three hundred fifty" and inserting the following:
17 "five hundred ninety-five."

LEONARD L. BOSWELL
JOE WELSH

S-5932

1 Amend the House amendment, S-5890, to Senate File
2 2312, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 12, by inserting after line 7 the fol-
5 lowing:
6 " ____ . Page 25, by inserting after line 25 the
7 following:
8 "Sec. ____ . Section 294A.14, Code Supplement 1987,
9 is amended by adding the following new unnumbered
10 paragraph:
11 NEW UNNUMBERED PARAGRAPH. Any summer school
12 program, for which the teacher's salary is paid or
13 supplemented under a supplemental pay plan, shall be
14 open to nonpublic school students on the same basis as
15 public school students if classroom space is
16 available."

LARRY MURPHY

S-5933

1 Amend amendment S-5851 to Senate File 2068, as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking line 15 and inserting the
5 following: "to any permit issued on or after July".

WILLIAM W. DIELEMAN

S-5934

1 Amend House File 2459, 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. 422.59A CATALOG SALES.
6 1. For purposes of this section, unless the
7 context otherwise requires:
8 a. "Destination of sale" means the location to

9 which a seller of tangible personal property delivers
10 that property or causes that property to be delivered,
11 to the purchaser of that property or to the agent or
12 designee of that purchaser, by any means of delivery,
13 including but not limited to the United States postal
14 service, a common carrier, or a contract carrier.

15 b. "Person" means the same as defined in section
16 7701(a)(1) of the Internal Revenue Code.

17 c. "Soliciting of sales" means making known that a
18 kind of tangible personal property is for sale.

19 2. In the case of a person who may not
20 constitutionally be required, under any other section
21 of this division or chapter 423, to collect the tax
22 imposed under this division or under chapter 423, the
23 director shall require such person to collect the tax
24 imposed under this division or under chapter 423 with
25 respect to the sale of tangible personal property if
26 all of the following apply:

27 a. The destination of the sale is in this state.

28 b. The person meets the following conditions:

29 (1) The person engages in regular or systematic
30 soliciting of sales in the state.

31 (2) The person has gross receipts from the sale of
32 such tangible personal property in the one-year period
33 ending September 30 preceding the calendar year in
34 which the sale which is the subject of the tax occurs
35 of over twelve million five hundred thousand dollars
36 in the United States or over five hundred thousand
37 dollars in this state.

38 3. The director shall not require a person who
39 collects the tax pursuant to this section to make an
40 accounting for the receipts of the tax on the basis of
41 the geographical location at which a taxable transac-
42 tion occurs.

43 4. The director shall not require a person who is
44 required to collect the tax pursuant to this section
45 to file more than four sales tax returns reporting the
46 amount of tax collected or required to be collected in
47 any one-year period or shall not require such person
48 to file a sales tax return or remit the receipts of
49 the tax more frequently than once in a calendar
50 quarter or before the expiration of the twenty-day

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1 period beginning on the last day of the period for
2 which the sales tax return is required to be filed.

3 Sec. 2. This Act is effective upon the passage by
4 Congress and the enactment into law of an Act of
5 Congress authorizing the states and the District of

6 Columbia to collect sales taxes with respect to the
7 sales of tangible personal property by nonresident
8 persons who solicit such sales.”
9 2. Title page, by striking lines 1 and 2 and
10 inserting the following: “An Act relating to the
11 collection of the state sales, services and use tax
12 with respect to the sales of tangible personal
13 property by nonresidents who solicit such sales and
14 providing an effective date.”

CALVIN HULTMAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2377

S-5935

1 Amend the Senate amendment, H-6328, to House File
2 2377, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 38 through 47 and
5 inserting the following:
6 “2. Bonds issued under this section shall be sold
7 by the board at”.

HOUSE AMENDMENT TO
SENATE FILE 2323

S-5936

1 Amend Senate File 2323, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 5, line 14, by inserting after the word
4 “services,” the following: “the fluoridation
5 program.”
6 2. Page 5, line 17, by inserting after the word
7 “costs.” the following: “If a federal grant for
8 acquired immune deficiency syndrome prevention program
9 activities is not received, the amount of the funds
10 previously awarded for the fluoridation program shall
11 be allocated to acquired immune deficiency syndrome
12 prevention program activities.”
13 3. Page 8, by striking lines 3 through 6 and
14 inserting the following: “on file with the department
15 of economic development a multiyear community and
16 economic development strategic plan for the

17 subdivision. The department shall adopt rules which
18 require that the plan shall be completed within one
19 year of the receipt of an award and contain key
20 concepts; however, a valid plan shall not be required
21 to be comprehensive. Funds”.

22 4. Page 8, line 15, by striking the word
23 “incentive”.

24 5. Page 8, line 17, by striking the word and
25 figures “September 1, 1988” and inserting the
26 following: “January 1, 1989”.

27 6. Page 10, line 12, by inserting after the word
28 “sex,” the following: “religion,”.

29 7. Page 11, by striking line 34 and inserting the
30 following: “the funds”.

31 8. Page 13, by inserting after line 20 the
32 following:

33 “Sec. ____ . MENTAL HEALTH SERVICES FOR THE HOMELESS
34 BLOCK GRANT. Upon receipt of the minimum block grant
35 from the federal alcohol, drug abuse, and mental
36 health administration to provide mental health
37 services for the homeless, the division of mental
38 health, mental retardation, and developmental
39 disabilities of the department of human services shall
40 assure that a project which receives funds under the
41 block grant from either the federal, or nonfederal
42 state match share of twenty-five percent in order to
43 provide outreach services to persons who are
44 chronically mentally ill and homeless or who are
45 subject to a significant probability of becoming
46 homeless shall do all of the following:

47 1. Provide community mental health services,
48 diagnostic services, crisis intervention services, and
49 habilitation and rehabilitation services.

50 2. Refer clients to medical facilities for

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1 necessary hospital services, and to entities that
2 provide primary health services and substance abuse
3 services.

4 3. Provide appropriate training to persons who
5 provide services to persons targeted by the grant.

6 4. Provide case management to homeless persons.

7 5. Provide supportive and supervisory services to
8 certain homeless persons living in residential
9 settings which are not otherwise supported.”

10 9. By renumbering, relettering, or redesignating
11 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2058

S-5937

- 1 Amend Senate File 2058, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Title page, line 5, by inserting after the
- 4 word "information" the following: "and providing for
- 5 retroactive applicability and an effective date".

S-5938

- 1 Amend House File 566 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Title page, by striking lines 1 and 2 and
- 4 inserting the following: "An Act relating to motor
- 5 vehicle operation and education of motor vehicle
- 6 drivers."

JAMES RIORDAN

S-5939

- 1 Amend House File 566 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 18 the
- 4 following:
- 5 "Sec. ____ . Section 4 of this Act, being deemed of
- 6 immediate importance, takes effect upon the Act's
- 7 enactment."
- 8 2. Title page, line 2, by inserting after the
- 9 word "license" the following: "and providing
- 10 effective dates".

JIM RIORDAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 393

S-5940

- 1 Amend the Senate Amendment H-6137 to House File 393
- 2 as amended, passed, and reprinted by the House, as

3 follows:

4 1. Page 1, by inserting after line 3 the

5 following:

6 “ ___ . Page 1, by inserting after line 13 the

7 following:

8 “Sec. ___ . Section 123.14, subsection 2, Code

9 1987, is amended to read as follows:

10 2. The other law enforcement divisions of the

11 department of public safety, the county attorney, the

12 county sheriff and the sheriff's deputies, and the

13 police department of every city, ~~including the day and~~

14 ~~night marshal of any city and the department of~~

15 inspections and appeals, shall be supplementary aids

16 to the division of beer and liquor law enforcement.

17 Any neglect, misfeasance, or malfeasance shown by any

18 peace officer included in this section shall be

19 sufficient cause for the peace officer's removal as

20 provided by law. Nothing in this section shall be

21 construed to affect the duties and responsibilities of

22 any county attorney or peace officer with respect to

23 law enforcement.””

24 2. Page 1, by striking lines 10 through 26 and

25 inserting the following:

26 “Sec. ___ . Section 123.30, subsection 1,

27 unnumbered paragraph 2, Code Supplement 1987, is

28 amended to read as follows:

29 As a further condition for issuance of a liquor

30 control license or wine or beer permit, the applicant

31 must give consent to members of the fire, police and

32 health departments and the building inspector of

33 cities; the county sheriff, deputy sheriff, ~~and state~~

34 ~~agents members of the department of public safety,~~

35 representatives of the department of inspections and

36 appeals, and certified police officers, and any

37 official county health officer to enter upon areas of

38 the premises where alcoholic beverages are stored,

39 served, or sold, without a warrant during business

40 hours of the licensee or permittee to inspect for

41 violations of the provisions of this chapter or

42 ordinances and regulations that cities and boards of

43 supervisors may adopt. However, a subpoena issued

44 under section 421.17 or a warrant is required for

45 inspection of private records, a private business

46 office, or attached living quarters. Persons who are

47 not certified peace officers shall limit the scope of

48 their inspections of licensed premises to the

49 regulatory authority under which the inspection is

50 conducted. All persons who enter upon a licensed

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1 premise to conduct an inspection shall present
2 appropriate identification to the owner of the
3 establishment or the person who appears to be in
4 charge of the establishment prior to commencing an
5 inspection; however, this provision does not apply to
6 undercover criminal investigations conducted by peace
7 officers.”

8 3. Page 2, by inserting after line 4 the
9 following:

10 “Sec. ____ . Section 123.33, Code 1987, is amended
11 to read as follows:

12 123.33 RECORDS.

13 Every holder of a liquor control license shall keep
14 a daily record of the gross receipts of the holder's
15 business. The records required and the premises of
16 the licensee shall be open to ~~agents of the division~~
17 ~~of beer and liquor law enforcement of the department~~
18 ~~of public safety inspection pursuant to section~~
19 ~~123.30, subsection 1,~~ during normal business hours of
20 the licensee.”

21 4. Page 2, by inserting after line 44 the
22 following:

23 “ ____ . Page 4, by inserting after line 31 the
24 following:

25 “Sec. ____ . Section 123.127, subsection 4, Code
26 1987, is amended to read as follows:

27 4. Gives consent to ~~members of the fire, police~~
28 ~~and health departments and the building inspector of~~
29 ~~cities; the county sheriff, deputy sheriff, and state~~
30 ~~agents; and any official county health officer a~~
31 ~~person, pursuant to section 123.30, subsection 1,~~ to
32 enter upon the premises without a warrant during the
33 business hours of the permittee to inspect for
34 violations of the provisions of this chapter or
35 ordinances and regulations that local authorities may
36 adopt.

37 Sec. ____ . Section 123.128, subsection 4, Code
38 1987, is amended to read as follows:

39 4. Consents to inspection as required in section
40 ~~123.127~~ 123.30, subsection 4 1.

41 Sec. ____ . Section 123.129, subsection 4, Code
42 1987, is amended to read as follows:

43 4. Consents to inspection as required in section
44 ~~123.127~~ 123.30, subsection 4 1.”

45 5. Page 2, by inserting after line 46 the
46 following:

47 “ ____ . Page 5, by inserting after line 29 the

48 following:

49 "Sec. ____ . Section 123.138, Code 1987, is amended
50 to read as follows:

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1 123.138 BOOKS OF ACCOUNT REQUIRED.

2 Each class "A" permittee shall keep proper books of
3 account and records showing the amount of beer sold by
4 the permittee, which books of account shall be at all
5 times open to inspection by the administrator and to
6 other persons pursuant to section 123.30, subsection
7 1. Each class "B" and class "C" permittee shall keep
8 proper books of account and records showing each
9 purchase of beer made by the permittee, and the date
10 and the amount of each purchase and the name of the
11 person from whom each purchase was made, which books
12 of account and records shall be open to inspection by
13 the administrator and agents of the division of beer
14 and liquor law enforcement of the department of public
15 safety pursuant to section 123.30, subsection 1,
16 during normal business hours of the permittee."

17 6. Page 2, by striking line 49 and inserting the
18 following:

19 ""Sec. ____ . Section 123.175, Code 1987, is amended
20 by adding the following new subsection:

21 NEW SUBSECTION. 4. Consents to inspection as
22 required in section 123.30, subsection 1.

23 Sec. ____ . Section 123.176, Code 1987, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 4. Consents to inspection as
26 required in section 123.30, subsection 1.

27 Sec. ____ . Section 123.177, subsection 1, Code".

28 7. Page 3, line 11, by striking the word "sold."
29 and inserting the following: "sold."

30 Sec. ____ . Section 123.185, Code 1987, is amended
31 to read as follows:

32 123.185 RECORDS REQUIRED.

33 Each class "A" wine permittee shall keep books of
34 account and records showing each sale of wine, which
35 shall be at all times open to inspection by the
36 administrator and agents of the division pursuant to
37 section 123.30, subsection 1. Each class "B" wine
38 permittee shall keep proper books of account and
39 records showing each purchase of wine and the date and
40 the amount of each purchase and the name of the person
41 from whom each purchase was made, which shall be open
42 to inspection by the administrator and agents of the
43 division pursuant to section 123.30, subsection 1.

44 during normal business hours of the permittee.””
45 8. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2039

S-5941

1 Amend Senate File 2039, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 16 the
4 following:
5 “Sec. ____ . Section 321.34, subsection 5, paragraph
6 b, Code Supplement 1987, is amended to read as
7 follows:
8 b. The county treasurer shall validate
9 personalized registration plates in the same manner as
10 regular registration plates are validated under this
11 section at an annual fee of five dollars in addition
12 to the regular annual registration fee. A person may
13 renew a personalized registration plate without paying
14 the additional registration fee under paragraph “a”
15 unless a new series of registration plates are being
16 issued to replace a current series. A person failing
17 to renew a personalized registration plate within the
18 time requirements under section 321.40 may renew a
19 personalized plate without paying the additional
20 registration fee under paragraph “a” but shall pay the
21 five-dollar fee in addition to the regular
22 registration fee and any penalties subject to regular
23 registration plate holders for late renewal.”
24 2. Page 1, by inserting after line 16 the fol-
25 lowing:
26 “Sec. ____ . Section 321.34, Code Supplement 1987,
27 is amended by adding the following new subsection:
28 NEW SUBSECTION. 10. COLLEGIATE PLATES.
29 a. Upon application and payment of the proper
30 fees, the director may issue to the owner of a motor
31 vehicle registered in this state, other than a
32 motorcycle or a motor bicycle, collegiate registration
33 plates. Upon receipt of the collegiate registration
34 plates, the applicant shall surrender the regular
35 registration plates to the county treasurer.
36 b. Collegiate registration plates shall be
37 designed for each of the three state universities.
38 The colors of the collegiate registration plates shall
39 be as follows:
40 (1) Cardinal and gold for Iowa State University of

41 science and technology.

42 (2) Purple and old gold for the University of

43 Northern Iowa.

44 (3) Old gold and black for the state University of

45 Iowa.

46 c. The special collegiate registration fee for a

47 collegiate registration plate is thirty dollars. This

48 fee is in addition to the regular annual registration

49 fee. The special collegiate registration fees

50 collected by the director under this subsection shall

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1 be paid monthly to the treasurer of state and credited

2 by the treasurer of state to the road use tax fund.

3 Notwithstanding section 423.24 and prior to the

4 application of section 423.24, subsection 1, paragraph

5 "b", the treasurer of state shall credit monthly from

6 revenues derived from the operation of section 423.7,

7 respectively, to Iowa State University of science and

8 technology, the University of Northern Iowa, and the

9 state University of Iowa, the amount of the special

10 collegiate registration fees collected in the previous

11 month for collegiate registration plates designed for

12 the university. The moneys credited are appropriated

13 to the respective universities to be used for

14 scholarships for students attending the universities.

15 The scholarships shall be based fifty percent on

16 scholarship and fifty percent on need.

17 d. The county treasurer shall validate collegiate

18 registration plates in the same manner as regular

19 registration plates are validated under this section

20 at an annual fee of five dollars in addition to the

21 regular annual registration fee.

22 Sec. ____ . Section 321.166, subsection 5, Code

23 1987, is amended to read as follows:

24 5. There shall be a marked contrast between the

25 color of the registration plates and the data which is

26 required to be displayed on the registration plates.

27 When a new series of registration plates is issued to

28 replace a current series, the new registration plates

29 shall be of a distinctively different color from the

30 series which is replaced, except for collegiate

31 registration plates issued under section 321.34,

32 subsection 10."

33 3. Page 1, by inserting after line 16 the

34 following:

35 "Sec. ____ . Section 321.34, Code Supplement 1987,

36 is amended by adding the following new subsection:

37 NEW SUBSECTION. 10. CONGRESSIONAL MEDAL OF HONOR

38 PLATES. The owner of a motor vehicle subject to
39 registration under section 321.109, subsection 1,
40 light delivery truck, panel delivery truck or pickup
41 who has been awarded the congressional medal of honor
42 may, upon written application to the department, order
43 special registration plates which shall be red, white,
44 and blue in color and shall bear an emblem of the
45 congressional medal of honor and an identifying
46 number. Each applicant applying for special
47 registration plates under this subsection may purchase
48 only one set of registration plates under this
49 subsection. The application is subject to approval by
50 the department and the special registration plates

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1 shall be issued to the applicant in exchange for the
2 registration plates previously issued to the person.
3 The special plates are subject to an annual
4 registration fee of fifteen dollars. The department
5 shall validate the special plates in the same manner
6 as regular registration plates are validated under
7 this section. The department shall not issue special
8 registration plates until service organizations in the
9 state have furnished the department either the special
10 dies or the cost of the special dies necessary for the
11 manufacture of the special registration plate.”

12 4. Page 1, by striking line 17 and inserting the
13 following:

14 “Sec. ____ . Section 321.45, subsection 3, Code
15 Supplement 1987, is amended to read as follows:
16 3. Upon the transfer of any registered vehicle,
17 the owner, except as otherwise provided in this
18 chapter, shall endorse an assignment and warranty of
19 title upon the certificate of title for such vehicle
20 with a statement of all liens and encumbrances
21 thereon, and the owner shall deliver the certificate
22 of title to the purchaser or transferee at the time of
23 delivering the vehicle except as otherwise provided in
24 this chapter. The owner, ~~except as otherwise provided~~
25 ~~in this chapter~~, shall also sign the reverse side of
26 the registration card issued for such vehicle
27 indicating the name and address of indicate to the
28 transferee and the date of the transfer the name of
29 the county in which the vehicle was last registered
30 and the registration expiration date.

31 Sec. ____ . Section 321.46, subsection 1, Code
32 Supplement 1987, is amended to read as follows:
33 1. The transferee shall within fifteen calendar
34 days after purchase or transfer apply for and obtain

35 from the county treasurer of the person's residence,
 36 or if a nonresident, the county treasurer of the
 37 county where the primary users of the vehicle are
 38 located or the county where all other vehicles owned
 39 by the nonresident are registered, a new registration
 40 and a new certificate of title for the vehicle except
 41 as provided in section 321.25 or 321.48. The
 42 transferee shall present with the application the
 43 certificate of title endorsed and assigned by the
 44 previous owner and ~~the signed registration card or~~
 45 ~~other evidence of current registration as required by~~
 46 ~~the department shall indicate the name of the county~~
 47 ~~in which the vehicle was last registered and the~~
 48 ~~registration expiration date.~~ The transferee shall be
 49 required to list a motor vehicle license number as
 50 ~~part of the application for a registration transfer~~

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1 and a new title. The motor vehicle license number
 2 shall not be the social security number of the
 3 transferee unless requested by the transferee.
 4 Sec. ____ . Section 321.48, subsection 1, unnumbered
 5 paragraph 1, Code 1987, is amended to read as follows:
 6 When the transferee of a vehicle is a dealer who
 7 holds the vehicle for resale and operates the vehicle
 8 only for purposes incident to a resale and displays a
 9 dealer plate on the vehicle or does not drive such
 10 vehicle or permit it to be driven upon the highways,
 11 such transferee shall not be required to obtain a new
 12 registration or a new certificate of title but upon
 13 transferring title or interest to another person shall
 14 execute and acknowledge an assignment and warranty of
 15 title upon the certificate of title assigned to the
 16 person and deliver the same to the person to whom such
 17 transfer is made. ~~The dealer shall also sign the~~
 18 ~~reverse side of the registration card for such vehicle~~
 19 ~~indicating the name and address of the new purchaser.~~
 20 Sec. ____ . Section 321.52, subsection 2, Code 1987,
 21 is amended to read as follows:
 22 2. The purchaser or transferee of a motor vehicle
 23 for which a certificate of title is issued which is
 24 sold for scrap or junk shall surrender the certificate
 25 of title ~~and registration receipt~~ to the county
 26 treasurer of the county of residence of the transferee
 27 within fifteen days after assignment of the
 28 certificate of title. The county treasurer shall
 29 issue to such person without fee a junking
 30 certificate. A junking certificate shall authorize

31 the holder to possess, transport or transfer by
32 endorsement the ownership of the junked vehicle. A
33 certificate of title shall not again be issued for the
34 vehicle subsequent to the issuance of a junking
35 certificate. The county treasurer shall cancel the
36 record of the vehicle and forward the certificate of
37 title to the department. The junking certificate
38 shall be of a form to allow for the assignment of
39 ownership of the vehicle. The junking certificate
40 shall provide a space for the notation of the
41 transferee of the component parts of the vehicle
42 transferred by the owner of the vehicle.

43 Sec. ____ . Section 321.52, subsection 3, unnumbered
44 paragraph 1, Code 1987, is amended to read as follows:

45 When a vehicle for which a certificate of title is
46 issued is junked or dismantled by the owner, the owner
47 shall detach the registration plates and surrender the
48 plates to the county treasurer, unless the plates are
49 properly assigned to another vehicle. The owner shall
50 also surrender the ~~registration receipt and~~

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1 certificate of title to the county treasurer. Upon
2 surrendering the certificate of title, the county
3 treasurer shall issue to the person, without fee, a
4 junking certificate, which shall authorize the holder
5 to possess, transport or transfer ownership of the
6 junked vehicle by endorsement of the junking
7 certificate. The county treasurer shall hold the
8 surrendered certificate of title, registration receipt
9 and, if applicable, the registration plates for a
10 period of fourteen days following the issuance of a
11 junking certificate under this subsection. Within the
12 fourteen-day period the person who was issued the
13 junking certificate and to whom the vehicle was titled
14 or assigned may surrender to the county treasurer the
15 junking certificate, and upon the person's payment of
16 appropriate fees and taxes and payment of any credit
17 for registration fees received by the person for the
18 vehicle under section 321.46, subsection 3, the county
19 treasurer shall issue to the person a certificate of
20 title for the vehicle. After the expiration of the
21 fourteen-day period, a county treasurer shall not
22 issue a certificate of title for a junked vehicle for
23 which a junking certificate is issued. The county
24 treasurer shall cancel the record of the vehicle and
25 forward the certificate of title to the department.

26 Sec. ____ . Section 321.52, subsection 4, unnumbered
27 paragraph 1, Code 1987, is amended to read as follows:

28 A vehicle rebuilder or a motor vehicle dealer
 29 licensed under chapter 322, upon acquisition of a
 30 wrecked or salvage vehicle, shall surrender the
 31 certificate of title ~~and registration receipt~~ or
 32 manufacturer's or importer's statement of origin
 33 properly assigned, together with an application for a
 34 salvage certificate of title to the county treasurer
 35 of the county of residence of the purchaser or
 36 transferee within fourteen days after the date of
 37 assignment of the certificate of title for the wrecked
 38 or salvage motor vehicle. This subsection applies
 39 only to vehicles with a fair market value of five
 40 hundred dollars or more, based on the value before the
 41 vehicle became wrecked or salvage. Upon payment of a
 42 fee of two dollars, the county treasurer shall issue a
 43 salvage certificate of title which shall bear the word
 44 "SALVAGE" stamped on the face of the title in bold
 45 letters and coded in a manner prescribed by the
 46 department. A salvage certificate of title may be
 47 assigned to any person. Notwithstanding any other
 48 provisions in this section a vehicle on which
 49 ownership has transferred to an insurer of the
 50 vehicle, as a result of a settlement with the owner of

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1 the vehicle arising out of damage to, or unrecovered
 2 theft of the vehicle, shall be deemed to be a wrecked
 3 or salvage vehicle and the insurer shall comply with
 4 this subsection to obtain a salvage certificate of
 5 title within fourteen days after the date of
 6 assignment of the certificate of title of the vehicle.
 7 Sec. ____ . Section 1 of this Act takes effect July
 8 1, 1990."
 9 5. Title page, line 1, by inserting after the
 10 word "Act" the following: "relating to the issuance
 11 of registration plates by equalizing penalties for
 12 late renewals, by".
 13 6. Title page, line 1, by inserting after the
 14 word "Act" the following: "relating to the issuance
 15 of registration plates by providing for the issuance
 16 of collegiate registration plates, by".
 17 7. Title page, line 1, by inserting after the
 18 word "Act" the following: "relating to the issuance
 19 of registration plates by providing for the issuance
 20 of congressional medal of honor plates, by".
 21 8. Title page, line 1, by inserting after the
 22 word "Act" the following: "relating to the titling
 23 and registration of motor vehicles and".
 24 9. Title page, line 2, by inserting before the

25 word "and" the following: ", and by including an
26 appropriation."
27 10. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 649

S-5942

1 Amend the Senate amendment, H-4383, to House File
2 649 as amended, passed, and reprinted by the House as
3 follows:
4 1. Page 1, by striking lines 3 through 13.
5 2. By striking page 1, line 14, through page 4,
6 line 23, and inserting the following:
7 " ____ . Page 1, by striking line 19 and inserting
8 the following: "in value ~~two hundred dollars in any~~
9 ~~particular item or one~~".
10 ____ . Page 1, by inserting after line 23 the
11 following:
12 "Sec. ____ . Section 627.6, subsection 3, Code 1987,
13 is amended to read as follows:
14 3. Private libraries, family bibles, portraits,
15 pictures and paintings not to exceed ~~two hundred~~
16 ~~dollars in value for any particular item and one~~
17 ~~thousand dollars in the aggregate~~.
18 Sec. ____ . Section 627.6, subsection 5, Code 1987,
19 is amended to read as follows:
20 5. The debtor's interest; ~~not to exceed two~~
21 ~~hundred dollars in value in any particular item; in~~
22 ~~household furnishings, household goods, and appliances~~
23 ~~held primarily for the personal, family, or household~~
24 ~~use of the debtor or a dependent of the debtor, not to~~
25 ~~exceed in value two thousand dollars in the~~
26 ~~aggregate~~."
27 ____ . Page 2, line 4, by striking the word "five"
28 and inserting the following: "ten".
29 ____ . Page 2, line 25, by striking the words
30 "benefit or indemnity" and inserting the following:
31 "avails".
32 3. Page 4, by striking lines 27 through 31 and
33 inserting the following:
34 "1. The provisions of this Act relating to
35 exemptions for the proceeds of a life insurance policy
36 payable upon the death of the insured apply to
37 proceeds payable on or after the effective date of

38 this Act.

39 2. The provisions of this Act relating to
40 exemptions for interests in life insurance policies,
41 other than interests in the proceeds of a policy
42 payable upon the death of the insured, apply to
43 interests acquired on or after January 1, 1988.”

44 4. Renumber as necessary.

S-5943

1 Amend Senate File 2333 as follows:

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

4 “Section 1. Section 372.15, Code 1987, is amended
5 to read as follows:

6 372.15 REMOVAL OF APPOINTEES.

7 Except as otherwise provided by sections 400.18 and
8 400.19 or other state or city law, all persons
9 appointed to city office may be removed by the officer
10 or body making the appointment, but every such removal
11 shall be by written order. The order shall give the
12 reasons, be filed in the office of the city clerk, and
13 a copy shall be sent by certified mail to the person
14 removed who, upon request filed with the clerk within
15 thirty days of the date of mailing the copy, shall be
16 granted a public hearing before the council on all
17 issues connected with the removal. The hearing shall
18 be held within thirty days of the date the request is
19 filed, unless the person removed requests a later
20 date.”

21 2. Title page, line 1, by inserting after the
22 word “laws” the following: “and city employment
23 authority”.

24 3. By renumbering as necessary.

JIM RIORDAN

S-5944

1 Amend the House amendment, S-5890, to Senate File
2 2312, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking line 20 and inserting the
5 following:

6 “..... \$ 6,280,706”.

7 2. Page 1, by inserting after line 17 the
8 following:

9 “___ . Page 2, line 12, by inserting after the

10 word "maintenance," the following: "capital
 11 expenditures,""
 12 3. Page 1, by striking line 21 and inserting the
 13 following:
 14 "___ . Page 2, line 19, by striking the word "the"
 15 and inserting the following: "a".
 16 ___ . Page 2, by striking lines 20 and 21 and
 17 inserting the following: "portion of the moneys
 18 appropriated in this subsection is not expended or
 19 encumbered on June 30, 1989, the".
 20 ___ . Page 2, line 23, by striking the word "pur-
 21 pose" and inserting the following: "purposes".
 22 4. Page 1, by striking line 28 and inserting the
 23 following:
 24 " \$ 90,000".
 25 5. Page 1, by striking lines 29 through 38.
 26 6. Page 1, by striking line 49.
 27 7. Page 2, by striking lines 3 through 6 and
 28 inserting the following:
 29 "___ . Page 6, by striking lines 19 through 26."
 30 8. Page 2, by striking lines 7 through 15.
 31 9. Page 2, by inserting after line 17 the follow-
 32 ing:
 33 "___ . Page 8, by inserting after line 9 the
 34 following:
 35 "Sec. ___ . The college aid commission shall review
 36 during the fiscal year beginning July 1, 1988, the
 37 impact of the rule adopted by the commission that
 38 extends the deadline for applications for the Iowa
 39 tuition grant program and shall continue to pursue
 40 administrative methods that will promote access to the
 41 tuition grant program for those individuals seeking to
 42 receive an education in this state from an independent
 43 college or university. The college aid commission
 44 shall consider making a recommendation to the general
 45 assembly that increases the maximum amount of a
 46 tuition grant for those individuals who are expected
 47 to have a substantial debt burden upon graduation.
 48 The commission shall submit a report that outlines its
 49 conclusions to the general assembly by December 1,
 50 1988.""

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1 10. Page 3, by inserting after line 30 the fol-
 2 lowing:
 3 "___ . Page 10, by inserting after line 15 the
 4 following:
 5 "Sec. ___ . Section 261.25, subsection 1, Code
 6 Supplement 1987, is amended to read as follows:

7 1. There is appropriated from the general fund of
8 the state to the commission for each fiscal year the
9 sum of ~~twenty-four~~ twenty-eight million ~~three~~ eight
10 hundred ~~nineteenthousand~~ eighty-four ~~ninety-four~~
11 thousand seven hundred sixty-five dollars for tuition
12 grants.””

13 11. Page 4, by striking line 1 and inserting the
14 following:

15 “” \$ 5,371,825””.

16 12. Page 4, line 13, by striking the figure “15”

17 and inserting the following: “14, line 17.”

18 13. Page 4, by inserting after line 13 the

19 following:

20 “__ . Page 15, lines 5 and 6, by striking the
21 word and figure “September 15” and inserting the
22 following: “October 1”.”

23 14. Page 4, by striking line 14 and inserting the
24 following:

25 “__ . Page 15, by inserting after line 6 the fol-
26 lowing:”.

27 15. Page 5, line 3, by inserting after the word
28 “technologies.” the following: “The pilot projects
29 may include a demonstration project that involves
30 classroom teachers and student teachers in the use of
31 instructional technologies.”

32 16. Page 5, by inserting after line 45 the fol-
33 lowing:

34 “__ . Page 17, line 34, by inserting after the
35 word “schools.” the following: “A faculty member
36 employed in both an administrative and a
37 nonadministrative position shall be considered a part-
38 time nonadministrative faculty member for the portion
39 of time in the nonadministrative position.””

40 17. Page 6, by striking line 1 and inserting the
41 following:

42 “ \$ 411,772”.

43 18. Page 6, by inserting after line 23 the
44 following:

45 “__ . Page 18, line 26, by striking the figure
46 and word “1990, for” and inserting the following: “1990.
47 1. For”.”

48 19. Page 6, by striking lines 33 through 47 and
49 inserting the following:

50 “a. Merged Area I \$ 1,069,231

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1	b. Merged Area II	\$ 1,327,820
2	c. Merged Area III	\$ 1,245,067
3	d. Merged Area IV	\$ 611,651

4	e. Merged Area V	\$ 1,388,438
5	f. Merged Area VI	\$ 1,388,244
6	g. Merged Area VII	\$ 1,843,493
7	h. Merged Area IX	\$ 1,896,400
8	i. Merged Area X	\$ 3,035,941
9	j. Merged Area XI	\$ 2,935,708
10	k. Merged Area XII	\$ 1,379,340
11	l. Merged Area XIII	\$ 1,431,518
12	m. Merged Area XIV	\$ 606,620
13	n. Merged Area XV	\$ 1,799,477
14	o. Merged Area XVI	\$ 1,096,408

15 2. For distribution as property tax replacement
 16 moneys to each of the merged area schools in amounts
 17 determined by the department:
 18 \$ 176,474

19 The moneys distributed under this subsection shall
 20 be considered as part of the moneys generated under
 21 chapter 286A on a statewide basis.”

22 ____ . Page 19, line 13, by striking the word
 23 “Funds” and inserting the following:
 24 “3. Funds”.

25 20. Page 8, by striking lines 27 and 28.

26 21. By striking page 9, line 15 through page 10,
 27 line 39 and inserting the following:

28 “Sec. ____ . Section 256.17, unnumbered paragraph 2,
 29 Code Supplement 1987, is amended to read as follows:

30 Notwithstanding the standards included in section
 31 256.11, not later than July 1, 1987, the state board
 32 shall adopt rules establishing new standards for
 33 accredited schools. The rules shall be adopted under
 34 chapter 17A and shall require that schools and school
 35 districts meet the standards adopted by the state
 36 board not later than July 1, ~~1989~~ 1990. Standards
 37 adopted by the state board specifically relating to
 38 the number of instructional days and length of the
 39 school day for kindergarten programs take effect July
 40 1, 1993.

41 Sec. ____ . The legislative council is requested to
 42 establish a study committee composed of members of the
 43 house and senate committees on education from both
 44 political parties to conduct a comprehensive study of
 45 the provision of vocational education courses for
 46 secondary school students. The study shall include,
 47 but not be limited to, the vocational education
 48 requirements contained in the rules adopted by the
 49 state board of education pursuant to section 256.17,
 50 the courses offered by school districts, the costs of

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1 offering the various areas of vocational education
 2 courses, enrollment trends, and the feasibility of
 3 alternative means of offering vocational education
 4 courses, including but not limited to, requiring that
 5 secondary school vocational education courses be
 6 provided by the area schools in either the high school
 7 or area school setting or an alternative setting.
 8 The study committee shall submit a report of its
 9 recommendations to the postsecondary education task
 10 force created in section 500 of this Act, the
 11 legislative council, and the general assembly meeting
 12 in 1989.

13 Sec. ____ . The legislative fiscal bureau shall
 14 conduct a survey of school districts to determine the
 15 feasibility of requiring that the kindergarten program
 16 operate a minimum of one hundred eighty days and meet
 17 a minimum school day time requirement of four and one-
 18 half hours. The survey shall include an inventory of
 19 additional space requirements and the availability of
 20 vacant classrooms in school district facilities,
 21 additional staff requirements, availability of
 22 educational materials, and transportation needs.

23 The legislative fiscal bureau shall report the
 24 results of the survey to the chairpersons and ranking
 25 members of the senate and house committees on
 26 education not later than December 1, 1988.”

27 22. Page 11, by striking line 9.

28 23. Page 12, by striking lines 8 and 9 and
 29 inserting the following:

30 “____. Page 26, by striking line 20 and inserting
 31 the following: “section 263.8A in excess of seven
 32 hundred fifty”.

33 ____ . Page 27, by striking line 11 and inserting
 34 the following: “endowment fund, not to exceed seven
 35 hundred fifty”.”

36 24. Page 12, by striking lines 36 through 40.

37 25. Page 13, by striking line 3 and inserting the
 38 following:

39 “” \$ 25,899,603””.

40 26. Page 13, by inserting before line 4 the
 41 following:

42 “____. Page 29, line 8, by inserting after the
 43 word “and” the following: “general”.

44 ____ . Page 29, line 10, by inserting after the
 45 word “purposes;” the following: “and”.”

46 27. Page 14, lines 37 and 38, by striking the
 47 words and figure “three hundred thousand (300,000)”
 48 and inserting the following: “four hundred sixty

49 thousand (460,000)".

50 28. Page 15, line 12, by striking the word

Page 5

1 "appropriated" and inserting the following:
2 "appropriated that are in excess of a fiscal year
3 ending balance of sixty-one million seven hundred
4 thousand (61,700,000) dollars,".
5 29. Page 15, line 38, by striking the word
6 "Unobligated" and inserting the following:
7 "Notwithstanding section 8.33, unobligated".
8 30. Page 15, line 44, by inserting after the word
9 "shall" the following: "not".
10 31. Page 15, line 45, by striking the words and
11 figures "on September 30, 1990" and inserting the
12 following: "until September 30, 1991".
13 32. Page 15, line 47, by striking the figure
14 "1990" and inserting the following: "1991".
15 33. Page 16, by inserting after line 37 the fol-
16 lowing:
17 "____. Page 34, by inserting after line 28 the
18 following:
19 "Sec. ____ . Section 154.3, subsection 6, unnumbered
20 paragraph 2, Code Supplement 1987, is amended by
21 striking the unnumbered paragraph.""
22 34. Page 17, by inserting after line 8 the
23 following:
24 "____. Coordination and articulation of curriculum
25 with the elementary and secondary school systems."
26 35. Page 17, line 9, by inserting after the word
27 "distribution" the following: "and any duplication".
28 36. Page 17, line 33, by inserting after the word
29 "bipartisan," the following: "which shall include
30 citizens with an interest or experience in higher
31 education or in research at the graduate level, a
32 student from a post-secondary institution, members of
33 the general public,".
34 37. Page 17, line 38, by inserting after the word
35 "senate." the following: "The committee may work with
36 one or more education consultants familiar with
37 projected national trends in undergraduate, graduate,
38 and research area goals and needs for the year 2000
39 and beyond."
40 38. Page 17, line 47, by inserting after the
41 words "completion of" the following: "the".
42 39. Page 18, line 12, by striking the figure
43 "182.23" and inserting the following: "182.24".
44 40. Page 18, line 19, by inserting after the word
45 "in" the following: "a".

- 46 41. Page 18, by striking line 28 and inserting
 47 the following: "may be accreted to a faculty bargain-
 48 ing unit".
 49 42. Page 18, line 30, by striking the words
 50 "employee organization" and inserting the following:

Page 6

- 1 "classroom teacher bargaining unit".
 2 43. Page 18, by striking line 37 and inserting
 3 the following: "a faculty bargaining unit at the
 4 University of".
 5 44. Page 18, lines 38 and 39, by striking the
 6 words "employee organization" and inserting the
 7 following: "classroom teacher bargaining unit".
 8 45. By striking page 18, line 42 through page 20,
 9 line 47.
 10 46. Page 21, line 20, by inserting after the word
 11 "indebtedness" the following: "under this division".
 12 47. Page 21, by striking lines 25 through 39.
 13 48. Page 22, by inserting after line 33 the
 14 following:
 15 "____. Page 36, by inserting after line 2 the
 16 following:
 17 "Sec. ____ . Section 442.7, subsection 7, Code
 18 Supplement 1987, is amended by adding the following
 19 new paragraph:
 20 **NEW PARAGRAPH.** i. For the school year beginning
 21 July 1, 1989, and succeeding school years, by adding
 22 to the basic allowable growth per pupil for the budget
 23 year an amount to compensate for the costs associated
 24 with an increase from the base year to the budget year
 25 in a school district's additional enrollment because
 26 of special education determined by the district on
 27 December 1.""
 28 49. Page 22, by inserting after line 33 the
 29 following:
 30 "____. Page 37, line 17, by striking the word "or"
 31 and inserting the following: "or".
 32 ____ . Page 37, line 20, by inserting after the
 33 word ""b," the following: "or for increases in a
 34 school district's additional enrollment because of
 35 special education under section 442.7, subsection 7,
 36 paragraph "i.""
 37 50. Page 23, by striking lines 7 through 9.
 38 51. Page 23, line 11, by striking the words "and
 39 section" and inserting the following: ", section".
 40 52. Page 23, by striking lines 12 through 14 and
 41 inserting the following: "3, paragraph "a", and sec-
 42 tion 600".

43 53. Page 23, by striking lines 19 through 24 and
44 inserting the following:
45 “ ____ . Page 40, line 14, by striking the word and
46 figure “and 50” and inserting the following: “, 50,
47 55 through 64, 100 through 104, 500, and 600.”

RICHARD J. VARN
WALLY E. HORN

S-5945

1 Amend the amendment, S-5944, to the House
2 amendment, S-5890, to Senate File 2312, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 3, line 33, by inserting after the word
5 “schools.” the following: “Rules adopted by the state
6 board shall permit a school board to apply to the
7 department of education for a waiver of a requirement
8 that certain subjects be taught. An application for a
9 waiver shall include documentation that a certificated
10 teacher was employed and assigned a schedule that
11 would have allowed students to enroll, that the class
12 was properly scheduled, that students were aware of
13 the course offerings, and that no students enrolled.”

LEONARD L. BOSWELL

HOUSE AMENDMENT TO
SENATE FILE 2250

S-5946

1 Amend Senate File 2250, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. Section 200.8, subsection 1,
6 unnumbered paragraph 3, Code Supplement 1987, is
7 amended to read as follows:
8 Any person other than a manufacturer who annually
9 offers for sale, sells, or distributes specialty
10 fertilizer in the amount of four thousand pounds or
11 more in packages of twenty-five pounds or less or
12 applies specialty fertilizer for compensation shall be
13 required to pay an annual inspection fee of fifty
14 thirty dollars in lieu of the semiannual inspection
15 fee as set forth in this chapter.”

16 2. By striking page 2, line 34, through page 3,
 17 line 3, and inserting the following: "1992. The city
 18 or county providing for the establishment and
 19 operation of the sanitary landfill may charge an
 20 additional tonnage fee for the disposal of solid waste
 21 at the sanitary landfill, to be used exclusively for
 22 the development and implementation of alternatives to
 23 sanitary landfills. A county in which a privately
 24 operated landfill accepts solid waste from outside of
 25 the county may charge an additional tonnage fee for
 26 the disposal of solid waste at the sanitary landfill
 27 which is not more than one hundred percent of the fee
 28 otherwise established in this section. The additional
 29 fee charged and the moneys collected shall be used
 30 exclusively for the development and implementation of
 31 alternatives to sanitary landfills or for the costs
 32 incurred by the county to abate problems associated
 33 with the operation of the sanitary landfill."

34 3. Page 3, line 14, by inserting after the word
 35 "section." the following: "However, solid waste
 36 disposal facilities under this subsection are subject
 37 to the fees imposed pursuant to section 455B.105,
 38 subsection 12, paragraph "a". Notwithstanding the
 39 provisions of section 455B.105, subsection 12,
 40 paragraph "b", the fees collected pursuant to this
 41 subsection shall be used by the department for the
 42 regulation of these solid waste disposal facilities."

43 4. Page 3, line 19, by striking the figure "15"
 44 and inserting the following: "30".

45 5. Page 3, line 25, by striking the words
 46 "department on" and inserting the following:
 47 "department ~~on~~ by".

48 6. Page 3, by inserting after line 27 the
 49 following:

50 "Sec. ____ . Section 455E.11, subsection 1,

Page 2

1 unnumbered paragraph 1, Code Supplement 1987, is
 2 amended to read as follows:
 3 A groundwater protection fund is created in the
 4 state treasury. Moneys received from sources
 5 designated for purposes related to groundwater
 6 monitoring and groundwater quality standards shall be
 7 deposited in the fund. Notwithstanding section 8.33,
 8 any unexpended balances in the groundwater protection
 9 fund and in any of the accounts within the groundwater
 10 protection fund at the end of each fiscal year shall
 11 be retained in the fund and the respective accounts
 12 within the fund. The fund may be used for the

13 purposes established for each account within the fund.
 14 Notwithstanding section 453.7, subsection 2, interest
 15 or earnings on investments or time deposits of the
 16 moneys in the groundwater protection fund or in any of
 17 the accounts within the groundwater protection fund,
 18 with the exception of those interest or earnings on
 19 investments or time deposits of the moneys in the oil
 20 overcharge account, which shall be credited to the oil
 21 overcharge account, shall be credited to the solid
 22 waste account of the groundwater protection fund for
 23 appropriation to the department of natural resources.
 24 The department of natural resources shall use the
 25 moneys appropriated to provide grants to public water
 26 supply systems to abate or eliminate threats to public
 27 health and safety resulting from contamination of the
 28 water supply source. However, a public water supply
 29 system shall not receive a grant for more than ten
 30 percent of the moneys available for those purposes.

31 Sec. ____ . Section 455E.11, subsection 2, paragraph
 32 a, Code Supplement 1987, is amended by adding the
 33 following new subparagraph (1) and by renumbering the
 34 subsequent subparagraphs:
 35 **NEW SUBPARAGRAPH.** (1) The moneys received from
 36 the tonnage fee imposed under section 455B.310 for the
 37 fiscal year beginning July 1, 1987, and ending June
 38 30, 1988, shall be used for the following purposes:
 39 (a) An amount equal to fifty percent of the moneys
 40 received from the tonnage fee imposed pursuant to
 41 section 455B.310 shall be reserved for the purpose of
 42 providing grants to cities and counties required to
 43 provide for sanitary disposal projects under section
 44 455B.302 for the purpose of developing or updating
 45 plans required to be filed under section 455B.306.
 46 Grants shall be governed by section 455B.311.
 47 (b) An amount equal to twenty-five percent of the
 48 moneys received from the tonnage fee imposed under
 49 section 455B.310 shall be reserved for the purpose of
 50 providing grants to public water supply systems to

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1 abate or eliminate threats to public health and safety
 2 resulting from contamination of the water supply
 3 source. However, a public water supply shall not
 4 receive a grant for more than ten percent of the
 5 moneys available for those purposes.
 6 (c) An amount equal to twenty-five percent of the
 7 moneys received from the tonnage fee imposed under
 8 section 455B.310 shall be appropriated to the waste
 9 management authority.”

10 7. Page 4, by inserting after line 35 the
11 following:
12 "Sec. ____ . Section 455F.7, Code Supplement 1987,
13 is amended to read as follows:
14 455F.7 HOUSEHOLD HAZARDOUS MATERIALS PERMIT.
15 1. A retailer offering for sale or selling a
16 household hazardous material shall have a valid permit
17 for each place of business owned or operated by the
18 retailer for this activity. All permits provided for
19 in this division shall expire on June 30 of each year.
20 Every retailer shall submit an annual application by
21 July 1 of each year and a fee of ~~ten dollars based~~
22 ~~upon gross retail sales of up to fifty thousand~~
23 ~~dollars, twenty-five dollars based upon gross retail~~
24 ~~sales of fifty thousand dollars to three million~~
25 ~~dollars, and one hundred dollars based upon gross~~
26 ~~retail sales of three million dollars or more to the~~
27 department of revenue and finance for a permit upon a
28 form prescribed by the director of revenue and
29 finance. Permits are nonrefundable, are based upon an
30 annual operating period, and are not prorated. A
31 person in violation of this section shall be subject
32 to permit revocation upon notice and hearing. The
33 department shall remit the fees collected to the
34 household hazardous waste account of the groundwater
35 protection fund. A person distributing general use
36 pesticides labeled for agricultural or lawn and garden
37 use with gross annual pesticide sales of less than ten
38 thousand dollars is subject to the requirements and
39 fee payment prescribed by this section.
40 2. A manufacturer or distributor of household
41 hazardous materials, which authorizes retailers as
42 independent contractors to sell the products of the
43 manufacturer or distributor on a person-to-person
44 basis primarily in the customer's home, may obtain a
45 single household hazardous materials permit on behalf
46 of its authorized retailers in the state, in lieu of
47 individual permits for each retailer, and pay a fee
48 ~~based upon the manufacturer's or distributor's gross~~
49 ~~retail sales in the state according to the fee~~
50 ~~schedule and requirements of subsection 1 of twenty-~~

Page 4

1 ~~five dollars.~~ However, a manufacturer or distributor
2 which has gross retail sales of three million dollars
3 or more in the state shall pay an additional permit
4 fee of one hundred dollars for each subsequent
5 increment of three million dollars of gross retail

6 sales in the state, up to a maximum permit fee of
7 three thousand dollars."

8 8. Page 5, line 30, by striking the word "If" and
9 inserting the following: "A buyer of property shall
10 be provided with a copy of the statement submitted,
11 and, following the fulfillment of this provision, if".

12 9. Page 6, by inserting after line 6, the
13 following:

14 "Sec. ____ . CASH ADVANCE -- SMALL BUSINESS
15 ASSISTANCE CENTER. The department of natural
16 resources shall provide a cash advance of not more
17 than one hundred thousand dollars for the period
18 beginning July 1, 1988, and ending June 30, 1989, to
19 the University of Northern Iowa to develop and
20 maintain the small business assistance center for the
21 safe and economic management of solid waste and
22 hazardous substances established at the University of
23 Northern Iowa."

24 10. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

S-5947

1 Amend House File 2452 as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 252B.13, subsection 1, Code
6 1987, is amended to read as follows:

7 252B.13 COLLECTION SERVICES CENTER.

8 1. The department shall establish within the unit
9 a collection services center for the receipt and
10 disbursement of all support payments as defined in
11 section 598.1 required pursuant to an order for which
12 the unit is providing or has provided enforcement
13 services under this chapter. For purposes of this
14 section, child support payments do not include
15 attorney fees or court costs. The judicial department
16 and the department of human services shall cooperate
17 in the establishment of the center which will receive
18 and disburse support payments transferring or
19 directing these judgments and orders for support and
20 payments to the collection services center.

21 Sec. 2. Section 252B.14, Code Supplement 1987, is
22 amended by striking the section and inserting in lieu
23 thereof the following:

24 252B.14 SUPPORT PAYMENTS -- CLERK OF COURT --
25 COLLECTION SERVICES CENTER.

26 All support payments required pursuant to orders

27 entered under chapter 234, 252A, 252C, 598, or 675, or
28 any other chapter shall be directed and processed as
29 follows:

30 1. In cases for which services are being provided
31 by the unit under this chapter, payment shall be
32 directed to the collection services center established
33 pursuant to section 252B.13. The department of human
34 services shall notify the clerk of the district court
35 if payment should be directed to the collection
36 services center and the clerk shall provide the
37 collection services center with a copy of the order.

38 2. In all other cases, payment shall be directed
39 to the clerk of the district court for the use of the
40 person for whom payments have been awarded.

41 Payments to persons other than the clerk of the
42 district court and the collection services center do
43 not satisfy the support obligations created by such
44 orders or judgments, except as provided for trusts and
45 social security income in section 252D.1, 598.22,
46 598.23, or for tax refunds or rebates in section
47 602.8102, subsection 47.

48 Sec. 3. Section 252B.16, Code 1987, is amended by
49 striking the section and inserting in lieu thereof the
50 following:

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1 252B.16 CONVERSION -- PROCESSING OF SUPPORT
2 PAYMENTS.

3 All support payments which are currently collected
4 and disbursed by the collection services center, other
5 than those subject to section 252B.14, subsection 1,
6 shall be transferred for further processing from the
7 collection services center to the appropriate clerk of
8 the district court on or before March 1, 1989.

9 Support payments subject to section 252B.14,
10 subsection 1, which are not currently collected and
11 disbursed by the collection services center shall be
12 transferred for further processing from each clerk of
13 the district court to the collection services center.
14 The following procedure shall be used to transfer
15 payments:

16 1. The judicial department and the department of
17 human services shall mutually agree to dates to
18 effectuate the transfer of cases. The department of
19 human services shall cause to be published in the
20 administrative bulletin a cumulative list of effective
21 dates by county, once agreed upon and determined,
22 which list shall be final and inclusive of all
23 counties on the next date of publication subsequent to

24 March 1, 1989.

25 2. In addition, for orders of support which must
26 be transferred pursuant to this section, the
27 department of human services shall notify the payee
28 and the obligor as provided in subsections 3 and 4
29 that the obligor will be directed to pay future
30 support payments to the clerk of the district court or
31 to the collection services center as of the date
32 provided in the notice. The notice under subsection 3
33 to the obligor is the equivalent of a court order
34 directing the payment of the sums to the clerk of the
35 district court or to the collection services center.

36 3. The notice of the change in the direction of
37 payments shall be sent by ordinary mail to the payee's
38 and the obligor's last known addresses or the persons
39 shall be personally served with the notice in the
40 manner provided for service of an original notice at
41 least fifteen days prior to the date provided in the
42 notice for the redirection of the payments. The
43 notice shall include all of the following:

- 44 a. The name of the payee and, if different in
45 whole or in part, the names of the persons to whom the
46 obligation of support is owed by the obligor.
47 b. The name of the obligor.
48 c. The amount of the periodic support payment, the
49 due dates of the payments, and any arrearages.
50 d. The beginning date for sending payments to the

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1 clerk of the district court or to the collection
2 services center.

3 4. In addition to the notice required in
4 subsection 3, the department shall provide notice to
5 the payee and the obligor at the time of abstracting.
6 The notice shall contain all information contained in
7 the abstract and shall be given at least ten working
8 days prior to any notice given pursuant to subsection
9 3 and shall be made in the same manner as allowed in
10 subsection 3. A person receiving such notice shall
11 have ten working days to file a written statement to
12 the effect that information contained in the abstract
13 is in whole or in part erroneous, and may request a
14 correction of that information. The department shall
15 provide the person with an opportunity for an
16 evidentiary hearing pursuant to chapter 17A to correct
17 the information, unless the department corrects the
18 information.

19 5. Sixty days prior to the mutually agreed
20 effective date in subsection 1, the collection

21 services center and the clerk of the district court
22 shall exchange information regarding all existing
23 orders of support which require a change in the
24 direction of the payments pursuant to this section.
25 The form and content of the transfer shall be jointly
26 prescribed by the judicial department and the
27 department of human services but at a minimum shall
28 include the information required for the notice in
29 subsection 3.

30 6. Any payments received after the case has been
31 transferred under this section, shall be sent to the
32 appropriate office within two working days of receipt
33 of payments.

34 Sec. 4. Section 252D.1, subsection 3, Code 1987,
35 is amended to read as follows:

36 3. If support payments ordered under section
37 234.39, section 252A.6, subsection 12, chapter 252C,
38 section 598.21, or section 675.25, or under a
39 comparable statute of a foreign jurisdiction, as
40 certified to the child support recovery unit
41 established in section 252B.2, are not paid to the
42 clerk of the district court or the collection services
43 center pursuant to section 598.22 and become
44 delinquent in an amount equal to the payment for one
45 month, upon application of a person entitled to
46 receive the support payments, the child support
47 recovery unit or the district court may enter an ex
48 parte order notifying the person whose income is to be
49 assigned, of the delinquent amount, of the amount of
50 income or wages to be withheld, and of the procedure

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1 to file a motion to quash the order of assignment, and
2 shall order an assignment of income and notify an
3 employer, trustee, or other payor by certified mail of
4 the order of the assignment of income requiring the
5 withholding of specified sums to be deducted from the
6 delinquent person's periodic earnings, trust income,
7 or other income sufficient to pay the support
8 obligation and, except for trusts governed by the
9 ~~federal Retirement Equity Act of 1984, Pub. L. No. 98-~~
10 ~~397 as provided in section 598.22~~, requiring the
11 payment of such sums to the clerk of the district
12 court or the collection services center. ~~For trusts~~
13 ~~governed by the federal Retirement Equity Act of 1984,~~
14 ~~Pub. L. No. 98-397, the assignment of income shall~~
15 ~~require the payment of such sums to the alternate~~
16 ~~payee~~. The assignment of income is binding on an
17 existing or future employer, trustee, or other payor

18 ten days after the receipt of the order by certified
19 mail. The amount of an assignment of income shall not
20 exceed the amount specified in 15 U.S.C. §1673(b).
21 The assignment of income has priority over a
22 garnishment or an assignment for a purpose other than
23 the support of the dependents in the court order being
24 enforced. The child support recovery unit or the
25 district court, upon the application of any party, by
26 ex parte order, may modify the assignment of income on
27 the full payment of the delinquency or in an instance
28 where the amount being withheld exceeds the amount
29 specified in 15 U.S.C. §1673(b), or may revoke the
30 assignment of income upon the termination of parental
31 rights, emancipation, death or majority of the child,
32 or upon a change of custody.

33 Sec. 5. Section 252D.6, Code 1987, is amended to
34 read as follows:

35 252D.6 ADMINISTRATION OF WAGE WITHHOLDING
36 PROCEDURES.

37 The collection services center; ~~established~~
38 ~~pursuant to section 252B.13~~, is and each clerk of the
39 district court are designated as the ~~public agency~~
40 ~~entities~~ of the state to administer wage withholding
41 in accordance with procedure specified for keeping
42 adequate records to document, track and monitor
43 support payments in accordance with Title IV-D of the
44 ~~United States~~ federal Social Security Act.

45 Sec. 6. Section 598.22, unnumbered paragraph 1,
46 Code 1987, is amended to read as follows:

47 This section applies to all initial or modified
48 orders for support entered under this chapter, chapter
49 234, 252A, 252C, 675, or any other chapter of the
50 Code. All orders or judgments ~~for support entered on~~

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1 ~~or before March 31, 1987, entered under chapter 234,~~
2 ~~252A, 252C, or 675, or under this chapter or any other~~
3 ~~chapter which provide for temporary or permanent~~
4 ~~support payments~~ shall direct the payment of those
5 sums to the clerk of the district court or the
6 collection services center in accordance with section
7 252B.14 for the use of the person for whom the
8 payments have been awarded. ~~All orders or judgments~~
9 ~~for support entered on or after April 1, 1987, shall~~
10 ~~direct the payment of those sums to the collection~~
11 ~~services center established pursuant to section~~
12 ~~252B.13~~. Payments to persons other than the clerk of
13 the district court and the collection services center

14 do not satisfy the support obligations created by the
 15 orders or judgments, except as provided for trusts in
 16 ~~section 252D-1, 598.23, or this section or governed by~~
 17 the federal Retirement Equity Act of 1984, Pub. L. No.
 18 98-397, for tax refunds or rebates in section
 19 602.8102, subsection 47, or for dependent benefits
 20 paid to the child support obligee as the result of
 21 benefits awarded to the child support obligor under
 22 the federal Social Security Act. For trusts governed
 23 by the federal Retirement Equity Act of 1984, Pub. L.
 24 No. 98-397, the assignment of income shall require the
 25 payment of such sums to the alternate payee in
 26 accordance with the federal Act.

27 Sec. 7. Section 598.22, unnumbered paragraph 3,
 28 Code 1987, is amended to read as follows:

29 An order or judgment entered by the court for
 30 temporary or permanent support or for an assignment
 31 shall be filed with the clerk. The orders have the
 32 same force and effect as judgments when entered in the
 33 judgment docket and lien index and are records open to
 34 the public. The clerk or the collection services
 35 center, as appropriate, shall disburse the payments
 36 received pursuant to the orders or judgments within
 37 ~~ten~~ two working days of the receipt of the payments.
 38 All moneys received or disbursed under this section
 39 shall be entered in a ~~record book~~ records kept by the
 40 clerk, or the collection services center, as
 41 appropriate, which shall be ~~open~~ available to the
 42 public. The clerk or the collection services center
 43 shall not enter any moneys paid in the record book if
 44 not paid directly to the clerk or the center, as
 45 appropriate, except as provided for trusts in section
 46 ~~252D-1, 598.23 or this section or and federal social~~
 47 security payments in this section, and for tax refunds
 48 or rebates in section 602.8102, subsection 47.

49 Sec. 8. Section 598.22, unnumbered paragraph 5,
 50 Code 1987, is amended to read as follows:

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1 Prompt payment of sums required to be paid under
 2 sections 598.11 and 598.21 ~~shall be~~ is the essence of
 3 such orders or judgments and the court may act
 4 pursuant to section 598.23 regardless of whether the
 5 amounts in default are paid prior to the contempt
 6 hearing.

7 Sec. 9. Section 598.23, subsection 2, paragraph a,
 8 Code 1987, is amended to read as follows:

9 a. Directs the defaulting party to assign trust
 10 income, or a sufficient amount in salary or wages due

11 or to become due in the future from an employer or
12 successor employers, to the clerk of the district
13 court where the order or judgment was granted or the
14 collection services center, except as otherwise
15 provided in section 598.22 for certain trust income,
16 social security payments, or tax refunds or rebates
17 for the purpose of paying the sums in default as well
18 as the payments to be made in the future. ~~However,~~
19 ~~for trusts governed by the federal Retirement Equity~~
20 ~~Act of 1984, Pub. L. No. 98-397, payments shall be~~
21 ~~made to the alternate payee in accordance with the~~
22 ~~federal Act.~~ If the assignment is of salary or wages
23 due, the amount assigned shall not exceed the amount
24 set forth in 15 U.S.C. §1673(b)(1982) and the
25 assignment order is binding upon the employer only for
26 those amounts that represent child support and only
27 upon receipt by the employer of a copy of the order,
28 signed by the employee. For each payment deducted in
29 compliance with the direction, the payor may deduct a
30 sum not exceeding two dollars as a reimbursement for
31 costs. Compliance by a payor with the court's order
32 shall operate as a discharge of the payor's liability
33 to the payee as to the affected portion of the payee's
34 wages or trust income. An employer who dismisses an
35 employee due to the entry of an assignment order
36 commits a simple misdemeanor.

37 Sec. 10.

38 1. Notwithstanding section 598.22 or any other
39 section which provides for temporary or permanent
40 support payments, parties who are under an order for
41 support which is unrelated to services under sections
42 252B.1 through 252B.12 may make payments to and
43 receive payments from the clerk of the district court
44 if all of the following apply:

- 45 a. The payor is not in arrears with a support
46 obligation which currently exists.
- 47 b. The parties agree to make and receive payments
48 through the clerk of the district court.
- 49 c. The agreement is approved by the court and
50 filed with the clerk of the district court and the

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1 department. The department shall prepare a form which
2 may be used by the parties to implement such an
3 agreement.

4 Payment through the clerk of the district court
5 shall continue so long as the payor remains in good
6 standing and the order remains unrelated to chapter
7 252B services.

8 2. The department shall actively seek to correct
9 the credit rating of a person whose credit rating has
10 been adversely affected due to incorrect information
11 in the collection services center. The corrective
12 action shall be taken by the department without
13 charge, at the request of a person who believes they
14 have been adversely affected. Action by the
15 department may include personal contact with the
16 credit reporting agency, insertion of written informa-
17 tion into the record, and further tracking of
18 incorrect credit information which was submitted to
19 other parties by the credit reporting agency.

20 3. The center shall submit a report to the fiscal
21 committee of the legislative council, the legislative
22 fiscal bureau, and the directors of the majority and
23 minority legislative caucus staffs of the senate and
24 house of representatives in each month following the
25 enactment of this Act. The report shall contain all
26 of the following information:

27 a. The progress made in verifying the data in the
28 converted counties.

29 b. The time required between the time a payment is
30 received and the time funds are distributed to a
31 recipient.

32 c. The number, nature, and frequency of complaints
33 regarding the operation of the center including an
34 analysis of the sources of the complaints.

35 4. As part of comprehensive legislative oversight,
36 the center, in consultation with the legislative
37 fiscal bureau, shall submit a report to the general
38 assembly on or before January 1, 1989, which evaluates
39 the operation of the center during the period
40 beginning May 1, 1988, and ending December 1, 1988.
41 The report shall include all of the following:

42 a. An assessment of the impact of the center upon
43 the payment of child support, including information
44 regarding the dollar amount collected by the child
45 support recovery unit and the dollar amount received
46 by recipients.

47 b. An assessment of the effect of the center upon
48 the percentage of payors who are making payments.

49 c. An assessment of the level of satisfaction with
50 the services of the center among payors and

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1 recipients.

2 d. An assessment of the cost-effectiveness of
3 processing child support payments through the center
4 in comparison with processing through the clerks of

5 the district court.
6 e. A proposed timetable for the full
7 implementation of collection services by the center in
8 all counties.
9 f. Other information relevant to the policy
10 analysis of child support issues as requested by the
11 legislative fiscal bureau.
12 Sec. 11. The judicial department, after consulting
13 with the department of human services, shall appoint
14 an advisory committee to advise the department of
15 human services and the judicial department regarding
16 modifications of the system for processing payments of
17 support and to review complaints concerning this
18 system. The committee shall be composed of five
19 voting members, including one member representing the
20 Iowa bar association, one member representing
21 financial institutions, one member representing the
22 title examiners, one member representing the payees,
23 and one member representing the obligors. The
24 judicial department and the department of human
25 services shall also appoint one member each as ex
26 officio nonvoting members representing the
27 departments. Members of the committee shall receive
28 forty dollars per diem and actual expenses for each
29 day in the performance of their duties as members of
30 the committee.
31 Sec. 12. Section 252B.13, Code Supplement 1987, as
32 amended by this Act, is repealed effective July 1,
33 1991.
34 Sec. 13. Notwithstanding the provisions of this
35 Act to the contrary, all duties of the department of
36 human services relating to the collection and
37 disbursement of support payments by the collection
38 services center shall be transferred from the
39 collection services center to the appropriate clerk of
40 the district court by July 1, 1991, if further action
41 is not taken by the general assembly."

RICHARD VARN
BERL E. PRIEBE
WALLY E. HORN
LINN FUHRMAN
LEE W. HOLT
JEAN LLOYD-JONES
CHARLES BRUNER

S-5948

1 Amend the amendment, S-5944, to the House
2 amendment, S-5890, to Senate File 2312, as amended,

3- passed, and reprinted by the Senate, as follows:
4 1. Page 1, by striking line 24 and inserting the
5 following:
6 "" \$ 100,000""
7 2. Page 5, by striking lines 20 and 21 and
8 inserting the following: "paragraph 2, Code
9 Supplement 1987, is amended to read as follows:
10 "The board shall adopt rules requiring an
11 additional twenty hours per biennium of continuing
12 education in the treatment and management of ocular
13 disease for all therapeutically certified
14 optometrists. ~~The department of ophthalmology of the~~
15 ~~school of medicine of the State University of Iowa~~
16 ~~shall be one of the providers of the continuing~~
17 ~~education."~~

RICHARD VARN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2447

S-5949

1 Amend the Senate amendment, H-6347, to House File
2 2447, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, line 31, by inserting after the word
5 "and" the following: "effective January 1, 1989,"
6 2. Page 2, by inserting after line 33 the
7 following:
8 "___ . Page 4, line 35, by striking the word
9 "facilities" and inserting the following:
10 "financing"."
11 3. Page 3, by inserting after line 13 the
12 following:
13 "___ . Page 7, by striking lines 19 through 22 and
14 inserting the following: "hundred dollars for a
15 family of two or more persons.""
16 4. Page 5, line 20, by inserting after the word
17 "health" the following: "and the department of elder
18 affairs".
19 5. Page 5, by inserting after line 50 the
20 following:
21 "___ . Page 13, line 29, by inserting after the
22 word "year." the following: "However, if the state
23 Title XIX plan amendments for candidate services under

24 section 19 of this Act are approved by the federal
25 government, the department may exceed the specified
26 number of full-time equivalent positions for those
27 full-time equivalent positions which are funded by
28 cost savings and additional funds received by the
29 state pursuant to section 19 of this Act.”

30 6. Page 6, by inserting after line 24 the
31 following:

32 “___ . Page 14, line 3, by striking the figure
33 “6,691,245” and inserting the following:
34 “6,841,245”.

35 7. Page 7, by striking lines 5 and 6 and insert-
36 ing the following:

37 “___ . Page 17, by striking lines 23 through 30
38 and inserting the following:

39 “Sec. ___ . It is the intent of the general
40 assembly that the legislative council establish an
41 advisory committee to develop a plan for the future
42 use of the juvenile institutions at Eldora and
43 Toledo.”

44 “___ . Page 18, line 25, by inserting after the
45 word “system” the following: “, including
46 representation of the juvenile court officers, the
47 courts, the department of human services, the
48 coalition for children and family services, and the
49 advisory committees for Toledo and for Eldora.”

50 8. By striking page 8, line 10 through page 11,

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1 line 16 and inserting the following:

2 “___ . By striking page 20, line 11 through page
3 22, line 4, and inserting the following:

4 “Sec. ___ . ENHANCED MENTAL HEALTH -- MENTAL
5 RETARDATION -- DEVELOPMENTAL DISABILITIES SERVICES.

6 There is appropriated from the general fund of the
7 state for the fiscal year beginning July 1, 1988, and
8 ending June 30, 1989, to the state candidate services
9 fund established in this section, the following
10 amount, or so much thereof as is necessary:

11 \$ 1,300,000

12 1. An enhanced mental health, mental retardation,
13 and developmental disabilities services plan oversight
14 committee is created to assure the services plan is
15 implemented within identified, budgeted, and
16 appropriated funds. For purposes of this section
17 “oversight committee” means the enhanced mental
18 health, mental retardation, and developmental dis-
19 abilities services plan oversight committee.

20 The oversight committee shall have nine members.

21 Two members shall be designated by the fiscal
22 committee of the legislative council and subject to
23 approval by the governor. The commissioner of human
24 services and the director of the division of mental
25 health, mental retardation, and developmental
26 disabilities or their designees shall be members.
27 Three members shall be designated by the Iowa state
28 association of counties. One member shall be
29 designated by the state mental health and mental
30 retardation commission. One member shall be
31 designated by the governor's planning council on
32 developmental disabilities.
33 The oversight committee shall do all of the
34 following:
35 a. Take action on whether to include behavior
36 management as a candidate service in the state Title
37 XIX plan amendment, to develop a federal waiver
38 request for behavior management as a candidate
39 service, or to take no action to include behavior
40 management as a covered service. Decisions shall be
41 based upon a determination of the availability of
42 funds for the nonfederal share of the cost of the
43 service.
44 b. Explore and make recommendations regarding the
45 submission of a Title XIX plan waiver for any
46 candidate services which are not accepted by the
47 federal government as a state plan amendment.
48 c. Review and make recommendations regarding the
49 county case management implementation plan and budget
50 to the state mental health and mental retardation

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1 commission.
2 d. Track the expenditures for, and utilization of,
3 candidate services. Report a variance in an approved
4 plan to the governor, the legislative fiscal bureau,
5 and each county.
6 e. Recommend action regarding variations from the
7 budgeted, appropriated, and identified expenditures
8 and projected expenditure offsets to the council on
9 human services and the state mental health and mental
10 retardation commission.
11 f. Submit a report regarding the results of the
12 implementation of the provisions of this section,
13 including the impact upon the institutional
14 populations, to the governor and the general assembly.
15 The report shall contain recommendations regarding
16 continuing the provisions of this section in
17 subsequent budget years.

18 g. Recommend rules, or amendments to existing
19 rules, which implement the provisions of this section,
20 to the council on human services and the state mental
21 health and mental retardation commission.

22 h. Develop a methodology to determine the base
23 year expenditure for a county maintenance of effort
24 which includes an amount for each of the candidate
25 services described in this section.

26 i. Issue a final decision regarding any issue of
27 disagreement between a county and the department
28 relating to expenditures for candidate services or the
29 county's maintenance of effort.

30 2. For purposes of this section, "candidate
31 services" means rehabilitation services, day
32 treatment, partial hospitalization, and case
33 management. Case management shall be limited to
34 persons with mental retardation, a developmental
35 disability, or chronic mental illness. A state
36 candidate services fund is created in the office of
37 the treasurer of state for the purposes of this
38 section.

39 Effective October 1, 1988, the department shall add
40 candidate services to the state Title XIX plan.
41 Behavior management services shall be included in the
42 plan as a candidate service if recommended by the
43 oversight committee.

44 If recommended by the oversight committee, the
45 department shall seek Title XIX plan waivers for any
46 of the candidate services which are not accepted by
47 the federal government as a state plan amendment.

48 3. The county of legal settlement shall be billed
49 for fifty percent of the nonfederal share of the cost
50 of candidate services provided under the medical

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1 assistance program for persons with mental
2 retardation, a developmental disability or chronic
3 mental illness.

4 4. By using the general allocation application for
5 the state community mental health and mental
6 retardation services fund under section 225C.10, the
7 department, in conjunction with the oversight
8 committee, and with the agreement of each county,
9 shall establish the actual amount expended by each
10 county for persons with mental retardation, a
11 developmental disability, or chronic mental illness in
12 the fiscal year which ended on June 30, 1987, and this
13 amount shall be deemed each county's maintenance of
14 effort. A disagreement between the department and a

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15 county as to the actual amount spent in a category
 16 shall be decided by the oversight committee. A county
 17 is responsible to continue to pay at least the agreed
 18 upon amount in fiscal year 1988-1989 for services to
 19 persons with mental retardation, a developmental
 20 disability, or chronic mental illness. If a county
 21 does not spend the agreed upon amount in a fiscal
 22 year, the balance not spent shall not revert to the
 23 general fund of the county, but shall be carried over
 24 to the next fiscal year to be expended for the
 25 provision of services to persons with mental
 26 retardation, a developmental disability, or mental
 27 illness including, but not limited to, the chronically
 28 mentally ill, and shall be used as additional funds.
 29 The additional funds shall be used, to the greatest
 30 extent possible, to meet unmet needs of persons with
 31 mental retardation, a developmental disability, or
 32 mental illness. This subsection does not relieve the
 33 county from any other funding obligations required by
 34 law, including but not limited to the obligations in
 35 section 222.60.

36 5. a. Notwithstanding section 8.33, funds
 37 appropriated under this section which are not
 38 obligated or expended, shall not revert to the general
 39 fund on June 30, 1989, but shall be deposited in the
 40 state community mental health and mental retardation
 41 services fund for use in the next fiscal year. It is
 42 the intent of the general assembly that the funds
 43 deposited in the fund for this purpose shall be used
 44 in addition to moneys appropriated in the next fiscal
 45 year for this purpose.

46 b. Notwithstanding section 8.39, funds
 47 appropriated to the department for the state hospital-
 48 schools by section 15 of this Act and to the state
 49 mental health institutes by section 16 of this Act
 50 shall not be subject to transfer, except to the state

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1 candidate services fund after January 1, 1989,
 2 subsequent to a reevaluation of the institutional
 3 budgets for the remainder of the fiscal year.

4 6. The department, in conjunction with the
 5 oversight committee, and with the agreement of each
 6 county, shall establish the actual amount expended for
 7 each candidate service for persons with mental
 8 retardation, a developmental disability, or chronic
 9 mental illness in the fiscal year which ended June 30,
 10 1987, and this amount shall be deemed each county's
 11 base year expenditure for the candidate service. A

12 disagreement between the department and a county as to
13 the actual amount spent shall be decided by the
14 oversight committee.

15 The department, in conjunction with the oversight
16 committee, and with the agreement of each county,
17 shall determine the expenditures in the 1988-1989
18 fiscal year by each county for the candidate services,
19 including the amount the county contributes under
20 subsection 3. If the expenditures in the 1988-1989
21 fiscal year exceed the base year expenditures for
22 candidate services, then the county shall receive from
23 the funds under this appropriation the least amount of
24 the following:

25 a. The difference between the total expenditures
26 for the candidate services in fiscal year 1988-1989
27 and the base year expenditures.

28 b. The amount expended by the county under
29 subsection 3.

30 c. The amount by which the fiscal year 1988-1989
31 total expenditures under subsection 4 exceed the
32 maintenance of effort expenditures.

33 7. Case management shall be provided by the
34 department except when a county or a consortium of
35 counties contracts to be the provider. The criteria
36 for the case management services shall include, but
37 are not limited to, the appropriateness, availability,
38 and accessibility of the services and financial
39 resources. A county or counties may contract to be
40 the provider at any time within ninety days of the
41 final publication of the standards for case management
42 in the Iowa administrative bulletin. The county or
43 consortium of counties may subcontract for the
44 provision of case management services so long as the
45 subcontract meets the same criteria. The department
46 shall agree to the contract so long as the contract
47 meets the standards for case management established by
48 the department and the criteria for case management as
49 stated in the state Title XIX plan and rules.

50 8. This section does not relieve the county from

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1 any other funding obligations required by law,
2 including but not limited to the obligations in
3 section 222.60.

4 9. Nothing in this Act is intended by the general
5 assembly to be the provision of a fair and equitable
6 funding formula specified in 1985 Iowa Acts, chapter
7 249, section 9. Nothing in this Act shall be
8 construed, is intended, or shall imply a claim of

9 entitlement to any programs or services specified in
10 section 225C.28.

11 10. For the purposes of this section only, persons
12 with organic mental disorders shall not be considered
13 chronically mentally ill.

14 11. As a limitation of this appropriation, the
15 funds shall be expended for not more than three full-
16 time equivalent positions in general administration at
17 a cost of not more than seventy thousand (70,000)
18 dollars to administer the analysis of funding amounts
19 and related issues required under this section. The
20 positions are in addition to the positions authorized
21 under the appropriation for general administration in
22 this Act.

23 12. The legislative council is requested to
24 appoint a committee staffed by the legislative fiscal
25 bureau to conduct a study and develop recommendations
26 regarding a fair and equitable funding formula for
27 services provided to persons described in section
28 225C.26. The committee shall study an equitable split
29 in funding between state and counties, providing
30 equitable services between population groups, and
31 providing adequate reimbursement for providers to
32 assure services are provided. The committee shall
33 submit a report of the study on or before December 1,
34 1988.””

35 9. By striking page 11, line 22 through page 13,
36 line 2, and inserting the following:

37 “Sec. ____ . BLOCK GRANT SUPPLEMENTATION. There is
38 appropriated from the general fund of the state for
39 the fiscal year beginning July 1, 1988, and ending
40 June 30, 1989, to the department of human services for
41 supplementation of federal social services block grant
42 funds and for allocation to the various counties for
43 the purchase of local services, the following amount,
44 or so much thereof as is necessary, on the condition
45 that the across-the-board cuts currently in effect are
46 eliminated, followed by a three-percent increase in
47 the reimbursement rate paid to service providers
48 funded under this appropriation, as specified in
49 section 39 of this Act:
50 \$ 3,064,000

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1 The funds appropriated in this section shall be
2 allocated to the counties pursuant to the rules of the
3 department in effect on January 1, 1985. The
4 department shall increase the income guidelines for
5 income eligible persons receiving services funded with

6 federal social services block grant funds for the
 7 fiscal year beginning July 1, 1988, by the same
 8 percentage and at the same time as federal social
 9 security benefits are increased due to a recognized
 10 increase in the cost of living. A county shall
 11 allocate funds for child day care services in an
 12 amount at least equal to the amount expended by the
 13 county for government-assisted child day care services
 14 in the fiscal year ending June 30, 1988.

15 Sec. ____ . STATE CHILD DAY CARE ASSISTANCE. There
 16 is appropriated from the general fund of the state for
 17 the fiscal year beginning July 1, 1988, and ending
 18 June 30, 1989, to the department of human services the
 19 following amount, or so much thereof as is necessary,
 20 to be used for supplemental payments of child care
 21 costs:

22 \$ 3,500,000

23 1. The funds appropriated in this section shall be
 24 allocated to counties based upon the number of
 25 children living in a county whose family income is
 26 equivalent to or below one hundred twenty-five percent
 27 of the current federal office of management and budget
 28 poverty guidelines as estimated by the department.
 29 The department shall not require counties to match the
 30 state child day care services funds with local funds
 31 but shall require a maintenance of effort. The
 32 counties shall allocate local funds for child day care
 33 services in an amount at least equal to the county
 34 expenditures for child day care services in the fiscal
 35 year ending June 30, 1983 and expend at least the same
 36 amount of block grant supplemental funds for child day
 37 care services as expended for the purpose in the
 38 fiscal year ending June 30, 1988. If a county elects
 39 not to use the state child day care services funds, an
 40 amount equal to the county expenditure for its
 41 maintenance of effort and an amount equal to the
 42 county expenditure under the provision to use up to
 43 four percent of the federal social services block
 44 grant fund and supplemental state purchase of local
 45 services funds in the fiscal year ending June 30,
 46 1983, shall be deducted from the amount allocated to
 47 the county for the purchase of local services under
 48 this Act. The state day care services funds and the
 49 amount deducted from the local services funds for a
 50 county shall be administered by the district

1 administrator for child day care services in the
 2 county. The department shall transfer the state child

3 day care services funds which a county does not
4 utilize to a county where there is a demonstrated
5 need.

6 2. The department shall establish the income
7 eligibility level for recipients of child day care
8 services at the equivalent of one hundred twenty-five
9 percent of the federal office of management and budget
10 poverty guidelines for families of all sizes.

11 However, a local office which is allocated funds under
12 this section may manage the funds to assure that child
13 care services are purchased in a system of slots which
14 last for a period of twelve months. The local office
15 shall maintain a list of persons who were eligible,
16 but did not receive the child care services due to a
17 lack of funds.

18 3. Any funds allocated for the local purchase of
19 child care services shall be available for purchase of
20 services in any type of child care facility approved
21 under 441 I.A.C § 170.

22 4. If the department determines that funds under
23 this section for child day care services will not be
24 fully expended, the department may increase the income
25 guidelines in order to provide for the expenditure of
26 all funds under this section for child day care
27 services.

28 The recipient of child day care services shall
29 contribute to the cost of the child care in accordance
30 with the sliding fee schedule currently utilized by
31 the department for child care services.

32 5. As a condition, qualification, and limitation
33 of this appropriation, the funds appropriated under
34 this section shall be expended for not more than six
35 full-time equivalent positions in the field at a cost
36 of not more than one hundred seventy-five thousand
37 (175,000) dollars, and for salary and support for not
38 more than one full-time equivalent position in general
39 administration at a cost of not more than twenty-three
40 thousand (23,000) dollars. The positions are in
41 addition to the positions authorized under the
42 appropriations for community services and general
43 administration in this Act.

44 6. It is the intent of the general assembly for
45 the fiscal year ending June 30, 1990, that allocations
46 to counties under the appropriation for federal social
47 services block grant supplementation for child day
48 care services and the allocation for this purpose
49 under state child day care assistance will be
50 combined. The allocation to a county for child day

Page 9

1 care services will be based upon the expenditures by
2 the county for this purpose in the fiscal year ending
3 June 30, 1989."

4 10. Page 13, by inserting after line 2 the
5 following:

6 "7. Nothing in this section shall be construed or
7 is intended as, or shall imply a grant of entitlement
8 for services to persons described in subsection 2 of
9 this section. Any state obligation to provide
10 services pursuant to this section is limited to the
11 extent of the funds appropriated under this section."

12 11. Page 13, by inserting after line 27 the
13 following:

14 "___ . Page 24, line 25, by inserting after the
15 word "funded," the following: "that four hundred
16 fifty-five thousand (455,000) dollars of the following
17 amount is used for child care assistance pursuant to
18 section 237A.13,"

19 ___ . Page 24, line 30, by striking the figure
20 "4,227,014" and inserting the following:
21 "4,682,014"."

22 ___ . Page 25, line 10, by striking the figure
23 "313,686" and inserting the following: "350,686"."

24 12. Page 16, by inserting after line 15 the
25 following:

26 "Sec. ___ . Sections 135.84 and 142B.1, Code
27 Supplement 1987, are repealed."

28 13. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

S-5950

1 Amend the Committee on Ways and Means amendment, S-
2 5857, to House File 683, as amended, passed, and
3 reprinted by the House, as follows:

4 1. Page 2, by inserting after line 10 the fol-
5 lowing:

6 "Sec. ___ . Section 556.18, subsection 3, Code
7 1987, is amended to read as follows:

8 3. After July 1, ~~1983~~ 1988, the treasurer of state
9 shall credit all funds received under section 556.4;
10 ~~after a proportional amount has been deducted for the~~
11 ~~trust fund under subsection 1 and any costs have been~~
12 ~~deducted under subsection 2;~~ to the energy research
13 ~~and development~~ crisis fund created under section
14 ~~99.14~~ 601K.102."

15 2. Page 2, line 39, by inserting after the word

16 "for" the following: "other".
 17 3. Page 2, line 40, by striking the word "other".
 18 4. Page 2, by striking lines 47 and 48 and
 19 inserting the following: "residences."
 20 5. Page 3, lines 25 and 26, by striking the words
 21 and figure "sections 556.4 and" and inserting the
 22 following: "section".
 23 6. Page 5, line 4, by striking the words "an
 24 investor-owned utility" and inserting the following:
 25 "the investor-owned utility industry".
 26 7. Page 5, by striking lines 21 and 22 and
 27 inserting the following: "but shall be reimbursed for
 28 actual expenses."
 29 8. Page 5, by striking lines 33 through 38 and
 30 inserting the following:
 31 "___ . Title page, by striking lines 1 through 11
 32 and inserting the following: "An Act relating to
 33 energy assistance to low income households by
 34 establishing a customer contribution fund, an
 35 emergency weatherization fund, an energy crisis fund
 36 and an affordable heating payment program pilot
 37 project, making civil penalties applicable, and
 38 providing an appropriation.""

MICHAEL E. GRONSTAL

S-5951

1 Amend the amendment, S-5944, to the House
 2 amendment, S-5890, to Senate File 2312 as amended,
 3 passed and reprinted by the Senate as follows:
 4 1. Page 5, by striking line 46 through page 6,
 5 line 7 and inserting the following:
 6 "___ . Page 18, by striking lines 25 through 41." *

CALVIN O. HULTMAN

S-5952

1 Amend the amendment, S-5944, to the House amendment
 2 S-5890, to Senate File 2312, as amended, passed, and
 3 reprinted by the Senate, as follows:
 4 1. Page 5, by inserting after line 27 the
 5 following:
 6 "___ . Page 17, by inserting after line 21 the
 7 following:
 8 "___ . The tuition being charged at the state

9 universities, including a determination of how student
10 tuition should be calculated, what share of the cost
11 of education should be borne by students, and what
12 share of the cost should be borne by the state.””

DAVID M. READINGER

S-5953

1 Amend the House amendment, S-5936, to Senate File
2 2323, as amended, passed, and reprinted by the Senate
3 as follows:

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

6 “___ . Page 1, by striking lines 9 and 10 and
7 inserting the following: “federal fiscal year under
8 42 U.S.C. § 300w et seq., which provides for the”.

9 ___ . Page 2, by striking line 25 and inserting
10 the following: “under 42 U.S.C. § 701-709,”.

11 ___ . Page 4, by striking lines 19 and 20 and
12 inserting the following: “government for the
13 designated federal fiscal year under 42 U.S.C. § 300w
14 et seq., which provides for the”.

15 ___ . By striking page 4, line 35 through page 5,
16 line 1 and inserting the following: “the specific
17 amount of funds required under 42 U.S.C. § 300w et
18 seq., shall be allocated to the rape”.

19 ___ . Page 5, by striking lines 7 and 8 and
20 inserting the following: “Iowa department of public
21 health as authorized under 42 U.S.C. § 701-709, and
22 section 2 of”.”

23 2. Page 1, by striking lines 3 through 12, and
24 inserting the following:

25 “___ . Page 5, line 14, by inserting after the
26 word “services,” the following: “monitoring of the
27 fluoridation program,”.

28 “___ . Page 5, line 17, by inserting after the
29 word “costs,” the following: “Of the funds used by
30 the department under this subsection, an amount not
31 exceeding forty thousand (40,000) dollars shall be
32 used for the monitoring of the fluoridation program.””

33 3. Page 1, by inserting after line 12 the
34 following:

35 “___ . Page 7, by striking lines 5 and 6 and
36 inserting the following: “federal fiscal year under
37 42 U.S.C. § 9901-9912, which provides for the
38 community services block”.”

39 4. Page 1, by inserting after line 21 the
40 following:

41 “ ____ . Page 8, by striking lines 9 and 10 and
 42 inserting the following: “federal fiscal year under
 43 42 U.S.C. § 5301-5320, which provides for the
 44 community development block”.
 45 5. Page 1, by inserting after line 26 the
 46 following:
 47 “ ____ . Page 9, by striking lines 12 and 13 and
 48 inserting the following: “received from 42 U.S.C. §
 49 3811 et seq., not to exceed five million six hundred
 50 thirty-seven”.

Page 2

1 ____ . Page 9, by striking line 31 and inserting
 2 the following: “in 42 U.S.C. § 3800. The amount”.
 3 6. Page 1, by inserting after line 28 the
 4 following:
 5 “ ____ . Page 11, line 10, by inserting after the
 6 word “with” the following: “the federal Omnibus
 7 Budget Reconciliation Act of 1981.”
 8 7. Page 1, by inserting after line 30 the
 9 following:
 10 “ ____ . Page 12, by striking lines 1 and 2 and
 11 inserting the following: “designated federal fiscal
 12 year under 42 U.S.C. § 1397.”.

AL STURGEON

S-5954

1 Amend amendment S-5947 to House File 2452,
 2 as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 8, by inserting after line 30, the
 5 following:
 6 “Sec. ____ . Any personnel in the state merit
 7 system of employment whose position is eliminated
 8 due to the deletion of positions in this Act shall
 9 be placed on the outplacement list.”

CHARLES BRUNER

S-5955

1 Amend House File 2448, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:

5 "Section 1. Section 422.43, subsection 11, Code
6 Supplement 1987, is amended to read as follows:
7 11. The following enumerated services are subject
8 to the tax imposed on gross taxable services:
9 Alteration and garment repair; ~~armored car; automobile~~
10 repair, maintenance, and cleaning of vehicles;
11 ~~battery; tire and allied tire repair; investment~~
12 ~~counseling;~~ service charges of all financial
13 institutions; barber and beauty; boat repair; ~~ear~~
14 vehicle wash and wax; carpentry; roof, shingle, and
15 glass repair; dance schools and dance studios,
16 including instruction in aerobics and exercise
17 classes; dating and escort service; dry cleaning,
18 pressing, dyeing, and laundering; electrical and
19 electronic repair and installation; rental of tangible
20 personal property, except mobile homes which are
21 tangible personal property; rental of space or
22 facilities, in a warehouse or elsewhere, to an
23 individual for storage other than storage related to
24 the individual's business, trade, or profession;
25 excavating and grading; farm implement repair of all
26 kinds; ~~flying service;~~ furniture, rug, carpet and
27 upholstery repair and cleaning; fur storage and
28 repair; golf and country clubs and all club dues and
29 special assessments; participation fees and charges
30 for commercial recreation; house and building moving;
31 instruction, provided by a for-profit business, in any
32 physical, mental, or leisure recreation; household
33 appliance, television, and radio repair; jewelry and
34 watch repair; ~~locksmith; kennel fees, including but~~
35 ~~not limited to boarding, breeding, training, and~~
36 ~~tattooing;~~ machine operator; machine repair of all
37 kinds; motor repair; motorcycle, scooter, and bicycle
38 repair; oilers and lubricators; office and business
39 machine repair; painting;; papering; and interior
40 decorating; parking facilities; pipe fitting and
41 plumbing; wood preparation; licensed executive search
42 agencies; private employment agencies, excluding
43 services for placing a person in employment where the
44 principal place of employment of that person is to be
45 located outside of the state; sewing and stitching;
46 shoe repair and shoeshine; snow removal; storage
47 warehousing, commercial or otherwise, of raw
48 agricultural products; telephone answering service,
49 including service charge for mobile phones; test
50 laboratories, except tests on humans; termite, bug,

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1 roach, and pest eradicators; ~~tin and sheet metal~~
2 ~~repair~~; turkish baths, massage, and reducing salons,
3 ~~and all weight reduction program fees; weighing;~~
4 welding; well drilling; wrapping, packing, and
5 packaging of merchandise other than processed meat,
6 fish, fowl and vegetables; wrecking service; wrecker
7 and towing; cable ~~and pay~~ television; campgrounds;
8 ~~carpet and upholstery cleaning~~; gun and camera repair;
9 janitorial and building maintenance or cleaning; lawn
10 care, landscaping and tree trimming and removal; pet
11 grooming; reflexology; security and detective
12 services; tanning beds or salons; and water
13 conditioning and softening.

14 For purposes of this subsection, gross taxable
15 services from rental of tangible personal property
16 includes rents, royalties, and copyright and license
17 fees. For purposes of this subsection, "financial
18 institutions" means all national banks, federally
19 chartered savings and loan associations, federally
20 chartered savings banks, federally chartered credit
21 unions, banks organized under chapter 524, savings and
22 loan associations and savings banks organized under
23 chapter 534, and credit unions organized under chapter
24 533.

25 Sec. 2. Section 422.45, subsections 12 and 26,
26 Code Supplement 1987, are amended to read as follows:
27 12. Gross receipts from the sale of all foods for
28 human consumption which are eligible for purchase with
29 food coupons issued by the United States department of
30 agriculture pursuant to regulations in effect on July
31 1, 1974, regardless of whether the retailer from which
32 the foods are purchased is participating in the food
33 stamp program. However, as used in this subsection,
34 "foods" does not include candy, candy-coated items,
35 and other candy products; beverages, excluding tea and
36 coffee, and all mixes and ingredients used to produce
37 such beverages, which do not contain a primary dairy
38 product or dairy ingredient base or which contain less
39 than fifteen percent natural fruit or vegetable juice;
40 ice cubes; foods prepared on or off the premises of
41 the retailer which are consumed on the premises of the
42 retailer; foods sold by caterers and hot or cold foods
43 prepared for immediate consumption off the premises of
44 the retailer. "Foods prepared for immediate
45 consumption" include any food product upon which an
46 act of preparation, including but not limited to,
47 cooking, mixing, sandwich making, blending, heating or
48 pouring, has been performed by the retailer so the

49 food product may be immediately consumed by the
50 purchaser.

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1 26. The gross receipts from the sale or rental; ~~on~~
2 ~~or after July 1, 1987,~~ of farm machinery and
3 equipment, including replacement parts ~~which are~~
4 ~~depreciable for state and federal income tax purposes,~~
5 if the following conditions are met:

6 a. The farm machinery and equipment shall be
7 directly and primarily used in production of
8 agricultural products.

9 b. The farm machinery and equipment shall
10 constitute self-propelled implements or implements
11 customarily drawn or attached to self-propelled
12 implements or the farm machinery or equipment is a
13 grain dryer.

14 c. The replacement part is essential to any repair
15 or reconstruction necessary to the farm machinery's or
16 equipment's exempt use in the production of
17 agricultural products.

18 Vehicles subject to registration, as defined in
19 section 423.1, or replacement parts for such vehicles,
20 shall not be eligible for this exemption.

21 Sec. 3. Section 422.45, subsection 22, Code
22 Supplement 1987, is amended by adding the following
23 new paragraph:

24 NEW PARAGRAPH. e. Community health centers as
25 defined in 42 U.S.C.A. § 254c and migrant health
26 centers as defined in 42 U.S.C.A. § 254b.

27 Sec. 4. Section 422.45, Code Supplement 1987, is
28 amended by adding the following new subsections:

29 NEW SUBSECTION. 36. Gross receipts from the sale
30 of tangible personal property to a nonprofit
31 organization which was organized for the purpose of
32 lending the tangible personal property to the general
33 public for use by them for nonprofit purposes.

34 NEW SUBSECTION. 37. The gross receipts from the
35 sale or rental of farm machinery or equipment,
36 including replacement parts, and gross receipts from
37 services rendered, furnished, or performed in
38 repairing or reconstructing an implement if all of the
39 following conditions are met:

40 a. The implement, machinery or equipment is
41 directly and primarily used in livestock, poultry, or
42 dairy production.

43 b. The implement is not a self-propelled implement
44 or implement customarily drawn or attached to self-
45 propelled implements.

46 c. The replacement part is essential to any repair
47 or reconstruction necessary to the farm machinery's or
48 equipment's exempt use in livestock, poultry, or dairy
49 production.
50 NEW SUBSECTION. 38. The gross receipts from the

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1 sale or rental of tangible personal property or from
2 services performed, rendered, or furnished to
3 nonprofit legal aid organizations.
4 Sec. 5. Section 422.47C, subsection 1, Code
5 Supplement 1987, is amended to read as follows:
6 1. Sales, services, and use taxes paid on repairs
7 to or reconstruction of implements or on the purchase
8 or rental of farm machinery or equipment, including
9 replacement parts which are depreciable for state and
10 federal income tax purposes, shall be refunded to the
11 owner, purchaser, or renter provided all of the
12 following conditions are met:
13 a. The repairs, reconstruction, purchase, or
14 rental was made on or after between July 1, 1987, and
15 June 30, 1988.
16 b. The tax was paid to the retailer or timely paid
17 to the department by the user if section 423.14 is
18 applicable.
19 c. The claim is filed on forms provided by the
20 department and is filed between July 1, 1988, and
21 September 1, ~~for the previous calendar year 1988~~.
22 d. The implements, machinery or equipment is
23 directly and primarily used in livestock, poultry, or
24 dairy production.
25 e. The implement is not a self-propelled implement
26 or an implement customarily drawn or attached to a
27 self-propelled implement, and the machinery or
28 equipment is not a grain dryer, subject to an
29 exemption under section 422.45.
30 Sec. 6. The department of revenue and finance, in
31 conjunction with the legislative fiscal bureau and the
32 department of economic development, shall prepare a
33 report for the general assembly and governor on the
34 net impact of the current state sales, services, and
35 use tax policy on the gross receipts from repairs and
36 replacement parts for vehicles, defined in section
37 321.1, subsections 4, 6, 8, 9, and 10, which are used
38 substantially in interstate commerce. The reports
39 shall include, but not be limited to, the following:
40 1. Review of other states' policies and actions.
41 2. Impact on businesses located in Iowa and of
42 attracting interstate businesses to Iowa.

43 3. Impact on businesses doing business outside of
 44 Iowa.
 45 4. Fairness of taxing businesses that get repairs
 46 and replacement parts from a retailer in relation to
 47 the businesses that provide the repairs and parts
 48 within their company structure and including a review
 49 of the current practice of major firms.
 50 The report shall be completed and provided to the

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1 general assembly and governor by January 15, 1989.
 2 Sec. 7. Section 3 of this Act is retroactive to
 3 January 1, 1981.”
 4 2. Title page, by striking lines 1 through 9 and
 5 inserting the following: “An Act relating to the
 6 sales, services, and use tax on the gross receipts
 7 from the sale of tangible personal property or
 8 services rendered and providing exemptions from the
 9 tax for sales or services to nonprofit organizations
 10 which are organized for the purpose of lending
 11 personal property to the general public for use for
 12 nonprofit purposes, to community and migrant health
 13 centers, legal aid corporations and certain farm
 14 machinery, equipment and implements; requiring a
 15 report on the net impact of the current sales,
 16 services, and use tax policy on providing repairs to
 17 or the sale of replacement parts for certain vehicles
 18 used substantially in interstate commerce; and
 19 providing a retroactive effective date.”

COMMITTEE ON WAYS AND MEANS
 CHARLES BRUNER, Chairperson

HOUSE AMENDMENT TO
 SENATE FILE 2321

S-5956

1 Amend Senate File 2321 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting after line 27 the
 4 following:
 5 “f. Range 5A \$54,300 \$68,300”.
 6 2. Page 3, lines 30 and 31, by striking the words
 7 “appellate defender.”.
 8 3. Page 4, lines 7 through 9, by striking the
 9 words “superintendent of the division of savings and

- 10 loan associations of the department of commerce,”
- 11 4. Page 4, lines 14 and 15, by striking the words
- 12 “administrator of the division for the blind of the
- 13 department of human rights,”
- 14 5. Page 4, line 15, by inserting after the word
- 15 “rights,” the following: “appellate defender,”
- 16 6. Page 4, line 18, by inserting after the word
- 17 “commerce,” the following: “superintendent of the
- 18 division of savings and loan associations of the
- 19 department of commerce,”
- 20 7. Page 4, lines 22 and 23, by striking the words
- 21 “lottery commissioner,”
- 22 8. Page 4, lines 24 and 25 by striking the words
- 23 “director of the Iowa finance authority,”
- 24 9. Page 4, by striking lines 27 and 28 and
- 25 inserting the following: “department of cultural
- 26 affairs, and administrator of the racing and gaming
- 27 division of the department of inspections and
- 28 appeals.”
- 29 10. Page 4, by inserting after line 28 the
- 30 following:
- 31 “___ . The following is a range 5A position:
- 32 lottery commissioner.”
- 33 11. Page 5, line 7, by inserting after the word
- 34 “academy,” the following: “director of the department
- 35 for the blind,”
- 36 12. Page 5, line 16, by inserting after the word
- 37 “commerce,” the following: “executive director of the
- 38 Iowa finance authority,”
- 39 13. Page 5, by striking lines 17 through 19 and
- 40 inserting the following: “department of inspections
- 41 and appeals.”
- 42 14. Page 5, lines 22 through 24, by striking the
- 43 words “director of the department of economic
- 44 development, executive secretary of the state board of
- 45 regents,”
- 46 15. Page 5, line 28, by inserting after the word
- 47 “services,” the following: “director of the
- 48 department of economic development, executive
- 49 secretary of the state board of regents,”
- 50 16. Page 10, by inserting after line 15 the

Page 2

- 1 following:
- 2 “Sec. ____ . Section 2.10, subsections 1, 2, 6, and
- 3 7, Code Supplement 1987, are amended to read as
- 4 follows:
- 5 1. Every member of the general assembly except the
- 6 speaker of the house and majority and minority floor

7 leaders of the senate and house shall receive an
8 annual salary of sixteen thousand six hundred dollars
9 for the year 1989 and subsequent years while serving
10 as a member of the general assembly. The majority and
11 minority floor leaders of the senate and house, except
12 the senate majority leader, shall receive an annual
13 salary of twenty-two thousand nine hundred dollars for
14 the year 1989 and subsequent years while serving in
15 such capacity. In addition, each such member shall
16 receive the sum of ~~forty~~ fifty dollars per day for
17 expenses of office, except travel, for each day the
18 general assembly is in session commencing with the
19 first day of a legislative session and ending with the
20 day of final adjournment of each legislative session
21 as indicated by the journals of the house and senate,
22 except that in the event the length of the first
23 regular session of the general assembly exceeds one
24 hundred ten calendar days and the second regular
25 session exceeds one hundred calendar days, such
26 payments shall be made only for one hundred ten
27 calendar days for the first session and one hundred
28 calendar days for the second session. However,
29 members from Polk county shall receive ~~twenty-five~~
30 thirty-five dollars per day. Travel expenses shall be
31 paid at the rate established by section 18.117 for
32 actual travel in going to and returning from the seat
33 of government by the nearest traveled route for not
34 more than one time per week during a legislative
35 session. However, any increase from time to time in
36 the mileage rate established by section 18.117 shall
37 not become effective for members of the general
38 assembly until the convening of the next general
39 assembly following the session in which the increase
40 is adopted; and this provision shall prevail over any
41 inconsistent provision of any present or future
42 statute.

43 2. The lieutenant governor shall receive an annual
44 salary of twenty-three thousand nine hundred dollars.
45 Personal expense and travel allowances shall be the
46 same for the lieutenant governor as for a senator.
47 The lieutenant governor while performing
48 administrative duties of the office of lieutenant
49 governor when the general assembly is not in session
50 or serving as the president of the senate during

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1 special sessions of the general assembly shall receive
2 ~~sixty~~ seventy dollars per diem and reimbursement for
3 expenses incurred in performing such duties. The

4 salary, per diem, and expenses of the lieutenant
5 governor provided for under this subsection, including
6 office and staff expenses, shall be paid from funds
7 appropriated to the office of the lieutenant governor
8 by the general assembly.

9 6. In addition to the salaries and expenses
10 authorized by this section, members of the general
11 assembly shall be paid ~~forty~~ fifty dollars per day,
12 except the speaker of the house and the majority
13 leader of the senate who shall be paid ~~sixty~~ seventy
14 dollars per day, and necessary travel and actual
15 expenses incurred in attending meetings for which per
16 diem or expenses are authorized by law for members of
17 the general assembly who serve on statutory boards,
18 commissions, or councils, and for standing or interim
19 committee or subcommittee meetings subject to the
20 provisions of section 2.14, or when on authorized
21 legislative business when the general assembly is not
22 in session. However, if a member of the general
23 assembly or the lieutenant governor is engaged in
24 authorized legislative business at a location other
25 than at the seat of government during the time the
26 general assembly is in session, payment may be made
27 for the actual transportation and lodging costs
28 incurred because of the business. ~~Such~~ The per diem
29 or expenses shall be paid promptly from funds
30 appropriated pursuant to section 2.12.

31 7. If a special session of the general assembly is
32 convened, members of the general assembly shall
33 receive, in addition to their annual salaries, the sum
34 of ~~forty~~ fifty dollars per day for each day the
35 general assembly is actually in special session, and
36 the same travel allowances and expenses as authorized
37 by this section."

38 17. Page 11, line 5, by inserting after the word
39 "as" the following: "~~otherwise~~".

40 18. Page 11, by striking lines 20 through 33 and
41 inserting the following: "initially eligible or
42 during the first subsequent annual insurance
43 enrollment period. A member of the general assembly
44 who elects to become a member of a state health or
45 medical group insurance plan shall be exempted from
46 pre-existing medical condition waiting periods. A
47 member of the general assembly may change programs or
48 coverage under the state health or medical service
49 group insurance plan during the month of January
50 following an election, but program and coverage change

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1 selections shall be subject to the enrollment rules
 2 established for full-time state employees excluded
 3 from collective bargaining as provided in chapter 20."

4 19. Page 11, by inserting before line 34 the
 5 following:

6 "Sec. ____ . Section 79.20, subsection 2, Code 1987,
 7 is amended to read as follows:

8 "2. Maximum period benefits paid for both accident
 9 or sickness disability:

10 a. If the disability occurs prior to the time the
 11 employee attains the age of sixty-one years, the
 12 maximum benefit period shall end sixty months after
 13 continuous benefit payments begin or on the date on
 14 which the employee attains the age of sixty-five
 15 years, whichever is later.

16 b. If the disability occurs on or after the time
 17 the employee attains the age of sixty-one years but
 18 prior to age sixty-nine, the maximum benefit period
 19 shall end sixty months after continuous benefit
 20 payments begin or on the date on which the employee
 21 attains the age of seventy years, whichever is
 22 earlier.

23 c. If the disability occurs on or after the time
 24 the employee attains the age of sixty-nine years, the
 25 maximum benefit period shall end twelve months after
 26 continuous benefit payments begin."

27 20. Page 12, by striking lines 11 through 16 and
 28 inserting the following: "collective bargaining as
 29 provided in chapter 20."

30 21. Page 12, by inserting after line 16 the
 31 following:

32 "Sec. ____ . Section 99D.5, subsection 4, Code 1987,
 33 is amended to read as follows:

34 4. Commission members are each entitled to receive
 35 an annual salary of ~~three six~~ thousand dollars ~~until~~
 36 ~~June 30, 1987, and thereafter are entitled to forty~~
 37 ~~dollars per diem for each day actually spent in~~
 38 ~~performing commission duties~~. Members shall also be
 39 reimbursed for actual expenses incurred in the
 40 performance of their duties to a maximum of six
 41 thousand dollars per year for each member. Each
 42 member shall post a bond in the amount of ten thousand
 43 dollars, with sureties to be approved by the governor,
 44 to guarantee the proper handling and accounting of
 45 moneys and other properties required in the
 46 administration of this chapter. The premiums on the
 47 bonds shall be paid as other expenses of the

48 commission.”

49 22. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

S-5957

1 Amend the amendment, S-5816, to House File 2432 as
2 passed by the House as follows:

3 1. Page 1, by striking lines 7 through 26 and
4 inserting the following:

5 “The state board of regents shall investigate,
6 review, and adopt a written policy permitting the
7 compensation of collegiate athletes, who are enrolled
8 in any of the universities under its control and
9 participating in a university-sponsored athletic
10 program, by the university, alumni, or other
11 interested persons. “Compensation” includes, but is
12 not limited to, scholarships, available financial
13 awards or resources, motor vehicles, real or personal
14 property, or anything of value. The state board shall
15 provide the policy to the presidents, athletic direc-
16 tors, and departments of athletics of the universities
17 under its control and the policy shall become
18 effective upon the adoption of a similar policy by
19 five schools of the “Big 10 Conference” or by a
20 majority of schools representing any other athletic
21 conference recognized by the national collegiate
22 athletic association.”

TOM MANN, Jr.

S-5958

1 Amend the amendment, S-5947, to House File 2452, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking line 27 and inserting the
5 following: “entered under this chapter and chapter
6 234, 252A, 252C, 598, or 675, or”.

7 2. Page 2, line 3, by inserting after the word
8 “All” the following: “judgments and orders for
9 support and”.

10 3. Page 2, line 9, by striking the word “Support”
11 and inserting the following: “Judgments and orders
12 for support and support”.

13 4. Page 2, line 14 by inserting after the word
14 “transfer” the following: “judgments and orders for
15 support and support”.

16 5. Page 3, by striking lines 15 through 30 and
17 inserting the following: "provide the person with an
18 opportunity for a review hearing pursuant to chapter
19 17A to correct the information, unless the department
20 corrects the information.

21 5. Any payments received after the case has been".

22 6. Page 5, line 20, by inserting after the word
23 "of" the following: "disability".

24 7. Page 5, line 47, by inserting after the word
25 "security" the following: "disability".

26 8. Page 6, line 16, by inserting after word
27 "security" the following: "disability".

28 9. Page 6, by striking lines 38 through 42 and
29 inserting the following:

30 "1. Notwithstanding section 252B.14, parties may
31 make payments to and".

32 10. Page 7, line 1, by striking the word
33 "department." and inserting the following:

34 "department of human services."

35 11. Page 7, line 8, by inserting after the word
36 "department" the following: "of human services".

37 12. Page 7, line 20, by inserting after the word
38 "report" the following: "regarding the activities of
39 the collection services center".

40 13. Page 7, by striking lines 36 and 37 and
41 inserting the following: "the legislative fiscal
42 bureau, in consultation with the department of human
43 services and the judicial department, shall submit a
44 report to the general".

45 14. Page 7, line 39, by inserting after the word
46 "center" the following: "and the transition to the
47 clerks of the district court".

48 15. Page 7, line 42, by inserting after the word
49 "center" the following: "and the clerks of the
50 district court".

Page 2

1 16. Page 7, line 47, by inserting after the word
2 "center" the following: "and the clerks of the
3 district court".

4 17. Page 7, line 50, by inserting after the word
5 "center" the following: "and the clerks of the
6 district court".

7 18. Page 8, line 6, by striking the word "full".

8 19. Page 8, line 8, by inserting after the word
9 "counties" the following: "for cases to be processed
10 by the center under section 252B.14, subsection 1".

11 20. Page 8, by striking lines 27 through 30 and
12 inserting the following: "departments.

- 13 Sec. ____ . Section 252B.15, Code 1987, is
 14 repealed.”
 15 21. Renumbering as necessary.

RICHARD J. VARN

S-5959

- 1 Amend the House amendment, S-5956, to Senate File
 2 2321 as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking line 50 through page 3,
 5 line 37.

JULIA GENTLEMAN
 JIM LIND
 RICHARD VANDE HOEF
 DALE L. TIEDEN
 RAY TAYLOR
 JOY CORNING
 EDGAR H. HOLDEN
 NORMAN GOODWIN
 JOHN JENSEN
 JACK W. HESTER
 LEE W. HOLT

S-5960

- 1 Amend amendment S-5947 to House File 2452, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 7, by striking lines 1 through 3 and
 5 inserting the following: “department”.
 6 2. Page 7, by inserting after line 7 the
 7 following:
 8 “Notwithstanding section 252B.14, parties
 9 may make payments to and receive payments from
 10 the collection services center if the parties
 11 so agree and the agreement is approved by the
 12 court and filed with the clerk and the
 13 department.
 14 The department of human services shall prepare
 15 a form or forms which may be used by the parties
 16 to implement either type of agreement.”

CHARLES BRUNER

S-5961

1 Amend the House amendment, S-5941, to Senate File
2 2039, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, lines 16 and 17, by striking the words
5 "failing to renew" and inserting the following:
6 "renewing".

7 2. Page 1, line 17, by inserting after the word
8 "within" the following: "one month following".

9 3. Page 1, line 18, by striking the word "a" and
10 inserting the following: "the".

11 4. By striking page 1, line 28 through page 2,
12 line 21, and inserting the following:

13 NEW SUBSECTION. 10. COLLEGIATE PLATES.

14 a. Upon application and payment of the proper
15 fees, the director may issue to the owner of a motor
16 vehicle, trailer, or travel trailer registered in this
17 state, collegiate registration plates. Upon receipt
18 of the collegiate registration plates, the applicant
19 shall surrender the regular registration plates to the
20 county treasurer.

21 b. Collegiate registration plates shall be
22 designed for each of the three state universities.

23 The collegiate registration plates shall be designated
24 as follows:

25 (1) The letters "ISU" followed by a four-digit
26 number all in cardinal on a gold background for Iowa
27 State University of science and technology.

28 (2) The letters "UNI" followed by a four-digit
29 number all in purple on a gold background for the
30 University of Northern Iowa.

31 (3) The letters "UI" followed by a four-digit
32 number all in black on a gold background for the state
33 University of Iowa.

34 c. The fees for a collegiate registration plate
35 are as follows:

36 (1) A registration fee of twenty-five dollars.

37 (2) A special collegiate registration fee of
38 twenty-five dollars.

39 These fees are in addition to the regular annual
40 registration fee. The fees collected by the director
41 under this subsection shall be paid monthly to the
42 treasurer of state and credited by the treasurer of
43 state to the road use tax fund. Notwithstanding
44 section 423.24 and prior to the application of section
45 423.24, subsection 1, paragraph "b", the treasurer of
46 state shall credit monthly from revenues derived from
47 the operation of section 423.7, respectively, to Iowa

48 State University of science and technology, the
 49 University of Northern Iowa, and the state University
 50 of Iowa, the amount of the special collegiate

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1 registration fees collected in the previous month for
 2 collegiate registration plates designed for the
 3 university. The moneys credited are appropriated to
 4 the respective universities to be used for
 5 scholarships for students attending the universities.
 6 d. The county treasurer shall validate collegiate
 7 registration plates in the same manner as regular
 8 registration plates are validated under this section
 9 at an annual fee of five dollars in addition to the
 10 regular annual registration fee.

11 5. Page 4, by striking lines 2 and 3 and
 12 inserting the following: "~~shall not be the social~~
 13 ~~security number of the transferee unless requested by~~
 14 ~~the transferee.~~"

WILLIAM W. DIELEMAN
 JAMES D. WELLS

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 185

S-5962

1 Amend the Senate amendment, H-6088, to House File
 2 185, as passed by the House, as follows:

- 3 1. Page 1, by striking lines 14 through 22.
- 4 2. Page 1, line 29, by striking the words "in
 5 furtherance of the conspiracy".
- 6 3. Page 1, line 34, by striking the words "to
 7 violate this section" and inserting the following:
 8 "in furtherance of the conspiracy".
- 9 4. By renumbering as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 69

S-5963

1 Amend Senate File 69, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 10 through 15 and
- 4 inserting the following: "expenses in notes,
- 5 certificates, bonds, prime eligible bankers
- 6 acceptances, commercial paper rated within the two
- 7 highest classifications of prime as established by at
- 8 least one of the standard rating services approved by
- 9 the superintendent of banking pursuant to chapter 17A,
- 10 perfected repurchase agreements, or other evidences of
- 11 indebtedness which are".
- 12 2. Page 1, by striking lines 17 through 22 and
- 13 inserting the following: "or any of its agencies; or
- 14 in time deposits in".
- 15 3. Title page, line 3 by striking the words "and
- 16 by correcting an error".

HOUSE AMENDMENT TO
SENATE FILE 2322

S-5964

- 1 Amend Senate File 2322 as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by inserting after line 8 the
- 4 following:
- 5 "___ . Department for the blind:
- 6 \$ 55,450".
- 7 2. Page 3, line 32, by striking the figure
- 8 "96,578" and inserting the following: "41,128".
- 9 3. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE CONCURRENT RESOLUTION 105

S-5965

- 1 Amend Senate Concurrent Resolution 105, as passed
- 2 by the Senate, as follows:
- 3 1. Page 1, line 20, by striking the figure "1"
- 4 and inserting the following: "11".

HOUSE AMENDMENT TO
SENATE FILE 2248

S-5966

- 1 Amend Senate File 2248, as amended, passed and
- 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 22.

4 2. Page 1, by striking lines 25 through 32 and
5 inserting the following:

6 "1. The department of human services shall
7 establish volunteer programs designed to enhance the
8 services provided by the department. Roles for
9 volunteers may include but shall not be limited to
10 parent aides, friendly visitors, commodity
11 distributors, clerical assistants, and medical
12 transporters. Roles for volunteers shall include
13 conservators and guardians. The department shall
14 adopt rules for programs which are established.

15 2. a. The commissioner shall appoint a
16 coordinator of volunteer services to oversee the
17 provision of services of volunteer conservators and
18 guardians on a volunteer basis to individuals in this
19 state requiring such services. The coordinator, after
20 consulting with personnel assigned to the local office
21 of the department in a county, shall recommend to the
22 commissioner how best to serve the needs of
23 individuals in need of the services of a guardian or
24 conservator. Where possible, the coordinator shall
25 recommend that the services be provided on a
26 multicounty basis.

27 b. Volunteer guardians and conservators under this
28 program have the powers enumerated under chapter 633
29 for guardians and conservators. A volunteer guardian
30 or conservator who wishes to take an action for which
31 court approval is necessary shall apply to the
32 commissioner through the local office for approval of
33 the action. If the commissioner approves the request,
34 the department shall apply to the district court in
35 the county where the individual receiving the services
36 resides for approval of the action.

37 c. Services required under this section shall be
38 available to all residents of this state regardless of
39 financial status. The department shall establish a
40 schedule of fees for these services. The fees
41 collected shall be used to offset the costs of
42 providing the services.

43 The department may waive the fee for any service if
44 the person receiving the service is determined to be
45 indigent. For the purposes of this subsection, the
46 department shall find a person is indigent if the
47 person's annual income and resources do not exceed one
48 hundred fifty percent of the federal poverty level or
49 the person would be unable to pay the fee without
50 prejudicing the person's financial ability to provide

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1 economic necessities for the person or the person's
2 dependents.

3 d. The coordinator shall cooperate with the
4 directors of the divisions of the department in
5 providing these services and shall seek out
6 alternative sources for providing the services
7 required under this section.

8 3. All volunteers registered with the department
9 and in".

10 3. Page 5, by inserting after line 5 the
11 following:

12 "Sec. ____ . Section 508C.16, Code Supplement 1987,
13 is amended by adding the following new unnumbered
14 paragraph:

15 NEW UNNUMBERED PARAGRAPH. The provisions of sec-
16 tion 496A.4A shall apply to the association."

17 4. Page 6, by inserting after line 23 the
18 following:

19 "Sec. ____ . This section and section 2 of this Act,
20 being deemed of immediate importance, are effective
21 upon enactment.

22 Upon the enactment of section 2 of this Act, the
23 commissioner of the department of human services shall
24 immediately appoint a person at each local office of
25 the department to provide the services of a volunteer
26 guardian or conservator. These services shall be
27 provided to all individuals in need of these services
28 without cost until a determination is made by the
29 commissioner on how best to provide these services and
30 a fee schedule has been established pursuant to
31 section 2 of this Act. In no case shall a fee be
32 assessed for any services provided before the
33 commissioner has adopted and implemented a schedule of
34 fees. The person appointed at each local office shall
35 either provide the necessary services or assure the
36 availability of qualified volunteers to provide the
37 services until such time as the coordinator appointed
38 by the commissioner has implemented a plan to provide
39 the services of volunteer conservators and guardians
40 pursuant to section 2 of this Act.

41 Sec. ____ . INTERIM STUDY OF ISSUES RELATING TO
42 GUARDIANSHIP AND CONSERVATORSHIP. The legislative
43 council shall create an interim study committee during
44 the 1988 interim to study issues relating to
45 guardianship and conservatorship including, but not
46 limited to, the need for reasons for a shortage of,
47 and means to provide for, surrogate decision makers
48 and case management services for clients, patients, or

49 residents of health care facilities, and residents
50 within communities, who are either temporarily or

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1 permanently incapacitated in their decision-making
2 ability regarding health care, money management, or
3 independent living, and who have no family, legally
4 appointed decision maker, or other person willing or
5 able to take responsibility for them. The study
6 committee shall submit a report of its findings and
7 recommendations to the legislative council and the
8 Seventy-third General Assembly, 1989 Session.”
9 5. Title page, line 4, by inserting after the
10 word “care” the following: “, and providing an
11 effective date”.
12 6. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

S-5967

1 Amend the House amendment, S-5956, to Senate File
2 2321, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 6 through 19.
5 2. Page 1, by striking lines 33 through 35.
6 3. Page 1, by striking lines 39 through 49.

JOE WELSH

S-5968

1 Amend the amendment, S-5947, to House File 2452, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking line 27 and inserting the
5 following: “entered under this chapter and chapter
6 234, 252A, 252C, 598, or 675, or”.
7 2. Page 1, line 37, by inserting after the word
8 “order” the following: “or judgment”.
9 3. Page 2, line 3, by inserting after the word
10 “All” the following: “judgments and orders for
11 support and”.
12 4. Page 3, by striking lines 15 through 30 and
13 inserting the following: “provide the person with an
14 opportunity for a review hearing to correct the
15 information, unless the department corrects the
16 information.

17 5. Any payments received after the case has been”.

18 5. Page 5, line 20, by inserting after the word
19 “of” the following: “disability”.

20 6. Page 5, line 47, by inserting after the word
21 “security” the following: “disability”.

22 7. Page 6, line 16, by inserting after word
23 “security” the following: “disability”.

24 8. Page 6, by striking lines 38 through 42 and
25 inserting the following:

26 “1. Notwithstanding section 252B.14, parties may
27 make payments to and”.

28 9. Page 7, line 1, by striking the word
29 “department.” and inserting the following:

30 “department of human services.”

31 10. Page 7, line 8, by inserting after the word
32 “department” the following: “of human services”.

33 11. Page 7, line 20, by inserting after the word
34 “report” the following: “regarding the activities of
35 the collection services center”.

36 12. Page 7, by striking lines 36 and 37 and
37 inserting the following: “the legislative fiscal
38 bureau, in consultation with the department of human
39 services and the judicial department, shall submit a
40 report to the general”.

41 13. Page 7, line 39, by inserting after the word
42 “center” the following: “and the transition to the
43 clerks of the district court”.

44 14. Page 7, line 50, by inserting after the word
45 “center” the following: “and the clerks of the
46 district court”.

47 15. Page 8, line 6, by striking the word “full”.

48 16. Page 8, line 8, by inserting after the word
49 “counties” the following: “for cases to be processed
50 by the center under section 252B.14, subsection 1”.

Page 2

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

3 “f. A comparison of the collection services center
4 and the clerks of the district court.”

5 18. Page 8, by striking lines 27 through 30 and
6 inserting the following: “departments.

7 Sec. ____ . Section 252B.15, Code 1987, is

8 repealed.”

9 19. Renumbering as necessary.

RICHARD J. VARN

S-5969

1 Amend amendment S-5632 to House File 2189 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by inserting after line 24 the
4 following:

5 “Sec. ____ . Section 232.71, subsection 3, Code
6 Supplement 1987, is amended to read as follows:

7 3. The investigation may with the consent of the
8 parent or guardian include a visit to the home of the
9 child or with the consent of the administrator of a
10 facility include a visit to the facility providing
11 care to the child named in the report ~~and examination~~
12 ~~of the child.~~ The investigator may visually observe
13 the child, but permission to examine the child may
14 only be given by the parent or guardian of the child,
15 and if ~~If~~ permission to enter the home or facility and
16 to examine the child is refused, the juvenile court or
17 district court upon a showing of probable cause may
18 authorize the person making the investigation to enter
19 the home or facility and examine the child. The
20 department may utilize a multidisciplinary team in
21 investigations of child abuse involving employees or
22 agents of a facility providing care for a child.”.

THOMAS MANN, Jr.

S-5970

1 Amend the House amendment, S-5956, to Senate File
2 2321 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 4, line 40, by striking the word “six”
5 and inserting the following: “~~six~~ three”.

6 2. Page 4, by inserting after line 48 the
7 following:

8 “Sec. ____ . Section 99D.6, Code Supplement 1987, is
9 amended to read as follows:

10 99D.6 CHAIRPERSON -- ADMINISTRATOR --EMPLOYEES --
11 DUTIES -- BOND.

12 The commission shall elect in July of each year one
13 of its members chairperson for the succeeding year.

14 The commission shall appoint an administrator of the
15 racing and gaming division of the department of
16 inspections and appeals subject to confirmation by the
17 senate. The administrator shall serve a four-year
18 term. The term shall begin and end in the same manner
19 as set forth in section 69.19. A vacancy shall be
20 filled for the unexpired portion of the term in the
21 same manner as a full-term appointment is made. The
22 administrator may hire other assistants and employees
23 as necessary to carry out the division's duties. Some
24 or all of the information required of applicants in
25 section 99D.8A, subsections 1 and 2, may also be
26 required of employees of the division if the
27 commission deems it necessary. The administrator
28 shall keep a record of the proceedings of the
29 commission, and preserve the books, records, and
30 documents entrusted to the administrator's care. The
31 commission shall require the administrator to post a
32 bond in a sum it may fix, conditioned upon the
33 faithful performance of the administrator's duties.
34 Subject to the approval of the governor, the
35 commission and the track general managers shall fix
36 the compensation of the administrator within salary
37 range five as set by the general assembly. The
38 division shall have its headquarters in the city of
39 Des Moines, and shall meet in July of each year and at
40 other times and places as it finds necessary for the
41 discharge of its duties."

JIM LIND

S-5971

1 Amend amendment S-5947, as amended, passed,
2 and reprinted by the House, as follows:

DIVISION S—5971A

3 1. Page 7, by striking lines 1 through 3 and
4 inserting the following: "department."

DIVISION S-5971B

5 2. Page 7, by inserting after line 7 the
6 following:
7 "Notwithstanding section 252B.14, parties may make
8 payments to and receive payments from the collection
9 services center if the parties so agree and the
10 agreement is approved by the court and filed with the

11 clerk and the department. In addition, parties who
 12 are making payments to or receiving payments from the
 13 collection services center may continue to do so if
 14 the parties so agree and the agreement is filed with
 15 the department.

16 The department of human services shall prepare a
 17 form or forms which may be used by the parties to
 18 implement either type of agreement."

DIVISION S—5971C

19 3. Page 8, by inserting after line 30, the
 20 following:

21 "Sec. ____ . Any personnel in the state merit system
 22 of employment whose position is eliminated due to the
 23 deletion of positions in this Act shall be placed on
 24 the outplacement list."

CHARLES BRUNER

S-5972

1 Amend House File 2441, as amended, passed, and
 2 reprinted by the House, as follows:

DIVISION S—5972B

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

5 "Section 1. Section 312.2, Code Supplement 1987,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 22. The treasurer of state,
 8 before making the allotments provided for in this
 9 section, shall credit in the fiscal year beginning
 10 July 1, 1988, and ending June 30, 1989, from the
 11 revenue to be credited to the road use tax fund under
 12 section 423.24, subsection 1, paragraph "b", the sum
 13 of five hundred thousand dollars to the comprehensive
 14 petroleum underground storage tank fund for the
 15 purpose of initial organization, start-up, and
 16 capitalization of the fund."

DIVISION S—5972A

17 2. By striking page 17, line 32, through page 18,
 18 line 12, and inserting the following:

19 "Sec. ____ . NEW SECTION. 455B.479I BEGINNING DATE
 20 OF COVERAGE.

21 Fund coverage shall be provided to eligible

22 applicants no later than May 1, 1989, provided that
 23 the board may begin fund coverage earlier in its
 24 discretion.”

DIVISION S—5972B (cont'd.)

25 3. Page 22, by inserting after line 15, the
 26 following:
 27 “Sec. ____ . 1988 Iowa Acts, Senate File 2196,
 28 section 4, is amended to read as follows:
 29 SEC. 4. Section 312.2, Code Supplement 1987, is
 30 amended by adding the following new subsection:
 31 NEW SUBSECTION. 20. The treasurer of state,
 32 before making the allotments provided for in this
 33 section, shall credit annually from the revenue to be
 34 credited to the road use tax fund under section
 35 423.24, subsection 1, paragraph “b”, the sum of one
 36 million dollars five hundred thousand dollars in the
 37 fiscal year beginning July 1, 1988, and ending June
 38 30, 1989, and one million dollars annually thereafter.
 39 to the state department of transportation for the
 40 purpose of acquiring, constructing, and improving
 41 recreational trails within the state. Unobligated
 42 portions of this allotment shall remain available to
 43 the state department of transportation for the
 44 purposes for which the funds are originally allocated.
 45 The state department of transportation shall adopt
 46 rules under chapter 17A to establish procedures for
 47 the expenditure of the funds allotted under this
 48 subsection.”
 49 4. By renumbering as necessary.

JOE WELSH
 JACK RIFE

S-5973

1 Amend amendment S-5759 to House File 2269, as
 2 passed by the House, as follows:

DIVISION S—5973A

3 1. Page 2, line 28, by striking the word
 4 “principle” and inserting the following: “principal”.
 5 2. Page 3, line 16, by striking the word
 6 “principle” and inserting the following: “principal”.

DIVISION S—5973B

7 3. Page 5, by striking line 9.

DIVISION S—5973C

8 4. Page 5, line 11, by inserting before the word
9 “The” the following: “The state department of
10 transportation shall assist the legislative service
11 bureau in staffing the interim study committee.”
12 5. By renumbering as necessary.

JEAN LLOYD-JONES

HOUSE AMENDMENT TO
SENATE FILE 2130

S-5974

1 Amend Senate File 2130 as passed by the Senate as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Section 1. NEW SECTION. 478A.1 ENERGY RESOURCE
6 CONSERVATION.
7 The utilities board within the utilities division
8 of the department of commerce at a time of energy
9 scarcity and in order to conserve energy resources,
10 may prohibit the sale or offering for sale in this
11 state, of certain devices which are not energy
12 efficient in their use of energy resources.
13 The devices may include but are not limited to,
14 decorative gas lamps. As used in this section,
15 “decorative gas lamp” means a device installed for the
16 purpose of producing illumination by burning natural,
17 mixed, or liquid petroleum gas and utilizing either a
18 mantle or an open flame, but does not include portable
19 camp lanterns or gas lamps.”
20 2. Page 1, by inserting after line 1 the
21 following:
22 “Sec. ____ . STATE ENERGY EFFICIENCY PLAN. The
23 utilities board within the utilities division of the
24 department of commerce shall cooperate with the
25 utilities association to develop a state plan to
26 encourage the purchasing of energy efficient devices,
27 appliances, and equipment. The plan shall give
28 attention to the Iowa manufacturers of energy
29 efficient devices. The plan shall be submitted to the

30 general assembly on or before January 15, 1989.”
31 3. Title page, by striking line 1 and inserting
32 the following: “An Act relating to the conservation
33 of energy resources by providing the utilities board
34 with the authority to prohibit the sale of certain
35 devices, by requiring the utilities board to cooperate
36 with the utilities association to develop a state plan
37 to encourage the purchasing of certain energy-
38 efficient items, and by repealing the prohibition
39 against the selling or offering for”.

S-5975

1 Amend Senate Resolution 105 as follows:
2 1. Page 2, by inserting after line 10 the
3 following:
4 “BE IT FURTHER RESOLVED, That Rule 5 of the senate
5 code of ethics be amended by adding the following new
6 subrule:
7 NEW SUBRULE. e. A senator shall file a report
8 with the secretary of the senate, of any honorarium
9 received by the senator. The report shall also
10 include any actual and necessary transportation,
11 lodging, and meal expenses incurred by the senator in
12 connection with the appearance, speech, or article for
13 which the honorarium is paid. The report shall list
14 the nature, date, and payor of the honorarium and
15 shall be filed by the fifteenth of the month covering
16 the preceding month.”

JIM LIND

S-5976

1 Amend amendment, S-5857 to House File 673, as
2 amended, passed and reprinted by the House as follows:
3 1. Page 5, by inserting after line 32 the
4 following:
5 “Sec. ____ . Section 478A.7, Code 1987, is
6 repealed.”
7 2. Page 5, by inserting after line 35, the
8 following:
9 “____ . Title, line 6, by inserting after the word
10 “exceptions,” the following: “repealing the
11 prohibition against selling or offering for sale
12 decorative gas lamps,”.

JACK RIFE

S-5977

1 Amend House File 2456 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 19 the
4 following:

5 “The per diem costs billed to each county shall not
6 exceed the per diem costs in effect on July 1, 1988.
7 However, the per diem costs may be adjusted annually
8 to the extent of the adjustment in the consumer price
9 index published annually in the federal register by
10 the federal department of labor, bureau of labor
11 statistics.”

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

S-5978

1 Amend House File 2441, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 4, line 26 through page 5,
4 line 6, and inserting the following:

5 “a. As a condition of fund coverage of aggregate
6 financial responsibility, the owner or operator shall
7 demonstrate to the board evidence of minimum financial
8 responsibility, the deductible, to cover corrective
9 action and third-party bodily injury and property
10 damage costs in an amount determined according to the
11 following formula:

12 (1) For a tank zero to ten years of age, on a site
13 which had five hundred thousand gallons, or less, of
14 petroleum deposited into the owner's or operator's
15 underground storage tanks in the immediate prior year,
16 the deductible shall be ten thousand dollars.

17 (2) For a tank older than ten years, but less than
18 twenty, the deductible is increased one thousand
19 dollars for each additional year over ten years of
20 age, up to a maximum deductible of twenty thousand
21 dollars, and for a tank on a site which had more than
22 five hundred thousand gallons of petroleum deposited
23 into the owner's or operator's underground storage
24 tanks in the immediate prior year, the deductible is
25 increased one thousand dollars for each additional one
26 hundred thousand gallons of petroleum deposited, up to
27 a maximum of twenty thousand dollars per tank.

- 28 (3) For a tank twenty years of age, or older, or
 29 of indeterminate age, or a tank on a site which had
 30 one million five hundred thousand gallons, or more, of
 31 petroleum deposited into the owner's or operator's
 32 underground storage tanks in the immediate prior year,
 33 the deductible is twenty thousand dollars.
- 34 b. The owner or operator shall demonstrate minimum
 35 financial responsibility and aggregate financial
 36 responsibility through the use of one or more of the
 37 following financial assurance mechanisms:
- 38 (1) Self-insurance.
 39 (2) Guarantee.
 40 (3) Indemnity contract.
 41 (4) Insurance.
 42 (5) Risk retention group coverage.
 43 (6) Letter of credit.
 44 (7) The Iowa comprehensive petroleum underground
 45 storage tank fund.
 46 (8) Governmental risk pool.
 47 (9) Status as a city, county, or school district,
 48 or other".
- 49 2. Page 5, by striking lines 25 through 28.
 50 3. Page 10, by striking lines 32 and 33, and

Page 2

- 1 inserting the following: "aggregate financial
 2 responsibility requirement of section 455B.479A,
 3 subsection 1, and".

JOHN JENSEN
 DALE L. TIEDEN

S-5979

- 1 Amend House File 2464, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, line 7, by striking the word "Employ"
 4 and inserting the following: "Subject to the
 5 selection procedures of section 12.30, employ".

COMMITTEE ON APPROPRIATIONS
 JOE J. WELSH, Chairperson

S-5980

1 Amend the amendment, S-5947, to House File 2452, as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 8, by inserting after line 11, the
5 following:

6 "Sec. ____ . Notwithstanding the provisions of this
7 Act, a county board of supervisors of any county may
8 petition the department of human services no later
9 than August 1, 1988, to have all support payments to
10 residents of that county processed by the collection
11 services center. If that county's support payments
12 are currently processed by the collection services
13 center, those cases shall not be transferred to the
14 clerk of the district court. If that county's support
15 payments are currently processed by the clerk of the
16 district, the department of human services and the
17 judicial department shall provide for the transfer of
18 these cases to the collection services center pursuant
19 to the conversion schedule established under section
20 252B.16."

21 2. By renumbering as necessary.

JULIA GENTLEMAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2278

S-5981

1 Amend the Senate amendment, H-6375, to House File
2 2278, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 through 12.

5 2. Renumber as necessary.

S-5982

1 Amend Senate Resolution 104 as follows:

2 1. Page 2, line 29, by inserting after the word
3 "office" the words "or supporting or opposing a
4 bill, amendment, or resolution".

CHARLES BRUNER

S-5983

- 1 Amend the House amendment, S-5966, to Senate File
2 2248, as amended, passed, and reprinted by the Senate,
3 as follows:
- 4 1. Page 1, by striking lines 20 and 21 and
5 inserting the following: "consulting with personnel
6 assigned to the district of the department, shall
7 recommend to the".
- 8 2. By striking page 1, line 27 through page 2,
9 line 2.
- 10 3. Page 2, by striking lines 19 through 40 and
11 inserting the following:
- 12 "Sec. ____ . The commissioner of human services
13 shall appoint a person in each district to recruit and
14 to assist volunteers to serve as guardians and
15 conservators. The person appointed in each district
16 shall attempt to recruit a sufficient number of
17 qualified volunteers in each county to meet local
18 needs for guardian or conservator services."
- 19 4. Page 3, by striking lines 9 through 11.
- 20 5. By renumbering as necessary.

DONALD V. DOYLE

S-5984

- 1 Amend Senate Resolution 104 as follows:
- 2 1. Page 1, by striking line 27 through page 2,
3 line 16.

EDGAR H. HOLDEN

S-5985

- 1 Amend Senate Resolution 105 as follows:
- 2 1. Page 1, lines 3 and 4, by striking the words
3 "and the Rules of the Senate"
- 4 2. Page 7, by striking line 23 through page 8,
5 line 2.

COMMITTEE ON RULES
AND ADMINISTRATION
BILL HUTCHINS, Chairperson

S-5986

- 1 Amend House File 2283, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 28, the
 4 following:
 5 "Sec. ____ . Section 172C.4, Code 1987, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 12. Agricultural land which is
 8 purchased from a willing seller of the land."
 9 2. Page 3, by inserting after line 25, the
 10 following:
 11 "c. This subsection also does not apply to land
 12 which is purchased from a willing seller of the land."
 13 3. By striking page 4, line 32 through page 8,
 14 line 12.
 15 4. Title page, lines 9 through 11, by striking
 16 the words "and requiring reporting of certain
 17 agricultural related property and the confidentiality
 18 of certain information;" and inserting the following:
 19 "providing for the purchase of agricultural land;".

CALVIN O. HULTMAN

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2396

S-5987

- 1 Amend the Senate amendment, H-6359, to House File
 2 2396, as passed by the House, as follows:
 3 1. Page 1, by striking lines 3 through 16 and
 4 inserting the following:
 5 "____. Page 9, by inserting after line 13 the
 6 following:
 7 "h. Or the designees of the officials named in
 8 paragraphs "a" through "g"."
 9 2. Page 1, by striking lines 23 through 27.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2386

S-5988

- 1 Amend the Senate amendment, H-6348, to House File
 2 2386, as passed by the House, as follows:
 3 1. Page 1, line 3, by striking the figure and

- 4 word "9 and" and inserting the following: "9."
5 2. Page 1, by striking lines 4 through 27.
6 3. By striking page 1, line 41 through page 2,
7 line 20.
8 4. By striking page 2, line 34 through page 3,
9 line 9.

S-5989

- 1 Amend House File 613, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 5, line 21, by striking the word "a" and
4 inserting the following: "one of the following:
5 a. A current certified financial statement
6 evidencing a net worth of one million dollars or more.
7 b. A".

GEORGE R. KINLEY

S-5990

- 1 Amend Senate File 2339 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "moneys" the following: "remaining after expenses".
4 2. Page 1, by striking line 15 and inserting the
5 following: "recipients. Notwithstanding section
6 8.33, the funds remaining in the special pull-tab fund
7 shall not revert to the general fund at the end of any
8 fiscal year. Moneys remaining in the pull-tab fund
9 are appropriated to and shall be used by the
10 department of elder affairs to provide or contract for
11 services which will enable frail elderly persons to
12 avoid institutionalization."
13 3. Page 1, line 16, by striking the word "Moneys"
14 and inserting the following: "Of the moneys".
15 4. Page 1, line 18, by inserting before the word
16 "are" the following: "thirty thousand (30,000)
17 dollars, or so much thereof as is necessary,".

AL STURGEON

S-5991

- 1 Amend amendment, S-5857 to House File 683, as
2 amended, passed and reprinted by the House as follows:

DIVISION S—5991A

3 1. Page 5, by inserting after line 32 the
 4 following:
 5 "Sec. ____ . Section 478A.7, Code 1987, is
 6 repealed."

DIVISION S—5991B

7 2. Page 5, by inserting after line 35, the
 8 following:
 9 "____ . Title, line 6, by inserting after the word
 10 "exceptions," the following: "repealing the
 11 prohibition against selling or offering for sale
 12 decorative gas lamps,".

JACK RIFE

S-5992

1 Amend amendment S-5983 to House amendment
 2 S-5966 to Senate File 2248, as amended, passed,
 3 and reprinted by the Senate as follows:
 4 1. Page 1, by inserting after line 18 the
 5 following:
 6 "____ . Page 3, by inserting after line 8 the
 7 following new section:
 8 "Sec. ____ . The department shall report to
 9 the general assembly by January 15, 1989, on the
 10 level of demand for guardianship and conservatorship
 11 services, whether the resources are available to
 12 meet the demand, and resources that are needed to
 13 handle unmet demand in the areas of recruitment,
 14 training, and monitoring of guardians and
 15 conservators.'"

CHARLES BRUNER

S-5993

1 Amend House File 2469 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 1, the
 4 following:
 5 "3. To the department of economic development for
 6 the energy-related activities of the amorphous
 7 semiconductor project at Iowa State University, from

8 the stripper well fund:
9 \$ 500,000".

RICHARD DRAKE
CALVIN O. HULTMAN
JIM RIORDAN
CHARLES BRUNER

S-5994

1 Amend Senate File 2338 as follows:
2 1. Page 1, by inserting after line 29, the
3 following:
4 "4. On an annual basis, prepare a report
5 identifying the premium volume of nonqualified
6 insurance annuities issued by domestic insurance
7 companies doing at least a volume of five million
8 dollars per annum, and relating that to projections
9 for increased volume of such sales."
10 2. Page 1, by inserting after line 35 the
11 following:
12 "Domestic insurance companies shall cooperate
13 with the commissioner in providing information to
14 develop the reports under this section."

CHARLES BRUNER

HOUSE AMENDMENT TO
SENATE FILE 2169

S-5995

1 Amend Senate File 2169 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, lines 27 and 28, by striking the words
4 "and one nonvoting member who is licensed as a
5 physician assistant".
6 2. Page 3, line 33, by striking the words "the
7 voting".
8 3. By striking page 5, line 26 through page 6,
9 line 13.
10 4. By striking page 6, line 29 through page 7,
11 line 2 and inserting the following:
12 "Sec. ____ . NEW SECTION. 148.13 AUTHORITY OF
13 BOARD AS TO SUPERVISING PHYSICIANS AND REVIEW OF
14 CONTESTED CASES UNDER CHAPTER 148C.
15 1. The board of medical examiners shall adopt

16 rules setting forth in detail its criteria and
 17 procedures for determining the ineligibility of a
 18 physician to serve as a supervising physician under
 19 chapter 148C. The rules shall be adopted as soon as
 20 possible after the effective date of this Act and in
 21 no event later than December 31, 1988.

22 2. The board of medical examiners shall establish
 23 by rule specific procedures for consulting with and
 24 considering the advice of the board of physician
 25 assistant examiners in determining whether to initiate
 26 a disciplinary proceeding under chapter 17A against a
 27 licensed physician in a matter involving the
 28 supervision of a physician assistant.

29 3. In exercising their respective authorities, the
 30 board of medical examiners and the board of physician
 31 assistant examiners shall cooperate with the goal of
 32 encouraging the utilization of physician assistants in
 33 a manner that is consistent with the provision of
 34 quality health care and medical services for the
 35 citizens of Iowa.

36 4. A decision of the board of physician assistant
 37 examiners in a contested case involving discipline of
 38 a person licensed as a physician assistant under
 39 chapter 148C may be appealed to the board of medical
 40 examiners as provided in section 148C.6A.”

41 5. Page 7, line 8, by inserting after the word
 42 “board” the following: “in accordance with rules
 43 adopted pursuant to this chapter”.

44 6. Page 7, by inserting after line 28 the
 45 following:
 46 “7. “Review group” means the physician assistant
 47 rules review group established in section 148C.7.”

48 7. Page 7, line 29, by striking the figure “7”
 49 and inserting the following: “8”.

50 8. Page 8, by striking line 6 and inserting the

Page 2

1 following: “in health fields. ~~The board shall adopt~~
 2 ~~and publish Rules shall be adopted pursuant to this~~
 3 ~~chapter setting forth standards”.~~

4 9. Page 8, by striking line 20 and inserting the
 5 following:
 6 “Rules shall be adopted pursuant to this chapter
 7 setting forth the fees to be charged in”.

8 10. Page 8, line 26, by inserting after the word
 9 “rules” the following: “, pursuant to section
 10 148C.7.”.

11 11. Page 9, line 15, by inserting after the word
 12 “rules” the following: “, pursuant to section

13 148C.7.”.

14 12. Page 9, line 22, by inserting after the word
15 “submit” the following: “evidence of eligibility, as
16 determined by the board of medical examiners, to serve
17 as a supervising physician.”.

18 13. Page 9, line 24, by inserting after the word
19 “specialty,” the following: “scope of practice.”.

20 14. Page 9, line 28, by inserting after the word
21 “function” the following: “within the scope of
22 practice”.

23 15. Page 10, by inserting after line 7 the
24 following:

25 9. Rules shall be adopted pursuant to this chapter
26 which will permit qualified practicing physicians to
27 supervise licensed physician assistants at a free
28 medical clinic on a temporary basis.

29 16. Page 10, by inserting after line 16 the fol-
30 lowing:

31 “Sec. ____ . **NEW SECTION. 148C.5A INITIATING**
32 **DISCIPLINARY PROCEEDINGS -- ADVICE FROM BOARD OF**
33 **MEDICAL EXAMINERS.**

34 Rules shall be adopted pursuant to section 148C.7
35 to establish specific procedures for consulting with
36 and considering the advice of the board of medical
37 examiners in determining whether to initiate a disci-
38 plinary proceeding under chapter 17A against a
39 licensed physician assistant.

40 Sec. ____ . **NEW SECTION. 148C.6A APPEAL TO BOARD**
41 **OF MEDICAL EXAMINERS IN CONTESTED CASES INVOLVING**
42 **DISCIPLINE.**

43 Pursuant to section 17A.15, a decision of the board
44 in a contested case involving discipline of a person
45 licensed as a physician assistant may be appealed to
46 the board of medical examiners.”

47 17. Page 10, line 19, by striking the word
48 “**RULES**” and inserting the following: “**RULES -- REVIEW**
49 **GROUP**”.

50 18. Page 10, by inserting after line 19 the fol-

Page 3

1 lowing:

2 “1. A physician assistant rules review group is
3 established consisting of one physician assistant
4 member, one supervising physician member, and one
5 public member from the board of physician assistant
6 examiners and two members from the board of medical
7 examiners who are licensed to practice medicine and
8 surgery or osteopathic medicine and surgery. The
9 respective boards shall select their members to serve

10 on the physician assistant rules review group. The
 11 review group shall select its own chairperson.
 12 The review group shall review and approve or
 13 disapprove rules proposed for adoption by the board of
 14 physician assistant examiners. Approval shall be a
 15 simple majority of the members of the group. A rule
 16 shall not become effective without the approval of the
 17 review group."

18 19. Page 10, line 20, by inserting before the
 19 word "~~Regulations~~" the following: "2."

20 20. Page 10, line 23, by inserting after the word
 21 "~~chapter.~~" the following: "Proposed rules must be
 22 submitted to the review group for prior review and
 23 approval."

24 21. Page 11, by striking line 2 and inserting the
 25 following: "physician's supervision or direction,
 26 including orthopedic physician's assistant
 27 technologists. Aides Such aides, assistants, or
 28 orthopedic physician's assistant technologists, and".

29 22. Page 12, by striking lines 10 through 14 and
 30 inserting the following:

31 "1. The term of the physician assistant currently
 32 serving as a member of the board of medical examiners
 33 expires on July 1, 1988."

34 23. Page 12, by striking lines 18 and 19 and
 35 inserting the following: "physician assistant
 36 examiners until modified by rules of the board of
 37 physician assistant examiners adopted pursuant to
 38 section 148C.7, as amended by this Act."

39 24. Page 12, by inserting after line 34 the
 40 following:

41 "4. The board of medical examiners and the
 42 professional licensure division of the Iowa department
 43 of public health in conjunction with the board of
 44 physician assistant examiners shall enter into an
 45 agreement with respect to the distribution of funds on
 46 a proportionate basis and other financial arrangements
 47 to facilitate the transition under this Act."

48 25. By striking page 12, line 35 through page 13,
 49 line 1 and inserting the following:

50 "Sec. ____ . EFFECTIVE DATE.

Page 4

- 1 1. This section, being deemed of immediate
- 2 importance, takes effect upon enactment.
- 3 2. The other provisions of this Act, being deemed
- 4 of immediate importance, take effect upon enactment
- 5 for transition purposes, including the appointment of
- 6 board members, preliminary work on the development of

7 rules, and agreements with respect to financial
8 arrangements, and on July 1, 1988, for all other
9 purposes.”
10 26. By renumbering as necessary.

HOUSE AMENDMENT TO
SENATE FILE 2055

S-5996

1 Amend Senate File 2055 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 9 and
4 inserting the following:
5 “Sec. ____ . Section 206.2, subsection 12, Code
6 Supplement 1987, is amended to read as follows:
7 12. “Commercial applicator” means ~~any a~~ person,
8 corporation, or employee of a person or corporation
9 who enters into a contract or an agreement for the
10 sake of monetary payment and agrees to perform a
11 service by applying ~~any a~~ pesticide ~~or servicing any~~
12 ~~device~~ but ~~shall does~~ not include a farmer trading
13 work with another, a person employed by a farmer not
14 solely as a pesticide applicator who applies pesticide
15 as an incidental part of the person’s general duties,
16 or a person who applies pesticide as an incidental
17 part of a custom farming operation.”
18 2. Page 1, line 16, by striking the word “twenty-
19 five” and inserting the following: “~~twenty-five~~
20 thirty”.
21 3. Page 1, line 18, by striking the words “who
22 are employed by a state agency” and inserting the
23 following: “~~who are employed by a state agency~~”.
24 4. Page 1, line 19, by striking the word “twenty-
25 five” and inserting the following: “~~twenty-five~~
26 thirty”.
27 5. Page 1, line 20, by striking the word “five-
28 dollar” and inserting the following: “~~five-dollar~~
29 ten-dollar”.
30 6. Page 1, by striking lines 26 and 27 and
31 inserting the following: “applicator shall be tested
32 prior to initial certification. In”.
33 7. By striking page 1, line 31 through page 2,
34 line 2, and inserting as following: “certification.
35 However, a commercial, public, or private applicator
36 need not be certified to apply pesticides for a period
37 of twenty-one days from the date of initial employment
38 if the commercial, public, or private applicator is

39 under the direct supervision of a certified
 40 applicator. For the purposes of this section, "under
 41 the direct supervision of" means that the application
 42 of a pesticide is made by a competent person acting
 43 under the instructions and control of a certified
 44 applicator who is physically present, by being in
 45 sight or hearing distance of the supervised person. A
 46 commercial applicator who applies pesticides to
 47 agricultural land may, in lieu of the requirement of
 48 direct supervision, elect to be exempt from the
 49 certification requirements for a commercial applicator
 50 for a period of twenty-one days, if the applicator

Page 2

1 meets the requirements of a private applicator. The
 2 test shall include, but".
 3 8. Page 2, line 4, by inserting after the word
 4 "groundwater." the following: "The secretary shall
 5 also adopt by rule, the criteria for the allowance of
 6 the selection of the written or oral examination by a
 7 person requiring certification."
 8 9. Page 2, line 7, by striking the word ", or"
 9 and inserting the following: "or".
 10 10. Page 2, by striking lines 9 through 11 and
 11 inserting the following: "a custom farming operation
 12 is".
 13 11. Page 2, line 19, by inserting after the word
 14 "training" the following: ", testing.".
 15 12. Page 2, line 29, by inserting after the word
 16 "period." the following: "The secretary shall also
 17 adopt rules which allow for an exemption from
 18 certification for a person who uses certain services
 19 and is not solely a pesticide applicator, but who uses
 20 the services as an incidental part of the person's
 21 duties."
 22 13. By striking page 2, line 30 through page 3,
 23 line 15.
 24 14. Page 3, by inserting after line 15, the
 25 following:
 26 "Sec. 4. Section 206.31, subsections 1 through 4,
 27 Code Supplement 1987, are amended to read as follows:
 28 1. DEFINITIONS. Notwithstanding section 206.2, as
 29 used in this chapter with regard to the application of
 30 pesticides used inside the home or injected into the
 31 ground around the home for structural pest control:
 32 a. "Commercial applicator" means a person, or
 33 employee of a person, who enters into a contract or an
 34 agreement for the sake of monetary payment and agrees

35 to perform a service by applying a pesticide or
36 servicing a device but shall not include a farmer
37 trading work with another.
38 b. "Public applicator" means an individual who
39 applies pesticides as an employee of a state agency,
40 county, municipal corporation, or other governmental
41 agency.

42 c. "Structural pest control" means controlling any
43 pests in, on, or around food handling establishments;
44 human dwellings; institutions such as schools and
45 hospitals; industrial establishments, including
46 warehouses and grain elevators; and any other
47 structures in adjacent areas.

48 2. ADDITIONAL CERTIFICATION REQUIREMENTS. A
49 person shall not apply a restricted use pesticide
50 inside a home or injected into the ground around a

Page 3

1 home used for structural pest control without first
2 complying with the certification requirements of this
3 chapter and other restrictions as determined by the
4 secretary.

5 The secretary shall require applicants for
6 certification as commercial or public applicators of
7 pesticides applied inside a home or injected into the
8 ground around a home for structural pest control to
9 take and pass a written test.

10 3. Examination for commercial applicator license.
11 The secretary of agriculture shall not issue a
12 commercial applicator license for applying pesticides
13 inside homes or injecting pesticides into ground
14 surrounding homes for structural pest control until
15 the individual engaged in or managing the pesticide
16 application business or employed by the business is
17 certified by passing an examination to demonstrate to
18 the secretary the individual's knowledge of how to
19 apply pesticides under the classifications the
20 individual has applied for, and the individual's
21 knowledge of the nature and effect of pesticides the
22 individual may apply under such classifications.

23 4. Renewal of applicant's license. The secretary
24 of agriculture shall renew an applicant's license for
25 applying pesticides inside homes or injecting
26 pesticides into ground surrounding homes for
27 structural pest control under the classifications for
28 which the applicant is licensed, provided that all of
29 the applicant's personnel who apply pesticides inside
30 homes or inject pesticides into ground surrounding

31 ~~homes for structural pest control~~ have also been
 32 certified.
 33 15. By renumbering, relettering, or redesignating
 34 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE FILE 2328

S-5997

1 Amend Senate File 2328, as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, lines 3 and 4, by striking the words
 4 "~~three seven million seven one hundred fifty twenty-~~
 5 ~~two~~" and inserting the following: "three million
 6 ~~seven eight hundred fifty twenty-five~~".
 7 2. Page 2, lines 16 and 17, by striking the words
 8 "~~fourteen million nine six hundred seventy-eight~~
 9 ~~thirty-five~~" and inserting the following: "~~nineteen~~
 10 million ~~nine four hundred forty~~".
 11 3. Page 2, lines 22 and 23, by striking the words
 12 "five hundred ~~ninety-five thousand~~" and inserting the
 13 following: "~~five hundred thousand~~".
 14 4. Page 3, by striking lines 3 through 5, and
 15 inserting the following: "99E.33."
 16 5. Page 3, lines 8 and 9, by striking the words
 17 "through use of forgivable loans".
 18 6. Page 3, lines 10 and 11, by striking the words
 19 "through use of forgivable loans".
 20 7. Page 3, line 13, by striking the words
 21 "Forgivable loans" and inserting the following:
 22 "Grants".
 23 8. Page 3, line 18, by striking the word
 24 "forgivable loan" and inserting the following:
 25 "grants".
 26 9. Page 3, by striking lines 26 and 27 and
 27 inserting the following: "paragraph."
 28 10. Page 4, line 26, by striking the words "~~is~~
 29 ~~one~~" and inserting the following: "~~is two~~".
 30 11. Page 4, line 33, by inserting after the word
 31 "~~million~~" the following: "~~five hundred thousand~~".
 32 12. Page 5, line 4, by striking the words "~~five~~
 33 ~~hundred sixty~~" and inserting the following: "~~six~~
 34 ~~hundred fifty~~".
 35 13. Page 5, line 15, by striking the words "~~two~~
 36 ~~million fifteen~~" and inserting the following: "~~one~~
 37 ~~million eight hundred sixty-five~~".
 38 14. Page 5, line 24, by striking the word

39 “thirty-five” and inserting the following: “ninety-
40 five”.

41 15. Page 5, by striking lines 28 through 30 and
42 inserting the following: “and up to one hundred fifty
43 thousand dollars may be used for supplemental grants
44 to the satellite centers. Criteria for awarding”.

45 16. Page 5, line 32, by inserting after the word
46 “funding.” the following: “The department shall award
47 at least four supplemental grants, but in no case
48 shall the maximum supplemental grant exceed fifteen
49 thousand dollars.”

50 17. Page 6, line 3, by striking the word “ninety-

Page 2

1 three” and inserting the following: “ninety”.

2 18. Page 6, lines 10 and 11, by striking the
3 words “the amount appropriated is fifty thousand
4 dollars” and inserting the following: “no amount is
5 appropriated”.

6 19. Page 6, line 27, by striking the word “four”
7 and inserting the following: “three”.

8 20. By striking page 6, line 28 through page 7,
9 line 4.

10 21. Page 8, line 4, by striking the words “two
11 hundred fifty” and inserting the following: “one
12 hundred”.

13 22. Page 8, line 12, by inserting after the word
14 “hundred” the following: “twenty-five”.

15 23. Page 8, by striking lines 14 through 17.

16 24. Page 8, line 19, by striking the words “seven
17 hundred” and inserting the following: “eight hundred
18 fifty”.

19 25. Page 8, by striking lines 21 through 27 and
20 inserting the following: “provided in sections 15.271
21 and 15.272. The funds appropriated shall be used for
22 implementation of the recommendations of the statewide
23 long-range plan for developing and operating welcome
24 centers throughout the state.”

25 26. By striking page 8, line 28 through page 9,
26 line 1.

27 27. Page 9, line 3, by striking the word “five”
28 and inserting the following: “ten”.

29 28. Page 9, line 4, by striking the word “Three”
30 and inserting the following: “Five”.

31 29. Page 9, line 7, by striking the word “Two”
32 and inserting the following: “Five”.

33 30. Page 9, by striking lines 10 through 12 and
34 inserting the following:

35 “(3) If either Senate File 2092 or House File 2396
36 fails to be enacted, the allocation to the community
37 economic betterment account shall be increased by five
38 million dollars and if both fail to be enacted the
39 other five million dollars shall be reallocated to
40 this account and the education and agriculture
41 research and development account on a pro rata basis
42 determined without considering the ten million dollars
43 under this paragraph.”

44 31. Page 9, by striking lines 13 through 28.

45 32. Page 9, line 30, by striking the words “three
46 hundred” and inserting the following: “fifty”.

47 33. Page 10, by striking lines 23 through 27 and
48 inserting the following:

49 “v. For the fiscal year beginning July 1, 1988, to
50 the department of education the sum of seven hundred

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1 fifty thousand dollars for the purposes and under the
2 conditions specified in section 99E.31, subsection 5,
3 paragraph “c.”

4 34. Page 11, by striking lines 25 through 30 and
5 inserting the following: “which two hundred fifty
6 thousand dollars shall be allocated to the University
7 of Northern Iowa for the decision-making science
8 institute; one hundred thousand dollars shall be
9 allocated to the department of economic development
10 for an economic development training program at the
11 school of business at the University of Northern Iowa
12 which shall use these funds in consultation with the
13 department, the university, and the Iowa professional
14 developers; forty thousand dollars shall be
15 allocated”.

16 35. Page 12, line 19, by inserting after the
17 figure “(3).” the following: “The department may use
18 any unexpended funds from the appropriation made under
19 this paragraph for the fiscal year beginning July 1,
20 1987, as a prepayment of the allocations made for the
21 fiscal year beginning July 1, 1988, for the decision-
22 making science institute and the economic development
23 leadership program, which prepayment shall be repaid
24 as the fiscal year beginning July 1, 1988, allocation
25 to such institute or program becomes available.”

26 36. Page 13, lines 7 and 8, by striking the words
27 and figures “years beginning July 1, 1987 and July 1,
28 1988” and inserting the following: “years year
29 beginning July 1, 1987 and July 1, 1988”.

30 37. Page 13, lines 9 and 10, by striking the

- 31 words "and two hundred thousand dollars,
32 respectively.".
- 33 38. Page 13, lines 14 and 15, by striking the
34 words "In addition to any other amount appropriated,
35 for" and inserting the following: "For".
- 36 39. Page 13, line 19, by striking the word
37 "paragraph" and inserting the following: "paragraphs
38 e" and".
- 39 40. Page 13, lines 21 and 22, by striking the
40 word and figures "July 1, 1988," and inserting the
41 following: "July 1, 1988,".
- 42 41. By striking page 14, line 1 through page 15,
43 line 12.
- 44 42. Page 15, line 13, by striking the word "b,"
45 and inserting the following: "c,".
- 46 43. By striking page 15, line 22 through page 16,
47 line 29 and inserting the following:
- 48 "c. There is appropriated from the allotment made
49 to the jobs now capitals account under subsection 1
50 for the fiscal years beginning July 1, 1986, and July

Page 4

- 1 1, 1987, and July 1, 1988, to the Iowa State
2 University of science and technology for funding for
3 the small business development centers the sum of
4 seven hundred thousand dollars, and eight hundred
5 twenty-five thousand dollars, and eight hundred
6 twenty-five thousand dollars, respectively."
- 7 44. Page 17, line 24, by striking the words "five
8 hundred thousand".
- 9 45. Page 17, by striking lines 27 through 29 and
10 inserting the following: "associated with buildings
11 in the capitol complex."
- 12 46. By striking page 17, line 33 through page 19,
13 line 20.
- 14 47. Page 19, by striking lines 24 through 27 and
15 inserting the following: "department of economic
16 development the sum of seven hundred ninety-three
17 thousand dollars for".
- 18 48. Page 20, by striking line 3 and inserting the
19 following: "The amount appropriated under this
20 paragraph is in addition to any amounts appropriated
21 under Senate File 2309, if enacted.
- 22 NEW LETTERED PARAGRAPH. s. There is appropriated
23 from the allotment to the jobs now capitals account
24 under subsection 1 for the fiscal year beginning July
25 1, 1988, to the Iowa department of economic
26 development the sum of one million two hundred seven
27 thousand dollars for".

- 28 49. Page 20, line 14, by striking the figure
 29 "(3)".
 30 50. By striking page 22, line 3 through page 24,
 31 line 9.
 32 51. By renumbering, relettering, or redesignating
 33 and correcting internal references as necessary.

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2419

S-5998

- 1 Amend the Senate amendment, H-6380, to House File
 2 2419 as follows:
 3 1. Page 4, by inserting after line 45 the fol-
 4 lowing:
 5 "____. Page 4, by inserting after line 10 the
 6 following:
 7 "Sec. ____ . Section 442.13, subsection 7, Code
 8 Supplement 1987, is amended to read as follows:
 9 7. The committee may authorize a district to spend
 10 a reasonable and specified amount from its unexpended
 11 cash balance for ~~the purpose or purposes of furnishing~~
 12 either of the following purposes:
 13 a. Furnishing, equipping, and contributing to the
 14 construction of a new building or structure for which
 15 the voters of the district have approved a bond issue
 16 as provided by law or a tax as provided in chapter 278
 17 and for major building repairs as defined in section
 18 297.5.
 19 b. The costs associated with the demolition of an
 20 unused school building, or the conversion of an unused
 21 school building for community use, in a school
 22 district involved in a dissolution or reorganization
 23 under chapter 275 which are incurred within three
 24 years of the dissolution or reorganization.
 25 PARAGRAPH DIVIDED. No other expenditure, including
 26 but not limited to expenditures for salaries or
 27 recurring costs, shall be authorized under this
 28 subsection. Expenditures authorized under this
 29 subsection shall not be included in allowable growth
 30 or district cost, and the portion of the unexpended
 31 cash balance which is authorized to be spent shall be
 32 regarded as if it were miscellaneous income. Any part
 33 of ~~such the amount which is~~ not actually spent for the
 34 authorized purpose shall revert to its former status
 35 as part of the unexpended cash balance."

S-5999

1 Amend House File 2285, as passed by the House, as
2 follows:

3 1. Page 5, line 21, by striking the word "The"
4 and inserting the following: "For corporate income
5 tax purposes, the".

MICHAEL GRONSTAL

S-6000

1 Amend the amendment, S-5955, to House File 2448, as
2 amended, passed, and reprinted by the House, as
3 follows:

DIVISION S—6000A

4 1. By striking page 1, line 5 through page 2,
5 line 50, and inserting the following:
6 "'Section 1. Section 422.45, subsection 26, Code
7 Supplement 1987, is amended to read as follows:".

DIVISION S—6000B

8 2. Page 4, line 23, by striking the word "a"
9 poultry".
10 3. Page 5, line 3, by striking the figure "1981"
11 and inserting the following: "1984".
12 4. Page 5, line 8, by striking the word "and" and
13 inserting the following: "by".

CALVIN O. HULTMAN
RICHARD F. DRAKE
BERL E. PRIEBE
EMIL J. HUSAK

S-6001

1 Amend House File 2464, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 33, by striking the words " and
4 approval by the governor".

EUGENE FRAISE

S-6002

- 1 Amend House File 2283, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 3, line 4, by inserting after the word
4 "corporation" the following: ", limited
5 partnership".

KENNETH SCOTT

S-6003

- 1 Amend House File 2453 as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 34 through page 2,
4 line 2 and inserting the following:
5 "Sec. ____ . NEW SECTION. 159.30 LABORATORY
6 DIVISION -- PACKAGING DETERMINATION -- PROMOTION.
7 The laboratory division of the department shall do
8 all of the following:"
9 2. Page 2, line 4, by inserting after the word
10 "degradable" the following: "as defined pursuant to
11 section 455B.301, subsection 16."
12 3. Page 2, line 6, by inserting after the word
13 "degradable" the following: ", as defined pursuant to
14 section 455B.301, subsection 16,".
15 4. Page 2, line 8, by inserting after the word
16 "degradable" the following: ", as defined pursuant to
17 section 455B.301, subsection 16,".

JAMES RIORDAN
JOHN W. JENSEN

S-6004

- 1 Amend the House amendment, S-5997, to Senate File
2 2328, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 4, by inserting after line 29 the
5 following:
6 " ____ . Page 20, by inserting after line 16 the
7 following:
8 "NEW LETTERED PARAGRAPH. s. There is appropriated
9 from the allotment to the jobs now capitals account
10 under subsection 1 for the fiscal year beginning July
11 1, 1988, to the department of general services the sum
12 of ninety-five thousand dollars for the planning and
13 architectural costs related to the lease-purchase
14 contract for the construction of a new living unit and

15 the remodeling of an existing living unit at the state
16 juvenile institution at Eldora.””

RAY TAYLOR

S-6005

1 Amend House File 2170, 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 135B.9, Code 1987, is amended
6 to read as follows:

7 135B.9 INSPECTIONS AND CONSULTATIONS -- PROTECTION
8 AND ADVOCACY AGENCY INVESTIGATIONS.

9 The department of inspections and appeals shall
10 make or cause to be made such inspections as it may
11 deem necessary. The ~~state Iowa~~ department of public
12 health shall, with the advice of the hospital
13 licensee or applicant for license desiring to make
14 specified types of alteration or addition to its
15 facilities or to construct new facilities shall before
16 commencing such alteration, addition or new
17 construction, submit plans and specifications therefor
18 to the department of inspections and appeals for
19 preliminary inspection and approval or recommendations
20 with respect to compliance with the regulations and
21 standards herein authorized.

22 In the hospital-schools and mental health
23 institutes operated by the department of human
24 services, the designated protection and advocacy
25 agency as provided in section 135C.2, subsection 4,
26 shall have the authority to investigate all complaints
27 of abuse and neglect of persons with developmental
28 disabilities or mental illnesses if the complaints are
29 reported to the protection and advocacy agency or if
30 there is probable cause to believe that the abuse has
31 occurred. Such authority shall include the
32 examination of all records pertaining to the care
33 provided to the residents and contact or interview
34 with any resident, employee, or any other person who
35 might have knowledge about the operation of the
36 institution.

37 institution.
38 Sec. 2. Section 135B.12, Code 1987, is amended to
39 read as follows:

40 135B.12 INFORMATION CONFIDENTIAL.

41 Information received by the department of
42 inspections and appeals and the protection and

43 advocacy agency through filed reports, inspection, or
 44 as otherwise authorized under this chapter, shall not
 45 be disclosed publicly in such manner as to identify
 46 individuals or hospitals, except in a proceeding
 47 involving the question of licensure or the denial,
 48 suspension or revocation of a license or civil suit or
 49 administrative action by or on behalf of a patient.
 50 Sec. 3. Section 135C.2, subsection 4, Code

Page 2

1 Supplement 1987, is amended to read as follows:
 2 4. The protection and advocacy agency designated
 3 in the state, under Pub. L. No. 98-527, the
 4 developmental disabilities Act of 1984, ~~and~~ Pub. L.
 5 No. 99-319, the protection and advocacy for mentally
 6 ill individuals Act of 1986, ~~and~~ Pub. L. No. 100-146,
 7 the developmental disabilities assistance and bill of
 8 rights Act amendments of 1987, is recognized as an
 9 agency legally authorized and constituted to ensure
 10 the implementation of the purposes of this chapter for
 11 populations under its authority and in the manner
 12 designated by Pub. L. No. 98-527, ~~and~~ Pub. L. No. 99-
 13 319, ~~and~~ Pub. L. No. 100-146 and in the assurances of
 14 the governor of the state.”
 15 2. Title page, line 1, by inserting after the
 16 word “relating” the following: “to health care,
 17 revising provisions relating”.
 18 3. Title page, line 6, by inserting after the
 19 word “illness,” the following: “providing for
 20 investigations by the designated protection and
 21 advocacy agency in hospital-schools and mental health
 22 institutes, providing for the confidentiality and
 23 disclosure of information.”
 24 4. By renumbering as necessary.

JOE WELSH

S-6006

1 Amend House File 2469, as amended and passed by the
 2 House, as follows:

DIVISION S—6006A

3 1. Page 1, by inserting after line 35, the
 4 following:
 5 “3. To the department of economic development for
 6 the energy-related activities of the amorphous

7 semiconductor project at Iowa State University, from
 8 the stripper well fund:
 9 \$ 500,000”.

DIVISION S—6006B

10 2. Page 6, by inserting after line 33, the
 11 following:
 12 “Sec. ____ . If Senate File 2312 is enacted by the
 13 Seventy-second General Assembly, 1988 Session, there
 14 is appropriated from the general fund of the state to
 15 the public broadcasting division of the department of
 16 cultural affairs an amount equal to the difference
 17 between the eleven million one hundred thousand
 18 (11,100,000) dollars appropriated to the state board
 19 of regents for construction of the power plant
 20 addition at the University of Northern Iowa in that
 21 Act and the total amount of the bids let for
 22 construction of the project, not to exceed eight
 23 hundred seventy thousand (870,000) dollars, to be used
 24 by the public broadcasting division to purchase energy
 25 efficiency packages for its ultrahigh frequency
 26 transmitters.”

COMMITTEE ON APPROPRIATIONS
 JOE WELSH, Chairperson

S-6007

1 Amend House File 2339 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 15 the
 4 following:
 5 “Sec. ____ . NEW SECTION. 19A.41 DISCIPLINE AND
 6 DISMISSAL GENERALLY.
 7 1. For public employees covered by collective
 8 bargaining agreements, matters of discipline and
 9 dismissal shall be included within good faith
 10 negotiations between public employers and employee
 11 organizations.
 12 2. This section shall be administered by and
 13 subject to the rules and policies of the public
 14 employment relations board as provided in chapter 20
 15 and shall not be construed as a part of the rules and
 16 policies governing the state personnel system.
 17 3. As used in this section, the terms “public
 18 employee”, “public employer”, and “employee
 19 organization” mean as defined in section 20.3.”
 20 2. Title page, lines 1 and 2, by striking the

21 words "and discipline resolution for certain employees
22 of the state" and inserting the following: "
23 discipline, and dismissal of public employees".
24 3. By renumbering as necessary.

WALLY HORN
ROBERT M. CARR
C. JOSEPH COLEMAN

S-6008

1 Amend House File 2464, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 35, by inserting after the word
4 "lease-purchased." the following: "However, the
5 director shall not enter into a lease-purchase
6 contract for real or personal property which is to be
7 constructed for use as a prison or prison-related
8 facility without prior authorization by a
9 constitutional majority of each house of the general
10 assembly and approval by the governor of the use,
11 location, and maximum cost, not including interest
12 expense, of the real or personal property to be lease-
13 purchased and with the construction in accordance with
14 space needs as established by an independent study of
15 space needs authorized by the general assembly."

THOMAS MANN, Jr.

S-6009

1 Amend amendment S-5759 to House File 2269 as
2 passed by the House as follows:
3 1. Page 5, line 1, by striking the word "two"
4 and inserting the following: "three".
5 2. Page 5, line 2, by striking the word "two"
6 and inserting the following: "three".

C. JOSEPH COLEMAN

HOUSE AMENDMENT TO
SENATE FILE 376

S-6010

1 Amend Senate File 376, 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 527.4, subsection 3, paragraph
6 a, subparagraph (5), Code Supplement 1987, is amended
7 to read as follows:

8 (5) At any retail sales location in this state if
9 ~~any~~ all of the following apply:

10 (a) The satellite terminal is not designed,
11 configured, or operated to accept deposits or to
12 dispense script or other negotiable instruments.

13 (b) The satellite terminal is not designed,
14 configured, or operated to dispense cash except when
15 operated by the retailer as part of a retail sales
16 transaction.

17 (c) The satellite terminal is utilized for the
18 purpose of making payment to the retailer for goods or
19 services purchased at the location of the satellite
20 terminal.

21 (d) The financial institution controls a satellite
22 terminal described under subparagraph ~~part~~ subdivision
23 (c) at a location of the retailer established pursuant
24 to subparagraph (1), (2), (3), or (4)."

25 2. Title page, by striking lines 1 through 5, and
26 inserting the following: "An Act relating to the
27 location of a satellite terminal of a financial
28 institution at a retail sales location."

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 653

S-6011

1 Amend the Senate amendment, H-6092, to House File
2 653, as passed by the House, as follows:

3 1. Page 1, line 13, by inserting after the word
4 "to" the following: ", or loss due to theft of,".

5 2. Page 1, line 23, by inserting after the words
6 "damages to" the following: ", or loss due to theft
7 of,".

- 8 3. Page 1, line 36, by striking the words "or
- 9 commercial type vehicle".
- 10 4. Page 2, lines 12 and 13, by striking the words
- 11 "on the face of the agreement".
- 12 5. Page 2, line 25, by striking the words
- 13 "However, prior to July 1, 1989, the" and inserting
- 14 the following: "The".
- 15 6. Page 2, line 27, by striking the word "may"
- 16 and inserting the following: "shall".
- 17 7. Page 2, line 46, by striking the word "notice"
- 18 and inserting the word "noticed".
- 19 8. Page 3, by striking lines 7 through 20.
- 20 9. By renumbering, relettering, or redesignating
- 21 and correcting internal references as necessary.

S-6012

1 Amend House File 2469 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 1, the
 4 following:
 5 "3. To the division of community action agencies
 6 of the department of human rights for the operation of
 7 the affordable heating payment program pilot project
 8 from the Stripper Well fund:
 9 \$ 500,000
 10 Not more than twenty-five thousand (25,000) dollars
 11 of the moneys appropriated under this subsection shall
 12 be used for administrative costs. This appropriation
 13 is contingent upon and shall only be made if the 1988
 14 Session of the General Assembly enacts House File 683
 15 establishing the affordable heating payment program
 16 pilot project."

MICHAEL E. GRONSTAL

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2344

S-6013

1 Amend the Senate amendment, H-6304, to House File
 2 2344, as passed by the House, as follows:
 3 1. Page 1, by inserting before line 3 the
 4 following:
 5 "___ . Page 1, line 6, by striking the words

- 6 “result which results in” and inserting the following:
7 “result.”
8 ____ . Page 1, line 7, by striking the word “or”.
9 2. Page 1, line 5, by inserting after the word
10 “syndrome.” the following: “The inclusion of a
11 condition related to a positive human immunodeficiency
12 virus test result in the meaning of “disability” under
13 the provisions of this chapter does not preclude the
14 application of the provisions of this chapter to
15 conditions resulting from other contagious or
16 infectious diseases.”
17 3. Page 1, by inserting after line 12 the
18 following:
19 “ ____ . Page 1, line 32, by inserting after the
20 word “declares” the following: “through the utiliza-
21 tion of guidelines established by the center for
22 disease control of the United States department of
23 health and human services”.
24 4. Title page, line 6, by inserting after the
25 word “applicable” the words “and amending the
26 definition of disability”.

HOUSE AMENDMENT TO
SENATE FILE 2107

S-6014

- 1 Amend Senate File 2107, as amended, passed, and
2 reprinted by the Senate, as follows:
3 2. Page 1, line 33, by inserting after the word
4 “aircraft,” the following: “recreational vehicle”.
5 3. Page 2, line 9, by inserting after the word
6 “source” the following: “including the child’s own
7 funds”.
8 4. Page 2, by striking line 18 and inserting the
9 following: “deductible. The fund is not liable for
10 damages in excess of three hundred thousand dollars
11 for a single foster home for all claims arising out of
12 one or more occurrences during a calendar year.”
13 5. Page 2, by striking line 28 and inserting the
14 following:
15 “c. The department shall issue a decision on a
16 claim within”.

S-6015

1 Amend Senate File 2339, as follows:

2 1. Page 1, line 4, by inserting after the word
3 "moneys" the following: "remaining after expenses".

4 2. Page 1, by striking lines 6 through 22 and
5 inserting the following: "office of the treasurer of
6 state. Notwithstanding section 8.33, the funds
7 remaining in the pull-tab fund shall not revert to the
8 general fund at the end of any fiscal year. The
9 treasurer of state shall make allotments of the moneys
10 within the pull-tab fund to separate accounts within
11 the fund as follows:

12 a. Forty percent of the moneys shall be allotted
13 to the elderly services account to be used under the
14 administration of the department of elder affairs for
15 programs which may include but are not limited to the
16 following: a buy-down prescription drug program for
17 low-income elderly persons, homemaker-home health aide
18 programs, property tax relief for low-income elderly
19 persons, and other community-based service programs
20 for the elderly.

21 b. Thirty-five percent of the moneys shall be
22 allotted to the natural resources, wildlife, and park
23 development account to be used under the
24 administration of the department of natural resources
25 for programs which may include but are not limited to
26 the following: programs for the development of state
27 and county parks, the expansion of wilderness areas,
28 and the development of bike trails.

29 c. Ten percent of the moneys shall be allotted to
30 the student aid account to be used under the
31 administration of the college aid commission for the
32 provision of financial assistance to low-income and
33 middle-income students to help the students finance a
34 public or private college or university education.

35 d. Fifteen percent of the moneys shall be allotted
36 to the state capitals account to be used upon the
37 direction of the general assembly for state capitals
38 projects which may include but are not limited to the
39 construction of a new state prison to replace the
40 state penitentiary, other essential corrections
41 capital projects, state capitol building restoration,
42 and other essential state building or capital
43 projects."

JIM LIND
DAVID READINGER

S-6016

- 1 Amend House File 2469 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 6, by striking line 30.

EDGAR H. HOLDEN

HOUSE AMENDMENT TO
SENATE FILE 2126

S-6017

- 1 Amend Senate File 2126, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 455B.275, subsection 4, Code
6 1987, is amended to read as follows:
7 4. The department may maintain an action in equity
8 to enjoin a person from erecting or making or
9 permitting to be made a structure, dam, obstruction,
10 deposit, or excavation other than a dam constructed
11 and operated under the authority of chapter 469, for
12 which a permit has not been granted. The department
13 may also seek judicial abatement of any structure,
14 dam, obstruction, deposit, or excavation erected or
15 made without a permit required under this part. The
16 abatement proceeding may be commenced to enforce an
17 administrative determination of the department in a
18 contested case proceeding that a public nuisance
19 exists and should be abated. The costs of abatement
20 shall be borne by the violator. Notwithstanding
21 section 176B.11, a structure, dam, obstruction,
22 deposit, or excavation on a floodway or flood plain in
23 an agricultural area established under chapter 176B is
24 not exempt from the sections of this part which relate
25 to regulation of flood plains and floodways. As used
26 in this subsection, violator includes a person
27 contracted to erect or make a structure, dam,
28 obstruction, deposit, or excavation in a floodway
29 including stream straightening unless the project is
30 authorized by a permit required under this part or the
31 project is a dam authorized pursuant to chapter 469."

32 2. Page 1, line 10, by striking the words "of the
33 completion" and inserting the following: "after the
34 department becomes aware".

35 3. Page 1, line 12, by striking the word "The"
36 and inserting the following: "After ten years from
37 the completion of the erection or making of the
38 structure, dam, obstruction, deposit, excavation, or
39 stream straightening, the".

40 4. Page 1, line 13, by inserting after the word
41 "any" the following: "administrative or".

42 5. Page 1, line 15, by inserting after the word
43 "section" the following: "unless action is required
44 to protect the public safety, in which case this
45 section is not intended to limit the department from
46 taking actions otherwise authorized by law".

47 6. Page 1, by inserting after line 15 the
48 following:

49 "Sec. ____ . In addition to prospective application,
50 this Act applies to all knowledge possessed by the

Page 2

1 department of natural resources for at least five
2 years before the effective date of this Act and to all
3 projects completed earlier than ten years before the
4 effective date of this Act."

5 7. Title page, line 4, by inserting after the
6 word "floodway" the following: "and providing for the
7 Act's applicability".

8 8. By renumbering sections.

HOUSE AMENDMENT TO SENATE FILE 2289

S-6018

1 Amend Senate File 2289 as passed by the Senate as
2 follows:

3 1. Page 1, by striking lines 1 through 11, and
4 inserting the following:

5 "Sec. ____ . Section 534.702, Code Supplement 1987,
6 is amended by adding the following new subsection:
7 **NEW SUBSECTION. 10. LIMITED EXEMPTION FOR SOLVENT**
8 **FOREIGN ASSOCIATIONS.** A foreign savings and loan
9 association is exempt from the requirements of this
10 section if the association's business in this state is
11 limited to the sale of certificates of deposit through
12 independent broker-dealers registered under section

13 502.302, unless the superintendent of savings and
14 loans by order determines the association is
15 insolvent.”

S-6019

1 Amend amendment, S-5955, to House File 2448, as
2 amended, passed, and reprinted by the House as
3 follows:

DIVISION S—6019A

4 1. Page 3, by striking lines 36 through 38 and
5 inserting the following: “including replacement
6 parts, if all of the”.

DIVISION S—6019B

7 2. Page 4, by inserting after line 3 the
8 following:
9 “Sec. ____ . Section 422.47, subsection 4, paragraph
10 f, Code Supplement 1987, is amended to read as
11 follows:
12 f. In this section, “fuel” includes gas,
13 electricity, water, heat, steam, and any other
14 tangible personal property consumed in creating heat,
15 power, or steam. In this section, “fuel consumed in
16 processing” means fuel used or disposed of for
17 processing including grain drying, for providing heat
18 or cooling for livestock buildings or for generating
19 electric current, or ~~consumed in self-propelled~~
20 implements of husbandry engaged in agricultural
21 production. In this subsection, “fuel exemption
22 certificate” means an exemption certificate given by
23 the purchaser under penalty of perjury to assist
24 retailers in properly accounting for nontaxable sales
25 of fuel consumed in processing. In this subsection,
26 “substantial change” means a change in the use or
27 disposition of tangible personal property and services
28 by the purchaser such that the purchaser pays less
29 than ninety percent of the purchaser’s actual sales
30 tax liability. A change includes a misstatement of
31 facts in an application made pursuant to paragraph “c”
32 or in a fuel exemption certificate.”

DIVISION S—6019C

33 3. Page 4, line 7, by striking the words “or
34 reconstruction of”.

DIVISION S—6019D

35 4. Page 4, by striking lines 9 and 10 and
 36 inserting the following: "replacement parts ~~which are~~
 37 ~~depreciable for state and federal income tax purposes,~~
 38 shall be refunded to the".

DIVISION S—6019E

39 5. Page 4, line 13, by striking the word
 40 "reconstruction".

DIVISION S—6019F

41 6. Page 4, by inserting after line 29 the
 42 following:
 43 "f. The replacement part is essential to any
 44 repair or reconstruction necessary to the farm
 45 machinery's, equipment's, or implement's exempt use in
 46 livestock or dairy production."

BERL PRIEBE
 CHARLES BRUNER

S-6020

1 Amend amendment S-6007, to House File 2339, as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, line 9, by striking the word "shall"
 4 and inserting the following: "may".

CALVIN O. HULTMAN

S-6021

1 Amend the House amendment, S-6014 to Senate
 2 File 2107, as amended, passed and reprinted by
 3 the Senate, as follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 " . Page 1, line 3, by striking the word "a".
 7 . Page 1, by striking lines 4 through 7 and
 8 inserting the following: "either of the following:
 9 a. An individual, as defined in section 237.1,
 10 subsection 7, who is licensed to provide child
 11 foster care and shall also be known as a "licensed
 12 foster home".

13 b. A guardian appointed on a voluntary petition
 14 of a ward pursuant to section 633.557, or a
 15 conservator appointed on a voluntary petition of
 16 a ward pursuant to section 633.572, provided the
 17 ward has an income that does not exceed one hundred
 18 fifty percent of the current federal office of
 19 management and budget poverty guidelines and who
 20 does not have resources in excess of the criteria
 21 for resources under the federal supplemental
 22 security income program. However, the ward's
 23 ownership of one residence and one vehicle shall
 24 not be considered in determining resources."
 25 ____ . Page 1, line 21, by inserting after the
 26 word "reimburse" the word "licensed."
 27 2. Page 1, by inserting after line 7, the
 28 following:
 29 "____ . Page 2, by inserting after line 14 the
 30 following:
 31 "5. Except as provided in this section, the
 32 fund shall pay, on behalf of a guardian or
 33 conservator, the reasonable and necessary legal
 34 costs incurred in defending against a suit filed
 35 by a ward or the ward's representative and the
 36 damages awarded as a result of the suit, so long
 37 as it is determined that the guardian or
 38 conservator acted in good faith in the performance
 39 of their duties. A payment shall not be made if
 40 there is evidence of intentional misconduct or a
 41 knowing violation of the law by the guardian or
 42 conservator, including, but not limited to,
 43 failure to carry out the responsibilities required
 44 under sections 633.633 through 633.635 and 633.641
 45 through 633.651.""

CHARLES BRUNER

S-6022

1 Amend the House amendment, S-5946, to Senate File
 2 2250, as passed by the Senate, as follows:
 3 1. Page 1, by inserting after line 15 the
 4 following:
 5 "Sec. ____ . Section 206.5, Code Supplement 1987, is
 6 amended by adding the following new unnumbered
 7 paragraph after unnumbered paragraph 3:
 8 NEW UNNUMBERED PARAGRAPH. An employee of a food
 9 processing and distribution establishment is exempt
 10 from the certification requirements of this section
 11 provided that at least one person holding a

12 supervisory position is certified and provided that
 13 the employer provides a program, approved by the
 14 department, for training and certification of
 15 personnel who apply, as an incidental part of their
 16 duties, any pesticide on property owned or rented by
 17 the employer. The secretary shall adopt rules to
 18 administer the provisions of this paragraph.”

19 2. Page 2, by striking lines 3 through 30, and
 20 inserting the following:

21 “A groundwater protection fund is created in the
 22 state treasury. Moneys received from sources
 23 designated for purposes related to groundwater
 24 monitoring and groundwater quality standards shall be
 25 deposited in the fund. Notwithstanding section 8.33,
 26 any unexpended balances in the groundwater protection
 27 fund and in any of the accounts within the groundwater
 28 protection fund at the end of each fiscal year shall
 29 be retained in the fund and the respective accounts
 30 within the fund. Notwithstanding section 453.7,
 31 subsection 2, interest or earnings on investments or
 32 time deposits of the moneys in the groundwater protec-
 33 tion fund or in any of the accounts within the ground-
 34 water protection fund shall be credited to the
 35 groundwater protection fund or the respective accounts
 36 within the groundwater protection fund. The fund may
 37 be used for the purposes established for each account
 38 within the fund.”

39 3. By striking page 3, line 10 through page 4,
 40 line 7.

41 4. Page 4, by inserting after line 23, the
 42 following:

43 “— . Title page, line 1, by inserting after the
 44 word “by” the following: “exempting certain persons
 45 from pesticide application certification requirements,
 46 by”.”

PAT DELUHERY
 EMIL J. HUSAK
 ALVIN MILLER
 BERL E. PRIEBE
 JAMES WELLS
 RICHARD F. DRAKE
 JIM LIND
 CALVIN O. HULTMAN

S-6023

1 Amend the amendment, S-6007, to House File 2339, as
 2 amended, passed, and reprinted by the House, as

3 follows:

- 4 1. Page 1, by striking lines 17 through 19 and
- 5 inserting the following:
- 6 "3. This section applies to public employees
- 7 subject to the state merit system as provided in
- 8 section 19A.3."

LINN FUHRMAN

S-6024

- 1 Amend the amendment, S-6007, to House File 2339, as
- 2 amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 11, by inserting after the word
- 5 "organizations" the following: "upon the mutual
- 6 consent of both parties".

LINN FUHRMAN

S-6025

- 1 Amend Senate File 2333 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 400.6, Code 1987, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 8. Employees appointed pursuant
- 7 to section 372.15."
- 8 2. Title page, line 1, by inserting after the
- 9 word "laws" the following: "and city employment
- 10 authority".
- 11 3. By renumbering as necessary.

JIM RIORDAN

S-6026

- 1 Amend amendment S-5924 to Senate File 2333 as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "chapter" the following: ", and a city shall apply
- 5 the provisions of this chapter to section 372.15, Code
- 6 1987".

JIM RIORDAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 613

S-6027

- 1 Amend the Senate amendment, H-6464, to House File
2 613, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 42, by striking the figure "21"
5 and inserting the following: "20".

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2439

S-6028

- 1 Amend the Senate amendment, H-6455, to House File
2 2439, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 3 through page 2,
5 line 24.
6 2. Page 2, by striking line 27 through 37.
7 3. By renumbering as necessary.

S-6029

- 1 Amend House File 2455, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 3, by striking the word
4 "Commission".
5 2. Page 2, by striking lines 7 and 8, and
6 inserting the following:
7 "1. "Commission" means the health data commission
8 established by section 145.2."
9 3. Page 3, by striking lines 3 through 5 and
10 inserting the following:
11 "Sec. ____ . **NEW SECTION.** 135.113 HEALTH
12 PROFESSION REVIEW BY HEALTH DATA COMMISSION.
13 In addition to its duties under chapter 145, the
14 health data commission shall perform duties as set
15 forth in this division".
16 4. Page 3, by striking lines 16 through 34.

17 5. Page 6, line 32, by striking the words "health
18 data commission, the".

19 6. Page 9, line 14, by striking the words "health
20 data commission, the".

21 7. Page 9, by striking lines 21 through 31 and
22 inserting the following:

23 "Sec. ____ . NEW SECTION. 135.117 RULES.

24 The commission shall adopt rules pursuant to
25 chapter 17A as necessary to carry out this division."

26 8. Page 10, line 5, by striking the words
27 "profession review" and inserting the following:
28 "data".

29 9. Page 11, by striking lines 1 through 8 and
30 inserting the following:

31 "Sec. ____ . Section 145.2, Code 1987, is amended to
32 read as follows:

33 145.2 HEALTH DATA COMMISSION ESTABLISHED --
34 PURPOSE.

35 A state health data commission is established to
36 act as a statewide health data clearinghouse for the
37 acquisition, compilation, correlation, and
38 dissemination of data from health care providers, the
39 state Medicaid program, third-party payers, and other
40 appropriate sources in furtherance of the purpose and
41 intent of the legislature as expressed in section
42 145.1, and to perform other duties as provided by law.

43 The commission consists of the director of the
44 department of elder affairs, the commissioners of
45 insurance and human services, the director of public
46 health, the director of inspections and appeals, one
47 state senator and one state representative who shall
48 not be of the same party, shall be nonvoting members,
49 and shall be appointed each year by the majority
50 leader of the senate and speaker of the house,

Page 2

1 respectively, and the chairperson of the board of
2 directors of the corporation or the head of the
3 association or other entity providing staff for the
4 commission as provided by section 145.3 who shall be a
5 nonvoting member. The commissioner and director
6 members shall annually select the chairperson of the
7 commission from among the ~~four~~ five voting commission
8 members. A majority of the ~~seven~~ eight members
9 including at least ~~two~~ three voting members
10 constitutes a quorum.

11 The commission shall meet at least once during each
12 calendar quarter. Meeting dates shall be set by
13 members of the commission or by call of the

14 chairperson upon five days notice to the members.
 15 Action of the commission shall not be taken except
 16 upon the affirmative vote of a majority of the voting
 17 members of the commission. The ~~three~~ **five** voting
 18 members of the commission shall not receive a salary
 19 or per diem for being on the commission but shall
 20 receive reimbursement for necessary travel and
 21 expenses while engaged in commission business. Funds
 22 for reimbursement shall come from the moneys
 23 appropriated to the department of which the member is
 24 the head. The two legislative members of the
 25 commission are entitled to per diem and necessary
 26 travel and actual expenses as provided in section
 27 2.10, subsection 6. The commission staff and
 28 chairperson of the corporation, association, or entity
 29 under agreement with the commission pursuant to
 30 section 145.3, subsection 1 shall not receive any
 31 salary, wages, or per diem for serving the commission
 32 and shall not receive reimbursement for commission
 33 travel and related expenses or for other commission
 34 expenses.”

35 10. Page 11, by inserting after line 16 the
 36 following:

37 “Sec. ____ . Section 145.6, Code 1987, is amended to
 38 read as follows:

39 **145.6 REPORTS AND TERMINATION OF COMMISSION**
 40 **REPORT.**

41 The commission shall submit an annual report on the
 42 actions taken by the commission to the legislature not
 43 later than January 15 of each year. ~~The commission~~
 44 ~~shall be terminated July 1, 1989. If the legislature~~
 45 ~~does not extend the date for termination, a final~~
 46 ~~report shall be submitted to the legislature by July~~
 47 ~~1, 1989.”~~

48 11. Title page, line 5, by inserting after the
 49 word “funds,” the following: “increasing the
 50 membership of the health data commission, deleting

Page 3

1 statutory provisions requiring the termination of the
 2 health data commission.”.

3 12. By renumbering as necessary.

AL STURGEON
 JIM LIND
 JIM RIORDAN
 DAVID M. READINGER

S-6030

1 Amend House File 2158 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 4, by inserting after the words
4 "bed of" the following: "any stream covered by water
5 which is private property, without the permission of
6 the landowner or tenant, or in any portion of the bed
7 of".

EUGENE FRAISE

S-6031

1 Amend House File 2456, 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 135B.9, Code 1987, is amended
6 to read as follows:
7 135B.9 INSPECTIONS AND CONSULTATIONS -- PROTECTION
8 AND ADVOCACY AGENCY INVESTIGATIONS.
9 The department of inspections and appeals shall
10 make or cause to be made such inspections as it may
11 deem necessary. The state Iowa department of public
12 health shall, with the advice of the hospital
13 licensing board, prescribe by regulations that any
14 licensee or applicant for license desiring to make
15 specified types of alteration or addition to its
16 facilities or to construct new facilities shall before
17 commencing such alteration, addition or new
18 construction, submit plans and specifications therefor
19 to the department of inspections and appeals for
20 preliminary inspection and approval or recommendations
21 with respect to compliance with the regulations and
22 standards herein authorized.
23 In the state hospital-schools and state mental
24 health institutes operated by the department of human
25 services, the designated protection and advocacy
26 agency as provided in section 135C.2, subsection 4,
27 shall have the authority to investigate all complaints
28 of abuse and neglect of persons with developmental
29 disabilities or mental illnesses if the complaints are
30 reported to the protection and advocacy agency or if
31 there is probable cause to believe that the abuse has
32 occurred. Such authority shall include the
33 examination of all records pertaining to the care
34 provided to the residents and contact or interview

35 with any resident, employee, or any other person who
 36 might have knowledge about the operation of the
 37 institution.

38 Sec. 2. Section 135B.12, Code 1987, is amended to
 39 read as follows:

40 135B.12 INFORMATION CONFIDENTIAL.

41 Information received by the department of
 42 inspections and appeals and the protection and
 43 advocacy agency through filed reports, inspection, or
 44 as otherwise authorized under this chapter, shall not
 45 be disclosed publicly in such manner as to identify
 46 individuals or hospitals, except in a proceeding
 47 involving the question of licensure or the denial,
 48 suspension or revocation of a license or civil suit or
 49 administrative action by or on behalf of a patient.

50 Sec. 3. Section 135C.2, subsection 4, Code

Page 2

1 Supplement 1987, is amended to read as follows:

2 4. The protection and advocacy agency designated
 3 in the state, under Pub. L. No. 98-527, the
 4 developmental disabilities Act of 1984, ~~and~~ Pub. L.
 5 No. 99-319, the protection and advocacy for mentally
 6 ill individuals Act of 1986, and Pub. L. No. 100-146,
 7 the federal Developmental Disabilities Assistance and
 8 Bill of Rights Act Amendments of 1987, is recognized
 9 as an agency legally authorized and constituted to
 10 ensure the implementation of the purposes of this
 11 chapter for populations under its authority and in the
 12 manner designated by Pub. L. No. 98-527, ~~and~~ Pub. L.
 13 No. 99-319, and Pub. L. No. 100-146 and in the
 14 assurances of the governor of the state.”

15 2. By renumbering as necessary.

JOE WELSH

HOUSE AMENDMENT TO
 SENATE FILE 2327

S-6032

1 Amend Senate File 2327, as amended, passed, and re-
 2 printed by the Senate, as follows:

3 1. Page 1, by striking lines 24 through 27 and
 4 inserting the following: “United States olympic com-
 5 mittee on the condition that the United States olympic
 6 committee return one-half of the funds to this state

7 to be spent in that year for local amateur sports, for
8 which there is olympic competition, with advice of the
9 governor's council on physical fitness and for special
10 olympic programs."

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 650

S-6033

1 Amend the Senate amendment, H-4274, to House File
2 650 as amended, passed, and reprinted by the House as
3 follows:

4 1. By striking page 1, line 3 through page 5,
5 line 40, and inserting the following:
6 "— . By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. Section 279.10, subsections 1 and 4,
9 Code 1987, are amended to read as follows:

10 1. The school year shall begin on the first day of
11 July and each regularly established elementary and
12 secondary school shall begin no sooner than the first
13 day of September ~~and~~ but no later than the first
14 Monday in December. School shall continue for at
15 least one hundred eighty days, except as provided in
16 subsection 3, and may be maintained during the entire
17 calendar year. A school corporation may begin
18 employment of personnel for in-service training and
19 development purposes before the date to begin
20 elementary and secondary school.

21 4. The director of the department of education may
22 grant a request made by a board of directors of a
23 school district stating its desire to commence classes
24 for regularly established elementary and secondary
25 schools before the first day of September earliest
26 starting date specified in subsection 1. A request
27 shall be based upon the determination that a starting
28 date on or after the first day of September earliest
29 starting date specified in subsection 1 would have a
30 significant negative educational impact.

31 Sec. 2. Section 299.1, unnumbered paragraphs 1 and
32 2, Code 1987, are amended to read as follows:

33 ~~A person having control~~ The parent, guardian, or
34 custodian of a child who is over seven and under
35 sixteen years of age by September 15, in proper
36 physical and mental condition to attend school, shall
37 ~~cause the child to attend~~ enroll the child in some

38 public school for at least one hundred twenty days in
 39 each school year, commencing no sooner than the first
 40 day of September, unless the board of school directors
 41 establishes a later date, which date shall not be
 42 later than the first Monday in December as provided
 43 under section 279.10.

44 The board may, by resolution, require attendance in
 45 the public schools for the entire time when the
 46 schools are in session in any school year.

47 Sec. 3. Section 299.1, Code 1987, is amended by
 48 adding the following new unnumbered paragraph:
 49 NEW UNNUMBERED PARAGRAPH. A child shall attend an
 50 accredited or approved school for at least one hundred

Page 2

1 twenty days each school year. The requirement shall
 2 be met by attendance for at least thirty days each
 3 school quarter, or a similar distribution of
 4 attendance throughout the school year.

5 Sec. 4. Section 299.4, Code 1987, is amended to
 6 read as follows:

7 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

8 Any person having the control ~~The parent, guardian,~~
 9 or custodian of any a child who by September 15 is
 10 over seven and under sixteen years of age, who shall
 11 place such places ~~the~~ child under private instruction,
 12 not in a regularly conducted an accredited or approved
 13 school, upon receiving notice from the secretary of
 14 the school district, shall furnish a certificate
 15 stating report in duplicate, to the district by the
 16 earliest starting date specified in section 279.10,
 17 subsection 1. The secretary shall retain and file one
 18 copy and forward the other copy to the district's area
 19 education agency. The report shall state the name and
 20 age of such the child, the period of time during which
 21 such the child has been or will be under said private
 22 instruction for the school year, the details of such
 23 instruction, an outline of the course of study, texts
 24 used, and the name and address of the instructor. The
 25 term "outline of course of study" shall include, but
 26 is not limited to, subjects covered, weekly lesson
 27 plans, and time spent on the areas of study.

28 Sec. 5. Section 299.5, Code 1987, is amended to
 29 read as follows:

30 299.5 PROOF OF ABNORMALITY MENTAL OR PHYSICAL
 31 CONDITION.

32 Any person having the control ~~The parent, guardian,~~
 33 or custodian of any a child who is over seven and
 34 under sixteen years of age by September 15, who is

35 physically or mentally unable to attend school, shall
36 furnish proofs by affidavit as to the physical or
37 mental condition of ~~such the~~ child.

38 Sec. 6. Section 299.6, Code 1987, is amended to
39 read as follows:

40 299.6 VIOLATIONS.

41 Any person who shall violate any of the provisions
42 of sections 299.1 to 299.5, inclusive, shall be guilty
43 of a simple misdemeanor and the court shall order the
44 person to perform not more than forty hours of unpaid
45 community service instead of any fine or imprisonment.

46 Sec. 7. Notwithstanding section 802.4,
47 prosecutions for violations of chapter 299, which
48 occur between the effective date of this Act and July
49 1, 1989, shall be deferred until after July 1, 1989
50 unless the parent, guardian, or custodian fails to

Page 3

1 meet the requirements of section 299.4.

2 This section does not apply to any parent,
3 guardian, or custodian who has enrolled a child in an
4 equivalent instruction program which meets the
5 requirements of section 299.1 on or prior to the
6 effective date of this Act.

7 Sec. 8. Until July 1, 1989, any person providing
8 equivalent instruction under section 299.1 shall
9 provide evidence, as part of the report submitted
10 under section 299.4, that any child instructed has
11 complied with the immunization requirements of section
12 139.9.

13 Sec. 9. Until July 1, 1989, a person who is not a
14 certified instructor, but who is providing equivalent
15 instruction under section 299.1, is a mandatory
16 reporter of child abuse under section 232.69.

17 Sec. 10. The legislative council is requested to
18 establish an interim study committee to conduct a
19 comprehensive study of the existing compulsory
20 education law. The study shall include but not be
21 limited to current needs in the areas of truancy,
22 equivalent instruction, and alternative schooling.
23 The committee shall consist of legislators of both
24 houses and be bipartisan in composition. The
25 committee shall develop recommendations to submit in a
26 report to the legislative council and the members of
27 the general assembly which convenes in 1989.

28 Sec. 11. This Act, being deemed of immediate
29 importance, takes effect upon enactment."

30 2. Title page, by striking lines 1 and 2 and
31 inserting the following: "An Act relating to school

32 year duration and attendance requirements and
33 providing for an effective date, a moratorium, and an
34 interim study committee.”

HOUSE AMENDMENT TO
SENATE FILE 2278

S-6034

1 Amend Senate File 2278, 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 256.17, unnumbered paragraph
6 2, Code Supplement 1987, is amended to read as
7 follows:

8 Notwithstanding the standards included in section
9 256.11, not later than July 1, 1987, the state board
10 shall adopt rules establishing new standards for
11 accredited schools. The rules shall be adopted under
12 chapter 17A and shall require that schools and school
13 districts meet the standards adopted by the state
14 board not later than July 1, 1989, except for the
15 following:

16 1. Schools and school districts are not required
17 to meet the standard adopted by the state board
18 requiring that ten units of vocational education be
19 offered and taught in grades nine through twelve
20 unless the general assembly enacts legislation
21 relating to the requirements stated in the standard.
22 Until that time the occupational education
23 requirements stated in section 256.11, subsection 6,
24 paragraph “h”, remain in effect.

25 2. Schools and school districts are not required
26 to meet the standard adopted by the state board
27 specifically relating to the number of instructional
28 days and length of the school day for kindergarten
29 programs on July 1, 1992, unless the general assembly
30 has adopted legislation that provides additional state
31 moneys to school districts for the increased costs of
32 the kindergarten programs. The kindergarten program
33 standard shall not take effect until the additional
34 state moneys have been provided.

35 3. Schools and school districts are not required
36 to meet the requirement stated in the standards that
37 prohibits an individual who is employed or contracted
38 for as superintendent from also serving as a principal
39 in that school or school district unless the general

40 assembly adopts legislation to prohibit the
41 combination. The department of education shall review
42 the literature relating to administrative
43 organizational structure of schools and make
44 recommendations for an alternative structure to the
45 general assembly not later than February 1, 1989.
46 Sec. 2. The legislative council is requested to
47 establish a study committee composed of members of the
48 house and senate committees on education from both
49 political parties to conduct a comprehensive study of
50 the provision of vocational education courses for

Page 2

1 secondary school students. The study shall include,
2 but not be limited to, the vocational education
3 requirements contained in the rules adopted by the
4 state board of education pursuant to section 256.17,
5 the courses offered by school districts, the costs of
6 offering the various areas of vocational education
7 courses, enrollment trends, and the feasibility of
8 alternative means of offering vocational education
9 courses, including but not limited to, requiring that
10 secondary school vocational education courses be
11 provided by the area schools in either the high school
12 or area school setting or an alternative setting.
13 The study committee shall submit a report of its
14 recommendations to the legislative task force studying
15 postsecondary education if one is established, the
16 legislative council, and the general assembly meeting
17 in 1989.
18 Sec. 3. The legislative fiscal bureau shall
19 conduct a survey of school districts to determine the
20 feasibility of requiring that the kindergarten program
21 operate a minimum of one hundred eighty days and meet
22 a minimum school day time requirement of four and one-
23 half hours. The survey shall include an inventory of
24 additional space requirements and the availability of
25 vacant classrooms in school district facilities,
26 additional staff requirements, availability of
27 educational materials, and transportation needs.
28 The legislative fiscal bureau shall report the
29 results of the survey to the chairpersons and ranking
30 members of the senate and house committees on
31 education not later than December 1, 1988.”

HOUSE AMENDMENT TO
SENATE FILE 2247

S-6035

- 1 Amend Senate File 2247 as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the word "lesser"
4 and inserting the following: "greater".
- 5 2. Page 1, line 11, by inserting after the word
6 "thereafter." the following: "The secretary shall
7 provide for a ninety-day grace period for licensure
8 and shall impose a late fee of two percent of gross
9 retail sales upon the licensure of a pesticide dealer
10 applying for licensure during the period July 2
11 through July 31, a late fee of four percent of gross
12 retail sales upon the licensure of a pesticide dealer
13 applying for licensure during the month of August, and
14 a late fee of five percent of gross retail sales upon
15 the licensure of a pesticide dealer applying for
16 licensure during the month of September."
- 17 3. Page 2, by striking lines 7 through 10 and
18 inserting the following: "exemptions to the minimum
19 fee. Fifty".
- 20 4. By striking page 2, line 20 through page 3,
21 line 26, and inserting the following:
- 22 "7. a. Each licensee under section 206.8 shall
23 file an annual report at the time of application for
24 licensure with the secretary of agriculture in a form
25 specified by the secretary of agriculture and which
26 includes the following information:
- 27 (1) The gross retail sales of the pesticides sold
28 by the licensee at retail for use in this state.
- 29 (2) The individual label name and dollar amount of
30 each pesticide sold at retail for which gross retail
31 sales of the individual pesticide are three thousand
32 dollars or more.
- 33 b. A person who is subject to the household
34 hazardous materials permit requirements, and whose
35 gross annual retail sales of pesticides are less than
36 ten thousand dollars for each business location owned
37 or operated by the person, shall report annually, the
38 individual label name of an individual pesticide for
39 which annual gross retail sales are two thousand
40 dollars or more. The information shall be submitted
41 on a form provided to household hazardous materials
42 permittees by the department of natural resources, and
43 the department of natural resources shall remit the
44 forms to the department of agriculture and land
45 stewardship.
- 46 c. Notwithstanding the reporting requirements of
47 this section, the secretary of agriculture may, upon

48 recommendation of the advisory committee created
49 pursuant to section 206.23, and if the committee
50 declares a pesticide to be a pesticide of special

Page 2

1 concern, require the reporting of annual gross retail
2 sales of a pesticide.
3 d. A person who sells feed which contains a
4 pesticide as an integral part of the feed mixture,
5 shall not be subject to the reporting requirements of
6 this section. However, a person who manufactures feed
7 which contains a pesticide as an integral part of the
8 feed mixture shall be subject to the licensing
9 requirements of section 206.8.”
10 5. By renumbering as necessary.

S-6036

1 Amend House amendment S-5740 to Senate File
2 2075, as amended, passed, and reprinted by the
3 Senate as follows:
4 1. Page 1, by striking lines 22 through 43.

CHARLES BRUNER
TOM MANN, Jr.

S-6037

1 Amend amendment S-5633 to House File 2189 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, by striking lines 16 through 18.

JULIA GENTLEMAN
TOM MANN, Jr.

S-6038

1 Amend House File 2189 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. ____ . Section 232.71, subsection 3, Code
6 Supplement 1987, is amended to read as follows:
7 3. The investigation may with the consent of the
8 parent or guardian include a visit to the home of the
9 child or with the consent of the administrator of a

10 facility include a visit to the facility providing
11 care to the child named in the report ~~and examination~~
12 ~~of the child. The investigator may interview the~~
13 ~~child, but permission to examine the child may only be~~
14 ~~given by the parent or guardian of the child, and if~~
15 ~~if permission to enter the home or facility and to~~
16 ~~examine the child is refused, the juvenile court or~~
17 ~~district court upon a showing of probable cause may~~
18 ~~authorize the person making the investigation to enter~~
19 ~~the home or facility and examine the child. The~~
20 ~~department may utilize a multidisciplinary team in~~
21 ~~investigations of child abuse involving employees or~~
22 ~~agents of a facility providing care for a child.”.~~

TOM MANN, Jr.

S-6039

1 Amend House File 2460 as passed by the House as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Sec. ____ . Section 421.17, subsection 23,
6 paragraphs e and g, Code Supplement 1987, are amended
7 to read as follows:
8 e. Upon notice of entitlement to a refund or
9 rebate, the college aid commission or its servicer
10 shall send written notification to the defaulter, and
11 a copy of the notice to the department of revenue and
12 finance, of the commission's assertion of its rights
13 to all or a portion of the defaulter's refund or
14 rebate and the entitlement to recover the amount of
15 the default through the setoff procedure, the basis of
16 the assertion, the defaulter's opportunity to request
17 that a joint income tax refund or rebate be divided
18 between spouses, the defaulter's opportunity to give
19 written notice of intent to contest the claim, and the
20 fact that failure to contest the claim by written
21 application for a hearing before a specified date will
22 result in a waiver of the opportunity to contest the
23 claim, causing final setoff by default. Upon
24 application, the commission shall grant a hearing
25 pursuant to chapter 17A. An appeal taken from the
26 decision of a hearing officer and any subsequent
27 appeals shall be taken pursuant to chapter 17A.
28 g. The department of revenue and finance shall,
29 after notice has been sent to the defaulter by the
30 college aid commission or its servicer, set off the
31 amount of the default against the defaulter's income

32 tax refund or rebate if both the amount of the default
33 and the refund or rebate are at least fifty dollars.
34 The department shall refund any balance of the income
35 tax refund or rebate to the defaulter. The department
36 of revenue and finance shall periodically transfer the
37 amount set off to the college aid commission. If the
38 defaulter gives written notice of intent to contest
39 the claim, the commission shall hold the refund or
40 rebate until final disposition of the contested claim
41 pursuant to chapter 17A or by court judgment. The
42 commission shall notify the defaulter in writing upon
43 completion of setoff."

RAY TAYLOR

S-6040

1 Amend House File 2463 as passed by the House as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Sec. ____ . Section 421.17, subsection 23,
6 paragraphs e and g, Code Supplement 1987, are amended
7 to read as follows:
8 e. Upon notice of entitlement to a refund or
9 rebate, the college aid commission or its servicer
10 shall send written notification to the defaulter, and
11 a copy of the notice to the department of revenue and
12 finance, of the commission's assertion of its rights
13 to all or a portion of the defaulter's refund or
14 rebate and the entitlement to recover the amount of
15 the default through the setoff procedure, the basis of
16 the assertion, the defaulter's opportunity to request
17 that a joint income tax refund or rebate be divided
18 between spouses, the defaulter's opportunity to give
19 written notice of intent to contest the claim, and the
20 fact that failure to contest the claim by written
21 application for a hearing before a specified date will
22 result in a waiver of the opportunity to contest the
23 claim, causing final setoff by default. Upon
24 application, the commission shall grant a hearing
25 pursuant to chapter 17A. An appeal taken from the
26 decision of a hearing officer and any subsequent
27 appeals shall be taken pursuant to chapter 17A.
28 g. The department of revenue and finance shall,
29 after notice has been sent to the defaulter by the
30 college aid commission or its servicer, set off the
31 amount of the default against the defaulter's income

32 tax refund or rebate if both the amount of the default
33 and the refund or rebate are at least fifty dollars.
34 The department shall refund any balance of the income
35 tax refund or rebate to the defaulter. The department
36 of revenue and finance shall periodically transfer the
37 amount set off to the college aid commission. If the
38 defaulter gives written notice of intent to contest
39 the claim, the commission shall hold the refund or
40 rebate until final disposition of the contested claim
41 pursuant to chapter 17A or by court judgment. The
42 commission shall notify the defaulter in writing upon
43 completion of setoff.”

RAY TAYLOR

S-6041

1 Amend House File 2458 as passed by the House as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 “Sec. ____ . Section 421.17, subsection 23,
6 paragraphs e and g, Code Supplement 1987, are amended
7 to read as follows:
8 e. Upon notice of entitlement to a refund or
9 rebate, the college aid commission or its servicer
10 shall send written notification to the defaulter, and
11 a copy of the notice to the department of revenue and
12 finance, of the commission’s assertion of its rights
13 to all or a portion of the defaulter’s refund or
14 rebate and the entitlement to recover the amount of
15 the default through the setoff procedure, the basis of
16 the assertion, the defaulter’s opportunity to request
17 that a joint income tax refund or rebate be divided
18 between spouses, the defaulter’s opportunity to give
19 written notice of intent to contest the claim, and the
20 fact that failure to contest the claim by written
21 application for a hearing before a specified date will
22 result in a waiver of the opportunity to contest the
23 claim, causing final setoff by default. Upon
24 application, the commission shall grant a hearing
25 pursuant to chapter 17A. An appeal taken from the
26 decision of a hearing officer and any subsequent
27 appeals shall be taken pursuant to chapter 17A.
28 g. The department of revenue and finance shall,
29 after notice has been sent to the defaulter by the
30 college aid commission or its servicer, set off the
31 amount of the default against the defaulter’s income
32 tax refund or rebate if both the amount of the default

33 and the refund or rebate are at least fifty dollars.
34 The department shall refund any balance of the income
35 tax refund or rebate to the defaulter. The department
36 of revenue and finance shall periodically transfer the
37 amount set off to the college aid commission. If the
38 defaulter gives written notice of intent to contest
39 the claim, the commission shall hold the refund or
40 rebate until final disposition of the contested claim
41 pursuant to chapter 17A or by court judgment. The
42 commission shall notify the defaulter in writing upon
43 completion of setoff.”

RAY TAYLOR

S-6042

1 Amend House File 2189 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. ____ . Section 232.71, subsection 3, Code
6 Supplement 1987, is amended to read as follows:
7 3. The investigation may with the consent of the
8 parent or guardian include a visit to the home of the
9 child or with the consent of the administrator of a
10 facility include a visit to the facility providing
11 care to the child named in the report ~~and examination~~
12 ~~of the child. The investigator may interview the~~
13 child, but permission to examine the child may only be
14 given by the parent or guardian of the child, and if
15 if permission to enter the home or facility and to
16 examine the child is refused, the juvenile court or
17 district court upon a showing of probable cause may
18 authorize the person making the investigation to enter
19 the home or facility and examine the child. The
20 department may utilize a multidisciplinary team in
21 investigations of child abuse involving employees or
22 agents of a facility providing care for a child.”.

THOMAS MANN, Jr.

S-6043

1 Amend the House amendment, S-6035, to Senate File
2 2247, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 39, by striking the word “two”
5 and inserting the following: “three”.

6 2. Page 2, by inserting after line 9 the
 7 following:
 8 "e. The information collected and included in the
 9 report required under this section shall remain
 10 confidential. Public reporting concerning the
 11 information collected shall be performed in a manner
 12 which does not identify a specific brand name in the
 13 report."

ALVIN MILLER
 PATRICK J. DELUHERY

S-6044

1 Amend Senate File 2341 as follows:
 2 1. Page 3, by inserting after line 7 the
 3 following:
 4 "Sec. ____ . Section 8.35A, Code 1987, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 5. The director of the department
 7 of management shall prepare and submit to the
 8 legislative fiscal committee by October 1 of each year
 9 all of the following:
 10 a. A financial statement for state government
 11 listing all current assets and liabilities according
 12 to generally accepted accounting principles.
 13 b. An itemized listing of all outstanding bonded
 14 indebtedness for all state agencies."
 15 2. By renumbering as necessary.

EDGAR H. HOLDEN
 GEORGE R. KINLEY
 JULIA GENTLEMAN
 JOHN JENSEN
 FORREST SCHWENGELS
 RICHARD F. DRAKE
 WILMER RENSINK
 JACK W. HESTER
 RICHARD VANDE HOEF
 LEE W. HOLT
 HURLEY W. HALL
 JIM LIND
 LINN FUHRMAN
 JOHN A. PETERSON
 DAVID READINGER
 CALVIN O. HULTMAN
 DALE L. TIEDEN
 RAY TAYLOR
 C. JOSEPH COLEMAN

WILLIAM W. DIELEMAN
BILL PALMER
EUGENT FRAISE
PAT DELUHERY
DON GETTINGS
BERL E. PRIEBE
JAMES WELLS
NORMAN GOODWIN
JACK RIFE
LEONARD L. BOSWELL
JOY CORNING

S-6045

1 Amend the amendment, S-5633, to House File 2189, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 16 through 18 and
5 inserting the following: "However, either
6 notification may be waived by an ex parte order of the
7 court when the department has shown evidence of
8 probable cause for any of the following:
9 a. There is an imminent and impending danger to
10 the child.
11 b. The alleged perpetrator is likely to flee the
12 jurisdiction of the court.
13 c. Notification will impede the investigation of
14 the alleged abuse.
15 d. Notification will impede a criminal
16 investigation of the alleged abuse."

TOM MANN, Jr.
CHARLES BRUNER
JULIA GENTLEMAN

S-6046

1 Amend House File 2285, as passed by the House, as
2 follows:
3 1. Page 10, by inserting after line 15 the
4 following:
5 "Sec. ____ . Section 423.1, subsection 3, paragraph
6 a, Code Supplement 1987, is amended to read as
7 follows:
8 a. That cash discounts taken on sales are not in-
9 cluded. A cash rebate which is provided by a motor
10 vehicle manufacturer to the purchaser of a vehicle
11 subject to registration shall not be included so long

12 as the rebate is applied to the purchase price of the
 13 vehicle.”

14 2. By numbering sections as necessary.

EDGAR H. HOLDEN

S-6047

1 Amend House File 2463, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the fol-
 4 lowing:

5 “Sec. ____ . Section 98.6, subsection 5, Code 1987,
 6 is amended by striking the subsection.

7 Sec. ____ . Section 123.37, Code 1987, is amended to
 8 read as follows:

9 123.37 EXCLUSIVE POWER TO LICENSE AND LEVY TAXES.

10 The power to establish licenses and permits and
 11 levy taxes as imposed in title VI of the Code is
 12 vested exclusively with the state. Unless
 13 specifically provided, ~~no~~ a local authority shall levy
 14 ~~a local tax on the sale of alcoholic beverages, wine,~~
 15 ~~or beer,~~ not require the obtaining of a special
 16 license or permit for such the sale of alcoholic
 17 beverages, wine, or beer at any establishment, or
 18 require the obtaining of a license by any person as a
 19 condition precedent to the person's employment in the
 20 sale, serving, or handling of alcoholic beverages,
 21 wine, or beer, within an establishment operating under
 22 a license or permit.”

MICHAEL E. GRONSTAL

S-6048

1 Amend House File 2466, as passed by the House, as
 2 follows:

3 1. Page 1, by inserting after line 11 the
 4 following:

5 “Sec. 2. RESIDENTIAL CARE FACILITIES WAIVER. The
 6 department of inspections and appeals shall include
 7 residential care facilities, which serve elderly
 8 persons age sixty or older, in the demonstration
 9 waiver project conducted beginning July 1, 1987, and
 10 ending June 30, 1989, for residential care facilities
 11 serving persons with mental retardation, chronic
 12 mental illness, and other developmental disabilities,
 13 and having five or fewer residents.”

14 2. Title page, line 1, by inserting after the
15 word "to" the following: "residential care facilities
16 by requiring the inclusion of certain residential care
17 facilities in a demonstration project and".

COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-6049

1 Amend House File 2257 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, line 11, by inserting after the word
4 "location." the following: "A vessel used as a
5 hunting blind which remains in the same location from
6 sunset to sunrise shall be equipped with sanitary
7 facilities approved pursuant to rules adopted by the
8 department."

JIM LIND

S-6050

1 Amend House File 2456 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 6, by striking lines 2 through 25.

JULIA GENTLEMAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 683

S-6051

1 Amend the Senate amendment, H-6492, to House File
2 683, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, by striking line 14 and inserting the
5 following: "shall annually credit the first one
6 hundred fifty thousand dollars of all funds moneys
7 received under section 556.4;".
8 2. Page 2, by striking lines 17 through 19 and
9 inserting the following: "~~deducted under subsection~~
10 ~~2;~~ to the energy research and development fund created
11 under section 93.14, and shall credit all additional

12 moneys received under section 556.4 to the energy
13 crisis fund created under section 601K.102."

HOUSE AMENDMENT TO
SENATE FILE 2188

S-6052

- 1 Amend Senate File 2188, as amended, passed and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by striking the words "of the
4 base year" and inserting the following: "of the base
5 year, 1988".
- 6 2. Page 1, line 12, by striking the words "twelve
7 thirteen" and inserting the following: "twelve".
- 8 3. Page 1, by striking line 26.
- 9 4. By striking page 1, line 34 through page 2,
10 line 33.
- 11 5. Page 3, by striking lines 3 through 5 and
12 inserting the following: "sixty-five years on or
13 before December 31 of the base year or who is a
14 surviving spouse having attained the age of fifty-five
15 years on or before December 31 of the base year,
16 1988".
- 17 6. Page 4, line 11, by striking the words "sixty-
18 five fifty-five" and inserting the following: "sixty-
19 five".
- 20 7. Page 4, lines 12 and 13, by striking the words
21 ", or is a surviving spouse of such person who is over
22 fifty-five years of age" and inserting the following:
23 ", or is a surviving spouse of such person who is over
24 was fifty-five years of age on or before December 31,
25 1988".
- 26 8. Page 4, by inserting after line 24 the
27 following:
28 "Sec. 15. Section 425.17, subsection 7, Code 1987,
29 is amended to read as follows:
30 7. "Rent constituting property taxes paid" means
31 twenty-five twenty-seven and one-half percent of the
32 gross rent actually paid in cash or its equivalent
33 during the base year by the claimant or the claimant's
34 household solely for the right of occupancy of their
35 homestead in the base year, and which rent constitutes
36 the basis, in the succeeding year, of a claim for
37 reimbursement under this division by the claimant."
- 38 9. Page 5, by striking line 5.
- 39 10. By striking page 5, line 6 through page 7,
40 line 3 and inserting the following:

41 "Sec. ____ . Section 1 of this Act is effective
42 January 1, 1989, for mobile home tax claims filed on
43 or after that date.
44 Sec. ____ . Section 3 of this Act is effective
45 January 1, 1989.
46 Sec. ____ . Section 15 of this Act is effective
47 January 1, 1990.
48 Sec. ____ . Section 4 of this Act is effective
49 January 1, 1989, for property tax claims filed on or
50 after that date. Section 4 of this Act is applicable

Page 2

1 to rent reimbursement claims filed on or after January
2 1, 1990."
3 11. By renumbering, relettering, or redesignating
4 and correcting internal references as necessary.

S-6053

1 Amend the House amendment, S-5964, to Senate File
2 2322, as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 2 the follow-
4 ing:
5 " ____ . Page 1, line 18, by striking the figure
6 "24,011,295" and inserting the following:
7 "24,081,295".
8 ____ . Page 3, line 2, by striking the figure
9 "220,053" and inserting the following: "290,053".
10 2. Page 1, by inserting after line 8 the follow-
11 ing:
12 " ____ . Page 7, by inserting after line 7 the fol-
13 lowing:
14 "Sec. 707. 1988 Iowa Acts, Senate File 2314,
15 section 7, subsection 4, paragraph b, is amended to
16 read as follows:
17 b. Notwithstanding section 384.15, subsection 7,
18 paragraph "b", there is appropriated from the
19 unencumbered and unobligated money remaining in the
20 law enforcement training reimbursement fund on June
21 30, 1988, to the department of public safety, division
22 of criminal investigation, the sum of two hundred
23 thousand (200,000) dollars, or so much thereof as is
24 necessary, to be used for salaries, support,
25 maintenance, and miscellaneous purposes. However,
26 moneys appropriated under this paragraph shall not be
27 credited until all other moneys appropriated under
28 this Act from the unencumbered and unobligated money
29 remaining in the law enforcement training

30 reimbursement fund on June 30, 1988, have been fully
 31 credited. Should the unencumbered and unobligated
 32 money remaining in the law enforcement training
 33 reimbursement fund on June 30, 1988, not be sufficient
 34 to cover all appropriations of such moneys under this
 35 Act, the money appropriated under this paragraph shall
 36 be reduced by the amount of the shortfall.

37 Sec. 711. 1988 Iowa Acts, Senate File 2314,
 38 section 61, is amended to read as follows:

39 SEC. 61. This section, section 5, section 7,
 40 section 43, and section 45 of this Act take effect
 41 June 30, 1988.

42 Sec. ____ . This section, section 707, and section
 43 711 take effect June 30, 1988.”

44 3. Page 1, by inserting after line 9 the fol-
 45 lowing:

46 “____ . Title page, by striking line 2 and insert-
 47 ing the following: “, training, and benefits for
 48 public officials and employees, and providing
 49 effective dates.””

JOE J. WELSH

S-6054

1 Amend House File 2285, as passed by the House, as
 2 follows:

3 1. Page 6, by inserting after line 4 the
 4 following:

5 “Sec. 35. Section 422.45, subsection 22, Code
 6 Supplement 1987, is amended by adding the following
 7 new paragraph:

8 NEW PARAGRAPH. e. Community health centers as
 9 defined in 42 U.S.C.A. § 254c and migrant health
 10 centers as defined in 42 U.S.C.A. § 254b.

11 Sec. ____ . Section 422.45, Code Supplement 1987, is
 12 amended by adding the following new subsection:

13 NEW SUBSECTION. 36. The gross receipts from the
 14 sale or rental of tangible personal property or from
 15 services performed, rendered, or furnished to
 16 nonprofit legal aid organizations.”

17 2. Page 13, by inserting after line 1 the follow-
 18 ing:

19 “Sec. ____ . Section 35 of this Act is retroactive
 20 to January 1, 1984.”

JIM LIND
 JACK RIFE
 JOY CORNING

PATRICK J. DELUHERY
CHARLES BRUNER

S-6055

- 1 Amend House File 2474 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "entity" the following: "having an office and
- 4 employees located within this state and".
- 5 2. Page 1, line 5, by inserting after the figure
- 6 "19," the following: "a state bank chartered under
- 7 the laws of any other state.".
- 8 3. Page 1, line 8, by inserting after the word
- 9 "board," the following: "a non-Iowa chartered savings
- 10 and loan association.".

EDGAR H. HOLDEN
MICHAEL E. GRONSTAL

S-6056

- 1 Amend House File 2285, as passed by the House, as
- 2 follows:
- 3 1. Page 11, by inserting after line 15 the
- 4 following:
- 5 "Sec. ____ . Section 427.3, Code 1987, is amended by
- 6 adding the following new subsection:
- 7 **NEW SUBSECTION. 6.** For the purpose of determining
- 8 a military tax exemption under this section, property
- 9 includes a mobile home as defined in section 135D.1."

JOE WELSH

S-6057

- 1 Amend Senate File 2341 as follows:

DIVISION S—6057A

- 2 1. Page 21, by inserting after line 1 the
- 3 following:
- 4 "Sec. ____ . 1986 Iowa Acts, chapter 1245, section
- 5 668, is amended to read as follows:
- 6 SEC. 668. Effective July 1, ~~1988~~ 1989, section
- 7 455B.280 and chapter 467D, Code 1985, are repealed,
- 8 and section 467A.4, subsection 4, paragraphs "g"

9 through "m", Code Supplement 1985, are amended by
10 striking the paragraphs."

DIVISION S—6057B

- 11 2. Page 21, by striking line 16.
12 3. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-6058

- 1 Amend Senate File 2341 as follows:
2 1. Page 12, by striking lines 2 through 8.
3 2. By renumbering as necessary.

JEAN LLOYD-JONES

S-6059

- 1 Amend the House Amendment, S-6010, to Senate File
2 376, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 4 through 28, and
5 inserting the following: "clause."

EDGAR HOLDEN

S-6060

- 1 Amend the House Amendment, S-6010, to Senate File
2 376, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 24, by striking the figure
5 "(4)."" and inserting the following: "(4)."
6 2. Page 1, by inserting after line 24, the
7 following:
8 "Sec. 2. Section 527.4, Code Supplement 1987, is
9 amended by adding the following new subsection:
10 NEW SUBSECTION. 4. A satellite terminal which is
11 configured to make payments to a third party for goods
12 or services shall not receive deposits."
13 3. By renumbering as necessary.

EDGAR HOLDEN

S-6061

1 Amend the House amendment, S-6010, to Senate File
2 376, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 21 through 24 and
5 inserting the following:

6 "~~(d) The financial institution controls a~~
7 ~~satellite terminal described under subparagraph part~~
8 ~~(e) at a location of the retailer established pursuant~~
9 ~~to subparagraph (1), (2), (3), or (4)."~~

EDGAR H. HOLDEN

S-6062

1 Amend House File 2432, as passed by the House, as
2 follows:

3 1. Page 8, by inserting after line 5 the fol-
4 lowing:

5 "Sec. ____ . NEW SECTION. 262.34A ATHLETIC
6 COMPENSATION POLICY.

7 The state board of regents shall urge the national
8 collegiate athletic association to adopt rules to
9 permit the compensation of collegiate athletes. The
10 state board of regents shall investigate, review, and
11 adopt a policy permitting the compensation of
12 collegiate athletes, who are enrolled in any of the
13 universities under its control and participating in a
14 university-sponsored athletic program, by the
15 university, alumni, or other interested persons.
16 "Compensation" includes, but is not limited to,
17 scholarships, available financial awards or resources,
18 motor vehicles, real or personal property, or anything
19 of value. The state board shall provide the policy to
20 the presidents, athletic directors, and departments of
21 athletics of the universities under its control. The
22 state board shall review, update, and reissue the
23 policy annually. However, the state board shall delay
24 implementation of the policy until the national
25 collegiate athletic association adopts a similar
26 policy permitting compensation of athletes."

27 2. Title page, line 4, by inserting after the
28 word "team," the following: "requiring a compensation
29 policy for collegiate athletes,".

30 3. Renumber as necessary.

TOM MANN, Jr.

S-6063

1 Amend the House amendment, S-5964, to Senate File
2 2322, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 2 the follow-
4 ing:

5 " ____ . Page 1, line 18, by striking the figure
6 "24,011,295" and inserting the following:
7 "24,081,295".

8 ____ . Page 3, line 2, by striking the figure
9 "220,053" and inserting the following: "290,053".
10 2. Page 1, by inserting after line 8 the follow-
11 ing:

12 " ____ . Page 7, by inserting after line 7 the fol-
13 lowing:

14 "Sec. 707. 1988 Iowa Acts, Senate File 2314,
15 section 7, subsection 6, paragraph b, is amended to
16 read as follows:

17 b. Notwithstanding section 384.15, subsection 7,
18 paragraph "b", there is appropriated from the
19 unencumbered and unobligated money remaining in the
20 law enforcement training reimbursement fund on June
21 30, 1988, to the department of public safety, division
22 of narcotics, the sum of two hundred thousand
23 (200,000) dollars for undercover purchases by the
24 division of narcotics and local law enforcement
25 agencies. However, moneys appropriated under this
26 paragraph shall not be credited until all other moneys
27 appropriated under this Act from the unencumbered and
28 unobligated money remaining in the law enforcement
29 training reimbursement fund on June 30, 1988, have
30 been fully credited. Should the unencumbered and
31 unobligated money remaining in the law enforcement
32 training reimbursement fund on June 30, 1988, not be
33 sufficient to cover all appropriations of such moneys
34 under this Act, the money appropriated under this
35 paragraph shall be reduced by the amount of the
36 shortfall.

37 Sec. 711. 1988 Iowa Acts, Senate File 2314,
38 section 61, is amended to read as follows:

39 SEC. 61. This section, section 5, section 7,
40 section 43, and section 45 of this Act take effect
41 June 30, 1988.

42 Sec. ____ . This section, section 707, and section
43 711 take effect June 30, 1988.""

44 3. Page 1, by inserting after line 9 the fol-
45 lowing:

46 " ____ . Title page, by striking line 2 and insert-
47 ing the following: ", training, and benefits for

48 public officials and employees, and providing
49 effective dates.””

JOE J. WELSH

S-6064

- 1 Amend Senate File 2341 as follows:
2 1. Page 21, by inserting after line 18 the
3 following:
4 “3. Chapter 478A, Code 1987, is repealed.”

JACK RIFE

S-6065

- 1 Amend Senate File 2341 as follows:
2 1. Page 1, line 13, by inserting after the word
3 “member” the following: “from outside state
4 government”.
5 2. Page 1, by striking lines 15 and 16 and
6 inserting the following: “if not a state employee,
7 and the member from outside state government, shall be
8 reimbursed their actual expenses incurred in the
9 performance of their duties”.
10 3. Page 1, line 23, by striking the words “make
11 all reasonable efforts to”.
12 4. Page 1, by striking lines 28 through 31 and
13 inserting the following: “the legislature in the
14 budget process.”
15 5. Page 4, by striking lines 3 through 13.
16 6. Page 5, line 29, by inserting after the word
17 “agriculture” the following: “and of the deputy
18 secretary of state”.
19 7. Page 8, by inserting after line 12 the
20 following:
21 “Sec. ____ . NEW SECTION. 147.105 BOARD OF NURSING
22 REPRESENTATIVES AS PEACE OFFICERS.
23 Investigators appointed by the executive director
24 of the board of nursing pursuant to section 152.3, and
25 other representatives of the board as designated by
26 the executive director, have the powers and status of
27 peace officers when enforcing this chapter and
28 chapters 152 and 258A.”
29 8. Page 8, by striking lines 13 and 14.
30 9. By striking page 8, line 22 through page 9,
31 line 7.
32 10. Page 12, line 18, by striking the words “and”

33 department's" and inserting the following: "and
 34 department's".
 35 11. Page 13, by striking lines 16 through 23.
 36 12. By striking page 13, line 29 through page 14,
 37 line 31.
 38 13. Page 15, by striking lines 2 through 23.
 39 14. Page 17, by striking lines 22 and 23 and
 40 inserting the following: "by the laws of this state.
 41 Pay plans, based on biweekly pay periods, shall be
 42 established for employees, other than".
 43 15. By striking page 17, line 32 through page 18,
 44 line 9 and inserting the following:
 45 "The ~~supervisor~~ superintendent may, with the
 46 ~~approval of the auditor of state~~, appoint examiners
 47 and assistants necessary to properly execute the
 48 duties of the office. ~~Any An~~ examiner so appointed
 49 shall have had at least one year of actual experience
 50 as examiner, officer, or employee, of a savings and

Page 2

1 loan association. ~~Such~~ The examiners' salaries shall
 2 be fixed by the ~~auditor of state~~ superintendent
 3 subject to the approval of the ~~comptroller director of~~
 4 management and governor, which salaries ~~shall be based~~
 5 on biweekly pay periods and shall be commensurate with
 6 ~~that those~~ in the range of other employees as
 7 prescribed by certain classifications in accordance
 8 with their experience and qualifications. In addition
 9 ~~such the~~ examiners shall be reimbursed for their
 10 actual and necessary expense."
 11 16. Page 18, by striking lines 26 through 29.
 12 17. Page 19, line 3, by striking the word
 13 "~~twenty-five~~" and inserting the following: "ten".
 14 18. Page 19, by inserting after line 29 the
 15 following:
 16 "Sec. ____ . Section 566.15, Code 1987, is amended
 17 to read as follows:
 18 566.15 AUTHORITY TO INVEST FUNDS.
 19 The board of supervisors, mayor and council, or
 20 board of trustees, as the case may be, shall have
 21 authority to receive and invest, by exercising the
 22 judgement and care, under the circumstances then
 23 prevailing, which persons of prudence, discretion, and
 24 intelligence exercise in the management of their own
 25 affairs as provided in section 633.123, subsection 1,
 26 all moneys and property, so donated or bequeathed, and
 27 that portion of cemetery lot sales and permanent
 28 charges made against cemetery lots which has been set
 29 aside in a perpetual care fund ~~in such authorized~~

30 investments and in the manner prescribed in section
 31 682.22, or as the same may be hereafter amended. Such
 32 money must be invested at the market value of such
 33 securities, and they shall use the The income from
 34 such investment shall be used in caring for the
 35 property of the donor in any a cemetery, or as shall
 36 be is provided in the terms of such the gift or
 37 donations or agreement for sale and purchase of a
 38 cemetery lot."

39 19. Title, page 1, lines 4 and 5, by striking the
 40 words "and city development board".

41 20. Title, page 1, line 9, by striking the words
 42 "a certain position is" and inserting the following:
 43 "certain positions are".

44 21. Title, page 1, line 15, by inserting after
 45 the word "examiners," the following: "providing peace
 46 officer status for certain nursing board
 47 investigators,".

48 22. Title, page 2, line 3, by inserting after the
 49 word "entity," the following: "relating to the
 50 investment of certain cemetery funds,".

Page 3

1 23. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
 ROBERT M. CARR, Chairperson

S-6066

1 Amend the House amendment, S-6010, to Senate file
 2 376, as amended, passed and reprinted by the Senate as
 3 follows:

4 1. Page 1, by striking lines 5 through 28 and
 5 inserting the following:

6 "Section 1. Section 524.1202, subsection 3, Code
 7 1987, is amended to read as follows:

8 3. Notwithstanding subsection 1, if the assets of
 9 a state or national bank in existence on January 1,
 10 ~~1986~~ 1988 are transferred to a different state or
 11 national bank in the state which is located in the
 12 same county or a county contiguous to or cornering
 13 upon the county in which the principal place of
 14 business of the acquired bank is located, the
 15 resulting or acquiring bank may convert to and operate
 16 as its bank office any one or more of the business
 17 locations occupied as the principal place of business
 18 or as a bank office of the bank whose assets are so

19 acquired. The limitations on bank office locations
20 contained in unnumbered paragraph 1 of this section,
21 and the limitation on the number of bank offices
22 within the municipality or urban complex of the
23 resulting or acquiring bank contained in subsection 2
24 shall be applicable to any bank office otherwise
25 authorized by this subsection, except that if the
26 transfer of assets of a state or national bank to a
27 different state or national bank in the state causes
28 the resulting or acquiring bank to violate the
29 limitation contained in subsection 2 on the number of
30 bank offices within the municipality or urban complex,
31 the resulting or acquiring bank, subject to the
32 approval of the superintendent, has six months from
33 the final date of transfer to divest itself of, or
34 close, sufficient bank offices to comply with
35 subsection 2. A bank office established under the
36 authority of this subsection is subject to the
37 approval of the superintendent, shall be operated in
38 accordance with this chapter relating to the operation
39 of bank offices, and may be augmented by an integral
40 facility when approved under subsection 2, paragraph
41 "d".

EDGAR H. HOLDEN

S-6067

1 Amend the House amendment, S-6010, to Senate file
2 376, as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting before line 5, the
5 following:
6 "Section 1. Section 524.1202, subsection 3, Code
7 1987, is amended to read as follows:
8 3. Notwithstanding subsection 1, if the assets of
9 a state or national bank in existence on January 1,
10 ~~1985~~ 1988 are transferred to a different state or
11 national bank in the state which is located in the
12 same county or a county contiguous to or cornering
13 upon the county in which the principal place of
14 business of the acquired bank is located, the
15 resulting or acquiring bank may convert to and operate
16 as its bank office any one or more of the business
17 locations occupied as the principal place of business
18 or as a bank office of the bank whose assets are so
19 acquired. The limitations on bank office locations
20 contained in unnumbered paragraph 1 of this section,
21 and the limitation on the number of bank offices

22 within the municipality or urban complex of the
 23 resulting or acquiring bank contained in subsection 2
 24 shall be applicable to any bank office otherwise
 25 authorized by this subsection, except that if the
 26 transfer of assets of a state or national bank to a
 27 different state or national bank in the state causes
 28 the resulting or acquiring bank to violate the
 29 limitation contained in subsection 2 on the number of
 30 bank offices within the municipality or urban complex,
 31 the resulting or acquiring bank, subject to the
 32 approval of the superintendent, has six months from
 33 the final date of transfer to divest itself of, or
 34 close, sufficient bank offices to comply with
 35 subsection 2. A bank office established under the
 36 authority of this subsection is subject to the
 37 approval of the superintendent, shall be operated in
 38 accordance with this chapter relating to the operation
 39 of bank offices, and may be augmented by an integral
 40 facility when approved under subsection 2, paragraph
 41 "d".

EDGAR H. HOLDEN

S-6068

1 Amend Senate Resolution 104 as follows:

DIVISION S—6068A

2 1. Page 1, line 22, by inserting after the word
 3 "professional" the following: "or other".

DIVISION S—6068B

4 2. Page 2, line 2, by striking the words "and
 5 resolutions" and inserting the following: "and
 6 resolutions, and amendments".

TOM MANN, Jr.

S-6069

1 Amend the amendment, S-5975, to Senate Resolution
 2 105, as follows:

3 1. Page 1, by striking lines 9 through 16 and
 4 inserting the following: "in excess of two hundred
 5 fifty dollars received by the senator for a senate-
 6 related speech, writing for publication, or other

7 similar activity. Honorarium received by a senator
 8 for a speech, writing for publication, or other
 9 similar activity which is not related to the senate,
 10 is not required to be reported.”

TOM MANN, Jr.

S-6070

1 Amend Senate File 2341 as follows:
 2 1. Page 4, by inserting after line 31 the
 3 following:
 4 “4. The director of the legislative fiscal bureau
 5 and the director of the legislative service bureau.”

ROBERT M. CARR

S-6071

1 Amend Senate Resolution 105 as follows:
 2 1. Page 1, line 13, by striking the word
 3 “services.” and inserting the words “services.
 4 A senator shall report to the secretary of the
 5 senate any honorarium received in excess of one
 6 hundred dollars, including the size of the
 7 honorarium, the person providing the honorarium,
 8 the purpose for which the honorarium was provided,
 9 and the date the honorarium was received. The
 10 senator shall have thirty days from the date the
 11 honorarium was received to report the honorarium.”

CHARLES BRUNER

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2469

S-6072

1 Amend the Senate amendment, H-6505, to House File
 2 2469, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 2 the
 5 following:
 6 “___ . Page 1, by inserting after line 17 the fol-
 7 lowing:

8 "If additional funding is necessary for the
 9 implementation of the provisions of 1988 Iowa Acts,
 10 the division of community action agencies of the
 11 department of human rights may allocate not more than
 12 one hundred fifty thousand (150,000) dollars from the
 13 moneys appropriated under this subsection for the
 14 funding of such provisions."

15 ____ . Page 1, line 35, by inserting after the word
 16 "facilities" the following: "from the Stripper Well
 17 fund"."

18 2. Page 1, by striking lines 3 and 4 and
 19 inserting the following:

20 " ____ . Page 2, by striking line 1 and inserting
 21 the following:

22 " \$ 1,000,000".

23 ____ . Page 2, by inserting after line 1 the
 24 following:."

25 3. Page 1, by inserting after line 9, the fol-
 26 lowing:

27 "If the amorphous semiconductor project is not
 28 approved, the moneys appropriated under this
 29 subsection shall revert to the Stripper Well fund."

30 4. Page 1, by striking lines 10 and 11.

31 5. Page 1, by striking line 15 and inserting the
 32 following: "from the Exxon fund to the extent to
 33 which the project qualifies for such funding, and the
 34 remainder shall be appropriated from the Stripper Well
 35 fund."

36 6. Page 1, line 16, by striking the figure
 37 "500,000" and inserting the following: "350,000".

38 7. Page 1, by inserting after line 16 the fol-
 39 lowing:

40 "If the project under this subsection cannot be
 41 funded with either Exxon or Stripper Well funds, or
 42 both, the moneys appropriated shall revert to their
 43 respective funds."

S-6073

1 Amend House File 2474 as passed by the House, as
 2 follows:

3 1. Page 1, by inserting after line 10 the
 4 following:

5 "Sec. ____ . Section 422.63, Code 1987, is amended
 6 by adding after unnumbered paragraph 1 the following
 7 new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The taxes imposed under
 9 this division shall be reduced by a new jobs tax
 10 credit. An industry which has entered into an

11 agreement under chapter 280B and which has increased
 12 its base employment level by at least ten percent
 13 within the time set in the agreement or, in the case
 14 of an industry without a base employment level, adds
 15 new jobs within the time set in the agreement is
 16 entitled to this new jobs tax credit for the tax year
 17 selected by the industry.

18 In determining if the industry has increased its
 19 base employment level by ten percent or added new
 20 jobs, only those new jobs directly resulting from the
 21 project covered by the agreement and those directly
 22 related to those new jobs shall be counted. The
 23 amount of this credit is equal to the product of six
 24 percent of the taxable wages upon which an employer is
 25 required to contribute to the state unemployment
 26 compensation fund, as defined in section 96.19,
 27 subsection 20, times the number of new jobs existing
 28 in the tax year that directly result from the project
 29 covered by the agreement or new jobs that directly
 30 result from those new jobs. The tax year chosen by
 31 the industry shall either begin or end during the
 32 period beginning with the date of the agreement and
 33 ending with the date by which the project is to be
 34 completed under the agreement. Any credit in excess
 35 of the tax liability for the tax year may be credited
 36 to the tax liability for the following ten tax years
 37 or until depleted in less than the ten years. For
 38 purposes of this section, "agreement"; "industry",
 39 "new job", and "project" mean the same as defined in
 40 section 280B.2 and "base employment level" means the
 41 number of full-time jobs an industry employs at the
 42 plant site which is covered by an agreement under
 43 chapter 280B on the date of that agreement."

44 2. By renumbering as necessary.

DAVID READINGER

S-6074

1 Amend the Committee amendment, S-6065, to Senate
 2 File 2341 as follows:

3 1. Page 1, by striking lines 16 through 18 and
 4 inserting the following:

5 "____. Page 5, by striking lines 25 through 29 and
 6 inserting the following:

7 "Sec. ____ . Section 19A.3, Code Supplement 1987, is
 8 amended by adding the following new subsections:

9 NEW SUBSECTION. 21. One secretary and one
 10 administrative assistant for each elected official,

11 and one secretary for each deputy director and each
 12 division administrator in the department of an elected
 13 official.
 14 NEW SUBSECTION. 22. All professional employees in
 15 the farm commodities division of the department of
 16 agriculture and land stewardship.
 17 NEW SUBSECTION. 23. All professional employees in
 18 the administrative division of the department of
 19 agriculture and land stewardship, except that the
 20 following are subject to the merit system:
 21 a. Temporary apiary inspectors.
 22 b. Professional employees of the statistics bureau
 23 who are on assignment to work with the national
 24 agricultural statistics service of the United States
 25 department of agriculture.””
 26 2. By renumbering as necessary.

MICHAEL GRONSTAL

S-6075

1 Amend Senate Resolution 105 as follows:
 2 1. Page 1, line 8, by striking the word
 3 “subrules:” and inserting the following: “subrules,
 4 and relettering the existing rules as necessary:
 5 NEW SUBRULE. a. Disclosure. A senator shall file
 6 a report with the secretary of the senate detailing
 7 all sources of income, gifts, and in-kind
 8 contributions.”

JIM LIND

S-6076

1 Amend House File 566, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by inserting after line 18, the
 4 following:
 5 “Sec. ____ . Section 321.196, unnumbered paragraph
 6 1, Code Supplement 1987, is amended to read as
 7 follows:
 8 Except as otherwise provided, an operator’s license
 9 expires, at the option of the applicant, two or four
 10 years from the licensee’s birthday anniversary
 11 occurring in the year of issuance if the licensee is
 12 between the ages of eighteen and seventy years on the
 13 date of issuance of the license, otherwise the license
 14 is effective for a period of two years. For purposes

15 of renewing an operator's license, the licensee's age
 16 shall be deemed to be the age of the licensee on the
 17 day following the expiration date of the operator's
 18 license which is being renewed. The license is
 19 renewable without written examination or penalty
 20 within a period of thirty days after its expiration
 21 date. A person shall not be considered to be driving
 22 with an invalid license during a period of thirty days
 23 following the license expiration date. However, for a
 24 license renewed within the thirty-day period, the date
 25 of issuance shall be considered to be the previous
 26 birthday anniversary on which it expired. Applicants
 27 whose licenses are restricted due to vision or other
 28 physical deficiencies may be required to renew their
 29 licenses every two years. For the purposes of this
 30 section the birthday anniversary of a person born on
 31 February 29 shall be deemed to occur on March 1. All
 32 applications for renewal of operators' licenses shall
 33 be made under the direct supervision of a uniformed
 34 member of the department and shall be approved by the
 35 uniformed member. The department in its discretion
 36 may authorize the renewal of a valid license upon
 37 application without an examination provided that the
 38 applicant satisfactorily passes a vision test as
 39 prescribed by the department."

DONALD V. DOYLE

S-6077

1 Amend Senate Resolution 105 as follows:
 2 1. Page 1, line 8, by striking the word
 3 "subrules:" and inserting the following: "subrules,
 4 and relettering the existing rules as necessary:
 5 NEW SUBRULE. a. Disclosure. A senator shall file
 6 a report with the secretary of the senate detailing
 7 all sources of income, gifts, and in-kind
 8 contributions. The dollar amount of all income shall
 9 be disclosed by the submission with the report of
 10 proper documentation, such as W-2 forms."

JIM LIND

S-6078

1 Amend Senate File 2341 as follows:
 2 1. Page 21, by inserting after line 19 the
 3 following:

4 "4. If 1988 Iowa Acts, Senate File 2312, is
5 enacted, Senate File 2312, section 63, is amended by
6 striking the section."

RAY TAYLOR

S-6079

1 Amend House File 2474 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "associations," the following: "an out-of-state state
4 chartered savings bank."

MICHAEL E. GRONSTAL
EDGAR H. HOLDEN

S-6080

1 Amend the Committee amendment, S-5100, to House
2 File 221, as passed by the House as follows:
3 1. Page 1, line 40, by inserting after the word
4 "for" the following: "the maintenance and improvement
5 of existing state-owned lakes and streams and for".
6 2. Page 1, line 49, by striking the word "fifty"
7 and inserting the following: "fifty thirty-five".

JIM RIORDAN

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 2456

S-6081

1 Amend Senate amendment, H-6497, to House File 2456,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by inserting after line 23 the
5 following:
6 "— . Page 6, by inserting after line 25 the
7 following:
8 "Sec. 100. Beginning July 1, 1988, the department
9 of inspections and appeals shall issue provisional
10 licenses to specialized psychiatric hospitals for
11 children and adolescents for those facilities which
12 are providing residential psychiatric services to

13 children and adolescents, which are accredited by the
14 joint commission on the accreditation of health care
15 organizations, which are in compliance with all
16 applicable state rules and standards regarding the
17 operation of comprehensive residential facilities for
18 children, and which have been awarded a certificate of
19 need. Each applicant shall submit a copy of the
20 applicant's accreditation, a copy of the certificate
21 of need, and a statement of approval from the state
22 fire marshal to the department of inspections and
23 appeals. Notwithstanding the provisions of section
24 237.1, subsection 3, paragraph "e", care furnished by
25 these facilities shall continue to be considered
26 foster care.

27 The department of inspections and appeals, with the
28 approval of the state board of health, shall adopt
29 permanent standards for the licensure, of specialized
30 psychiatric hospitals for children and adolescents
31 under chapter 135B. The rules shall take effect no
32 later than July 1, 1989.

33 The department of human services shall adopt rules
34 to expand coverage under the medical assistance
35 program to include services provided by specialized
36 psychiatric hospitals for children and adolescents
37 which are licensed by the department of inspections
38 and appeals. The rules shall take effect no later
39 than July 1, 1988, contingent upon the facilities
40 meeting the federal requirements for a hospital as
41 outlined in 42 C.F.R., subpart D. Initially, the
42 rules shall provide that the medical assistance
43 reimbursement rate for the specialized hospitals shall
44 be one hundred twenty dollars per day or the actual
45 audited costs, whichever are less. The department
46 shall develop a permanent reimbursement methodology
47 for the specialized hospitals to be effective on or
48 before July 1, 1989.

49 The health facilities council shall expedite the
50 process by ruling on a certificate of need application

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1 under this section within seventy-five days of the
2 application and shall give primary consideration in
3 this expedited process to those issues related to
4 meeting the conditions set out in this section,
5 provided that either of the following conditions
6 apply:

7 a. The hospital was accredited by the joint
8 commission on the accreditation of health care
9 organizations prior to the effective date of this Act

10 and has been providing psychiatric treatment services
11 for adolescents and children as a licensed foster care
12 facility prior to the effective date of this Act and
13 the provisional license will not increase the capacity
14 of the facility.

15 b. The hospital had sought accreditation by the
16 joint commission on the accreditation of health care
17 organizations prior to January 1, 1988, and has been
18 providing psychiatric treatment services for
19 adolescents and children as a licensed foster care
20 facility prior to the effective date of this Act and
21 the provisional license will not increase the capacity
22 of the facility.

23 Sec. ____ . EFFECTIVE DATE. Section 100 of this Act
24 takes effect upon enactment.””

25 2. Page 2, by inserting after line 23 the
26 following:

27 ____ . Title page, line 2, by inserting after the
28 word “required,” the following: “providing an
29 effective date,”.”

HOUSE AMENDMENT TO
SENATE FILE 38

S-6082

1 Amend Senate File 38, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 4 through 10 and
4 inserting the following: “department may acquire
5 easements on real property for any of the”.

6 2. Page 1, by inserting after line 20 the
7 following:

8 “f. Preservation and protection of designated
9 wetlands.”

10 3. Page 1, by striking line 21 and inserting the
11 following:

12 “2. The department shall estab-”.

13 4. Page 1, line 30, by striking the word
14 “commission” and inserting the following:
15 “department”.

16 5. Page 1, by inserting after line 32 the
17 following:

18 “e. Criteria for defining designated wetlands.

19 The criteria shall include wetlands of two or more
20 acres. The criteria shall include marshes and
21 sloughs. The criteria shall include type 3, type 4,
22 type 5, and type 6 wetlands as described in Circular

23 39, Wetlands of the United States, 1971 Edition,
24 published by the United States department of
25 interior.”
26 6. By striking page 1, line 33 through page 2,
27 line 2 and inserting the following:
28 “3. Proceeds from the resale”.
29 7. Page 2, line 3, by striking the word
30 “commission” and inserting the following:
31 “department”.
32 8. Page 2, by striking lines 6 through 9 and
33 inserting the following:
34 “Sec. ____ . NEW SECTION. 111D.7 RIGHT OF FIRST
35 REFUSAL TO PURCHASE DESIGNATED WETLANDS.
36 An owner shall not sell designated wetlands without
37 first notifying the department and the county
38 conservation board, if any, of the county in which the
39 designated wetlands are located, of a bona fide offer
40 of sale and allowing the department and the county
41 conservation board thirty days within which to agree
42 to purchase a conservation easement for appraised
43 value. If the department and the county conservation
44 board refuse the right to purchase the conservation
45 easement or do not agree to purchase of the
46 conservation easement within thirty days of
47 notification, the owner may proceed with the sale.
48 NEW SECTION. 111D.8 INVENTORY OF PROTECTED
49 WETLANDS.
50 The department shall inventory the wetlands,

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1 marshes, and sloughs of each county and make a
2 preliminary designation as to which constitute
3 designated wetlands. The department shall consult
4 with the county conservation board, if any, in making
5 the preliminary designations. Upon completion of the
6 inventory with preliminary designations, the
7 department shall prepare a map and list of the
8 wetlands, marshes, and sloughs which are designated
9 wetlands in each county. The department shall file at
10 least one copy of the list and map with the county
11 conservation board and the county recorder. The
12 department shall notify the landowners affected by the
13 preliminary wetlands designation by certified mail.
14 The notice shall state that any person may challenge
15 the designation of the designated wetlands or may
16 request the designation of additional wetlands,
17 marshes, or sloughs as designated wetlands, by filing
18 a petition for a hearing with the director within
19 sixty days following the date of notice. The petition

20 shall state specifically the reasons for disputing the
21 preliminary designations of the department. The
22 hearing shall be held in the county within sixty days
23 following expiration of the sixty-day period for
24 filing petitions. Within sixty days following
25 completion of the hearing, the director shall issue an
26 order designating the designated wetlands in the
27 county. The order shall be considered a final
28 decision of the department in a contested case for the
29 purposes of judicial review pursuant to chapter 17A.
30 Sec. ____ . NEW SECTION. 111D.9 CIVIL PENALTY.
31 A person who violates the notification requirements
32 of section 111D.7 is subject to a civil penalty of
33 five hundred dollars. Each day during which a
34 violation continues constitutes a separate violation.
35 Sec. ____ . Section 159.1, Code 1987, is amended by
36 adding the following new subsections:
37 NEW SUBSECTION. 4. "Agricultural drainage well"
38 means a vertical opening to an aquifer or permeable
39 substratum, which has been drilled, driven, dug,
40 bored, augered, jetted, washed, cored, or otherwise
41 constructed and which intercepts or receives or is
42 capable of intercepting or receiving surface or
43 subsurface drainage water from agricultural land. An
44 agricultural drainage well includes a structurally
45 altered sinkhole.
46 NEW SUBSECTION. 5. "Sinkhole" means a natural
47 depression into which surface water flows forming a
48 direct conduit to subsurface formations through
49 solution and collapse of the underlying materials such
50 as limestone.

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1 NEW SUBSECTION. 6. "Structurally altered
2 sinkhole" means a sinkhole which has been modified for
3 the purpose of directing surface or subsurface
4 drainage to the sinkhole.
5 Sec. ____ . Section 159.28, Code Supplement 1987, is
6 amended by adding the following new unnumbered
7 paragraph:
8 NEW UNNUMBERED PARAGRAPH. A person who causes
9 artificial drainage into a natural sinkhole, shall
10 register with the department by June 30, 1989, and the
11 department shall remit the registration document to
12 the department of natural resources.
13 Sec. ____ . Section 159.29, subsections 1 and 2,
14 Code Supplement 1987, are amended to read as follows:
15 1. An owner of an agricultural drainage well other
16 than a structurally altered sinkhole, but including

17 wells on publicly owned land or located on public
 18 rights-of-way shall register the well with the
 19 department of natural resources by January 1, 1988
 20 September 30, 1988. If registration is performed by
 21 mail through the United States postal service, the
 22 mailed registration must be postmarked by September
 23 30, 1988. An owner of a structurally altered sinkhole
 24 shall register the sinkhole with the department of
 25 natural resources by September 30, 1989. Prior
 26 registration of a structurally altered sinkhole as an
 27 agricultural drainage well pursuant to this section
 28 satisfies the registration requirement.

29 2. An owner of an agricultural drainage well and a
 30 landholder whose land is drained by the well or wells
 31 of another person shall develop, in consultation with
 32 the department of agriculture and land stewardship and
 33 the department of natural resources, a plan which
 34 proposes alternatives to the use of agricultural
 35 drainage wells by July 1, ~~1991~~ 1992.

36 a. Financial incentive moneys may be allocated
 37 from the financial incentive portion of the
 38 agriculture management account of the groundwater
 39 protection fund to implement alternatives to
 40 agricultural drainage wells.

41 b. An owner of an agricultural drainage well, ~~and~~
 42 a tenant on land drained by the agricultural drainage
 43 well, or a landholder whose land is drained by the
 44 well or wells of another person shall not be eligible
 45 for financial incentive moneys pursuant to paragraph
 46 "a" if the owner fails to register the well with the
 47 department of natural resources by January 1, 1988 the
 48 appropriate date requirement pursuant to subsection 1,
 49 or if the owner fails to develop a plan for
 50 alternatives in cooperation with the department of

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1 agriculture and land stewardship and the department of
 2 natural resources.

3 c. A tenant on land drained by an agricultural
 4 drainage well, or the owner or tenant of property
 5 which is drained to a well or property owned by
 6 another person may report an agricultural drainage
 7 well to the department of natural resources by the
 8 appropriate date requirement pursuant to subsection 1,
 9 in order to satisfy the requirement for eligibility
 10 for any future cost-share program related to
 11 agricultural drainage wells, provided that the owner
 12 of the property on which the well is located registers
 13 the well within thirty days of the report. If the

14 landowner does not register the agricultural drainage
 15 well within thirty days of the receipt of the report,
 16 the department of natural resources shall notify the
 17 landowner regarding the requirement to register and
 18 the penalty which may be applied. If a landowner has
 19 not registered within sixty days of the notification,
 20 the department of natural resources may impose a civil
 21 penalty of not more than twenty dollars per day in
 22 excess of sixty days.

23 Sec. ____ . Section 455E.11, subsection 2, paragraph
 24 b, Code Supplement 1987, is amended by adding the
 25 following new subparagraph after subparagraph (1) and
 26 renumbering the remaining subparagraphs:

27 NEW SUBPARAGRAPH. (2) Two hundred thousand
 28 dollars of the moneys deposited in the agriculture
 29 management account is appropriated to the department
 30 of agriculture and land stewardship for the fiscal
 31 year beginning July 1, 1987, and ending June 30, 1988,
 32 for the demonstration projects regarding agriculture
 33 drainage wells and sinkholes. Any remaining balance
 34 of the appropriation made for the purpose of funding
 35 such demonstration projects for the fiscal year
 36 beginning July 1, 1987, and ending June 30, 1988,
 37 shall not revert to the account, notwithstanding
 38 section 8.33, but shall remain available for the
 39 purpose of funding such demonstration projects during
 40 the fiscal period beginning July 1, 1988, and ending
 41 June 30, 1990.

42 Sec. ____ . Section 455E.11, subsection 2, paragraph
 43 b, subparagraph (2), subdivision (d), Code Supplement
 44 1987, is amended to read as follows:

45 (d) Thirteen percent of the moneys is appropriated
 46 annually to the department of agriculture and land
 47 stewardship for financial incentive programs related
 48 to agricultural drainage wells and sinkholes, for
 49 studies and administrative costs relating to sinkholes
 50 and agricultural drainage wells programs; ~~and not more~~

Page 5

1 ~~than two hundred thousand dollars of the moneys is~~
 2 ~~appropriated for the demonstration projects regarding~~
 3 ~~agricultural drainage wells and sinkholes. Of the~~
 4 ~~thirteen percent allocated for financial incentive~~
 5 ~~programs, not more than fifty thousand dollars is~~
 6 ~~appropriated for the fiscal year beginning July 1,~~
 7 ~~1987 and ending June 30, 1988, to the department of~~
 8 ~~natural resources for grants to county conservation~~
 9 ~~boards for the development and implementation of~~

10 projects regarding alternative practices in the
 11 remediation of noxious weeds or other vegetation
 12 within highway rights-of-way. Any remaining balance
 13 of the appropriation made for the purpose of funding
 14 of projects regarding alternative practices in the
 15 remediation of noxious weeds or other vegetation
 16 within highway rights-of-way for the fiscal year
 17 beginning July 1, 1987, and ending June 30, 1988,
 18 shall not revert to the account, notwithstanding
 19 section 8.33, but shall remain available for the
 20 purpose of funding the projects during the fiscal
 21 period beginning July 1, 1988, and ending June 30,
 22 1990."
 23 10. Title page, line 1, by striking the words
 24 "conservation easements" and inserting the following:
 25 "the conservation of agricultural lands".

HOUSE AMENDMENT TO
 SENATE FILE 2133

S-6083

1 Amend Senate File 2133, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 1, by inserting before line 1 the fol-
 4 lowing:
 5 "Section. 1. Section 159.1, Code 1987, is amended
 6 by adding the following new subsections:
 7 NEW SUBSECTION. 4. "Agricultural drainage well"
 8 means a vertical opening to an aquifer or permeable
 9 stratum, which has been drilled, driven, dug,
 10 bored, augered, jetted, washed, cored, or otherwise
 11 constructed and which intercepts or receives or is
 12 capable of intercepting or receiving surface or
 13 subsurface drainage water from agricultural land. An
 14 agricultural drainage well includes a structurally
 15 altered sinkhole.
 16 NEW SUBSECTION. 5. "Sinkhole" means a natural
 17 depression into which surface water flows forming a
 18 direct conduit to subsurface formations through
 19 solution and collapse of the underlying materials such
 20 as limestone.
 21 NEW SUBSECTION. 6. "Structurally altered
 22 sinkhole" means a sinkhole which has been modified for
 23 the purpose of directing surface or subsurface
 24 drainage to the sinkhole.
 25 Sec. ____ . Section 159.28, Code Supplement 1987, is
 26 amended by adding the following new unnumbered

27 paragraph:

28 NEW UNNUMBERED PARAGRAPH. A person who causes
29 artificial drainage into a natural sinkhole, shall
30 register with the department by June 30, 1989, and the
31 department shall remit the registration document to
32 the department of natural resources."

33 2. Page 1, by striking lines 1 and 2 and
34 inserting the following:

35 "Sec. 2. Section 159.29, subsections 1 and 2, Code
36 Supplement 1987, are amended to read as follows:"

37 3. Page 1, line 3, by inserting after the word
38 "well" the following: "other than a structurally
39 altered sinkhole, but including wells on publicly
40 owned land or located on public rights-of-way."

41 4. Page 1, line 5, by striking the word "June"
42 and inserting the following: "September".

43 5. Page 1, line 7, by striking the word "June"
44 and inserting the following: "September".

45 6. Page 1, by striking lines 8 through 16 and
46 inserting the following: "An owner of a structurally
47 altered sinkhole shall register the sinkhole with the
48 department of natural resources by September 30, 1989.
49 Prior registration of a structurally altered sinkhole
50 as an agricultural drainage well pursuant to this

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1 section satisfies the registration requirement."

2 7. Page 1, by inserting before line 17 the
3 following:

4 "2. An owner of an agricultural drainage well and
5 a landholder whose land is drained by the well or
6 wells of another person shall develop, in consultation
7 with the department of agriculture and land
8 stewardship and the department of natural resources, a
9 plan which proposes alternatives to the use of
10 agricultural drainage wells by July 1, ~~1991~~ 1992.

11 a. Financial incentive moneys may be allocated
12 from the financial incentive portion of the
13 agriculture management account of the groundwater
14 protection fund to implement alternatives to
15 agricultural drainage wells.

16 b. An owner of an agricultural drainage well and,
17 a tenant on land drained by the agricultural drainage
18 well, or a landholder whose land is drained by the
19 well or wells of another person shall not be eligible
20 for financial incentive moneys pursuant to paragraph
21 "a" if the owner fails to register the well with the
22 department of natural resources by ~~January 1, 1988~~ the

23 appropriate date requirement pursuant to subsection 1
 24 or if the owner fails to develop a plan for
 25 alternatives in cooperation with the department of
 26 agriculture and land stewardship and the department of
 27 natural resources.

28 c. A tenant on land drained by an agricultural
 29 drainage well, or the owner or tenant of property
 30 which is drained to a well or property owned by
 31 another person may report an agricultural drainage
 32 well to the department of natural resources by the
 33 appropriate date requirement pursuant to subsection 1,
 34 in order to satisfy the requirement for eligibility
 35 for any future cost-share program related to
 36 agricultural drainage wells, provided that the owner
 37 of the property on which the well is located registers
 38 the well within thirty days of the report. If the
 39 landowner does not register the agricultural drainage
 40 well within thirty days of the receipt of the report,
 41 the department of natural resources shall notify the
 42 landowner regarding the requirement to register and
 43 the penalty which may be applied. If a landowner has
 44 not registered within sixty days of the notification,
 45 the department of natural resources may impose a civil
 46 penalty of not more than twenty dollars per day in
 47 excess of sixty days.

48 Sec. ____ . Section 455E.11, subsection 2, paragraph
 49 b, Code Supplement 1987, is amended by adding the
 50 following new subparagraph after subparagraph (1) and

Page 3

1 renumbering the remaining subparagraphs:
 2 NEW SUBPARAGRAPH. (2) Two hundred thousand
 3 dollars of the moneys deposited in the agriculture
 4 management account is appropriated to the department
 5 of agriculture and land stewardship for the fiscal
 6 year beginning July 1, 1987, and ending June 30, 1988,
 7 for the demonstration projects regarding agriculture
 8 drainage wells and sinkholes. Any remaining balance
 9 of the appropriation made for the purpose of funding
 10 such demonstration projects for the fiscal year
 11 beginning July 1, 1987, and ending June 30, 1988,
 12 shall not revert to the account, notwithstanding
 13 section 8.33, but shall remain available for the
 14 purpose of funding such demonstration projects during
 15 the fiscal period beginning July 1, 1988, and ending
 16 June 30, 1990.

17 Sec. ____ . Section 455E.11, subsection 2, paragraph
 18 b, subparagraph (2), subdivision (d), Code Supplement
 19 1987, is amended to read as follows:

20 (d) Thirteen percent of the moneys is appropriated
 21 annually to the department of agriculture and land
 22 stewardship for financial incentive programs related
 23 to agricultural drainage wells and sinkholes, for
 24 studies and administrative costs relating to sinkholes
 25 and agricultural drainage wells programs; ~~and not more~~
 26 ~~than two hundred thousand dollars of the moneys is~~
 27 ~~appropriated for the demonstration projects regarding~~
 28 ~~agricultural drainage wells and sinkholes.~~ Of the
 29 thirteen percent allocated for financial incentive
 30 programs, not more than fifty thousand dollars is
 31 appropriated for the fiscal year beginning July 1,
 32 1987 and ending June 30, 1988, to the department of
 33 natural resources for grants to county conservation
 34 boards for the development and implementation of
 35 projects regarding alternative practices in the
 36 remediation of noxious weeds or other vegetation
 37 within highway rights-of-way. Any remaining balance
 38 of the appropriation made for the purpose of funding
 39 of projects regarding alternative practices in the
 40 remediation of noxious weeds or other vegetation
 41 within highway rights-of-way for the fiscal year
 42 beginning July 1, 1987, and ending June 30, 1988,
 43 shall not revert to the account, notwithstanding
 44 section 8.33, but shall remain available for the
 45 purpose of funding the projects during the fiscal
 46 period beginning July 1, 1988, and ending June 30,
 47 1990."

48 8. Title page, line 1, by striking the words "the
 49 registration date for".

50 9. Title page, line 2, by inserting after the

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- 1 word "wells" the following: ", sinkholes, providing a
- 2 penalty, adopting an appropriation,".
- 3 10. By renumbering as necessary.

S-6084

1 Amend House File 2405, as amended, passed, and re-
 2 printed by the House, as follows:

3 1. By striking everything after the enacting
 4 clause and inserting the following:

5 "Section 1. Section 12.8, unnumbered paragraph 3,
 6 Code 1987, is amended to read as follows:

7 The treasurer of state, ~~following with the~~ approval
 8 ~~by~~ of the investment board of the Iowa public

9 employees' retirement system, may ~~implement and engage~~
 10 ~~in conduct~~ a program of lending securities in the Iowa
 11 public employees' retirement system portfolio; ~~except~~
 12 ~~the lending of common stocks shall not be allowed.~~
 13 When securities are loaned as provided by this
 14 paragraph, the treasurer, ~~in order to secure the loan~~
 15 ~~and as a condition thereof,~~ shall obtain from the
 16 borrower federal securities of at least equal to one
 17 hundred three percent of market value, and the
 18 relative value of the collateral to the loan shall be
 19 maintained shall act in the manner provided for
 20 investment of moneys in the Iowa public employees'
 21 retirement fund under section 97B.7. The treasurer of
 22 state shall ~~include in the reports required by~~
 23 ~~sections 12.17 and 17.3, a review of the program~~
 24 ~~including the fiscal impact of the program report at~~
 25 least annually to the investment board of the Iowa
 26 public employees' retirement system on the program and
 27 shall provide additional information on the program
 28 upon the request of the investment board or the
 29 employees of the Iowa public employees' retirement
 30 system division of the department of personnel.

31 Sec. 2. Section 97A.1, subsection 2, Code 1987, is
 32 amended to read as follows:

33 2. "Peace officer" or "peace officers" shall mean
 34 all members of the divisions of highway safety and
 35 uniformed force and criminal investigation and bureau
 36 of identification in the department of public safety,
 37 except clerical workers, who have passed a
 38 satisfactory physical and mental examination and have
 39 been duly appointed as members of the state department
 40 of public safety in accordance with ~~the provisions of~~
 41 section 80.15, and the division of drug law
 42 enforcement, and arson investigators in the department
 43 of public safety hired prior to July 1, 1988, except
 44 clerical workers, and the division of beer and liquor
 45 law enforcement of the department of public safety,
 46 except clerical workers.

47 Sec. 3. Section 97A.6, subsection 2, Code 1987, is
 48 amended to read as follows:

49 2. Allowance on service retirement. ~~Upon~~
 50 Effective January 1, 1989, upon retirement from

Page 2

1 service, a member shall receive a service retirement
 2 allowance which shall consist of a pension which shall
 3 equal ~~one-half~~ sixty percent of the member's average
 4 final compensation.

5 Sec. 4. Section 97A.6, subsection 6, Code 1987, is

6 amended to read as follows:

7 6. Retirement after accident. Upon Effective
 8 January 1, 1989, upon retirement for accidental
 9 disability, a member shall receive an accidental
 10 disability retirement allowance which shall consist of
 11 a pension equal to ~~sixty-six and two-thirds~~ sixty
 12 percent of the member's average final compensation.
 13 Sec. 5. Section 97A.6, subsection 8, paragraph b,
 14 unnumbered paragraph 1, Code 1987, is amended to read
 15 as follows:

16 In lieu of the payment specified in paragraph "a,"
 17 a beneficiary meeting the qualifications of paragraph
 18 "c" may elect to receive a monthly pension equal to
 19 one-twelfth of forty percent of the average final
 20 compensation of the member, but not less than fifty
 21 ~~dollars~~ an amount equal to twenty percent of the
 22 monthly earnable compensation paid to an active member
 23 having the rank of senior patrol officer of the Iowa
 24 highway safety patrol if the member was in service at
 25 the time of death. For a member not in service at the
 26 time of death, the pension shall be reduced as
 27 provided in subsection 1, paragraph "b".

28 Sec. 6. Section 97A.6, subsection 8, paragraph c,
 29 subparagraphs (1) and (2), Code 1987, are amended to
 30 read as follows:

31 (1) The spouse, ~~to continue so long as the spouse~~
 32 ~~remains unmarried.~~

33 (2) If there is no spouse, or if the spouse dies
 34 ~~or remarries~~ and there is a child of a member, then
 35 the guardian of the member's child or children,
 36 divided as the board of trustees determines, to
 37 continue as a joint and survivor pension until every
 38 child of the member dies or attains the age of
 39 eighteen, or twenty-two if applicable.

40 Sec. 7. Section 97A.6, subsection 9, paragraph a,
 41 Code 1987, is amended to read as follows:

42 a. A Effective January 1, 1989, a pension equal to
 43 ~~one-half sixty percent~~ of the average final
 44 compensation of such member shall be paid to the
 45 surviving spouse, children, or dependent parents as
 46 provided in ~~paragraphs "c", "d", and "e"~~ of subsection
 47 ~~8 of this section.~~

48 Sec. 8. Section 97A.6, subsection 12, paragraph a,
 49 Code 1987, is amended to read as follows:

50 a. To the member's surviving spouse ~~to continue so~~

Page 3

1 long as said party remains unmarried, equal to one-
 2 half the amount received by such the deceased

3 beneficiary, but in no instance less than ~~fifty~~
 4 ~~dollars per month an amount equal to twenty percent of~~
 5 ~~the monthly earnable compensation paid to an active~~
 6 ~~member having the rank of senior patrol officer of the~~
 7 ~~Iowa highway safety patrol, and in addition thereto a~~
 8 monthly pension equal to the monthly pension payable
 9 under subsection 9, paragraph "c," of this section for
 10 each child under eighteen years of age or ~~twenty-two~~
 11 ~~years of age if applicable; or~~

12 Sec. 9. Section 97A.6, subsection 14, paragraph a,
 13 subparagraphs (1), (2), and (4), Code 1987, are
 14 amended to read as follows:

15 (1) ~~Twenty-five~~ Effective January 1, 1989, thirty
 16 percent for members receiving a service retirement
 17 allowance and for beneficiaries receiving a pension
 18 under subsection 9 of this section.

19 (2) Twenty percent for members with five or more
 20 years of membership service who are receiving an
 21 ordinary disability retirement allowance. However,
 22 effective July 1, 1984, for members who retired before
 23 July 1, 1979, and effective July 1, 1988, for members
 24 who retire on or after July 1, 1988, twenty-five
 25 percent shall be used for members who are receiving an
 26 ordinary disability retirement allowance.

27 (4) ~~Thirty-three and one-third~~ Effective January
 28 1, 1989, thirty percent for members receiving an
 29 accidental disability allowance.

30 Sec. 10. Section 97A.8, subsection 1, paragraph f,
 31 Code 1987, is amended to read as follows:

32 f. An Effective January 1, 1989, an amount equal
 33 to ~~three~~ four and one-tenth percent of each member's
 34 compensation from the earnable compensation of the
 35 member shall be paid to the pension accumulation fund.

36 Sec. 11. Section 97A.9, Code 1987, is amended to
 37 read as follows:

38 97A.9 MILITARY SERVICE EXCEPTIONS.

39 ~~Any A~~ member who is absent from duty as a peace
 40 officer while serving in the armed services of the
 41 United States or its allies and is discharged or
 42 separated ~~therefrom~~ from service in the armed forces
 43 under honorable conditions shall have ~~any such~~ the
 44 period ~~or periods~~ of absence while serving in ~~such~~ the
 45 armed services on other than a voluntary basis and one
 46 ~~such~~ period of absence, not in excess of four years,
 47 while serving in ~~such~~ the armed forces on a voluntary
 48 basis, included as part of the member's period of
 49 service in the department. ~~Such~~ The member ~~shall~~ is
 50 not ~~be~~ required to continue the contributions required.

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1 of the member under section 97A.8, during ~~such the~~
2 period of military service, ~~provided that if the~~
3 member ~~shall~~, within ~~six months one year~~ after the
4 member has been discharged or separated under
5 honorable conditions from ~~such~~ military service ~~return~~
6 ~~returns~~, and ~~resume resumes~~ the member's duties in the
7 department, and ~~provided further, that such if the~~
8 member ~~shall be is~~ declared physically capable of
9 ~~resuming such to resume those~~ duties upon examination
10 by the medical board.

11 Sec. 12. Section 97B.2, Code 1987, is amended to
12 read as follows:

13 97B.2 PURPOSE OF CHAPTER.

14 The purpose of this chapter is to promote economy
15 and efficiency in the public service by providing an
16 orderly means ~~whereby for~~ employees ~~who become~~
17 ~~superannuated may~~, without hardship or prejudice, ~~be~~
18 ~~replaced by more capable employees, and to that end~~
19 ~~providing to have~~ a retirement system which will
20 provide for the payment of annuities to public
21 employees, ~~thereby~~ enabling the employees to care for
22 themselves in retirement, and which ~~by its provisions~~
23 will improve public employment within the state,
24 reduce excessive personnel turnover, and offer
25 suitable attraction to high-grade men and women to
26 enter public service in the state.

27 Sec. 13. Section 97B.4, unnumbered paragraph 2,
28 Code 1987, is amended to read as follows:

29 The department, members of the investment board,
30 and the treasurer of state are not personally liable
31 for actions or omissions, under this chapter that do
32 not involve malicious or wanton misconduct even if
33 those actions or omissions violate the standards
34 established in section 97B.7.

35 Sec. 14. Section 97B.4, Code 1987, is amended by
36 adding the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. In the administration of
38 the investment of moneys in the fund, employees of the
39 department and members of the board may travel outside
40 the state for the purpose of meeting with investment
41 firms and consultants and attending conferences and
42 meetings to fulfill their fiduciary responsibilities.
43 This travel is not subject to section 421.38,
44 subsection 2.

45 Sec. 15. Section 97B.7, subsection 2, paragraph b,
46 unnumbered paragraph 1, Code 1987, is amended to read
47 as follows:

48 Invest, subject to chapter 12A, the portion of the

49 retirement fund which in the judgment of the
50 department is not needed for current payment of

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1 benefits under this chapter. The department shall
2 execute the disposition and investment of moneys in
3 the retirement fund in accordance with the investment
4 policy and goal statement established by the
5 investment board. In the investment of the fund, the
6 department and investment board shall exercise the
7 judgment and care, under the circumstances then
8 prevailing, which persons of prudence, discretion, and
9 intelligence exercise in the management of their own
10 affairs ~~as provided in section 633.123, subsection 1,~~
11 not for the purpose of speculation, but with regard to
12 the permanent disposition of the funds, considering
13 the probable income, as well as the probable safety,
14 of their capital. Within the limitations of the
15 standard prescribed in this section, a fiduciary may
16 acquire and retain every kind of property and every
17 kind of investment which persons of prudence,
18 discretion, and intelligence acquire or retain for
19 their own account.

20 Sec. 16. Section 97B.7, subsection 2, paragraph b,
21 unnumbered paragraph 4, Code 1987, is amended to read
22 as follows:

23 Consistent with this paragraph, investments made
24 under this paragraph shall be made in a manner that
25 will enhance the economy of this state, and in
26 particular, will result in increased employment of the
27 residents of this state. Investments of moneys in the
28 fund are not subject to sections 73.15 through 73.21.

29 Sec. 17. Section 97B.7, subsection 2, paragraph b,
30 unnumbered paragraph 5, Code 1987, is amended to read
31 as follows:

32 If Except as provided in section 97B.4, if there is
33 loss on the redemption or sale of securities, where
34 invested as prescribed by law, neither to the fund,
35 the treasurer, nor the department is, and the board
36 are not personally liable, but and the loss shall be
37 charged against the retirement fund, and there There
38 is appropriated from the retirement fund an the amount
39 as required for the to cover a loss. Expenses
40 incurred in the sale and purchase of securities
41 belonging to the retirement fund shall be charged to
42 the retirement fund, and there is appropriated from
43 the retirement fund an the amount as required for the
44 expenses incurred. Investment management expenses
45 shall be charged to the investment income of the

46 retirement fund, and there is appropriated from the
47 retirement fund ~~an~~ the amount ~~as~~ required for the
48 investment management expenses, subject to the
49 limitations stated in this subparagraph. The amount
50 appropriated for a fiscal year under this subparagraph

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1 shall not exceed one-half percent of the market value
2 of the retirement fund. The department shall report
3 the investment management expenses for a fiscal year
4 as a percent of the market value of the retirement
5 fund in the annual report to the governor required in
6 section 97B.4. A person who has signed a contract
7 with the department for investment management purposes
8 shall meet the requirements for doing business in Iowa
9 sufficient to be subject to tax under rules of the
10 department of revenue and finance.

11 Sec. 18. Section 97B.8, unnumbered paragraph 3,
12 Code 1987, is amended to read as follows:

13 The members who are executives of a domestic life
14 insurance company, a state or national bank, and a
15 major industrial corporation, and the member who is a
16 retired member of the system, shall be paid their
17 actual expenses incurred in performance of their
18 duties and shall receive in addition ~~the sum of~~ forty
19 dollars for each day of service not exceeding forty
20 days per year. Legislative members shall receive
21 forty dollars for each day of service and their actual
22 expenses incurred in the performance of their duties.
23 The per diem and expenses of the legislative members
24 shall be paid from funds appropriated under section
25 2.12. The members who are active members of the
26 system and the director of the department shall be
27 paid their actual expenses incurred in the performance
28 of their duties as members of the board and
29 performance of their duties as members of the board
30 shall not affect their salaries, ~~vacation~~ vacations,
31 or leaves of absence for sickness or injury. The
32 appointive terms of the members appointed by the
33 governor are for a period of six years beginning and
34 ending as provided in section 69.19. If there is a
35 vacancy in the membership of the board, the governor
36 has the power of appointment. Appointees to this
37 board are subject to confirmation by the senate.

38 Sec. 19. Section 97B.9, unnumbered paragraph 1,
39 Code 1987, is amended to read as follows:

40 Contributions unpaid on the date on which they are
41 due and payable as prescribed by the department, shall
42 bear interest at the combined interest and dividend

43 rate of one-half of one per centum per month from and
44 after such date until payment plus accrued interest is
45 received by the department required under section
46 97B.70 for the applicable calendar year, provided that
47 the department may prescribe fair and reasonable
48 regulations pursuant to which such the interest shall
49 not accrue with respect to contributions required.
50 Interest collected pursuant to this section shall be

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1 paid into the Iowa public employees' retirement fund.
2 Sec. 20. Section 97B.11, Code 1987, is amended to
3 read as follows:
4 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.
5 Each employer shall deduct from the wages of each
6 member of the system a contribution in the amount of
7 three and six-tenths percent of the covered wages paid
8 by the employer through June 30, 1979, and commencing
9 July 1, 1979 in the amount of three and seven-tenths
10 percent of the covered wages paid by the employer,
11 until the first of the month in which the member
12 attains the age of seventy years or the member's
13 termination or retirement from employment, whichever
14 is earlier. The contributions of the employer shall
15 be in the amount of three and one-half percent of the
16 covered wages of the member for service through
17 December 31, 1975, and in the amount of five and
18 twenty-five hundredths percent of the covered wages of
19 the member for service commencing July 1, 1977,
20 through June 30, 1979, and in the amount of five and
21 seventy-five hundredths percent of the covered wages
22 of the member for service commencing July 1, 1979.
23 Sec. 21. Section 97B.15, Code 1987, is amended to
24 read as follows:
25 97B.15 RULES.
26 The department ~~shall have full power and authority~~
27 ~~to may~~ make rules under chapter 17A and ~~to~~ establish
28 procedures, not inconsistent with the ~~provisions of~~
29 this chapter, which are necessary or appropriate to
30 ~~carry out such provisions~~ implement this chapter and
31 shall adopt reasonable and proper rules to regulate
32 and provide for the nature and extent of the proofs
33 and evidence and the method of taking and furnishing
34 the ~~same proofs and evidence~~ in order to establish the
35 right to benefits hereunder under this chapter. The
36 department may adopt rules to conform the requirements
37 for receipt of retirement benefits under this chapter
38 to the mandates of applicable federal statutes and
39 regulations governing age discrimination or the

40 taxation of distributions.

41 Sec. 22. Section 97B.16, Code 1987, is amended by
42 striking the section and inserting in lieu thereof the
43 following:

44 97B.16 PROCEDURE OF DEPARTMENT.

45 The department shall make decisions as to the
46 rights of an individual applying for a payment under
47 this chapter. When requested by an individual, or a
48 person who makes a showing in writing that the
49 individual's or person's rights may be prejudiced by a
50 decision the department has made, a hearing shall be

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1 scheduled under the Iowa administrative procedures
2 Act, chapter 17A. If a hearing is held, the decision
3 shall, on the basis of evidence adduced at the
4 hearing, be affirmed, modified, or reversed under
5 chapter 17A.

6 Sec. 23. Section 97B.17, Code 1987, is amended to
7 read as follows:

8 97B.17 RECORDS MAINTAINED.

9 The department shall establish and maintain records
10 of each member, including but not limited to the
11 amount of wages of each member, the contribution of
12 each member with interest, and interest dividends
13 credited ~~thereon~~, and ~~such these~~ records ~~shall be~~ are
14 the basis for the compilation of the retirement
15 benefits provided under this chapter. ~~Such~~ The
16 following records maintained under this chapter
17 containing personal identifiable information are not
18 public records for the purposes of chapter 22:

19 1. Records containing social security numbers.

20 2. Records listing designated beneficiaries.

21 3. Records specifying amounts accumulated in
22 members' active accounts.

23 4. Records containing names, addresses, and
24 amounts of monthly benefits to which members or their
25 beneficiaries are entitled.

26 5. Records containing names, addresses, and
27 amounts of lump sum refund payments to terminated
28 members or their beneficiaries.

29 Summary information concerning the demographics of
30 the members and general statistical information
31 concerning the system is subject to chapter 22, as
32 well as aggregate information by category.

33 However, the department's records shall be are
34 evidence for the purpose of proceedings before the
35 department or any court of the amounts of ~~such~~ wages

36 and the periods in which they were paid, and the
 37 absence of an entry as to ~~an individual's~~ a member's
 38 wages in ~~such the~~ records for any period ~~shall be~~ is
 39 evidence that ~~no~~ wages were ~~not~~ paid ~~such individual~~
 40 that member in such the period.

41 Sec. 24. Section 97B.37, Code 1987, is amended to
 42 read as follows:

43 97B.37 RECOGNITION OF AGENTS.

44 The department may prescribe rules governing the
 45 recognition of agents or other persons; ~~other than~~
 46 ~~attorneys as hereinafter provided~~; representing
 47 claimants before the department, and may require of
 48 ~~such the~~ agents or other persons, before being
 49 recognized as representatives of claimants, that they
 50 ~~shall~~ show that they are of good character and in good

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1 repute, possessed of the necessary qualifications to
 2 enable them to render ~~such the~~ claimants valuable
 3 service, and otherwise competent to advise and assist
 4 ~~such the~~ claimants in the presentation of their cases.
 5 An attorney in good standing who is admitted to
 6 practice before the district or supreme court of the
 7 state, shall be entitled to represent claimants before
 8 the department upon filing with the department a
 9 certificate of the attorney's right to so practice
 10 from the presiding judge or clerk of any such court.
 11 Claimants may be represented by counsel at their own
 12 expense.

13 Sec. 25. Section 97B.41, subsection 1, paragraph
 14 a, unnumbered paragraph 1, Code Supplement 1987, is
 15 amended to read as follows:

16 "Wages" means all remuneration for employment,
 17 including the cash value of remuneration paid in a
 18 medium other than cash, but not including the cash
 19 value of remuneration paid in a medium other than cash
 20 necessitated by the convenience of the employer. The
 21 amount agreed upon by the employer and employee for
 22 remuneration paid in a medium other than cash shall be
 23 reported to the department by the employer and is
 24 conclusive of the value of the remuneration. However,
 25 remuneration which does not equal or exceed the sum of
 26 three hundred dollars in a calendar quarter shall be
 27 excluded. "Wages" does not include special lump sum
 28 payments made as payment for accrued sick leave or
 29 accrued vacation or payments made as an incentive for
 30 early retirement or as payments made upon dismissal,
 31 severance, or a special bonus payment. Wages for an
 32 elected official means the salary received by an

33 elected official, exclusive of expense and travel
34 allowances.

35 Sec. 26. Section 97B.41, subsection 1, paragraph
36 b, subparagraph (8), Code Supplement 1987, is amended
37 to read as follows:

38 (8) For ~~each the~~ calendar year ~~from beginning~~
39 January 1, 1988, ~~and thereafter, except as provided in~~
40 ~~subparagraph (9) and ending December 31, 1988~~, wages
41 not in excess of twenty-four thousand dollars.

42 Sec. 27. Section 97B.41, subsection 1, paragraph
43 b, subparagraph (9), Code Supplement 1987, is amended
44 to read as follows:

45 (9) ~~For Commencing January 1, 1989, for each~~
46 calendar year ~~thereafter~~, the department shall
47 increase the covered wages limitation ~~from the~~
48 ~~previous calendar year~~ by ~~one two~~ thousand dollars if
49 the annual actuarial valuation of the assets and
50 liabilities of the retirement system indicates that

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1 the cost of the increase in covered wages can be
2 absorbed within the employer and employee contribution
3 rates in effect under section 97B.11. However,
4 covered wages shall not exceed forty thousand dollars
5 for a calendar year.

6 Sec. 28. Section 97B.41, subsection 1, paragraph
7 b, subparagraph (10), Code Supplement 1987, is amended
8 to read as follows:

9 (10) Effective July 1, ~~1978~~ 1988, covered wages
10 ~~shall does~~ not include wages to a member on or ~~after~~
11 ~~the first of the month in which the member attains the~~
12 ~~age of seventy years, or after the effective date of~~
13 the member's retirement unless the member is ~~re-~~
14 ~~employed reemployed~~, as provided under section 97B.48,
15 subsection 3.

16 Sec. 29. Section 97B.41, subsection 3, paragraph
17 a, unnumbered paragraph 2, Code Supplement 1987, is
18 amended to read as follows:

19 If an interstate agency is established under
20 chapter 28E and similar enabling legislation in an
21 adjoining state, and ~~a city an~~ employer had made
22 contributions to the system for employees performing
23 functions which are transferred to the interstate
24 agency, the employees of the interstate agency who
25 perform those functions shall be considered to be
26 employees of the ~~city employer~~ for the sole purpose of
27 membership in the system, although the employer
28 contributions for those employees are made by the
29 interstate agency.

30 Sec. 30. Section 97B.41, subsection 3, paragraph
 31 b, subparagraph (1), Code Supplement 1987, is amended
 32 to read as follows:

33 (1) Elective officials in positions for which the
 34 compensation is on a fee basis, elective officials of
 35 school districts, elective officials of townships, and
 36 elective officials of other political subdivisions who
 37 are in part-time positions, graduate medical students
 38 while serving as interns or resident doctors in
 39 training at any hospital, or county medical examiners
 40 and deputy county medical examiners under chapter 331,
 41 division V, part 7 8. However, a county attorney is
 42 an employee for purposes of this chapter whether that
 43 county attorney is employed on a full-time or a part-
 44 time basis.

45 Sec. 31. Section 97B.41, subsection 3, paragraph
 46 b, Code Supplement 1987, is amended by adding the
 47 following new subparagraphs:

48 NEW SUBPARAGRAPH. (14) Employees of the Iowa
 49 peace institute, established in chapter 38, unless an
 50 employee files an application with the department to

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1 be covered under this chapter.

2 NEW SUBPARAGRAPH. (15) Employees appointed by the
 3 state board of regents who, at the discretion of the
 4 state board of regents, may elect coverage in a
 5 retirement system qualified by the state board of
 6 regents that meets the criteria of section 97B.2.

7 Sec. 32. Section 97B.41, subsection 10, Code
 8 Supplement 1987, is amended by adding the following
 9 new paragraph:

10 NEW PARAGRAPH. e. On or after July 1, 1988, an
 11 inactive member who had accumulated, as of the date of
 12 the member's last termination of employment, years of
 13 membership service equal to or exceeding the years of
 14 membership service specified in this subsection for
 15 qualifying as a vested member on that date of
 16 termination.

17 Sec. 33. Section 97B.41, subsection 13, paragraph
 18 a, Code Supplement 1987, is amended to read as
 19 follows:

20 a. Service in the armed forces of the United
 21 States during a period of war or national emergency,
 22 ~~provided if~~ the employee was employed by the employer
 23 immediately prior to entry into ~~such~~ the armed forces,
 24 and ~~further provided if~~ the employee was released from
 25 ~~such~~ service and returns to employment with the
 26 employer within ~~ninety days~~ twelve months of the date

27 on which the employee ~~shall have~~ has the right of
28 release from ~~such~~ service or within ~~such a~~ longer
29 period as ~~may be~~ provided by the applicable laws of
30 the United States applicable thereto.

31 Sec. 34. Section 97B.41, subsection 17, Code
32 Supplement 1987, is amended to read as follows:
33 17. "Membership service" means service rendered by
34 a member after July 4, 1953; ~~and prior to the first of~~
35 ~~the month in which the member attains the age of~~
36 ~~seventy years~~. Years of membership service shall be
37 counted to the complete quarter calendar year.

38 Sec. 35. Section 97B.43, Code 1987, is amended by
39 adding the following new unnumbered paragraph:
40 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988,
41 a member eligible for an increased retirement
42 allowance because of the repayment of contributions
43 under this section is entitled to receipt of
44 retroactive adjustment payments for no more than six
45 months immediately preceding the month in which
46 written notice was submitted to the department.

47 Sec. 36. Section 97B.45, Code 1987, is amended by
48 adding the following new subsection:
49 NEW SUBSECTION. 4. The first of any month in
50 which a member meets the membership service and age

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1 requirements to retire under section 97B.49,
2 subsection 15.

3 Sec. 37. Section 97B.46, subsection 1, Code
4 Supplement 1987, is amended to read as follows:
5 1. A member who is ~~an employee of the state and~~
6 not an active member of any other retirement system in
7 the state which is maintained in whole or in part by
8 public contributions may remain in service beyond the
9 date the member attains the age of sixty-five. The
10 employee shall retire on the first day of the month
11 after the last day of service. The employer shall not
12 consider age as a factor in determining the
13 continuation of the member's service.

14 Sec. 38. Section 97B.46, subsection 2, Code
15 Supplement 1987, is amended by striking the
16 subsection.

17 Sec. 39. Section 97B.48, subsection 3, Code 1987,
18 is amended to read as follows:

19 3. If, after the first day of the month in which
20 the member attains the age of fifty-five years and
21 until the member's sixty-fifth birthday, a member who
22 is retired under this chapter is in regular full-time
23 employment, the member's retirement allowance shall be

24 suspended for as long as the member remains in
 25 employment. However, effective January 1, 1989,
 26 employment ~~shall not be regarded as~~ is not full-time
 27 employment until the member receives remuneration in
 28 an amount in excess of ~~two~~ six thousand one hundred
 29 twenty dollars for a calendar year. Effective the
 30 first of the month in which a member attains the age
 31 of sixty-five years, a retired member may receive a
 32 retirement allowance after return to covered
 33 employment regardless of the amount of remuneration
 34 received. As of the first of the month in which the
 35 member attains the age of seventy years, the member
 36 may receive a retirement allowance determined under
 37 section 97B.49, regardless of the amount of
 38 remuneration received. Upon a retirement after ~~re-~~
 39 employment reemployment, a retired member may have the
 40 retired member's retirement allowance redetermined
 41 under this section or section 97B.49 or 97B.50,
 42 whichever is applicable, based upon the addition of
 43 credit for the years of membership service of the
 44 employee after ~~re-employment~~ reemployment, the covered
 45 wage during reemployment, and the age of the employee
 46 after reemployment. The retired member shall not
 47 receive a retirement allowance based upon more than a
 48 total of thirty years of service.
 49 Sec. 40. Section 97B.49, subsection 7, paragraph
 50 a, Code Supplement 1987, is amended to read as

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1 follows:

2 a. Notwithstanding other provisions of this
 3 chapter, a member who is or has been employed as a
 4 conservation peace officer under section 107.13 and
 5 who retires on or after July 1, 1986, and before July
 6 1, 1988, and at the time of retirement is at least
 7 sixty years of age and has completed at least twenty-
 8 five years of membership service as a conservation
 9 peace officer, may elect to receive, in lieu of the
 10 receipt of any benefits under subsection 5 of this
 11 section, a monthly retirement allowance equal to one-
 12 twelfth of fifty percent of the member's three-year
 13 average covered wage as a conservation peace officer,
 14 with benefits payable during the member's lifetime.
 15 Sec. 41. Section 97B.49, subsection 7, paragraph
 16 b, unnumbered paragraph 1, Code Supplement 1987, is
 17 amended to read as follows:
 18 A conservation peace officer who retires on or
 19 after July 1, 1986, and before July 1, 1988, and has
 20 not completed twenty-five years of membership service

21 as required under this subsection is eligible to
22 receive a monthly retirement allowance equal to one-
23 twelfth of fifty percent of the member's three-year
24 average covered wage as a conservation peace officer
25 multiplied by a fraction of years of service as a
26 conservation peace officer. For the purpose of this
27 subsection, "fraction of years of service" means a
28 number, not to exceed one, equal to the sum of the
29 years of membership service as a conservation peace
30 officer, divided by twenty-five years. On or after
31 July 1, 1986, if the conservation peace officer has
32 not reached sixty years of age at retirement, the
33 monthly retirement allowance shall be reduced by five-
34 tenths of one percent per month for each month that
35 the conservation peace officer's retirement precedes
36 the date on which the conservation peace officer
37 attains sixty years of age.

38 Sec. 42. Section 97B.49, subsection 8, paragraph
39 a, unnumbered paragraphs 1 and 2, Code Supplement
40 1987, are amended to read as follows:

41 Notwithstanding other provisions of this chapter, a
42 member who is or has been employed as a peace officer
43 and who retires on or after July 1, 1986, and before
44 July 1, 1988, and at the time of retirement is at
45 least sixty years of age and has completed at least
46 twenty-five years of membership service as a peace
47 officer, may elect to receive, in lieu of the benefits
48 under subsection 5 of this section, a monthly
49 retirement allowance equal to one-twelfth of fifty
50 percent of the member's three-year average covered

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1 wage as a peace officer, with benefits payable during
2 the member's lifetime.

3 A peace officer who retires on or after July 1,
4 1986, and before July 1, 1988, and has not completed
5 twenty-five years of membership service as required
6 under this subsection is eligible to receive a monthly
7 retirement allowance equal to one-twelfth of fifty
8 percent of the member's three-year average covered
9 wage as a peace officer multiplied by the fraction of
10 years of service as a peace officer. For the purpose
11 of this subsection, "fraction of years of service"
12 means a number, not to exceed one, equal to the sum of
13 the years of membership service as a peace officer,
14 divided by twenty-five years. On or after July 1,
15 1984, if the peace officer has not reached sixty years
16 of age at retirement, the monthly retirement allowance
17 shall be reduced by five-tenths of one percent per

18 month for each month that the peace officer's
19 retirement precedes the date on which the peace
20 officer attains sixty years of age.

21 Sec. 43. Section 97B.49, subsection 10, unnumbered
22 paragraph 1, Code Supplement 1987, is amended to read
23 as follows:

24 Notwithstanding sections of this chapter relating
25 to eligibility for and determination of retirement
26 benefits, a vested member who is or has been employed
27 as a correctional officer by the Iowa department of
28 corrections and who retires on or after July 1, 1986,
29 and before July 1, 1988, and at the time of retirement
30 is at least sixty years of age and has completed at
31 least thirty years of membership service as a
32 correctional officer, may elect to receive, in lieu of
33 the receipt of benefits under subsection 5 of this
34 section, a monthly retirement allowance equal to one-
35 twelfth of fifty percent of the member's three-year
36 average covered wage as a correctional officer, with
37 benefits payable during the member's lifetime.

38 Sec. 44. Section 97B.49, subsection 14, unnumbered
39 paragraphs 1 and 2, Code Supplement 1987, are amended
40 to read as follows:

41 Notwithstanding other provisions of this chapter, a
42 member who is or has been employed by the office of
43 disaster services as an airport firefighter who
44 retires on or after July 1, 1986, and before July 1,
45 1988, and at the time of retirement is at least sixty
46 years of age and has completed at least twenty-five
47 years of membership service as an airport firefighter,
48 may elect to receive, in lieu of the receipt of any
49 benefits under subsection 5 of this section, a monthly
50 retirement allowance equal to one-twelfth of fifty

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1 percent of the member's three-year average covered
2 wage as an airport firefighter, with benefits payable
3 during the member's lifetime.

4 An airport firefighter who retires on or after July
5 1, 1986, and before July 1, 1988, and has not
6 completed twenty-five years of membership service as
7 required under this subsection is eligible to receive
8 a monthly retirement allowance equal to one-twelfth of
9 fifty percent of the member's three-year average
10 covered wage as an airport firefighter multiplied by a
11 fraction of years of service as an airport
12 firefighter. For the purpose of this subsection,
13 "fraction of years of service" means a number, not to

14 exceed one, equal to the sum of the years of
15 membership service as an airport firefighter, divided
16 by twenty-five years. On or after July 1, 1986, if
17 the airport firefighter has not reached sixty years of
18 age at retirement, the monthly retirement allowance
19 shall be reduced by five-tenths of one percent per
20 month for each month that the airport firefighter's
21 retirement precedes the date on which the airport
22 firefighter attains sixty years of age.

23 Sec. 45. Section 97B.49, Code Supplement 1987, is
24 amended by adding the following new subsection:
25 NEW SUBSECTION. 15. In lieu of the monthly
26 benefit computed under subsections 1 and 3 as
27 applicable, or subsection 5, for each active member
28 retiring on or after July 1, 1988, who is at least
29 fifty-five years of age and has completed at least
30 thirty years of membership service and prior service,
31 and for which the sum of the number of years of
32 membership service and prior service and the member's
33 age in years as of the member's last birthday equals
34 or exceeds ninety-two, a monthly benefit shall be
35 computed which is equal to fifty percent of the three-
36 year average covered wage of the member.

37 Sec. 46. Section 97B.49, Code Supplement 1987, is
38 amended by adding the following new subsection:
39 NEW SUBSECTION. 16. a. Notwithstanding other
40 provisions of this chapter, a member who is or has
41 been employed in a protection occupation who retires
42 on or after July 1, 1988, and at the time of
43 retirement is at least fifty-five years of age and has
44 completed at least twenty-two years of membership
45 service in a protection occupation, may elect to
46 receive in lieu of the receipt of any benefits under
47 subsections 5 or 15, a monthly retirement allowance
48 equal to one-twelfth of fifty percent of the member's
49 three year average covered wage as a member who has
50 been employed in a protection occupation, with

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1 benefits payable during the member's lifetime.
2 b. A member covered under this subsection who
3 retires on or after July 1, 1988, and has not
4 completed the twenty-two years of membership service
5 required under paragraph "a", is eligible to receive a
6 monthly retirement allowance equal to one-twelfth of
7 fifty percent of the member's three-year average
8 covered wage as a member employed in a protection
9 occupation, multiplied by a fraction of years of
10 service. For the purpose of this subsection,

11 "fraction of years of service" means a number, not to
12 exceed one, equal to the sum of the years of
13 membership service in a protection occupation, divided
14 by twenty-two years.

15 c. For the purposes of this subsection, "a member
16 employed in a protection occupation" includes all of
17 the following:

18 (1) A conservation peace officer employed under
19 section 107.13.

20 (2) A county sheriff as defined in section 39.17
21 or as a deputy sheriff appointed pursuant to section
22 341.1 prior to July 1, 1981, or section 331.903 on or
23 after July 1, 1981.

24 (3) A marshal or police officer in a city not
25 covered under chapter 400.

26 (4) A correctional officer employed by the Iowa
27 department of corrections in an applicable job
28 classification. The department of corrections and the
29 department of personnel shall jointly determine the
30 applicable merit system job classifications of
31 correctional officers.

32 (5) An airport firefighter employed by the
33 disaster services division of the department of public
34 defense.

35 (6) An airport safety officer employed under
36 chapter 400 by an airport commission in a city of one
37 hundred thousand population or more.

38 (7) An arson investigator who commenced employment
39 as an arson investigator of the department of public
40 safety on or after July 1, 1988.

41 d. Effective July 1, 1988, and annually
42 thereafter, the department of personnel shall
43 actuarially determine for that year the cost of the
44 additional benefits provided under paragraphs "a" and
45 "b" as a percent of the covered wages of the employees
46 covered by this subsection. Effective July 1, 1988,
47 sixty percent of the cost shall be paid by the
48 employers of employees covered under this subsection
49 and forty percent of the cost shall be paid by the
50 employees. The employer and employee contributions

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1 required under this paragraph are in addition to the
2 contributions paid under section 97B.11.

3 e. For the fiscal year commencing July 1, 1988,
4 and each succeeding fiscal year, there is appropriated
5 from the state fish and game protection fund to the
6 department of personnel the amount necessary to pay
7 the employer share of the cost of the additional

8 benefits provided to employees covered under paragraph
9 "c", subparagraph (1).

10 f. Annually, during each fiscal year commencing
11 with the fiscal year beginning July 1, 1988, each
12 applicable city shall pay to the department of
13 personnel the amount necessary to pay the employer
14 share of the cost of the additional benefits provided
15 to employees of that city covered under paragraph "c",
16 subparagraphs (3) and (6).

17 g. Annually, during each fiscal year commencing
18 with the fiscal year beginning July 1, 1988, each
19 county shall pay to the department of personnel the
20 amount necessary to pay the employer share of the cost
21 of the additional benefits provided to employees
22 covered under paragraph "c", subparagraph (2).

23 h. For the fiscal year commencing July 1, 1988,
24 and each succeeding fiscal year, the department of
25 corrections shall pay to the department of personnel
26 from funds appropriated to the Iowa department of
27 corrections, the amount necessary to pay the employer
28 share of the cost of the additional benefits provided
29 to employees covered under paragraph "c", subparagraph
30 (4).

31 i. For the fiscal year commencing July 1, 1988,
32 and each succeeding fiscal year, there is appropriated
33 from the general fund of the state to the department
34 of personnel, from funds not otherwise appropriated,
35 an amount necessary to pay the employer share of the
36 cost of the additional benefits provided to employees
37 covered under paragraph "c", subparagraphs (5) and
38 (7).

39 Sec. 47. Section 97B.49, Code 1987, is amended by
40 adding the following new subsection:

41 **NEW SUBSECTION. 17. a.** Notwithstanding sections
42 of this chapter relating to eligibility for and
43 determination of retirement benefits, a member retires
44 as a department of transportation enforcement officer
45 on or after July 1, 1988, and at the time of
46 retirement is at least sixty years of age, and has
47 completed at least twenty-five years of service as a
48 department of transportation enforcement officer or
49 member of a protection occupation under subsection 16,
50 may elect to receive, in lieu of the receipt of any

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1 benefits under subsection 5 or 15, a monthly retire-
2 ment allowance equal to one-twelfth of fifty percent
3 of the member's three-year average covered wage as an
4 enforcement officer of the department of

5 transportation, with benefits payable during the
6 member's lifetime.

7 For the purpose of this subsection, "service as an
8 enforcement officer" includes an individual employed
9 under section 321.477 and service prior to the
10 creation of the department of transportation as a
11 traffic weight officer employed by the highway
12 commission, vehicle regulation investigator employed
13 by the department of public safety, and peace officer
14 employed by the Iowa state commerce commission.

15 b. A department of transportation enforcement
16 officer who retires on or after July 1, 1988, and has
17 not completed twenty-five years of membership service
18 as required under this subsection is eligible to
19 receive a monthly retirement allowance equal to one-
20 twelfth of fifty percent of the member's three-year
21 average covered wage multiplied by a fraction of years
22 of service. For the purpose of this subsection,
23 "fraction of years of service" means a number, not to
24 exceed one, equal to the sum of the years of
25 membership service under this subsection, divided by
26 twenty-five years. On or after July 1, 1988, if the
27 enforcement officer of the department of
28 transportation has not reached sixty years of age at
29 retirement, the monthly retirement allowance shall be
30 reduced by twenty-five hundredths of one percent per
31 month for each month that the officer's retirement
32 precedes the date on which the officer attains sixty
33 years of age.

34 c. Effective July 1, 1988, and annually
35 thereafter, the department of personnel shall
36 actuarially determine for that year the cost of the
37 additional benefits provided under this subsection as
38 a percent of the covered wages of the enforcement
39 officers. Sixty percent of the cost shall be paid by
40 the employer and forty percent of the cost shall be
41 paid by the employee. The employer and employee
42 contributions required under this subsection are in
43 addition to the contributions paid under section
44 97B.11.

45 For the fiscal year commencing July 1, 1988, and
46 each succeeding fiscal year, there is appropriated
47 from the general fund of the state to the department
48 of personnel, from funds not otherwise appropriated,
49 an amount necessary to pay the employer share of the
50 cost of the additional benefits provided under this

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1 subsection.

2 Sec. 48. Section 97B.49, Code Supplement 1987, is
3 amended by adding the following new subsection:
4 NEW SUBSECTION. 18. Effective July 1, 1988, for
5 each member who retired from the system prior to
6 January 1, 1976, and for each member who retired from
7 the system under subsection 1 on or after January 1,
8 1976, the amount of regular monthly retirement
9 allowance attributable to membership service and prior
10 service that was payable to the member for June 1988
11 is increased by ten percent.

12 The increase payable to a member under this section
13 is also payable to a beneficiary and a contingent
14 annuitant.

15 Sec. 49. Section 97B.49, Code Supplement 1987, is
16 amended by adding the following new subsection:
17 NEW SUBSECTION. 19. Effective July 1, 1988, for
18 each member who retired from the system on or after
19 January 1, 1976, and before July 1, 1982, the amount
20 of the regular monthly retirement allowance of the
21 member is increased from forty-seven percent to fifty
22 percent of the member's average final compensation.

23 Sec. 50. Section 97B.50, subsection 1, Code
24 Supplement 1987, is amended by striking the subsection
25 and inserting in lieu thereof the following:

26 1. Except as otherwise provided in this section, a
27 member, upon retirement prior to the normal retirement
28 date, is entitled to receive a monthly retirement
29 allowance determined in the same manner as provided
30 for normal retirement in subsections 1, 4, and 5 of
31 section 97B.49 reduced as follows:

32 a. For a member who is less than sixty-two years
33 of age, by twenty-five hundredths of one percent per
34 month for each month that the early retirement date
35 precedes the normal retirement date.

36 b. For a member who is at least sixty-two years of
37 age and who has not completed thirty years of
38 membership service and prior service, by twenty-five
39 hundredths of one percent per month for each month
40 that the early retirement date precedes the normal
41 retirement date.

42 Sec. 51. Section 97B.50, subsection 3, Code
43 Supplement 1987, is amended to read as follows:

44 3. A member who is at least sixty-two years of age
45 and less than sixty-five years of age, and who has
46 completed thirty or more years of membership service
47 and prior service, shall receive full benefits under
48 section 97B.49 determined as if the member had

49 attained sixty-five years of age. For a member who is
50 at least fifty-nine but less than sixty-two years of

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1 age who has completed at least thirty years of
2 service, the monthly retirement allowance shall be
3 reduced by twenty-five hundredths percent per month
4 for each month that the member's retirement date
5 precedes the member's sixty-second birthday. For a
6 member who is at least fifty-five years of age and
7 less than fifty-nine years of age who has completed
8 thirty years of membership service, the monthly
9 retirement allowance shall be reduced by five-tenths
10 percent per month for each month that the member's
11 retirement date precedes the member's normal
12 retirement date.

13 Sec. 52. Section 97B.50, Code Supplement 1987, is
14 amended by adding the following new subsection:
15 NEW SUBSECTION. 4. A member eligible for a
16 retirement allowance adjusted under this section is
17 entitled to receipt of retroactive adjustment payments
18 for no more than six months immediately preceding the
19 month in which written notice of retirement was
20 submitted to the department.

21 Sec. 53. Section 97B.68, subsection 1, Code 1987,
22 is amended to read as follows:

23 1. ~~From and after July 4, 1959~~ Effective July 1,
24 1988, any a person who is a member of the federal
25 civil service retirement program ~~shall or the federal~~
26 ~~employee's retirement system~~ is not be eligible for
27 membership in the Iowa public employees' retirement
28 system, and ~~the provisions of this chapter shall does~~
29 not apply to ~~such that~~ employee. ~~Any An~~ employee
30 whose membership in the federal civil service
31 retirement program or the federal employee's
32 retirement system is subsequently terminated shall
33 immediately notify the employee's employer and the
34 department of personnel of ~~such that~~ fact, and the
35 employee shall become subject to ~~the provisions of~~
36 this chapter on the date the notification is received
37 by the department.

38 Sec. 54. Section 97B.72A, Code 1987, is amended to
39 read as follows:

40 97B.72A FORMER LEGISLATIVE MEMBERS AND EMPLOYEES.

41 1. A vested member of the system who was a member
42 or temporary employee of the general assembly prior to
43 July 1, 1986 but was not eligible under this chapter
44 to elect coverage under the system for all or a

45 portion of the period of service as a member of the
46 general assembly, or period of employment as a
47 temporary employee of the general assembly, at any
48 time on or after July 4, 1953, may make contributions
49 to the system for all or a portion of that period of
50 service or employment.

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1 2. A member or former member of the general
2 assembly who has six or more years of service as a
3 member of the general assembly or who has a total of
4 six or more years of service as a member of the
5 general assembly and as an employee under this chapter
6 may make contributions to the system for all or a
7 portion of the period of service as a member of the
8 general assembly.

9 3. The contributions made under subsection 1 or 2
10 shall be equal to the accumulated contributions as
11 defined in section 97B.41, subsection 12, which would
12 have been made if the member, former member, or
13 employee of the general assembly had been a member of
14 the system during the period of service elected. The
15 member, of the system former member, or employee shall
16 submit proof to the department of membership or
17 employment in the general assembly. The department
18 shall credit the member, of the system former member,
19 or employee with the period of membership service for
20 which contributions are made.

21 4. There is appropriated from the general fund of
22 the state to the department an amount sufficient to
23 pay the contributions of the employer based on the
24 period of service of members or former members of the
25 general assembly or employment of employees of the
26 general assembly for which the member, former member,
27 or employee paid accumulated contributions under this
28 section. The amount appropriated is equal to the
29 employer contributions which would have been made if
30 the members of the system individuals who made
31 employee contributions under subsection 3 had been
32 members of the system during the period for which they
33 made employee contributions under this section plus
34 two percent interest plus the interest dividend rate
35 applicable for each year compounded annually.

36 Sec. 55. Section 97B.73, Code 1987, is amended by
37 adding the following new unnumbered paragraph:
38 NEW UNNUMBERED PARAGRAPH Effective July 1, 1988,
39 a member eligible for an increased retirement
40 allowance because of the payment of contributions
41 under this section is entitled to receipt of

42 retroactive adjustment payments for no more than six
43 months immediately preceding the month in which
44 written notice was submitted to the department.
45 Sec. 56. Section 97B.73A, Code Supplement 1987, is
46 amended by adding the following new unnumbered
47 paragraph:
48 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988, a
49 member eligible for an increased retirement allowance
50 because of the payment of contributions under this

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1 section is entitled to receipt of retroactive
2 adjustment payments for no more than six months
3 immediately preceding the month in which written
4 notice was submitted to the department.
5 Sec. 57. Section 97B.74, unnumbered paragraph 1,
6 Code 1987, 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 previous
15 period of membership service, may elect in writing to
16 the 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. 58. Section 97B.74, unnumbered paragraph 2,
28 Code 1987, is amended by striking the unnumbered
29 paragraph and inserting in lieu thereof the following:
30 This section takes effect on July 1, 1989, if the
31 preceding annual actuarial valuation of the assets and
32 liabilities of the retirement system indicates that
33 the cost of implementing this section can be absorbed
34 within the employer and employee contribution rates in
35 effect under section 97B.11 as determined by the
36 department. If this section does not take effect on
37 July 1, 1989, it takes effect on July 1 of the year
38 following that determination by the department.

39 Sec. 59. Section 97B.74, Code 1987, is amended by
 40 adding the following new unnumbered paragraph:
 41 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988, a
 42 member eligible for an increased retirement allowance
 43 because of the payment of contributions under this
 44 section is entitled to receipt of retroactive
 45 adjustment payments for no more than six months
 46 immediately preceding the month in which written
 47 notice was submitted to the department.
 48 Sec. 60. Section 97B.75, Code 1987, is amended by
 49 adding the following new unnumbered paragraph:
 50 NEW UNNUMBERED PARAGRAPH. Effective July 1, 1988, a

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1 member eligible for an increased retirement allowance
 2 under this section is entitled to receipt of
 3 retroactive adjustment payments for no more than six
 4 months immediately preceding the month in which
 5 written notice was submitted to the department.
 6 Sec. 61. NEW SECTION. 97B.80 VETERAN'S CREDIT.
 7 An active member in service on July 1, 1988, who at
 8 any time served on active duty in the armed forces of
 9 the United States, upon submitting verification of the
 10 dates of the active duty service in the armed forces
 11 to the department, may make employer and employee
 12 contributions to the system based upon the member's
 13 covered wages for the calendar year beginning January
 14 1, 1987, at the rates in effect under section 97B.11
 15 on January 1, 1987, for the period of time of the
 16 active duty service, not to exceed four years, and
 17 receive credit for membership service and prior
 18 service for the period of time for which the
 19 contributions are made. Verification of active duty
 20 service and payment of contributions shall be made to
 21 the department. However, a member is not eligible to
 22 make contributions under this section if the member is
 23 receiving or is eligible to receive retirement pay
 24 from the United States government for active duty in
 25 the armed forces.
 26 Sec. 62. Section 411.6, subsection 2, Code 1987,
 27 is amended to read as follows:
 28 2. Allowance on service retirement. Upon
 29 Effective January 1, 1989, upon retirement from
 30 service, a member shall receive a service retirement
 31 allowance which shall consist of a pension given by
 32 the city which shall equal ~~one-half~~ sixty percent of
 33 the member's average final compensation.
 34 Sec. 63. Section 411.6, subsection 5, unnumbered

35 paragraph 2, Code 1987, is amended to read as follows:

36 Should a member in service or the chief of the
37 police or fire departments become incapacitated for
38 duty as a natural or proximate result of an injury or
39 disease incurred in or aggravated by the actual
40 performance of duty at some definite time or place or
41 while acting, pursuant to order, outside the city by
42 which the member is regularly employed, the member
43 shall, upon being found to be temporarily
44 incapacitated following an examination by the board of
45 trustees, be entitled to receive the member's full pay
46 and allowances ~~from the city's general fund~~ until re-
47 examined by ~~said the~~ board and found to be fully
48 recovered or permanently disabled.

49 Sec. 64. Section 411.6, subsection 6, Code 1987,
50 is amended to read as follows:

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1 6. Retirement after accident. Upon Effective
2 January 1, 1989, upon retirement for accidental
3 disability a member shall receive an accidental
4 disability retirement allowance which shall consist of
5 a pension equal to ~~66 2/3~~ sixty percent of the
6 member's average final compensation.

7 Sec. 65. Section 411.6, subsection 8, paragraph b,
8 unnumbered paragraph 1, Code 1987, is amended to read
9 as follows:

10 In lieu of the payment specified in paragraph "a",
11 a beneficiary meeting the qualifications of paragraph
12 "c" may elect to receive a monthly pension equal to
13 one-twelfth of forty percent of the average final
14 compensation of the member, but not less than ~~seventy-~~
15 ~~five dollars~~ twenty percent of the monthly earnable
16 compensation paid to an active member holding the
17 highest grade in the rank of firefighter, for a
18 beneficiary of a deceased member of a fire department,
19 or the highest grade in the rank of police patrol
20 officer, for a beneficiary of a deceased member of a
21 police department, if the member was in service at the
22 time of death. For a member not in service at the
23 time of death, the pension shall be reduced as
24 provided in subsection 1, paragraph "b".

25 Sec. 66. Section 411.6, subsection 8, paragraph c,
26 subparagraphs (1) and (2), Code 1987, are amended to
27 read as follows:

28 (1) The spouse, ~~to continue so long as the spouse~~
29 ~~remains unmarried.~~

30 (2) If there is no spouse, or if the spouse dies
31 ~~or remarries~~ and there is a child of a member, then

32 the guardian of the member's child or children,
33 divided as the board of trustees determines, to
34 continue as a joint and survivor pension until every
35 child of the member dies or attains the age of
36 eighteen, or twenty-two if applicable.

37 Sec. 67. Section 411.6, subsection 9, paragraph a,
38 Code 1987, is amended to read as follows:

39 a. A Effective January 1, 1989, a pension equal to
40 one-half sixty percent of the average final
41 compensation of the member shall be paid to the
42 member's spouse, children, or dependent parents as
43 provided in ~~paragraphs "c", "d" and "e"~~ of subsection
44 ~~8 of this section~~. There shall also be paid for each
45 child of a member a monthly pension equal to six
46 percent of the monthly earnable compensation paid to
47 an active member holding the highest grade in the rank
48 of fire fighter, for a child of a deceased member of a
49 fire department, or holding the highest grade in the
50 rank of police patrol officer, for a child of a

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1 deceased member of a police department.

2 Sec. 68. Section 411.6, subsection 11, paragraph
3 a, Code 1987, is amended to read as follows:

4 a. To the spouse ~~to continue so long as said~~
5 ~~partner remains unmarried~~, equal to one-half the
6 amount received by ~~such the~~ deceased beneficiary, but
7 in no instance less than ~~seventy-five dollars per~~
8 month twenty percent of the monthly earnable
9 compensation paid to an active member holding the
10 highest grade in the rank of firefighter, for a
11 beneficiary of a deceased member of the fire
12 department, or the highest grade in the rank of police
13 patrol officer, for a beneficiary of a deceased member
14 of a police department, and in addition ~~thereto~~ a
15 monthly pension equal to the monthly pension payable
16 under subsection 9 of this section for each child
17 under eighteen years of age or twenty-two years of age
18 if applicable; or

19 Sec. 69. Section 411.6, subsection 12, paragraph
20 a, subparagraphs (1), (2), and (4), Code 1987, are
21 amended to read as follows:

22 (1) ~~Twenty-five~~ Effective January 1, 1989, thirty
23 percent for members receiving a service retirement
24 allowance and for beneficiaries receiving a pension
25 under subsection 9 of this section.

26 (2) Twenty percent for members with five or more
27 years of membership service who are receiving an
28 ordinary disability retirement allowance. However,

29 effective July 1, 1984, for members who retired before
 30 July 1, 1979, and effective July 1, 1988, for members
 31 who retire on or after July 1, 1988, twenty-five
 32 percent shall be used for members who are receiving an
 33 ordinary disability allowance.

34 (4) ~~Thirty three and one third~~ Effective January
 35 1, 1989, thirty percent for members receiving an
 36 accidental disability allowance.

37 Sec. 70. Section 411.8, subsection 1, paragraph f,
 38 Code 1987, is amended to read as follows:

39 f. ~~An~~ Effective January 1, 1989, an amount equal
 40 to ~~three~~ four and one-tenth percent of each member's
 41 compensation from the earnable compensation of the
 42 member shall be paid to the pension accumulation fund.

43 Sec. 71. Section 411.9, Code 1987, is amended to
 44 read as follows:

45 411.9 MILITARY SERVICE EXCEPTIONS.

46 A member who is absent while serving in the armed
 47 services of the United States or its allies and is
 48 discharged or separated from the armed services under
 49 honorable conditions shall have the period or periods
 50 of absence while serving in the armed services, not in

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1 excess of four years unless any period in excess of
 2 four years is at the request and for the convenience
 3 of the federal government, included as part of the
 4 member's period of service in the department. The
 5 member shall not continue the contributions required
 6 of the member under section 411.8 during the period of
 7 military service, if the member, within ~~six months~~ one
 8 year after the member has been discharged or separated
 9 under honorable conditions from military service,
 10 returns and resumes duties in the department, and if
 11 the member is declared physically capable of resuming
 12 duties upon examination by the medical board. A
 13 period of absence may exceed four years at the request
 14 and for the convenience of the federal government.

15 Sec. 72. Section 421.38, subsection 2, Code 1987,
 16 is amended to read as follows:

17 2. CONVENTION EXPENSES. ~~No claims~~ Claims for
 18 expenses in attending conventions, meetings,
 19 conferences, or gatherings of members of ~~any an~~
 20 association or society organized and existing as a
 21 quasi-public association or society outside the state
 22 of Iowa shall not be allowed at public expense, unless
 23 authorized by the executive council; and claims for
 24 ~~such these~~ expenses outside of the state shall not be
 25 allowed unless the voucher is accompanied by ~~so much~~

26 the portion of the minutes of the executive council,
27 certified to by its secretary, showing that the
28 expense was authorized by the council. This section
29 does not apply to claims in favor of the governor,
30 attorney general, utilities board members, or to trips
31 referred to in ~~section~~ sections 97B.4 and 217.20.
32 Sec. 73. The department of personnel shall
33 identify job classifications within state government
34 for which the current level of compensation is
35 inadequate to recruit and retain qualified persons and
36 leads or could lead to contracting for the services
37 rather than providing those services directly. The
38 department shall adjust compensation ranges in those
39 areas of employment where the department determined
40 that providing the adjustment would enable the state
41 to limit contracting for services and provide for a
42 less costly means to deliver services. The department
43 of personnel shall review the compensation structure
44 for employees within the Iowa public employees
45 retirement division who are involved in managing the
46 investments. After seeking the input from the Iowa
47 public employees' retirement system investment board,
48 the department shall adjust compensation ranges for
49 those positions where it is determined necessary in
50 order to recruit and retain personnel with the

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1 requisite skills to maintain the fiduciary
2 responsibilities of the fund.
3 Sec. 74. Section 97B.67, Code 1987, is repealed.
4 Sec. 75. Sections 5, 8, 65, and 68 of this Act
5 apply, beginning on the effective date of those
6 sections, to persons who are beneficiaries on that
7 date as well as those who become beneficiaries on or
8 after that date.
9 The portions of sections 8 and 68 of this Act that
10 relate to the definition of child are retroactive to
11 January 1, 1987.
12 Sec. 76. Section 31 of this Act, being deemed of
13 immediate importance, takes effect upon its enactment.
14 Sec. 77. Employees of the Iowa peace institute
15 covered under chapter 97B on the effective date of
16 section 31 of this Act who do not file an application
17 with the department of personnel to be covered under
18 chapter 97B shall receive a refund of the accumulated
19 contributions of the employee made under chapter 97B

20 for service as an employee of the Iowa peace
21 institute."

ROBERT CARR
JOHN NYSTROM

S-6085

1 Amend the amendment, S-6084, to House File 2405, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 27, by inserting after line 13 the fol-
5 lowing:
6 "Sec. ____ . Sections 20, 21, 28, 34, and 39 of this
7 Act, being deemed of immediate importance, take effect
8 upon enactment.
9 Sec ____ . Sections 20, 21, 28, 34, and 39 of this
10 Act are retroactive to January 1, 1988."

MICHAEL E. GRONSTAL

S-6086

1 Amend the amendment, S-6084, to House File 2405, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 20, by inserting after line 20 the
5 following:
6 "Sec. ____ . NEW SECTION. 97B.63 INSURANCE
7 COVERAGE.
8 The department shall offer Medicare supplement
9 coverage under a group policy of accident and sickness
10 insurance to members who have retired and are
11 receiving benefits under this chapter. The department
12 may retain an amount not exceeding one-half of one
13 percent of the monthly benefit of a member for the
14 costs incurred in administering the group insurance
15 policy."

DONALD V. DOYLE

S-6087

1 Amend the amendment S-6084 House File 2405, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 17, line 39, by inserting after the word

- 5 "Code" the following: "Supplement".
6 2. Page 17, line 43, by inserting after the word
7 "member" the following: "who".
8 3. Page 21, line 48, by striking the word
9 "UNNUMBERED" and inserting the following:
10 "UNNUMBERED".
11 4. Page 22, line 41, by striking the word
12 "UNNUMBERED" and inserting the following:
13 "UNNUMBERED".
14 5. Page 22, line 50, by striking the word
15 "UNNUMBERED" and inserting the following:
16 "UNNUMBERED".

BOB CARR

S-6088

- 1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "Sec. 100. Section 422.5, subsection 6, Code
6 Supplement 1987, is amended to read as follows:
7 6. A person who is disabled, is sixty-two years of
8 age or older or is the surviving spouse of an
9 individual or survivor having an insurable interest in
10 an individual who would have qualified for the
11 exemption under this paragraph for this tax year and
12 receives one or more annuities from the United States
13 civil service retirement and disability trust fund or
14 from the United States central intelligence agency
15 retirement and disability fund, and whose net income,
16 as defined in section 422.7, is sufficient to require
17 that the tax be imposed upon it under this section,
18 may determine final taxable income for purposes of
19 imposition of the tax by excluding the amount of
20 annuities received from the United States civil
21 service retirement and disability trust fund and from
22 the United States central intelligence agency
23 retirement and disability fund, which are not already
24 excluded in determining net income, as defined in
25 section 422.7, up to a combined maximum for each tax
26 year of five thousand five hundred dollars for a
27 person who files a separate state income tax return
28 and eight thousand dollars total for a husband and
29 wife who file a joint state income tax return.
30 However, a surviving spouse who is not disabled or
31 sixty-two years of age or older can only exclude the
32 amount of annuities received as a result of the death

33 of the other spouse. The amount of the exemption
 34 shall be reduced by the amount of any social security
 35 benefits received. For the purpose of this section,
 36 the amount of annuities received from the United
 37 States civil service retirement and disability trust
 38 fund and from the United States central intelligence
 39 agency retirement and disability fund taxable under
 40 the Internal Revenue Code of 1954 shall be included in
 41 net income for purposes of determining eligibility
 42 under the five thousand dollar or less exclusion.

43 2. Page 5, by inserting after line 7 the
 44 following:

45 "Sec. ____ . Section 427.3, subsection 5, Code 1987,
 46 is amended to read as follows:

47 5. The provisions of this section shall apply to
 48 personal property held in partnership but not in
 49 excess of the value of the veteran's share actually
 50 held. Wherever the word "soldier" shall appear in

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1 this chapter, it shall be construed to include,
 2 without limitation, the members of the United States
 3 air force and the United States merchant marine.

4 Sec. ____ . Section 427.3, Code 1987, is amended by
 5 adding the following new subsection:

6 **NEW SUBSECTION.** 6. For the purpose of determining
 7 a military tax exemption under this section, property
 8 includes a mobile home as defined in section 135D.1."

9 3. Page 5, by inserting after line 7 the
 10 following:

11 "Sec. 200. 1988 Iowa Acts, House File 2463,
 12 section 1, is repealed.

13 Sec. 300. Notwithstanding section 98.6, subsection
 14 5, local sales and services taxes collected on the
 15 gross receipts from the sale of cigarettes prior to
 16 the effective date of this section shall be considered
 17 legally assessed and collected and be distributed as
 18 provided in chapter 422B for other local sales and
 19 services tax receipts."

20 4. Page 5, by inserting after line 7 the
 21 following:

22 "Sec. ____ . Section 100 of this Act, being deemed
 23 of immediate importance, is effective upon enactment,
 24 and applies retroactively to January 1, 1988, for tax
 25 years beginning on or after that date."

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

28 "Sec. ____ . Sections 200 and 300 of this Act, being
 29 deemed of immediate importance, are effective upon

30 enactment.”

31 6. Title page, line 1, by inserting after the
32 word “to” the following: “the administration and
33 requirements for military service tax credits,”.

34 7. Title page, line 1, by inserting after the
35 word “to” the following: “local option sales and
36 service tax,”.

37 8. Title page, line 1, by inserting after the
38 word “to” the following: “annuities exempt from state
39 individual income tax,”.

40 9. Title page, line 4, by inserting before the
41 word “and” the following: “providing for retroactive
42 applicability,”.

COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

S-6089

1 Amend the amendment, S----- to House File 2405, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 23, by inserting after line 5, the
5 following:

6 “Sec. ____ . NEW SECTION. 97B.77 REFUND OF
7 CONTRIBUTIONS TO ABOLISHED SYSTEM.

8 An active or vested member of the system who has
9 completed at least thirty years of membership service
10 under the system who made contributions to the
11 abolished system, and who has not applied for and
12 qualified for benefit payments under the abolished
13 system, may make application to the department and
14 receive a refund of contributions made under the
15 abolished system together with interest compounded at
16 the rates credited to member accounts from the date of
17 payment of the contributions to the abolished system
18 to the date of the refund. There is appropriated from
19 the retirement fund to the department of personnel an
20 amount sufficient to make the refund payments provided
21 under this section.”

22 2. By numbering and renumbering sections as
23 necessary.

WILMER RENSINK

S-6090

- 1 Amend the amendment, S-6084, to House File 2405, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. By striking page 1, line 47 through page 2,
5 line 12.
 - 6 2. Page 2, by striking lines 40 through 47.
 - 7 3. Page 3, by striking lines 13 through 18 and
8 inserting the following: "subparagraph (2), Code
9 1987, is amended to read as follows:"
 - 10 4. Page 3, by striking lines 27 through 35.
 - 11 5. Page 23, by striking lines 26 through 33.
 - 12 6. By striking page 23, line 49 through page 24,
13 line 6.
 - 14 7. By striking page 24, line 37 through page 25,
15 line 1.
 - 16 8. Page 25, by striking lines 20 through 25 and
17 inserting the following: "a, subparagraph (2), Code
18 1987, is".
 - 19 9. Page 25, by striking lines 34 through 42.

GEORGE R. KINLEY

S-6091

- 1 Amend the amendment, S-6084, to House File 2405, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 9, line 48, by striking the word "two"
5 and inserting the following: "three".

WALLY E. HORN

S-6092

- 1 Amend the amendment, S-6084, to House File 2405, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 26, by inserting after line 31 the
5 following:
6 "Sec. 100. Section 422.5, subsection 6, Code
7 Supplement 1987, is amended to read as follows:
8 6. A person who is disabled, is sixty-two years of
9 age or older or is the surviving spouse of an
10 individual or survivor having an insurable interest in
11 an individual who would have qualified for the

12 exemption under this paragraph for this tax year and
13 receives one or more annuities from the United States
14 civil service retirement and disability trust fund or
15 from the United States central intelligence agency
16 retirement and disability fund, and whose net income,
17 as defined in section 422.7, is sufficient to require
18 that the tax be imposed upon it under this section,
19 may determine final taxable income for purposes of
20 imposition of the tax by excluding the amount of
21 annuities received from the United States civil
22 service retirement and disability trust fund and from
23 the United States central intelligence agency
24 retirement and disability fund, which are not already
25 excluded in determining net income, as defined in
26 section 422.7, up to a combined maximum for each tax
27 year of five thousand five hundred dollars for a
28 person who files a separate state income tax return
29 and eight thousand dollars total for a husband and
30 wife who file a joint state income tax return.

31 However, a surviving spouse who is not disabled or
32 sixty-two years of age or older can only exclude the
33 amount of annuities received as a result of the death
34 of the other spouse. The amount of the exemption
35 shall be reduced by the amount of any social security
36 benefits received. For the purpose of this section,
37 the amount of annuities received from the United
38 States civil service retirement and disability trust
39 fund and from the United States central intelligence
40 agency retirement and disability fund taxable under
41 the Internal Revenue Code of 1954 shall be included in
42 net income for purposes of determining eligibility
43 under the five thousand dollar or less exclusion.

44 This section is retroactive to January 1, 1988, for
45 tax years beginning on or after that date.”

46 2. Page 27, by inserting after line 13 the
47 following:

48 “Sec. ____ . Section 100 of this Act, being deemed
49 of immediate importance, is effective upon enactment.”

50 3. By renumbering as necessary.

JAMES R. RIORDAN
LEONARD L. BOSWELL

S-6093

1 Amend amendment S-5100 to House File 221, as passed
2 by the House as follows:

3 1. Page 1, line 50, by inserting after the word
4 “stamps” the following: “on hunting and combination”

5 hunting and fishing licenses, and not less than
 6 thirty-five percent of all revenues from the sale of
 7 wildlife habitat stamps on fishing licenses”.

JIM RIORDAN

S-6094

1 Amend the Senate amendment, S-6084, to House File
 2 2405, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 23, by inserting after line 25, the
 5 following:
 6 “Sec. ____ . NEW SECTION. 97B.81 PROTECTION OF THE
 7 FUND.
 8 It is the intent of the general assembly to protect
 9 and defend the integrity of the public pension system
 10 against despoilation, deflagration, and degradation.
 11 In order to assure achievement of this lofty
 12 aspiration, any person who lives in Boone county in
 13 the state of Iowa, whose social security number begins
 14 with the numeral four and ends with the numeral four
 15 shall not be permitted to drive, ride, or otherwise
 16 sit on, any form of transportation, including
 17 airplanes, automobiles, mopeds, bicycles, motorcycles,
 18 motor trucks, light delivery or panel delivery trucks,
 19 farm or road tractors, trailers or semitrailers, hang
 20 gliders, unicycles, buses, rickshaws, or other
 21 vehicles whether or not they are self-propelled, but
 22 not excluding trackless trolleys, with, or in the
 23 company of, any other person who lives in Dubuque
 24 whose social security number begins with the numeral
 25 four and ends with the numeral eight.”

TOM MANN, Jr.
 LARRY MURPHY
 JAMES RIORDAN

S-6095

1 Amend the amendment, S-6084, to House File 2405, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 26, by inserting after line 14 the
 5 following:
 6 “Sec. ____ . Section 411.20, subsection 1, Code
 7 1987, is amended to read as follows:
 8 1. There is appropriated from the general fund of

9 the state to the municipal assistance fund established
 10 in chapter 405 for each fiscal year an amount
 11 necessary to be distributed to cities which have
 12 established fire and police retirement systems under
 13 the provisions of this chapter. Funds shall be used
 14 to finance the costs of benefits provided in this
 15 chapter by amendments of the Acts of the Sixty-sixth
 16 General Assembly, chapter 1089, and effective July 1,
 17 1988, shall be used to finance the costs of the
 18 benefit improvements provided in sections 62 through
 19 70 of this Act.

20 Sec. ____ . Section 411.20, Code 1987, is amended by
 21 adding the following new subsection:
 22 NEW SUBSECTION. 4. Commencing with the fiscal
 23 year beginning July 1, 1988, the amounts distributed
 24 to pay the state's portion of the costs of the benefit
 25 improvements provided in sections 62 and 70 of this
 26 Act shall be computed by the actuary employed by the
 27 respective board of trustees on the basis of the
 28 results of actuarial valuations performed by the
 29 actuary. The actuarial valuations shall be conducted
 30 for the fiscal years beginning July 1, 1987, and July
 31 1, 1988, in the manner provided in this section to
 32 determine the costs of benefit improvements provided
 33 by the Sixty-sixth General Assembly, chapter 1089,
 34 using the fiscal years beginning July 1, 1978, and
 35 July 1, 1979.

36 A ratio of payroll shall be determined and
 37 certified to the director of revenue and finance. For
 38 the fiscal year commencing July 1, 1988, and each
 39 fiscal year thereafter, the director of revenue and
 40 finance shall pay to each city an amount equal to the
 41 ratio of payroll computed for a retirement system
 42 times the payroll of the active members employed under
 43 that system for the fiscal year."

JULIA B. GENTLEMAN

S-6096

1 Amend the amendment, S-6084, to House File 2405, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 26, by inserting after line 14 the
 5 following:

6 "Sec. ____ . NEW SECTION. 411.23 STATE
 7 APPROPRIATION.

8 Annually, beginning July 1, 1988, there is
 9 appropriated from the general fund of the state to the

10 department of revenue and finance from moneys not
 11 otherwise appropriated an amount sufficient to pay the
 12 cities that have retirement systems established under
 13 this chapter the costs of providing the benefit
 14 increases provided in sections 62 through 70 of this
 15 Act. Each city shall submit an actuarial report from
 16 the actuary employed by the city to the department of
 17 revenue and finance that specifies the additional cost
 18 of the benefits."

JULIA GENTLEMAN

S-6097

1 Amend the Committee amendment, S-6088, to House
 2 File 2473, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 2, line 12, by striking the word "is" and
 5 inserting the following: "and chapter 551A, Code
 6 1987, are".

AL STURGEON

S-6098

1 Amend House File 2473, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, by inserting after line 2 the
 4 following:
 5 "Sec. ____ . Section 422.45, subsection 22, Code
 6 Supplement 1987, is amended by adding the following
 7 new paragraph:
 8 NEW PARAGRAPH. e. Community health centers as
 9 defined in 42 U.S.C.A. § 254c and migrant health
 10 centers as defined in 42 U.S.C.A. § 254b.
 11 Sec. ____ . Section 422.45, Code Supplement 1987, is
 12 amended by adding the following new subsections:
 13 NEW SUBSECTION. 36. Gross receipts from the sale
 14 of tangible personal property to a nonprofit
 15 organization which was organized for the purpose of
 16 lending the tangible personal property to the general
 17 public for use by them for nonprofit purposes.
 18 NEW SUBSECTION. 37. The gross receipts from the
 19 sale or rental of tangible personal property or from
 20 services performed, rendered, or furnished to
 21 nonprofit legal aid organizations."

JIM LIND
 JOY CORNING

JACK RIFE
PATRICK J. DELUHERY
CHARLES BRUNER

S-6099

1 Amend the amendment, S-6084, to House File 2405, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 23, line 29, by striking the figure
5 "1989" and inserting the following: "1990".

6 2. Page 23, line 32, by striking the word "sixty"
7 and inserting the following: "fifty-five".

8 3. Page 23, line 33, by inserting after the word
9 "compensation." the following: "The percent specified
10 in this section shall be increased to sixty percent
11 effective January 1, 1991."

12 4. Page 23, by inserting after line 48 the
13 following:

14 "Sec. ____ . Section 411.6, subsection 5, unnumbered
15 paragraph 3, Code 1987, is amended to read as follows:

16 Disease under this section shall mean ~~heart disease~~
17 ~~or~~ any disease of the lungs or respiratory tract and
18 shall be presumed to have been contracted while on
19 active duty as a result of ~~strain or~~ the inhalation of
20 noxious fumes, poison or gases."

21 5. Page 24, line 2, by striking the figure "1989"
22 and inserting the following: "1990".

23 6. Page 24, line 5, by striking the word "sixty"
24 and inserting the following: "sixty-three and one-
25 half".

26 7. Page 24, line 6, by inserting after the word
27 "compensation." the following: "Effective January 1,
28 1991, the percent shall be decreased to sixty
29 percent."

30 8. Page 24, line 39, by striking the figure
31 "1989" and inserting the following: "1990".

32 9. Page 24, line 40, by striking the word "sixty"
33 and inserting the following: "fifty-five".

34 10. Page 24, line 44, by inserting after the word
35 "section." the following: "Effective January 1, 1991,
36 the percent shall be increased to sixty."

37 11. Page 25, line 22, by striking the figure and
38 word "1989, thirty" and inserting the following:
39 "1990, twenty-seven and one-half".

40 12. Page 25, line 25, by inserting after the word
41 "section." the following: "Effective January 1, 1991,

42 the percent specified in this subparagraph is
 43 increased to thirty."
 44 13. Page 25, line 35, by inserting after the
 45 figure and word "1989, thirty" the following: "1990,
 46 thirty-two".
 47 14. Page 25, line 36, by inserting after the word
 48 "allowance." the following: "Effective January 1,
 49 1991, the percent specified in this subparagraph is
 50 decreased to thirty."

Page 2

1 15. Page 25, line 40, by striking the words
 2 "three four" and inserting the following: "three".
 3 16. Page 27, by inserting after line 42 the
 4 following:
 5 "In addition to the contribution rate specified in
 6 this paragraph, an additional percent shall be
 7 calculated by the actuary engaged by the board to pay
 8 one-half the costs of the benefit change that
 9 increases the service retirement allowance to sixty
 10 percent of final average compensation and reduces the
 11 accidental disability retirement allowance to sixty
 12 percent of average final compensation. The additional
 13 percent shall be paid by the employee."

RICHARD VANDE HOEF

S-6100

1 Amend the House amendment, S-6100, to Senate File
 2 38, as passed by the Senate as follows:
 3 1. Page 1, by striking lines 3 through 47.
 4 2. Page 2, line 25, by striking the word "shall"
 5 and inserting the following: "may".
 6 3. Page 2, by striking lines 27 through 34, and
 7 inserting the following: "county."
 8 4. Page 3, by striking lines 1 through 4.
 9 5. Page 3, line 9, by inserting after the word
 10 "sinkhole" the following: "which has been modified
 11 for the purpose of directing surface or subsurface
 12 drainage to the sinkhole".
 13 6. Page 3, line 12, by inserting after the word
 14 "resources." the following: "A person shall not be
 15 required to register a natural sinkhole if the natural
 16 terrain has not been modified."
 17 7. Page 3, line 16, by striking the words
 18 "structurally altered" and inserting the following:

19 "modified".

20 8. Page 3, lines 19 and 20, by striking the words
21 and figures "~~January 1, 1988~~ September 30, 1988" and
22 inserting the following: "January 1, 1988 ~~1989~~".

23 9. Page 3, line 23, by striking the words
24 "structurally altered" and inserting the following:
25 "modified".

26 10. Page 3, line 25, by striking the word and
27 figure "September 30" and inserting the following:
28 "January 1".

29 11. Page 3, line 26, by striking the words
30 "structurally altered" and inserting the following:
31 "modified".

32 12. Page 3, line 40, by inserting after the word
33 "wells" the following: "pursuant to rules adopted by
34 the department of agriculture and land stewardship
35 under chapter 17A in cooperation with the department
36 of natural resources".

37 13. Page 3, line 45, by inserting after the word
38 "to" the following: "the rules adopted under".

39 14. Page 3, line 48, by striking the figure "1"
40 and inserting the following: "1".

41 15. By striking page 3, line 49 through page 4,
42 line 2 and inserting the following: "or if the owner
43 fails to develop a plan for alternatives in
44 cooperation with the department of agriculture and
45 land stewardship and the department of natural
46 resources."

47 16. Page 4, line 13, by striking the words
48 "within thirty days of the report".

49 17. Page 4, line 21, by striking the word
50 "twenty" and inserting the following: "five".

Page 2

1 18. Page 4, line 22, by inserting after the word
2 "days." the following: "The department of agriculture
3 and land stewardship, in cooperation with the
4 department of natural resources, shall adopt rules,
5 pursuant to chapter 17A, which provide for an appeals
6 process for violations under this paragraph."

7 19. Page 4, by inserting after line 22 the
8 following:

9 "Sec. ____ . Section 455B.275, Code 1987, is amended
10 by adding the following new subsection:

11 **NEW SUBSECTION.** 9. The commission or the
12 department shall not initiate any administrative or
13 judicial action to remove or eliminate any structure,
14 dam, obstruction, deposit, or excavation in a
15 floodway, or to remove or eliminate any stream

16 straightening, or to place other restrictions on the
 17 use of land or water affected by the structure, dam,
 18 obstruction, deposit, excavation, or stream
 19 straightening if not initiated within five years of
 20 the completion of the erection or making of the
 21 structure, dam, obstruction, deposit, excavation, or
 22 stream straightening. The prohibition of this
 23 subsection applies to, but is not limited to, any
 24 judicial abatement or action in condemnation that the
 25 commission or department may initiate under this
 26 section.”

27 20. Page 5, by inserting after line 22 the
 28 following:

29 “Sec. ____ . 1988 Iowa Acts, Senate File 2126,
 30 sections 2 and 3, are repealed.”

31 21. Page 5, by striking line 25 and inserting the
 32 following: “the natural resources of the state, by
 33 providing for the conservation of agricultural lands;
 34 and by restricting the time period for initiating
 35 certain administrative or judicial actions by the
 36 department of natural resources.”

37 22. By renumbering as necessary.

LINN FUHRMAN
 BERL E. PRIEBE
 JOHN A. PETERSON
 JACK W. HESTER
 WILMER RENSINK
 KENNETH SCOTT
 JOHN SOORHOLTZ
 HURLEY W. HALL
 RICHARD VANDE HOEF
 ALVIN V. MILLER
 EUGENE FRAISE
 JIM RIORDAN
 LEONARD L. BOSWELL
 EMIL J. HUSAK

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2474

S-6101

1 Amend the Senate amendment, H-6531, to House File
 2 2474, as passed by the House, as follows:

3 1. Page 1, by inserting after line 13 the fol-
 4 lowing:

5 “___ . Page 1, by inserting after line 10 the
6 following:
7 “Sec. ___ . Section 527.4, subsection 3, paragraph
8 a, subparagraph (5), Code Supplement 1987, is amended
9 to read as follows:

10 (5) At any retail sales location in this state if
11 ~~any~~ all of the following apply:

12 (a) The satellite terminal is not designed,
13 configured, or operated to accept deposits or to
14 dispense script or other negotiable instruments.

15 (b) The satellite terminal is not designed,
16 configured, or operated to dispense cash except when
17 operated by the retailer as part of a retail sales
18 transaction.

19 (c) The satellite terminal is utilized for the
20 purpose of making payment to the retailer for goods or
21 services purchased at the location of the satellite
22 terminal.

23 (d) The financial institution controls a satellite
24 terminal described under subparagraph ~~part~~ subdivision

25 (c) at a location of the retailer established pursuant
26 to subparagraph (1), (2), (3), or (4).”

27 ___ . Title page, line 1, by inserting after the
28 word “to” the following: “financial institutions and
29 the location of satellite terminals and”.”

30 2. By renumbering as necessary.

S-6102

1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 7 the
4 following:

5 “Sec. ___ . Section 427.3, subsection 5, Code 1987,
6 is amended to read as follows:

7 5. The provisions of this section shall apply to
8 personal property held in partnership but not in
9 excess of the value of the veteran’s share actually
10 held. Wherever the word “soldier” shall appear in
11 this chapter, it shall be construed to include,
12 without limitation, the members of the United States
13 air force and the United States merchant marine.

14 Sec. ___ . Section 427.3, Code 1987, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 6. For the purpose of determining
17 a military tax exemption under this section, property
18 includes a mobile home as defined in section 135D.1.”

19 2. Title page, line 1, by inserting after the

20 word "to" the following: "the administration and
21 requirements for military service tax credits,".

JOE WELSH

S-6103

1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 2 the
4 following:
5 "Sec. 100. Section 422.5, subsection 6, Code
6 Supplement 1987, is amended to read as follows:
7 6. A person who is disabled, is sixty-two years of
8 age or older or is the surviving spouse of an
9 individual or survivor having an insurable interest in
10 an individual who would have qualified for this tax year and
11 exemption under this paragraph for this tax year and
12 receives one or more annuities from the United States
13 civil service retirement and disability trust fund or
14 from the United States central intelligence agency
15 retirement and disability fund, and whose net income,
16 as defined in section 422.7, is sufficient to require
17 that the tax be imposed upon it under this section,
18 may determine final taxable income for purposes of
19 imposition of the tax by excluding the amount of
20 annuities received from the United States civil
21 service retirement and disability trust fund and from
22 the United States central intelligence agency
23 retirement and disability fund, which are not already
24 excluded in determining net income, as defined in
25 section 422.7, up to a combined maximum for each tax
26 year of five thousand five hundred dollars for a
27 person who files a separate state income tax return
28 and eight thousand dollars total for a husband and
29 wife who file a joint state income tax return.
30 However, a surviving spouse who is not disabled or
31 sixty-two years of age or older can only exclude the
32 amount of annuities received as a result of the death
33 of the other spouse. The amount of the exemption
34 shall be reduced by the amount of any social security
35 benefits received. For the purpose of this section,
36 the amount of annuities received from the United
37 States civil service retirement and disability trust
38 fund and from the United States central intelligence
39 agency retirement and disability fund taxable under
40 the Internal Revenue Code of 1954 shall be included in
41 net income for purposes of determining eligibility
42 under the five thousand dollar or less exclusion.

43 This section is retroactive to January 1, 1988, for
44 tax years beginning on or after that date.”
45 2. Page 5, by inserting after line 7 the
46 following:
47 “Sec. ____ . Section 100 of this Act, being deemed
48 of immediate importance, is effective upon enactment.”
49 3. Title page, line 1, by inserting after the
50 word “to” the following: “annuities exempt from state

Page 2

1 individual income tax”.
2 4. By renumbering as necessary.

JAMES R. RIORDAN
LEONARD L. BOSWELL

HOUSE AMENDMENT TO
SENATE FILE 2263

S-6104

1 Amend Senate File 2263 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by striking lines 2 through 4 and
4 inserting the following: “the following new
5 subsection:”
6 2. Page 1, line 9, by inserting after the word
7 “race.” the following: “The program shall also
8 indicate if it is the first, second, or third or
9 subsequent time that a horse is racing with lasix, or
10 if the horse has previously raced with lasix and the
11 present race is the first race for the horse without
12 lasix following its use.”
13 3. Page 1, by inserting after line 9 the
14 following:
15 “Sec. 2. Section 99D.12, subsection 1, Code 1987,
16 is amended to read as follows:
17 1. In horse races the breakage shall be retained
18 by the licensee to supplement purses for races ~~won~~ by
19 restricted to Iowa-foaled horses as provided in
20 section 99D.22 or to supplement purses won by Iowa-
21 foaled horses by finishing first, second, third, or
22 fourth in any other race. The purse supplements will
23 be paid in proportion to the purse structure of the
24 race.”
25 4. Page 1, by inserting after line 9 the
26 following:

27 "Sec. ____ . Section 99D.23, Code 1987, is amended
 28 by adding the following new subsection:
 29 NEW SUBSECTION. 4. The commission veterinarian
 30 shall keep a continuing record of the racing soundness
 31 of all horses examined by a commission veterinarian at
 32 a racetrack."

33 5. Page 1, by inserting after line 9 the
 34 following:

35 "Sec. ____ . Section 99D.23, subsection 1, Code
 36 1987, is amended to read as follows:

37 1. The commission shall employ one or more
 38 chemists or contract with a qualified chemical
 39 laboratory to determine by chemical testing and
 40 analysis of saliva, urine, blood, or other excretions
 41 or body fluids whether a substance or drug has been
 42 introduced which may affect the outcome of a race or
 43 whether an action has been taken or a substance or
 44 drug has been introduced which may interfere with the
 45 testing procedure. The commission shall adopt rules
 46 under chapter 17A concerning procedures and actions
 47 taken on positive drug reports. The commission may
 48 adopt by reference the standards of the national
 49 association of state racing commissioners, the
 50 association of official racing chemists, and New York

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1 jockey club, or the United States trotting association
 2 or may adopt any other procedure or standard. The
 3 commission has the authority to retain and preserve by
 4 freezing, test samples for future analysis."

5 6. Page 1, line 14, by inserting after the word
 6 "However," the following: "in counties with a
 7 population of two hundred fifty thousand or more."

8 7. Page 1, line 16, by inserting after the word
 9 "with" the following: "section 99D.25A and".

10 8. Page 1, by striking lines 17 through 20 and
 11 inserting the following:

12 "b. "Numbing" means the applying of ice; dry ice;
 13 ~~a cold pack~~; or a chemical or mechanical freezing
 14 device to the limbs of a horse or dog within ten hours
 15 before the start of a race, or the applying of ice or
 16 a cold pack to the limbs of a horse or dog within two
 17 hours before the start of a race, or a surgical or
 18 other procedure which was, at any time,".

19 9. Page 1, by inserting after line 22 the
 20 following:

21 "Sec. ____ . NEW SECTION. 99D.25A ADMINISTRATION
 22 OF LASIX OR PHENYLBUTAZONE.

23 1. As used in this section unless the context

24 otherwise requires:

25 a. "Bleeder" means, according to its context,
26 either:

27 (1) A horse which, during a race or exercise, is
28 observed by the commission veterinarian or designee to
29 be shedding blood from one or both nostrils and in
30 which no upper airway injury is noted during an
31 examination by the commission veterinarian immediately
32 following such a race or exercise;

33 (2) A horse which, within one and one-half hours
34 of such a race or exercise, is observed by the
35 commission veterinarian, through visual or endoscopic
36 examination, to be shedding blood from the lower
37 airway; or

38 (3) A horse which has been certified as a bleeder
39 in another state.

40 b. "Bleeder list" means a tabulation of all
41 bleeders maintained by the commission veterinarian.

42 c. "Detention barn" means a secured structure
43 designated by the commission.

44 2. Phenylbutazone shall not be administered to a
45 horse in dosages which would result in concentrations
46 of more than two point two micrograms of the substance
47 or its metabolites per millimeter of blood.

48 3. If a horse is to race with phenylbutazone in
49 its system, the trainer shall be responsible for
50 marking the information on the entry blank for each

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1 race in which the horse shall use phenylbutazone.
2 Changes made after the time of entry must be submitted
3 on the prescribed form to the commission veterinarian
4 no later than scratch time.

5 4. If a test detects concentrations of
6 phenylbutazone in the system of a horse in excess of
7 the level permitted in this section, the commission
8 shall assess a civil penalty against the trainer of
9 two hundred dollars for the first offense and five
10 hundred dollars for a second offense. The penalty for
11 a third or subsequent offense shall be in the
12 discretion of the commission. A penalty assessed
13 under this subsection shall not affect the placing of
14 the horse in the race.

15 5. Lasix may be administered to certified
16 bleeders. Upon request, any horse placed on the
17 bleeder list shall, in its next race, be permitted the
18 use of lasix. Once a horse has raced with lasix, it
19 must continue to race with lasix in all subsequent
20 races unless a request is made to discontinue the use.

21 If the use of lasix is discontinued, the horse shall
22 be prohibited from again racing with lasix unless it
23 is later observed to be bleeding. Requests for the
24 use of or discontinuance of lasix must be made to the
25 commission veterinarian by the horse's trainer or
26 assistant trainer on a form prescribed by the
27 commission on or before the day of entry into the race
28 for which the request is made.

29 6. Once a horse has been permitted the use of
30 lasix, it must be brought to the detention barn for
31 treatment not less than four hours prior to scheduled
32 post time for the race in which it is entered to
33 start. Once at the detention barn, a horse shall
34 remain there until it is taken to the paddock to be
35 saddled or harnessed for a race. If a horse is
36 brought to the detention barn late, the commission
37 shall assess a civil penalty of one hundred dollars
38 against the trainer.

39 7. A horse entered to race with lasix must be
40 treated at least four hours prior to post time. The
41 lasix shall be administered intravenously by a
42 veterinarian employed by the owner or trainer of the
43 horse under the visual supervision of the commission
44 veterinarian. The practicing veterinarian must
45 deposit with the commission veterinarian at the
46 detention barn an unopened supply of lasix and sterile
47 hypodermic needles and syringes to be used for the
48 administrations. Lasix shall only be administered in
49 a dose level of two hundred fifty milligrams. The
50 commission veterinarian shall extract a test sample of

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1 the horse's blood, urine, or saliva to determine
2 whether the horse was improperly drugged both before
3 the lasix was administered and after the race is run.

4 8. A person found within or in the immediate
5 vicinity of the detention barn who is in possession of
6 unauthorized drugs or hypodermic needles or who is not
7 authorized to possess drugs or hypodermic needles
8 shall, in addition to any other penalties, be barred
9 from entry into any racetrack in Iowa and any
10 occupational license the person holds shall be
11 revoked.

12 10. Page 1, by inserting after line 22 the
13 following:

14 "Sec. ____ . Section 99D.25, subsection 4, Code
15 1987, is amended to read as follows:

16 4. The owners of a horse or dog and their agents
17 and employees shall permit a member of the commission

18 or a person employed or appointed by the commission to
19 make tests as the commission deems proper in order to
20 determine whether a horse or dog has been improperly
21 drugged. The fact that purse money has been
22 distributed prior to the issuance of a test report
23 shall not be deemed a finding that no chemical
24 substance has been administered unlawfully to the
25 horse or dog earning the purse money. The findings of
26 the commission that a horse or dog has been improperly
27 drugged by a narcotic or other drug are prima facie
28 evidence of the fact. The results of the tests shall
29 be kept on file by the commission for at least one
30 year following the tests."

31 11. Page 1, by inserting after line 22 the
32 following:

33 "Sec. ____ . Section 99D.25, Code 1987, is amended
34 by adding the following new subsection:
35 **NEW SUBSECTION.** ____ . Every horse which suffers a
36 breakdown on the racetrack, in training, or in
37 competition, and is destroyed, and every other horse
38 which expires while stabled on the racetrack under the
39 jurisdiction of the commission, shall undergo a
40 postmortem examination at a time and place acceptable
41 to the commission veterinarian to determine the injury
42 or sickness which resulted in euthanasia or natural
43 death. The postmortem examination shall be conducted
44 by a veterinarian employed by the owner or the owner's
45 trainer in the presence of and in consultation with
46 the commission veterinarian. Test samples shall be
47 obtained from the carcass upon which the postmortem
48 examination is conducted and shall be sent to a
49 laboratory approved by the commission for testing for
50 foreign substances and natural substances at abnormal

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1 levels. When practical, blood and urine test samples
2 should be procured prior to euthanasia. The owner of
3 the deceased horse is responsible for payment of any
4 charges due the veterinarian employed to conduct the
5 postmortem examination. The services of the
6 commission veterinarian and the laboratory testing of
7 postmortem samples shall be made available by the
8 commission without charge to the owner. A record of
9 every postmortem shall be filed with the commission by
10 the owner's veterinarian within seventy-two hours of
11 the death and shall be submitted on a form supplied by
12 the commission. Each owner and trainer accepts the
13 responsibility for the postmortem examination provided
14 herein as a requisite for maintaining the occupational

15 license issued by the commission.”

16 12. Page 1, by inserting after line 22 the
17 following:

18 “Sec. 3. Section 99D.25, Code 1987, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. ____ . Phenylbutazone may not be
21 administered to a horse within ninety-six hours of the
22 start of a race in which the horse is entered.”

23 13. Page 1, by inserting after line 22 the
24 following:

25 “Sec. 3. Section 99D.25, Code 1987, is amended by
26 adding the following new subsections:

27 NEW SUBSECTION. ____ . Any horse which in the
28 opinion of the commission veterinarian has suffered a
29 traumatic injury or disability such that a controlled
30 program of phenylbutazone administration would not aid
31 in restoring the racing soundness of the horse shall
32 not be allowed to race while medicated with
33 phenylbutazone or with phenylbutazone present in the
34 horse’s bodily systems.

35 NEW SUBSECTION. ____ . A person found within or in
36 the immediate vicinity of a security stall who is in
37 possession of unauthorized drugs or hypodermic needles
38 or who is not authorized to possess drugs or
39 hypodermic needles shall, in addition to any other
40 penalties, be barred from entry into any racetrack in
41 Iowa and any occupational license the person holds
42 shall be revoked.”

43 14. Page 1, by inserting after line 22 the
44 following:

45 “Sec. 3. Section 99D.25, Code 1987, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. ____ . Before a horse is allowed to
48 race using phenylbutazone, the veterinarian attending
49 the horse shall certify to the commission the course
50 of treatment followed in administering the

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1 phenylbutazone.”

2 15. Page 1, by inserting after line 22 the
3 following:

4 “Sec. 3. Section 99D.25, Code 1987, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. ____ . The commission shall conduct
7 random tests of bodily substances of horses entered to
8 race each day of a race meeting to aid in the
9 detection of any unlawful drugging. The tests shall
10 be conducted both prior to and after a race. The
11 commission shall also test any horse that breaks down

12 during a race and shall perform an autopsy on any
13 horse that is killed or subsequently destroyed as a
14 result of accident during a race.”

15 16. Page 1, by inserting after line 22 the
16 following:

17 “Sec. ____ . Section 99D.25, Code 1987, is amended
18 by adding the following new subsection:

19 NEW SUBSECTION. ____ . Veterinarians must submit
20 daily to the commission veterinarian on a prescribed
21 form a report of all medications and other substances
22 which the veterinarian prescribed, administered, or
23 dispensed for horses registered at a current race
24 meeting. A logbook detailing other professional
25 services performed while on the grounds of a racetrack
26 shall be kept by veterinarians and shall be made
27 immediately available to the commission veterinarian
28 or the stewards upon request.”

29 17. By renumbering, relettering, or redesignating
30 and correcting internal references as necessary.

S-6105

1 Amend the amendment, S-6100, to the House
2 amendment, S-6082, to Senate File 38, as passed by the
3 Senate as follows:

4 1. Page 1, by inserting after line 22 the
5 following:

6 “____ . Page 3, lines 22 and 23, by striking the
7 words “September 30, 1988” and inserting the
8 following: “January 1, 1989”.

9 2. Page 1, by striking lines 26 through 28.

10 3. By renumbering as necessary.

LINN FUHRMAN

S-6106

1 Amend House File 2476 as follows:

2 1. Page 1, by inserting after line 21 the
3 following:

4 “Sec. 10. Section 441.21, subsection 1, paragraph
5 g, Code 1987, is amended to read as follows:

6 g. Notwithstanding any other provision of this
7 section, the actual value of any property shall not
8 exceed its fair and reasonable market value and shall
9 not exceed the cost approach of appraisal for property
10 taxed pursuant to section 427A.1, except for property
11 taxed pursuant to section 427A.1, subsection 1.

12 paragraph "h", if all costs incurred in the
 13 acquisition and installation of such property are
 14 fully and completely disclosed by the property owner
 15 to the assessor, except agricultural property which
 16 shall be valued exclusively as provided in paragraph
 17 "e" of this subsection."
 18 2. Page 1, by inserting after line 26 the
 19 following:
 20 "Sec. ____ . Section 10 of this Act is effective
 21 upon enactment and applies to assessments made on or
 22 after January 1, 1988."

JAMES RIORDAN

S-6107

1 Amend the House amendment, S-6104 to Senate File
 2 2263 as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by inserting after line 24 the
 5 following:
 6 "____ . Page 1, by inserting after line 9 the
 7 following:
 8 "Sec. ____ . Section 99D.12, Code 1987, is amended
 9 by adding the following new unnumbered paragraph:
 10 NEW UNNUMBERED PARAGRAPH. Purse supplements shall
 11 be distributed to the breeders of Iowa-foaled horses
 12 in the manner described in section 99D.22, by the
 13 racetrack licensee, during the race meet in which the
 14 supplements are earned. Not more than five percent of
 15 the purse supplements shall be carried over."
 16 2. By renumbering as necessary.

JOHN A. PETERSON

S-6108

1 Amend the House amendment, S-6104 to Senate File
 2 2263, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 5, by striking lines 16 through 22.

JOHN A. PETERSON

S-6109

- 1 Amend the House amendment, S-6104, to Senate File
- 2 2263 as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 2, by striking lines 10 through 18.
- 5 2. Page 5, line 26, by striking the word
- 6 "subsections" and inserting the following:
- 7 "subsection".
- 8 3. Page 5, by striking lines 35 through 42.

JOHN A. PETERSON

S-6110

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 2, by inserting after line 3 the
- 3 following:
- 4 "Sec. 3. Section 99D.12, Code 1987, is amended by
- 5 adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Purse supplements shall
- 7 be distributed to the owners of Iowa-foaled horses in
- 8 the manner described in section 99D.22, by the race
- 9 track licensee, during the race meet in which the
- 10 supplements are earned. Not more than five percent of
- 11 the purse supplements shall be carried over."
- 12 2. Title page, by striking lines 1 and 2 and
- 13 inserting the following: "An Act relating to the
- 14 management of fiscal matters by providing for tax
- 15 administration and the distribution of moneys from
- 16 race purses."

LEONARD BOSWELL
JOHN A. PETERSON

S-6111

- 1 Amend Senate File 2341, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 3 the
- 4 following:
- 5 "Sec. ____ . Section 17A.8, subsection 1, paragraphs
- 6 a and b, Code 1987, are amended to read as follows:
- 7 a. ~~Three~~ Five senators appointed by the majority
- 8 leader of the senate.
- 9 b. ~~Three~~ Five representatives appointed by the
- 10 speaker of the house.

- 11 Sec. ____ . Section 17A.8, subsection 4, Code 1987,
 12 is amended to read as follows:
- 13 4. The committee shall choose a chairperson from
 14 its membership and prescribe its rules of procedure.
 15 The appointment of a chairperson shall be for a period
 16 of two years, and shall rotate between the senate and
 17 house on a biennial basis. The committee may employ a
 18 secretary or may appoint the Code editor or a designee
 19 to act as secretary.”
- 20 2. Page 5, by striking lines 14 through 23.
- 21 3. Page 5, by striking line 28 and inserting the
 22 following: “state.”
- 23 4. By striking page 5, line 29 through page 6,
 24 line 7.
- 25 5. By striking page 6, line 12 through page 7,
 26 line 33.
- 27 6. By striking page 7, line 34 through page 8,
 28 line 11.
- 29 7. Page 8, by inserting after line 11 the
 30 following:
- 31 “Sec. ____ . Sections 135.111 through 135.118 are
 32 enacted as a new division of chapter 135 entitled
 33 “Health Profession Review Commission”.
- 34 Sec. ____ . **NEW SECTION.** 135.111 DECLARATION.
- 35 1. The general assembly declares that it is
 36 advisable to have the results of an independent
 37 research, review, and evaluation process prior to
 38 legislative decision-making regarding proposals
 39 concerning the following:
- 40 a. Licensure of health care professionals, and the
 41 professionals’ scope of practice.
- 42 b. Whether additional categories of health care
 43 institutions and professions should be licensed, after
 44 considering educational, experiential, and other
 45 relevant criteria.
- 46 c. Whether health care payors should be required
 47 to include or offer certain benefits or coverage or
 48 make payment for services provided by particular
 49 health care institutions and professions, and the
 50 appropriate levels of benefits or coverage for such

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- 1 services.
- 2 d. Other changes affecting the professional
 3 practice acts of the health professions.
- 4 A process for independent, expert research, review,
 5 and evaluation will encourage a less fragmented, more
 6 rational approach to the consideration of proposals in
 7 these areas and will provide the general assembly with

8 adequate and reliable information as to the effect of
9 these proposals on health care and health care
10 delivery in the state, including the effect, if any,
11 on the availability and cost of services and coverage.

12 2. The general assembly further declares that
13 there is need for a process by which qualified persons
14 may be engaged to conduct analytical research to
15 provide a broader base of information for use in
16 considering health care issues and measuring the long-
17 term and interactive effects of various proposals.

18 3. The general assembly further declares that the
19 conduct of this health care research and review will
20 benefit the citizens of Iowa and that the costs of
21 such research should be borne by those affected.

22 Sec. ____ . NEW SECTION. 135.112 DEFINITIONS.

23 As used in this division, unless the context
24 otherwise requires:

25 1. "Commission" means the health profession review
26 commission.

27 2. "Health care institution" or "health care
28 professional" means a person which furnishes health
29 care services.

30 3. "Health care payor" means a person which offers
31 administrative, indemnity, or payment services for
32 health care in exchange for a premium or service
33 charge under a program of health care benefits,
34 including, but not limited to, an insurance company,
35 association, or exchange issuing health insurance
36 policies in this state; a health service corporation
37 operating pursuant to chapter 514; a health
38 maintenance organization operating pursuant to chapter
39 514B; a preferred provider organization; a fraternal
40 benefit society; a third-party administrator; a
41 corporation, labor organization, or other entity which
42 provides covered services for its employees or members
43 by means of a self-funded program of benefits, and a
44 certified bargaining representative that represents a
45 group or groups of employees for whom employers
46 purchase a program of benefits which provide covered
47 services; and any other person or entity which makes
48 payments to health care institutions and health care
49 professionals for health care services.

50 4. "Health care services" means services included

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1 in the furnishing to any individual of care necessary
2 for the purpose of preventing, alleviating, curing, or
3 healing human physical or mental illness, injury, or
4 disability.

5 5. "Health note" means a summary of the results of
6 the short-term review and analysis of a legislative
7 proposal which has been prepared by the commission
8 pursuant to section 135.114, subsection 2.

9 6. "Person" means a person as defined in section
10 4.1.

11 Sec. ____ . NEW SECTION. 135.113 COMMISSION
12 ESTABLISHED --PURPOSE.

13 1. A health profession review commission is
14 established for the purpose of organizing and
15 conducting health profession research, review, and
16 evaluation activities through the use of existing
17 resources available within appropriate state agencies
18 and by contracting with individuals or organizations
19 who are recognized experts in the fields of study of
20 health, insurance, statistics, economics, or other
21 appropriate academic disciplines in furtherance of the
22 purpose and intent of the general assembly as
23 expressed in section 135.111.

24 Nothing in this division shall be construed as
25 granting the commission authority to establish health
26 care policy.

27 2. The commission consists of the director of
28 public health, the commissioners of insurance and
29 human services, and the directors of the legislative
30 service bureau and the legislative fiscal bureau. The
31 director of public health is the chairperson of the
32 commission. The other members may designate persons
33 to represent them as regular members of the
34 commission. A majority of the members of the
35 commission constitutes a quorum. The commission shall
36 meet at least once during each calendar quarter.

37 Meeting dates shall be set by members of the
38 commission or by call of the chairperson upon five
39 days' notice to the members. Action of the commission
40 shall not be taken except upon the affirmative vote of
41 a majority of the members of the commission.

42 The members of the commission shall not receive a
43 salary or per diem for being on the commission but
44 shall receive reimbursement for necessary travel and
45 expenses while engaged in commission business. Funds
46 for reimbursement shall come from the moneys
47 appropriated to the department or agency of which the
48 member is the head.

49 Sec. ____ . NEW SECTION. 135.114 DUTIES OF
50 COMMISSION.

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1 1. The commission shall establish a process of
2 research, review, and evaluation to be utilized in the
3 consideration of legislative proposals concerning the
4 following:
5 a. Licensure of health care professionals, and the
6 professionals' scope of practice.
7 b. Whether additional categories of health care
8 institutions and professions should be licensed, after
9 considering educational, experiential, and other
10 relevant criteria.
11 c. Mandating health care payors to include or
12 offer certain benefits or coverage or make payment for
13 services provided by particular health care
14 institutions and professions, and mandating certain
15 levels of benefits or coverage for those services.
16 d. Other changes affecting the professional
17 practice acts of the health professions.
18 The process shall be designed to address the
19 effects of each proposal with respect to health care
20 and health care delivery in this state, including the
21 availability and cost of services and coverage. The
22 commission shall undertake studies pursuant to this
23 subsection in response to requests from members of the
24 general assembly or as it deems appropriate. Reports
25 of the studies shall be available upon request. At
26 least once every six months the commission shall
27 provide to members of the general assembly a listing
28 of completed reports which may be requested.
29 2. In addition, the commission shall establish a
30 process for the preparation of health notes for
31 legislative proposals concerning the matters described
32 in subsection 1. The process shall apply to each such
33 legislative proposal for which a health note is
34 requested by a member of the general assembly. The
35 health note shall contain a summary of the results of
36 the commission's short-term review and analysis of the
37 proposal and, insofar as possible, shall be submitted
38 to the members of the general assembly within the time
39 limits set forth in the request. A health note may be
40 requested for a proposal whether or not the proposal
41 is the subject of a more extensive study pursuant to
42 subsection 1.
43 3. The commission may contract with individuals or
44 entities having recognized expertise in the fields of
45 health, insurance, economics or other appropriate
46 academic disciplines as necessary to conduct the
47 research, review, and evaluation of proposals as
48 provided in subsection 1. The experts may be

49 organized into panels of two or three. The commission
50 may assign more than one study to a single expert or

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1 panel. A study shall not be assigned to a single
2 expert under subsection 1, subsection 2, or any other
3 provision of this section except by unanimous decision
4 of the commission. A panel shall not include more
5 than one employee, agent, contractor, or other
6 representative from a particular employer,
7 corporation, partnership, or other entity. When a
8 proposal is chosen for study pursuant to subsection 1,
9 the commission shall review the proposal to determine
10 if the special training and knowledge required to
11 conduct the study is possessed by the existing staffs
12 of the executive departments under the control and
13 direction of members of the commission. If so, by
14 unanimous decision only, the commission may assign the
15 study to existing staffs.

16 4. The commission may assign to outside experts
17 engaged for studies pursuant to subsection 1 the
18 responsibility for preparing particular health notes
19 pursuant to subsection 2. If, by unanimous decision
20 only, the commission determines that outside experts
21 are not needed to prepare particular health notes, the
22 responsibility may be assigned to existing staffs.

23 5. The commission shall not enter into an
24 agreement with a person or entity if either of the
25 following applies:

26 a. The person or entity has a material financial
27 interest in the provision of health care services in a
28 health care field to be covered by the study.

29 b. The person or entity is registered, licensed,
30 or certified to provide health care services to be
31 covered by the study, unless a majority of the study
32 panel is composed of persons not registered, licensed,
33 or certified to provide health care services.

34 6. The commission shall also provide for one or
35 more three-member panels of experts to conduct an
36 analytical research study of the scopes of practice of
37 all health care professions in the state for the
38 purpose of analyzing the interrelationships,
39 boundaries, and areas of overlap with emphasis on the
40 overall effects of existing and proposed statutes and
41 rules upon health care costs, availability of
42 services, and other facets of the health care delivery
43 system. The study shall include a comparative review
44 of scope of practice and related provisions in other
45 states and shall take into account the changes in

46 recent decades and developing trends in the following
47 areas:

48 a. Relationships among the health care
49 professions.

50 b. Educational and experiential requirements for

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1 the various health care professions.

2 c. The general structure of the health care
3 delivery system, including the growth of alternative
4 structures such as health maintenance organizations.

5 d. Appropriate levels of delivery of professional
6 health care services in the rural and urban areas of
7 the state.

8 e. Relationships among health care providers,
9 including hospitals, health care facilities, and other
10 institutional providers, health maintenance
11 organizations, health care professionals, and
12 insurers.

13 f. Health care needs of persons of different age
14 levels in the state.

15 7. Before assigning a study under this section,
16 the commission shall consult with the health data
17 commission, the legislative extended assistance group,
18 and others concerning relevant studies completed or
19 pending. Persons assigned to conduct studies under
20 this section shall be encouraged to seek advice and
21 utilize research from these sources to avoid
22 duplication of effort.

23 Sec. ____ . **NEW SECTION.** 135.115 INFORMATION ON
24 LEGISLATIVE PROPOSALS.

25 The commission may prepare for each category of
26 legislative proposal a list specifying the types of
27 data and the questions and issues which should be
28 addressed by persons submitting information on
29 specific proposals. The lists may include the
30 following:

31 1. The extent to which the proposed benefit and
32 the services it would provide are needed by, available
33 to and utilized by the population of the state.

34 2. The extent to which insurance coverage for the
35 proposed benefit already exists, or if no such
36 coverage exists, the extent to which this lack of
37 coverage results in inadequate health care or
38 financial hardship for the population of the state.

39 3. Relevant findings bearing on the social impact
40 of the lack of the proposed benefit.

41 4. Where the proposed benefit would mandate
42 coverage of a particular therapy by health care

43 payors, the results of at least one professionally
44 accepted, controlled trial comparing the medical
45 consequences of the proposed therapy, alternative
46 therapies, and no therapy.
47 5. Where the proposed benefit would mandate
48 coverage by health care payors of an additional class
49 of health care institutions or professionals in
50 addition to those currently covered, the results of at

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1 least one professionally accepted, controlled trial
2 comparing the medical results achieved by the
3 additional class of practitioners and those
4 practitioners whose services already are covered by
5 benefits.
6 6. The results of any other relevant research
7 conducted by the federal government, other states, and
8 private and public health care research agencies or
9 foundations.
10 7. Evidence of the financial impact of the
11 proposed legislation, including the following:
12 a. The extent to which the proposed benefit would
13 increase or decrease costs for treatment or service.
14 b. The extent to which similar mandated benefits
15 in other states have affected charges, costs, and
16 payments for services.
17 c. The extent to which the proposed benefit would
18 increase the appropriate use of the treatment or
19 service.
20 d. The impact of the proposed benefit on
21 administrative expenses of health care payors.
22 e. The impact of the proposed benefit on the costs
23 to purchasers of health care coverage and benefits.
24 f. The impact of the proposed benefit on the total
25 cost of health care within the state.
26 8. Where the proposal would authorize a new
27 category of health care institution or health care
28 professional or expand the licensure or scope of
29 practice of existing health care institutions and
30 professions, the following:
31 a. The effect of the proposed authorization or
32 expansion on relationships among and between existing
33 health care institutions and professions.
34 b. The educational and experiential requirements
35 for the various health care professions, including but
36 not limited to, credentialing.
37 c. The general impact, in terms of cost, quality,
38 and access of the proposal on the existing health care

39 delivery system.

40 d. The impact of the proposal on the delivery of
41 institutional and professional health care services in
42 the rural and urban areas of the state.

43 e. A comparison of similar proposals or related
44 provisions or changes in other states.

45 f. The impact of the proposal on the health care
46 needs of persons of different age levels in the state.

47 Sec. ____ . NEW SECTION. 135.116 PROCEDURES.

48 1. The commission may establish procedures for the
49 submission and review of information on a legislative
50 proposal. In the review and evaluation of information

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1 submitted in connection with a proposal, consideration
2 shall be given to the extent to which the
3 documentation is responsive to the items on the list
4 provided pursuant to section 135.115; whether or not
5 the research cited meets generally recognized
6 professional standards for the conduct of scholarly
7 research; whether or not the information includes all
8 known research relevant to the proposal; and whether
9 or not the conclusions and interpretations are

10 consistent with the data submitted. The commission
11 may request information and advice from state
12 departments and agencies, including but not limited to
13 the health data commission, the health profession
14 examining boards, and from political subdivisions.

15 2. The commission may adopt rules pursuant to
16 chapter 17A establishing time limits, forms, and other
17 procedures applicable to the research, review, and
18 evaluation process and the preparation of health
19 notes. The rules may include provisions for notice
20 and public hearings.

21 Sec. ____ . NEW SECTION. 135.117 ADMINISTRATION --
22 RULES -- REPORTS.

23 1. The director of public health is responsible
24 for the administration of this division and may assign
25 staff of the department of public health to the
26 commission.

27 2. The commission, in cooperation with the
28 director of public health, shall adopt rules pursuant
29 to chapter 17A as necessary to carry out this
30 division.

31 3. The commission shall submit an annual report on
32 the actions taken by the commission to the general
33 assembly not later than January 15 of each year.

34 Sec. ____ . NEW SECTION. 135.118 HEALTH REVIEW
35 ACCOUNT.

36 1. There is established in the general fund of the
37 state an account to be known as the health review
38 account. The account is composed of the fees imposed
39 by law upon health care professionals for health
40 research, review, and evaluation activities conducted
41 pursuant to this division. Subject to legislative
42 authorization, an amount equivalent to the amount in
43 the health review account is appropriated to the
44 health profession review commission to be used for
45 conducting its health research, review, and evaluation
46 activities as provided in this division.
47 Sec. ____ . NEW SECTION. 135E.6A ADDITIONAL FEE
48 FOR HEALTH REVIEW.
49 In addition to the fees required by section 135E.5,
50 each person granted a license as a nursing home

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1 administrator or a renewal of such a license shall pay
2 to the board an annual fee equal to ten percent of the
3 fee for the license or renewal, as appropriate, for
4 health policy research, review, and evaluation
5 activities pursuant to sections 135.111 through
6 135.118. The fee shall be paid at the time the
7 license or renewal fee is paid. The fees collected
8 shall be paid to the treasurer of state and deposited
9 in the general fund of the state to the credit of the
10 health review account established in section 135.118.
11 Sec. ____ . NEW SECTION. 135F.14 ADDITIONAL FEES
12 FOR HEALTH REVIEW.
13 In addition to the fees required pursuant to
14 section 135F.6, each person granted registration or
15 certification by the department as a respiratory care
16 practitioner or renewal of such registration or
17 certification shall pay to the department an annual
18 fee equal to ten percent of the fee for the
19 registration or certification or the renewal, as
20 appropriate, for health policy research, review, and
21 evaluation activities pursuant to sections 135.111
22 through 135.118. The fee shall be paid at the time
23 the registration, certification, or renewal fee is
24 paid. The fees collected shall be paid to the
25 treasurer of state and deposited in the general fund
26 of the state to the credit of the health review
27 account established in section 135.118.
28 Sec. ____ . Section 145.2, Code 1987, is amended by
29 adding a new unnumbered paragraph, following
30 unnumbered paragraph 1, as follows:
31 NEW UNNUMBERED PARAGRAPH. The commission shall
32 also cooperate with the health profession review

33 commission, established in section 135.113, by
 34 providing advice, assistance, and information as
 35 appropriate to the achievement of the purposes and
 36 responsibilities of that commission.

37 Sec. ____ . Section 145.3, subsection 3, paragraph
 38 b, Code 1987, is amended by adding the following new
 39 unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. In addition, the
 41 commission shall adopt rules relating to the gathering
 42 of UB-82 claims data for all hospital inpatients and
 43 outpatients whose charges are not submitted to third-
 44 party payers, including self-paid, charity, and bad
 45 debt cases.

46 Sec. ____ . NEW SECTION. 147.81 ADDITIONAL FEE FOR
 47 HEALTH REVIEW.

48 In addition to the fees required by sections 147.25
 49 and 147.80, each person granted a license or other
 50 credential or a renewal of a license or credential

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1 pursuant to this chapter or chapter 147A, 148, 148A,
 2 148B, 148C, 149, 150, 150A, 151, 152, 152A, 153, 153A,
 3 154, 154A, 154B, 154C, 155A, or 156 shall pay to the
 4 department, or to the appropriate board of examiners
 5 if the board is required by law to collect the license
 6 fees, an annual fee equal to ten percent of the fee
 7 for the license or renewal, as appropriate, for health
 8 policy research, review, and evaluation activities
 9 pursuant to sections 135.111 through 135.118. The fee
 10 shall be paid at the time the license or renewal fee
 11 is paid. The fees collected shall be paid to the
 12 treasurer of state and deposited in the general fund
 13 of the state to the credit of the health review
 14 account established in section 135.118.

15 The additional annual fee imposed by this section
 16 shall also be imposed upon persons granted licenses or
 17 other credentials in health care professions for which
 18 licensing or credentialing provisions are enacted
 19 after January 1, 1988."

20 8. Page 8, by striking lines 12 through 18.

21 9. By striking page 8, line 19 through page 9,
 22 line 19.

23 10. By striking page 9, line 20 through page 11,
 24 line 7.

25 11. Page 11, by striking lines 8 through 30.

26 12. Page 12, by striking lines 2 through 26.

27 13. By striking page 12, line 27 through page 13,
 28 line 1.

29 14. Page 13, by striking lines 7 through 14.

- 30 15. Page 17, by striking lines 4 through 23.
 31 16. Page 18, by striking lines 13 through 15 and
 32 inserting the following:
 33 "The governor, auditor of state, treasurer of
 34 state, and the department of management, in
 35 consultation with the director of the legislative
 36 fiscal bureau, shall phase in the implementation of
 37 generally".
 38 17. By striking page 18, line 31 through page 19,
 39 line 4.
 40 18. Page 19, by striking line 8 and inserting the
 41 following: "1986, and is repealed effective ~~January 1~~
 42 June 30, 1989."
 43 19. Page 19, by striking line 12.
 44 20. By striking title page 1, line 1 through
 45 title page 2, line 23, and inserting the following:
 46 "An Act relating to the organization and procedures of
 47 state government, by making modifications to the
 48 authority for and procedures relating to governmental
 49 information, budget, and finance administration, by
 50 making modifications in the authority for and

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- 1 procedures relating to state personnel administration,
 2 by making modifications to the powers, procedures, and
 3 structure of certain state governmental agencies, by
 4 making modifications for the disposition of unclaimed
 5 and abandoned property, by extending a tax liability
 6 exemption, by making adjustments to the 1986
 7 legislation reorganizing state government, by making
 8 other related adjustments and modifications, and by
 9 providing an effective date."
 10 21. By renumbering, relettering, or redesignating
 11 and correcting internal references as necessary.

HOUSE AMENDMENT TO SENATE FILE 2341

S-6112

- 1 Amend House File 2477 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. By striking page 2, line 4 through page 3,
 4 line 3.
 5 2. By striking page 5, line 23 through page 6,
 6 line 23.

- 7 3. By striking page 6, line 31 through page 7,
8 line 19.
9 4. By renumbering and correcting internal
10 references as required.

WILLIAM D. PALMER

S-6113

- 1 Amend Senate Concurrent Resolution 140 as follows:
2 1. Page 1, line 6, by striking the words and
3 figures "Saturday, April 16" and inserting the
4 following: "Sunday, April 17".

BILL HUTCHINS
CALVIN O. HULTMAN

S-6114

- 1 Amend House File 2477, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 3, by inserting after line 3 the
4 following:
5 "Sec. ____ . Section 422.45, subsection 22, Code
6 Supplement 1987, is amended by adding the following
7 new paragraph:
8 NEW PARAGRAPH. e. Community health centers as
9 defined in 42 U.S.C.A. § 254c and migrant health
10 centers as defined in 42 U.S.C.A. § 254b."
11 2. Page 3, by inserting after line 30 the
12 following:
13 "Sec. ____ . Section 422.45, Code Supplement 1987,
14 is amended by adding the following new subsections:
15 NEW SUBSECTION. 36. Gross receipts from the sale
16 of tangible personal property to a nonprofit
17 organization which was organized for the purpose of
18 lending the tangible personal property to the general
19 public for use by them for nonprofit purposes.
20 NEW SUBSECTION. 37. The gross receipts from the
21 sale or rental of tangible personal property or from
22 services performed, rendered, or furnished to
23 nonprofit legal aid organizations."

JIM LIND

S-6115

- 1 Amend House File 2477 as amended, passed, and
- 2 reprinted the House, as follows:
- 3 1. Page 3, by striking line 2 and inserting the
- 4 following: "investment advice for a fee and which is
- 5 not in".

COMMITTEE ON WAYS AND MEANS
CHARLES H. BRUNER, Chairperson

S-6116

- 1 Amend House File 2477 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 2, line 4 through page 3,
- 4 line 3.
- 5 2. By striking page 5, line 23 through page 6,
- 6 line 23.
- 7 3. By striking page 6, line 31 through page 7,
- 8 line 19.
- 9 4. By renumbering and correcting internal
- 10 references as required.

WILLIAM D. PALMER

S-6117

- 1 Amend House File 2477 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. 200. 1988 Iowa Acts, House File 2463,
- 6 section 1, is repealed.
- 7 Sec. 300. Notwithstanding section 98.6, subsection
- 8 5, local sales and services taxes collected on the
- 9 gross receipts from the sale of cigarettes prior to
- 10 the effective date of this section shall be considered
- 11 legally assessed and collected and be distributed as
- 12 provided in chapter 422B for other local sales and
- 13 services tax receipts."
- 14 5. Page 7, by inserting after line 14 the
- 15 following:
- 16 "Sec. ____ . Sections 200 and 300 of this Act, being
- 17 deemed of immediate importance, are effective upon
- 18 enactment."

19 7. Title page, line 11, by inserting after the
20 word "implements," the following: "local option sales
21 and service tax,".

JOE WELSH

S-6118

1 Amend the House amendment, S-6104 to Senate File
2 2263 as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 24 the
5 following:
6 "___ . Page 1, by inserting after line 9 the
7 following:
8 "Sec. ___ . Section 99D.12, Code 1987, is amended
9 by adding the following new unnumbered paragraph:
10 **NEW UNNUMBERED PARAGRAPH.** Purse supplements shall
11 be distributed to the breeders of Iowa-foaled horses
12 in the manner described in section 99D.22, by the
13 racetrack licensee, during the race meet in which the
14 supplements are earned. Not more than five percent of
15 the purse supplements shall be carried over."
16 2. By renumbering as necessary.

WILLIAM W. DIELEMAN

S-6119

1 Amend the House amendment, S-6104, to Senate File
2 2263 as amended, passed, and reprinted by the Senate
3 as follows:
4 1. By striking page 1, line 1 through page 6,
5 line 30 and inserting the following:
6 "___ . By striking everything after the enacting
7 clause and inserting the following:
8 "Section 1. **STUDY COMMISSION CREATED.**
9 1. There is established a commission to study the
10 issues regarding the humane treatment of racing horses
11 and dogs and the proper use and regulation of
12 medications which can alter in any way the behavior,
13 attitude, temperament, or performance of racing horses
14 or dogs.
15 2. The commission shall consist of nineteen
16 members composed as follows:
17 a. Seven members of the house of representatives
18 with four members selected by the speaker of the house
19 and three members selected by the house minority

20 leader.

21 b. Seven members of the senate with four members
22 selected by the senate majority leader and three
23 members selected by the senate minority leader.

24 c. One person to represent the department of
25 public safety.

26 d. The state veterinarian or a designee.

27 e. One person who is an active member of the Iowa
28 federation of human societies.

29 f. One person to represent the state racing
30 commission.

31 g. One person who is a member in good standing of
32 an organization that represents thoroughbred horse
33 owners and trainers.

34 3. Public members of the study commission shall
35 receive a per diem of forty dollars and be reimbursed
36 for travel and other expenses actually incurred in the
37 performance of their official duties. Public
38 employees who are members of the study commission
39 shall be reimbursed for travel and other expenses
40 actually incurred in the performance of their official
41 duties.

42 4. The cost of the study commission shall be
43 reimbursed to the state by the state racing commission
44 through a surcharge upon the license fee collected
45 under section 99D.14, subsection 3.

46 5. The study commission shall make its report to
47 the general assembly on or before January 1, 1989."

48 ____ . Title page, by striking lines 1 through 6
49 and inserting the following: "An Act relating to
50 horse and dog racing by establishing an interim study

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1 committee to examine the possible use and regulation
2 of medications which can alter the behavior,
3 temperament, or performance of racing horses or
4 dogs.""

WILLIAM W. DIELEMAN

**REPORTS OF CONFERENCE COMMITTEES
(Senate Files)**

**Filed During The
SEVENTY-SECOND GENERAL ASSEMBLY
1988 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 38

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 38, a bill for An Act relating to conservation easements, respectfully make the following report:

1. That the Senate recedes from its amendment H-6551.

2. That the House recedes from its amendment S-6082.

3. That Senate File 38 as passed by the Senate be amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 159.29, subsection 1, Code Supplement 1987, is amended to read as follows:

1. An owner of an agricultural drainage well shall register the well with the department of natural resources by ~~January 1, 1988~~ September 30, 1988. The department of agriculture and land stewardship, in cooperation with the department of natural resources, shall adopt rules, pursuant to chapter 17A, which provide for an appeals process for violations of this subsection.

Sec. 2. Section 455E.11, subsection 2, paragraph b, Code Supplement 1987, is amended by adding the following new subparagraph after subparagraph (1) and renumbering the remaining subparagraphs:

NEW SUBPARAGRAPH. (2) Two hundred thousand dollars of the moneys deposited in the agriculture management account is appropriated to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1987, and ending June 30, 1988, for the demonstration projects regarding agriculture drainage wells and sinkholes. Any remaining balance of the appropriation made for the purpose of funding such demonstration projects for the fiscal year beginning July 1, 1987, and ending June 30, 1988, shall not revert to the account, notwithstanding section 8.33, but shall remain available for the purpose of funding such demonstration projects during the fiscal period beginning July 1, 1988, and ending June 30, 1990.

Sec. 3. Section 455E.11, subsection 2, paragraph b, subparagraph (2), subdivision (d), Code Supplement 1987, is amended to read as follows:

(d) Thirteen percent of the moneys is appropriated annually to the department of agriculture and land stewardship for financial incentive programs related to agricultural drainage wells and sinkholes, for studies and administrative costs relating to sinkholes and agricultural drainage wells programs; ~~and not more than two hundred thousand dollars of the moneys is appropriated for the demonstration projects regarding agricultural drainage wells and sinkholes.~~ Of the thirteen percent allocated for financial incentive programs, not more than fifty thousand dollars is appropriated for the fiscal year beginning July 1, 1987 and ending June 30, 1988, to the department of natural resources for grants to county conservation boards for the development and implementation of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way. Any remaining balance of the appropriation made for the purpose of funding of projects regarding alternative practices in the remediation of noxious weeds or other vegetation within highway rights-of-way for the fiscal year beginning July 1, 1987, and ending June 30, 1988,

shall not revert to the account, notwithstanding section 8.33, but shall remain available for the purpose of funding the projects during the fiscal period beginning July 1, 1988, and ending June 30, 1990."

2. Title page, line 1, by striking the words "conservation easements" and inserting the following: "agricultural drainage wells".

On the Part of the Senate:

BERL E. PRIEBE, Chair
 LINN FUHRMAN
 JACK W. HESTER
 KENNETH D. SCOTT
 JAMES D. WELLS

On the Part of the House:

DANIEL P. FOGARTY
 PAUL W. JOHNSON
 ANDY McKEAN
 DAN PETERSEN

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 173

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 173, a bill for An Act establishing priorities for deductions from the earnings of residents of community-based correctional facilities, respectfully make the following report:

1. That the House amendment, S-5764, to Senate File 173, as passed by the Senate, is amended as follows:

1. Page 1, by striking lines 3 through 6 and inserting the following:

"____. Page 1, by striking lines 1 through 11 and inserting the following:

"Section 1. Section 905.8, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The deputy director of the department of corrections responsible for community-based correctional programs shall reallocate funds allocated by the department among the judicial districts as necessary to assure an equitable allocation of district departmental staff throughout the state and to comply with section 905.10.

NEW UNNUMBERED PARAGRAPH. The deputy director of the department of corrections responsible for community-based correctional programs shall comply with section 246.108, subsection 1, paragraph "i".

Sec. 2. Section 905.12, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

905.12 SURRENDER OF EARNINGS.

When committing a person to a residential treatment center operated by a judicial district department of correctional services, the court shall order the person to surrender to the district department their total earnings less payroll deductions required by law. The court shall establish the person's legal obligations by order and the district department shall deduct from the earnings to satisfy the court order in the following order of priority:

1. An amount the resident may be legally obligated to pay for the support of dependents, which shall be paid to the dependents directly or through the

department of human services in the county in which the dependents reside. For the purpose of this subsection, "legally obligated" means under a court order.

2. An amount determined to be the cost to the judicial district department of correctional services for food, lodging, and other expenses incurred by or on behalf of the resident.

3. Restitution ordered by the court under chapter 910.

4. Any other financial obligations which are admitted to by the resident or any judgment granted by the court to another person to whom the resident owes money, but no earnings of a resident are subject to garnishment while the person is committed to the center.

Any balance remaining after deductions and payments shall be credited to the resident's personal account at the district department and shall be paid to the resident upon release. The deputy director of the department of corrections responsible for community-based correctional programs shall establish a plan to comply with the provisions of court orders entered pursuant to this section."

On the Part of the Senate:

LARRY MURPHY, Chair
DONALD V. DOYLE
LINN FUHRMAN
JACK W. HESTER
TOM MANN, JR.

On the Part of the House:

TONY BISIGNANO, Chair
FLORENCE D. BUHR
VIRGIL E. COREY
LEE J. PLASIER
CLAY SPEAR

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 394

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 394, a bill for An Act relating to care of animals in commercial establishments, respectfully make the following report:

1. That the House recedes from its amendment, S-5138.

2. That Senate File 394, as passed by the Senate, is amended as follows:

1. Page 1, line 4, by inserting after the word "fish" the following: "other than live bait".

2. Page 1, line 16, by inserting after the word "person" the following: ", engaged in the business of breeding dogs or cats,".

3. Page 5, line 19, by striking the word "subsection:" and inserting the following: "subsections:".

4. Page 5, by inserting after line 32, the following:

NEW SUBSECTION. 5. This chapter does not apply to a noncommercial kennel at, in, or adjoining a private residence where dogs or cats are kept for the hobby of the householder, if the dogs or cats are used for hunting, for practice training, for exhibition at shows or field or obedience trials, or for guarding or protecting the householder's property. However, the dogs or cats must not be kept for breeding if a person receives consideration for providing the breeding."

On the Part of the Senate:

JAMES RIORDAN, Chair
LEONARD BOSWELL
WILLIAM DIELEMAN
NORMAN GOODWIN
RICHARD VANDE HOEF

On the Part of the House:

CLYDE NORRGARD, Chair
CLIFFORD BRANSTAD
JOSEPHINE GRUHN
JOSEPH KREMER
DENNIS MAY

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2055

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 2055, a bill for An Act relating to the registration and use of certain pesticides, respectfully make the following report:

1. That the House recedes from its amendment, S-5996.
2. That Senate File 2055 as amended, passed, and reprinted by the Senate, is amended as follows:
 1. Page 1, line 1, by striking the word "subsection" and inserting the following: "subsections 12 and".
 2. Page 1, line 2, by striking the word "is" and inserting the following: "are".
 3. Page 1, by inserting after line 2, the following:

"12. "Commercial applicator" means ~~any~~ a person, corporation, or employee of a person or corporation who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying ~~any~~ a pesticide or servicing any device but ~~shall~~ does not include a farmer trading work with another, a person employed by a farmer not solely as a pesticide applicator who applies pesticide as an incidental part of the person's general duties, or a person who applies pesticide as an incidental part of a custom farming operation."
 4. Page 1, line 16, by striking the word "twenty-five" and inserting the following: "~~twenty-five~~ thirty".
 5. Page 1, line 18, by striking the words "who are employed by a state agency" and inserting the following: "~~who are employed by a state agency~~".
 6. Page 1, line 19, by striking the word "twenty-five" and inserting the following: "~~twenty-five~~ thirty".
 7. Page 1, line 20, by striking the word "five-dollar" and inserting the following: "~~five-dollar~~ ten-dollar".
 8. Page 1, by striking lines 26 and 27 and inserting the following: "applicator shall be tested prior to initial certification. In".
 9. By striking page 1, line 31 through page 2, line 2, and inserting as following: "certification. However, a commercial, public, or private applicator need not be certified to apply pesticides for a period of twenty-one days from the date of initial employment if the commercial, public, or private applicator is under the direct supervision of a certified applicator. For the purposes of this section, "under the direct supervision of" means that the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is physically present, by being in sight or hearing distance of the supervised

person. A commercial applicator who applies pesticides to agricultural land may, in lieu of the requirement of direct supervision, elect to be exempt from the certification requirements for a commercial applicator for a period of twenty-one days, if the applicator meets the requirements of a private applicator. The test shall include, but”.

10. Page 2, line 4, by inserting after the word “groundwater.” the following: “The secretary shall also adopt by rule, the criteria for the allowance of the selection of the written or oral examination by a person requiring certification.”

11. Page 2, line 7, by striking the word “, or” and inserting the following: “or”.

12. Page 2, by striking lines 9 through 11 and inserting the following: “a custom farming operation is”.

13. Page 2, line 19, by inserting after the word “training” the following: “, testing.”

14. Page 2, line 29, by inserting after the word “period.” the following: “The secretary shall also adopt rules which allow for an exemption from certification for a person who uses certain services and is not solely a pesticide applicator, but who uses the services as an incidental part of the person’s duties.”

15. By striking page 2, line 30 through page 3, line 15.

16. Page 3, by inserting before line 16, the following:

“Sec. ____ . Section 206.31, subsections 1 through 4, Code Supplement 1987, are amended to read as follows:

1. DEFINITIONS. Notwithstanding section 206.2, as used in this chapter with regard to the application of pesticides used inside the home or injected into the ground around the home for structural pest control:

a. “Commercial applicator” means a person, or employee of a person, who enters into a contract or an agreement for the sake of monetary payment and agrees to perform a service by applying a pesticide or servicing a device but shall not include a farmer trading work with another.

b. “Public applicator” means an individual who applies pesticides as an employee of a state agency, county, municipal corporation, or other governmental agency.

c. “Structural pest control” means controlling any pests in, on, or around food handling establishments; human dwellings; institutions such as schools and hospitals; industrial establishments, including warehouses and grain elevators; and any other structures in adjacent areas.

2. ADDITIONAL CERTIFICATION REQUIREMENTS. A person shall not apply a restricted use pesticide inside a home or injected into the ground around a home used for structural pest control without first complying with the certification requirements of this chapter and other restrictions as determined by the secretary.

The secretary shall require applicants for certification as commercial or public applicators of pesticides applied inside a home or injected into the ground around a home for structural pest control to take and pass a written test.

3. Examination for commercial applicator license. The secretary of agriculture shall not issue a commercial applicator license for applying pesticides inside homes or injecting pesticides into ground surrounding homes for structural pest control until the individual engaged in or managing the pesticide application business or employed by the business is certified by passing an examination to demonstrate to the secretary the individual’s knowledge of how to apply pesticides under the classifications the individual has applied for, and the individual’s knowledge of the nature and effect of pesticides the individual may apply under such

classifications.

4. Renewal of applicant's license. The secretary of agriculture shall renew an applicant's license for applying pesticides ~~inside homes or injecting pesticides into ground surrounding homes for structural pest control~~ under the classifications for which the applicant is licensed, provided that all of the applicant's personnel who apply pesticides ~~inside homes or inject pesticides into ground surrounding homes for structural pest control~~ have also been certified.

Sec. ____ . The department of natural resources, in conjunction with the department of public health, shall conduct a study regarding the shortage, treatment, disposal, and transportation of infectious waste. The departments shall submit to the legislative council, the general assembly, and the governor a report, including recommendations for appropriate legislation, on or before January 15, 1989.

Sec. ____ . This Act, being deemed of immediate importance, takes effect upon enactment."

17. Title page, line 2, by inserting after the word "pesticides" the following: "authorizing a departmental study, and providing an effective date."

18. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

BERL PRIEBE, Chair
ALVIN V. MILLER
PATRICK J. DELUHERY
HURLEY W. HALL
JACK HESTER

On the Part of the House:

RALPH ROSENBERG, Chair
PAUL JOHNSON
ANDY McKEAN
SUE MULLINS
DON SHOULTZ

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2250

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 2250, a bill for An Act relating to environmental protection by correcting the reference to the membership of the advisory committee for the center for health effects of environmental contamination; by establishing requirements regarding sanitary disposal project inspections, the disposal of solid waste, and the solid waste tonnage fee; by making corrections relating to the collection and allocation of moneys within the solid waste account and the agriculture management account; by correcting a reference to the duties of the department of natural resources regarding household hazardous materials; and by specifying the content and liability for the content of statements submitted with a declaration of value regarding the existence and location of wells, disposal sites, underground storage tanks, and hazardous waste, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6516.

2. That the House amendment, S-5946, to Senate File 2250, as passed by the Senate, is amended as follows:

1. Page 1, by inserting after line 15 the following:

"Sec. ____ . Section 206.5, Code Supplement 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. An employee of a food processing and distribution establishment is exempt from the certification requirements of this section provided that at least one person holding a supervisory position is certified and provided that the employer provides a program, approved by the department, for training, testing, and certification of personnel who apply, as an incidental part of their duties, any pesticide on property owned or rented by the employer. The secretary shall adopt rules to administer the provisions of this paragraph."

2. Page 2, by striking lines 3 through 30, and inserting the following:

"A groundwater protection fund is created in the state treasury. Moneys received from sources designated for purposes related to groundwater monitoring and groundwater quality standards shall be deposited in the fund. Notwithstanding section 8.33, any unexpended balances in the groundwater protection fund and in any of the accounts within the groundwater protection fund at the end of each fiscal year shall be retained in the fund and the respective accounts within the fund. Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the groundwater protection fund or in any of the accounts within the groundwater protection fund shall be credited to the groundwater protection fund or the respective accounts within the groundwater protection fund. The fund may be used for the purposes established for each account within the fund."

3. Page 4, line 16, by inserting after the word "advance" the following: "with repayment and deposit of the funds in the account of origin".

4. Page 4, by inserting after line 23, the following:

"____ . Title page, line 1, by inserting after the word "by" the following: "exempting certain persons from pesticide application certification requirements, by"."

On the Part of the Senate:

PATRICK DELUHERY, Chair
HURLEY HALL
JACK HESTER
ALVIN V. MILLER
BERL E. PRIEBE

On the Part of the House:

RALPH ROSENBERG, Chair
PAUL JOHNSON
ANDY McKEAN
SUE MULLINS
DON SHOULTZ

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2278

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 2278, a bill for An Act relating to the implementation of educational standards adopted by the state board of education, including delaying the effective date and providing for additional study of certain standards, respectfully make the following report:

1. That the House recedes from its amendment, S-6034.

2. That Senate File 2278, as passed by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 256.11, unnumbered paragraph 1, Code Supplement 1987, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The state board shall adopt rules under chapter 17A and a procedure for accrediting all public and nonpublic schools in Iowa offering instruction at any or all levels from the prekindergarten level through grade twelve. The rules of the state board shall require that a multicultural, nonsexist approach is used by school districts. The educational program shall be taught from a multicultural, nonsexist approach. Global perspectives shall be incorporated into all levels of the educational program.

The rules adopted by the state board pursuant to section 256.17, Code Supplement 1987, to establish new standards shall satisfy the requirements of this section to adopt rules to implement the educational program contained in this section.

The educational program shall be as follows:

Sec. 2. Section 256.11, subsections 1 through 9, Code Supplement 1987, are amended by striking the subsections and inserting in lieu thereof the following:

1. If a school offers a prekindergarten program, the program shall be designed to help children to work and play with others, to express themselves, to learn to use and manage their bodies, and to extend their interests and understanding of the world about them. The prekindergarten program shall relate the role of the family to the child's developing sense of self and perception of others. Planning and carrying out prekindergarten activities designed to encourage cooperative efforts between home and school shall focus on community resources. A prekindergarten teacher shall hold a certificate certifying that the holder is qualified to teach in prekindergarten. A nonpublic school which offers only a prekindergarten may, but is not required to, seek and obtain accreditation.

2. The kindergarten program shall include experiences designed to develop healthy emotional and social habits and growth in the language arts and communication skills, as well as a capacity for the completion of individual tasks, and protect and increase physical well-being with attention given to experiences relating to the development of life skills and human growth and development. A kindergarten teacher shall be certificated to teach in kindergarten. An accredited nonpublic school must meet the requirements of this subsection only if the nonpublic school offers a kindergarten program.

3. The following areas shall be taught in grades one through six: English-language arts, social studies, mathematics, science, health, human growth and development, physical education, traffic safety, music, and visual art. The health curriculum shall include the characteristics of communicable diseases including acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the elementary program.

4. The following shall be taught in grades seven and eight: English-language arts, social studies, mathematics, science, health, human growth and development, physical education, music, and visual arts. The health curriculum shall include the characteristics of sexually transmitted diseases and acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt

curriculum definitions for implementing the program in grades seven and eight.

5. In grades nine through twelve, a unit of credit consists of a course or equivalent related components or partial units taught throughout the academic year. The minimum program to be offered and taught for grades nine through twelve is:

a. Five units of science including physics and chemistry; the units of physics and chemistry may be taught in alternate years.

b. Five units of the social studies including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

The county auditor, upon request and at a site chosen by the county auditor, shall make available to schools within the county voting machines or sample ballots that are generally used within the county, at times when these machines or sample ballots are not in use for their recognized purpose.

c. Six units of English-language arts.

d. Four units of a sequential program in mathematics.

e. Two units of general mathematics.

f. Four sequential units of one foreign language. The department may waive the third and fourth years of the foreign language requirement on an annual basis upon the request of the board of directors of a school district or the authorities in charge of a nonpublic school if the board or authorities are able to prove that a certificated teacher was employed and assigned a schedule that would have allowed students to enroll in a foreign language class, the foreign language class was properly scheduled, students were aware that a foreign language class was scheduled, and no students enrolled in the class.

g. All students physically able shall be required to participate in physical education activities during each semester they are enrolled in school except as otherwise provided in this paragraph. A minimum of one-eighth unit each semester is required. A twelfth grade student who meets the requirements of this paragraph may be excused from the physical education requirement by the principal of the school in which the student is enrolled if the parent or guardian of the student requests in writing that the student be excused from the physical education requirement. A student who wishes to be excused from the physical education requirement must be enrolled in a cooperative or work-study program or other educational program authorized by the school which requires the student to leave the school premises for specified periods of time during the school day. The student must seek to be excused from the physical education requirement in order to enroll in academic courses not otherwise available to the student. The principal of the school shall inform the superintendent of the school district or nonpublic school that the student has been excused. Physical education activities shall emphasize leisure time activities which will benefit the student outside the school environment and after graduation from high school.

h. Five units of occupational education subjects, which may include, but are not limited to, programs, services, and activities which prepare students for employment in office and clerical, trade and industrial, consumer and homemaking, agriculture, distributive, and health occupations.

i. Three units in the fine arts which shall include at least two of the following: dance, music, theatre, and visual art.

j. One unit of health education which shall include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family

life; human growth and development; substance abuse and nonuse; emotional and social health; health resources; and prevention and control of disease, including sexually transmitted diseases and acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum standards for implementing the program in grades nine through twelve.

6. A pupil is not required to enroll in either physical education or health courses if the pupil's parent or guardian files a written statement with the school principal that the course conflicts with the pupil's religious belief.

7. Programs that meet the needs of each of the following:

a. Pupils requiring special education.

b. Gifted and talented pupils.

c. Programs for at-risk students. Rules adopted by the state board to implement this paragraph shall be based upon the definition of at-risk student developed by the child coordinating council established in section 256A.2 and the state board shall consider the recommendations of the child coordinating council in developing the rules.

8. Upon request of the board of directors of a public school district or the authorities in charge of a nonpublic school, the director may, for a number of years to be specified by the director, grant the district board or the authorities in charge of the nonpublic school exemption from one or more of the requirements of the educational program specified in subsection 5. The exemption may be renewed. Exemptions shall be granted only if the director deems that the request made is an essential part of a planned innovative curriculum project which the director determines will adequately meet the educational needs and interests of the pupils and be broadly consistent with the intent of the educational program as defined in subsection 5.

The request for exemption shall include all of the following:

a. Rationale of the project to include supportive research evidence.

b. Objectives of the project.

c. Provisions for administration and conduct of the project, including the use of personnel, facilities, time, techniques, and activities.

d. Plans for evaluation of the project by testing and observational measures of pupil progress in reaching the objectives.

e. Plans for revisions of the project based on evaluation measures.

f. Plans for periodic reports to the department.

g. The estimated cost of the project.

9. a. Effective July 1, 1989, through June 30, 1990, to facilitate the implementation and economical operation of the educational program defined in subsections 4 and 5, each school offering any of grades seven through twelve, except a school which offers grades one through eight as an elementary school, shall meet the media center requirements specified in section 256.11, subsection 9, paragraph "a", Code Supplement 1987.

b. Effective July 1, 1990, unless a waiver has been obtained under section 256.11A, each school or school district shall have a qualified school media specialist who shall meet the certification and approval standards prescribed by the department and shall be responsible for supervision of the media centers. Each school or school district shall establish a media center, in each attendance center, which shall be accessible to students throughout the school day.

10. Each school or school district shall provide an articulated sequential guidance program for grades kindergarten through twelve. Until July 1, 1991,

a school or school district may obtain a waiver from meeting the requirements of this subsection pursuant to section 256.11A. The guidance counselor shall meet the certification and approval standards of the department.

Sec. 3. NEW SECTION. 256.11A IMPLEMENTATION OF STANDARDS.

1. Schools and school districts are not required to meet the standard adopted by the state board under section 256.17, Code Supplement 1987, requiring that ten units of vocational education be offered and taught in grades nine through twelve unless the general assembly enacts legislation relating to the requirements stated in the standard. Until the time schools and school districts are required to meet the standard, the occupational education requirements stated in section 256.11, subsection 5, paragraph "h", apply.

2. Schools and school districts are not required to meet the requirement stated in the standards adopted by the state board under section 256.17, Code Supplement 1987, that prohibits an individual who is employed or contracted as superintendent from also serving as a principal in that school or school district until July 1, 1990, except as otherwise provided in this subsection. Not later than January 1, 1990, for the school year beginning July 1, 1990, the board of directors of a school district or authorities in charge of a nonpublic school, may file a written request with the department of education that the department waive the requirement for that district or school. The procedures specified in subsection 5 apply to the request.

3. Schools and school districts unable to meet the standard adopted by the state board under section 256.17, Code Supplement 1987, and contained in section 256.11, subsection 9, effective July 1, 1989, requiring that on July 1, 1989, each board operating a kindergarten through grade twelve program provide an articulated sequential elementary-secondary guidance program may, not later than January 1, 1989, for the school year beginning July 1, 1989, file a written request to the department of education that the department waive the requirement for that school or school district. The procedures specified in subsection 5 apply to the request. Not later than January 1, 1990, for the school year beginning July 1, 1990, the board or authorities may request a one-year extension of the waiver.

If a waiver is approved under subsection 5, the school or school district shall meet the requirements of section 256.11, subsection 9, paragraph "b", Code Supplement 1987, for the period for which the waiver is approved.

4. Schools and school districts are not required to meet the standard adopted by the state board of education under section 256.17, Code Supplement 1987, and contained in section 256.11, subsection 9, paragraph "b", effective July 1, 1990, that requires the board to establish and operate a media services program to support the total curriculum until July 1, 1990, except as otherwise provided in this subsection. Not later than January 1, 1990, for the school year beginning July 1, 1990, the board of directors of a school district, or authorities in charge of a nonpublic school, may file a written request with the department of education that the department waive the requirement for that district or school. The procedures specified in subsection 5 apply to the request.

If a waiver is approved under subsection 5, the school district or school shall meet the requirements of section 256.11, subsection 9, paragraph "a", Code Supplement 1987, for the period for which the waiver is approved.

5. A request for a waiver filed by the board of directors of a school district or authorities in charge of a nonpublic school shall describe actions being taken by the district or school to meet the requirement for which the district or school has requested a waiver. The state board of education shall adopt rules under chapter

17A to implement a procedure and criteria for the department to use in making a decision to approve a waiver under subsections 2, 3, and 4.

Sec. 4. The legislative council is requested to establish a study committee composed of members of the house and senate committees on education from both political parties to conduct a comprehensive study of the provision of vocational education courses for secondary school students. The study shall include, but not be limited to, the vocational education requirements contained in the rules adopted by the state board of education pursuant to section 256.17, the courses offered by school districts, the costs of offering the various areas of vocational education courses, enrollment trends, and the feasibility of alternative means of offering vocational education courses, including but not limited to, requiring that secondary school vocational education courses be provided by the area schools in either the high school or area school setting or an alternative setting.

The study committee shall submit a report of its recommendations to the legislative postsecondary education task force if one is established, the legislative council, and the general assembly meeting in 1989.

Sec. 5. If the general assembly adopts a concurrent resolution during the 1989 legislative session requesting a survey, the legislative fiscal bureau shall conduct a survey of school districts to determine the feasibility of requiring that the kindergarten program operate a minimum of one hundred eighty days and meet a minimum school day time requirement of four and one-half hours. The survey shall include an inventory of additional space requirements and the availability of vacant classrooms in school district facilities, additional staff requirements, factors affecting pupil/teacher ratios, availability of educational materials, and transportation needs.

The legislative fiscal bureau shall report the results of the survey to the chairpersons and ranking members of the senate and house committees on education not later than January 1, 1990.

Sec. 6. It is the intent of the general assembly to develop a standard relating to kindergarten requirements which is based on the unique needs of young children in school settings. The legislative council is requested to appoint an interim study committee to conduct a comprehensive study of the needs of young children for all day, every day kindergarten as well as the need for additional care and activities in the school environment, including but not limited to recreation, child care, health, developmental, and latchkey programs. The committee shall consider the preliminary findings of the legislative fiscal bureau space study. The committee shall be composed of members of the house and senate, from both political parties, and persons knowledgeable in the field of child development, including members of the state child development coordinating council. The committee shall develop recommendations and submit the recommendations in a report to the legislative council and the general assembly not later than March 1, 1989."

Sec. 7. Section 331.502, subsection 23, Code 1987, is amended to read as follows:

23. Make available to schools, voting machines or sample ballots for instructional purposes as provided in section 256.11, subsection 6 5.

Sec. 8. Section 455E.8, subsection 10, Code Supplement 1987, is amended to read as follows:

10. Develop a program, in consultation with the department of education and the department of environmental education of the University of Northern Iowa, regarding water quality issues which shall be included in the minimum program required in grades seven and eight pursuant to rules adopted by the state board

of education under section 256.11, subsection 4.

Sec. 9. Section 467A.7, subsection 18, Code Supplement 1987, is amended to read as follows:

18. To encourage local school districts to provide instruction in the importance of and in some of the basic methods of soil conservation, as a part of the course work relating to conservation of natural resources and environmental awareness required in rules adopted by the state board of education pursuant to section 256.11, subsections 3 and 4, and to offer technical assistance to schools in developing such instructional programs.

Sec. 10. Section 622.10, unnumbered paragraph 2, Code 1987, is amended to read as follows:

No qualified school guidance counselor, who has met the certification and approval standards of the department of education as provided in section ~~257.26~~ 256.11, subsection 9 10, who obtains information by reason of the counselor's employment as a qualified school guidance counselor shall be allowed, in giving testimony, to disclose any confidential communications properly entrusted to the counselor by a pupil or the pupil's parent or guardian in the counselor's capacity as a qualified school guidance counselor and necessary and proper to enable the counselor to perform the counselor's duties as a qualified school guidance counselor.

Sec. 11. Sections 1, 2, and 7 through 10 of this Act take effect July 1, 1989.

Sec. 12. Section 256.17, Code Supplement 1987, is repealed effective July 1, 1989."

2. Title page, by striking lines 1 through 4 and inserting the following: "An Act relating to school standards, providing for implementation of educational standards developed and adopted by the state board of education, enactment of educational standards, providing a waiver procedure, providing for additional study of certain standards, and providing delayed effective dates for certain standards."

On the Part of the Senate:

LARRY MURPHY, Chair
JOY CORNING
WALLY E. HORN
BERL E. PRIEBE

On the Part of the House:

C. ARTHUR OLLIE, Chair
ANDY McKEAN
TOM H. MILLER
TOM SWARTZ
PHILIP WISE

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2310

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 2310, a bill for an Act relating to and making appropriations to the Iowa state civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the department of public health, transferring the criminal and juvenile justice planning agency to the department

of human rights, and establishing a division on the status of blacks, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6343.

2. That the House amendment, S-5710, to Senate File 2310, as amended, passed, and reprinted by the Senate is amended as follows:

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

“ ____ . Page 1, line 13, by inserting after the word “necessary,” the following: “for salaries and support of not more than thirty-four and three-tenths full-time equivalent positions and”.”

2. Page 1, by striking lines 15 through 30, and inserting the following:

“ ____ . By striking page 2, line 29 through page 3, line 13, and inserting the following:

“8. DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING.

For salaries and support of not more than five full-time equivalent positions annually, maintenance, and miscellaneous purposes:

..... \$ 215,392”.”

3. Page 1, by inserting after line 38, the following:

“ ____ . Page 3, line 15, by inserting after the word “blind” the following: “, on the condition that the department is established statutorily under this Act.”.”

4. Page 1, by striking lines 39 through 43.

5. Page 1, by inserting after line 43 the following:

“ ____ . Page 5, by inserting after line 35, the following:

“7. For contractual services for the elder law education program:

..... \$ 100,000”.”

6. Page 1, by inserting after line 46 the following:

“ ____ . Page 6, by striking line 35 and inserting the following:

“a. For salaries and support of not more than fifty-nine full-”.

____ . Page 7, by inserting after line 8, the following:

“b. For salaries and support of not more than five full-time equivalent positions annually, maintenance, and miscellaneous purposes:

..... \$1,000,000

It is the intent of the general assembly that the moneys appropriated under this paragraph shall be used for the training of emergency medical services personnel at the state, county, and local levels.””

7. Page 1, by striking lines 47 and 48.

8. Page 1, by striking lines 49 and 50.

9. Page 2, by striking lines 1 through 16, and inserting the following:

“ ____ . Page 16, by striking lines 9 through 25 and inserting the following:

“f. For the decentralized indigent obstetrical patient program for salaries and support of not more than one full-time equivalent position annually, maintenance, and miscellaneous purposes there is appropriated the amount of seven hundred seventy thousand (770,000) dollars; however, if the provisions of 1988 Iowa Acts, House File 2447, section 3, subsection 14 are not enacted, there is appropriated, in lieu of the prior amount, the amount of one million seventy thousand (1,070,000) dollars.

It is the intent of the general assembly that a person certified under chapter 255A, who is not included in the patient quota for which care is provided at the university hospitals, but who gives birth or receives obstetrical care at the university hospitals, shall receive payment for care through the funds available under chapter 255 and the moneys not expended for the person certified under chapter 255A

shall be available for use by the county of residence of the person certified.

It is also the intent of the general assembly that if delivery costs for persons certified under chapter 255A are less than one thousand nine hundred (1,900) dollars, the excess moneys shall revert to a fund for reallocation under chapter 255A in accordance with the allowable reimbursement level established and in accordance with the patient quota formula.”

10. Page 2, by inserting before line 23, the following:

“ ____ . Page 17, line 17, by inserting after the figure “1989.” the following: “Four thousand (4,000) dollars of the moneys appropriated under this section shall be used for the payment of interpretation services contracted by the division of deaf services for the fiscal period beginning July 1, 1988, and ending June 30, 1989.”

____ . By striking page 18, line 14 through page 19, line 22.

____ . Page 19, by inserting after line 22 the following:

“Sec. ____ . NEW SECTION. 255A.14 FUNDS -- REVERSION OF UNENCUMBERED BALANCE.

Notwithstanding the provisions of section 8.33 or any other provision of law, any unencumbered balance remaining in the decentralized indigent obstetrical patient program fund on June 30 of each year shall be used for the payment of warrants issued pursuant to section 255.25.

Sec. ____ . Section 331.424, subsection 1, Code 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. p. Training of emergency medical services personnel and the acquisition of emergency medical services equipment.

Sec. ____ . Section 331.424, subsection 2, Code 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Training of emergency medical services personnel and the acquisition of emergency medical services equipment.”

11. Page 2, by striking lines 23 through 46.

12. By striking page 2, line 47 through page 6, line 4.

13. Page 6, by inserting before line 5, the following:

“ ____ . Page 19, by inserting after line 33, the following:

“DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING.

Sec. ____ . NEW SECTION. 601K.131 DEFINITIONS.

For the purpose of this subchapter, unless the context otherwise requires:

1. “Council” means the criminal and juvenile justice advisory council.
2. “Division” means the division of criminal and juvenile justice planning.
3. “Administrator” means the administrator of the division of criminal and juvenile justice planning.

Sec. ____ . NEW SECTION. 601K.132 COUNCIL ESTABLISHED --TERMS -- COMPENSATION.

A criminal and juvenile justice advisory council is established consisting of thirteen members. The governor shall appoint seven members each for a four-year term beginning and ending as provided in section 69.19 and subject to confirmation by the senate as follows:

1. Three persons, each of whom is a county supervisor, county sheriff, mayor, city chief of police, or county attorney.
2. Two persons who represent the general public and are not employed in any law enforcement, judicial, or corrections capacity.
3. Two persons who are knowledgeable about Iowa’s juvenile justice system.

The departments of human rights, human services, corrections, and public safety, the attorney general, and the chief justice of the supreme court shall each designate a person to serve on the council.

Members of the council shall receive reimbursement from the state for actual and necessary expenses incurred in the performance of their official duties. Members may also be eligible to receive compensation as provided in section 7E.3.

Sec. ____ . NEW SECTION. 601K.133 DUTIES.

The council shall do all of the following:

1. Identify issues and analyze the operation and impact of present criminal and juvenile justice policy and make recommendations for policy changes.
2. Coordinate with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data.
3. Report criminal and juvenile justice system needs to the governor, the general assembly, and other decision makers to improve the criminal and juvenile justice system.
4. Provide technical assistance upon request to state and local agencies.
5. Administer federal funds and funds appropriated by the state or that are otherwise available for study, research, investigation, planning, and implementation in the areas of criminal and juvenile justice.
6. Make grants to cities, counties, and other entities pursuant to applicable law.

Sec. ____ . NEW SECTION. 601K.134 ADMINISTRATOR.

The administrator shall be responsible to the council, and pursuant to section 601K.2, with the approval of the council, shall employ and supervise other persons necessary to carry out the programs and policies established by the council.

Sec. ____ . NEW SECTION. 601K.135 PLAN AND REPORT.

Beginning in 1989, and every five years thereafter, the division shall develop a twenty-year criminal and juvenile justice plan for the state which shall include ten-year, fifteen-year, and twenty-year goals and a comprehensive five-year plan for criminal and juvenile justice programs. The five-year plan shall be updated annually and each twenty-year plan and annual updates of the five-year plan shall be submitted to the governor and the general assembly by February 1.

Sec. ____ . NEW SECTION. 601K.136 STATISTICAL ANALYSIS CENTER.

The division shall maintain an Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments, and assist agencies in the use of criminal and juvenile justice data. The division of criminal and juvenile justice planning and the statistical analysis center are considered criminal justice agencies for the purposes of receiving criminal history data.”

14. Page 6, by striking lines 8 through 10 and inserting the following:

“ ____ . Page 22, by striking line 30 and inserting the following:

“7. Division ~~for the blind of criminal and juvenile justice planning.~~

Sec. ____ . Section 601K.3, subsection 1, Code 1987, is amended to read as follows:

1. A human rights policy-coordinating council composed of ~~seven~~ eight members is created within the department of human rights. The council is composed of the administrators within the department.”

____ . Page 23, by inserting after line 6, the following:

15. Page 6, by striking lines 11 through 15 and inserting the following:

“ ____ . Title page, by striking lines 4 through 6 and inserting the following: “the department of public health and establishing a division of criminal and juvenile justice planning.””

16. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

On the Part of the House:

AL STURGEON, Chair
ALVIN V. MILLER
MICHAEL E. GRONSTAL
DAVID M. READINGER

JOHNIE HAMMOND, Chair
FLORENCE D. BUHR
PATRICIA HARPER
BILL ROYER

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2312.

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 2312, a bill for An Act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for educational and cultural programs of this state and providing an effective date, respectfully make the following report:

- 1. That the Senate recedes from its amendment, H-6417.
- 2. That the House recedes from its amendment, S-5890.
- 3. That Senate File 2312, as amended, passed, and reprinted by the Senate,

is amended as follows:

- 1. By striking everything after the enacting clause and inserting the following:

DIVISION I

DEPARTMENT OF CULTURAL AFFAIRS

Section 1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as is necessary, for the purposes designated:

- 1. For the administration division for salaries and support for not more than eight full-time equivalent positions, maintenance, and miscellaneous purposes:
 - \$ 273,190
- 2. For the arts division for salaries and support for not more than ten full-time equivalent positions, maintenance, and miscellaneous purposes including funds to match federal grants:
 - \$ 493,069

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the arts division shall expend moneys to develop a basic art education curriculum in cooperation with the department of education in order to qualify for receipt of federal matching funds from the national endowment for the arts.

3. For the historical division:

a. For salaries and support for not more than fifty-seven full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 1,899,128

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this paragraph one of the full-time equivalent positions employed by the historical division be assigned marketing duties relating to the historical division and the department of cultural affairs.

b. For equipment, planning and construction costs for exhibits:

..... \$ 600,000

4. For the library division for salaries and support for not more than forty point five full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 1,177,842

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the library division shall expend moneys for open access of libraries, for library cooperation grants, and for the operation of the blue ribbon task force on library cooperation and technology established in section 4 of this Act.

5. For the public broadcasting division for salaries and support for not more than one hundred full-time equivalent positions, maintenance, capital expenditures, and miscellaneous purposes:

..... \$ 6,280,706

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the public broadcasting division shall expend moneys for the replacement of the channel 12 transmitter located at West Branch and for narrowcast production facilities. Notwithstanding section 8.33, if a portion of the moneys appropriated in this subsection is not expended or encumbered on June 30, 1989, the amount remaining shall not revert to the general fund of the state but is appropriated for expenditure for the purposes specified in this subsection during the fiscal year beginning July 1, 1989.

6. For the Terrace Hill commission for salaries and support for not more than five point twenty-five full-time equivalent positions, maintenance, and miscellaneous purposes for the operation of Terrace Hill and for conducting tours:

..... \$ 179,284

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the Terrace Hill commission shall expend moneys for the replacement or repair of all porches at Terrace Hill.

7. For the regional library system for state aid:

..... \$ 1,458,985

8. To assist the Iowa newspaper association in funding the Iowa tomorrow: 2010 project, a project that will consist of statewide consensus building for Iowa's economic future:

..... \$ 100,000

Sec. 2. It is the intent of the general assembly that as a condition, limitation, and qualification of funds appropriated in section 1, subsection 3, of this Act, the historical division solicit voluntary contributions on behalf of the historical division at entrance locations and other locations throughout the historical building. Voluntary contributions collected in this manner and entrance fees for the Montauk governor's mansion shall be used to pay principal and interest on moneys borrowed from the permanent school fund under section 303.18.

Sec. 3. Notwithstanding sections 302.1 and 302.1A, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the portion of the interest earned on the permanent school fund that is not transferred to the credit of the first in the nation in education foundation and not transferred to the credit of the national center for gifted and talented education shall be credited as a payment by the historical division of the department of cultural affairs of principal and interest due on moneys loaned to the historical division under section 303.18.

Sec. 4. As a condition, limitation, and qualification of funds appropriated in section 1, subsection 4, of this Act, the director of the department of cultural affairs shall appoint a blue ribbon task force on libraries to examine the potential for cooperation among various library and media centers in this state through the utilization of new technology. The members of the blue ribbon task force shall consist of representatives from public libraries, university and college libraries, public and nonpublic elementary and secondary school libraries, area education agency media centers, regional libraries, libraries in area schools, the narrowcast division of the public broadcasting division, and the library division, and members of the general assembly. The administrator of the library division shall serve as chairperson of the task force.

The task force is directed to:

1. Evaluate the new technology available for libraries and the potential for cooperative use of the technology deemed to be useful.
2. Discuss problem areas from the view of the library user in the establishment of cooperative programs.
3. Develop a comprehensive long-range plan for library cooperation that will provide for a sharing of resources and use of new technology. The plan shall include free and equal access to library resources to citizens of the state and a plan for funding the services and purchase and operation of the new technology.

The task force shall hold meetings as deemed necessary and shall submit the plan to the governor and to the general assembly not later than December 1, 1988.

Sec. 5. The public broadcasting division of the department of cultural affairs may use the state of Iowa facilities improvement corporation to purchase energy efficiency packages for its ultrahigh frequency transmitters without meeting the requirements of section 19.34.

Sec. 6. Notwithstanding 1986 Iowa Acts, chapter 1246, section 102 and section 103, as amended by 1987 Iowa Acts, chapter 228, section 7, moneys appropriated in those sections that remain unobligated and unencumbered on June 30, 1988, shall not revert to the general fund on June 30, 1988, but shall remain available for expenditure for the purposes specified until June 30, 1989.

Sec. 7. Section 99E.32, subsection 3, paragraph c, Code Supplement 1987, is amended to read as follows:

c. ~~To~~ For the fiscal years beginning July 1, 1986, and July 1, 1987, to the department of cultural affairs, and for the fiscal years beginning July 1, 1988, and July 1, 1989, to the arts division of the department of cultural affairs, for the purposes designated in section 99E.31, subsection 3, paragraph "d". For the fiscal year beginning July 1, 1987, the amount appropriated is six hundred seventy-five thousand dollars.

Sec. 8. Section 303.9, subsection 1, Code 1987, is amended to read as follows:

1. All funds received by the department, including but not limited to gifts, endowments, funds from the sale of memberships in the state historical society,

funds from the sale of mementos and other items relating to Iowa history as authorized under subsection 2, interest generated by the life membership trust fund, and fees, ~~except entrance fees for the Montauk governor's mansion~~, shall be credited to the account of the department and are appropriated to the department to be invested or used for programs and purposes under the authority of the department. Interest earned on funds credited to the department, except funds appropriated to the department from the general fund of the state, shall be credited to the department. Section 8.33 does not apply to funds credited to the department under this section.

DIVISION II
COLLEGE AID COMMISSION

Sec. 9. There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amount, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

COLLEGE AID COMMISSION

For salaries and support for not more than five point thirty-two full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 279,251

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this section, the college aid commission shall expend moneys for the occupational therapist loan repayment program established in section 261.46.

Sec. 10. There is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of seven hundred fifteen thousand (715,000) dollars, or so much thereof as may be necessary, to be paid to the college of osteopathic medicine and surgery for the subvention program created pursuant to sections 261.18 and 261.19. Notwithstanding section 261.19, for the fiscal year beginning July 1, 1988, the subvention shall be used for the admission and education of students enrolled in each of the four years of classes in the college of osteopathic medicine and surgery.

Sec. 11. There is appropriated from the guaranteed student loan reserve fund to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, to be used for the funding of the following programs for the guaranteed student loan program:

1. OPERATING COSTS

For operating costs, including salaries and support for not more than twenty-six point eighty full-time equivalent positions:

..... \$ 2,202,606

2. LOAN CONSOLIDATION SERVICES

For loan consolidation services:

..... \$ 200,000

Sec. 12. As a condition, limitation, and qualification of the appropriation made in section 261.25, subsection 1 for the fiscal year beginning July 1, 1988, the institutions of higher education that enroll recipients of Iowa tuition grants shall transmit to the Iowa college aid commission information about the numbers of minority students enrolled and minority faculty members employed at the institution, and existing or proposed plans for the recruitment and retention of

minority students and faculty as well as existing or proposed plans to serve nontraditional students. The Iowa college aid commission shall compile and report the enrollment and employment information and plans to the chairpersons and ranking members of the house and senate education committees, and chairpersons and ranking members of the joint education appropriations subcommittee and the governor by February 1, 1989.

Sec. 13. Notwithstanding the appropriation provided in section 261.25, subsection 3, there is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of six hundred forty-four thousand two hundred ninety-four (644,294) dollars for vocational-technical tuition grants.

Sec. 14. Notwithstanding the appropriation provided in section 261.45, there is appropriated from the general fund of the state to the college aid commission for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of eighty-four thousand six hundred ninety-nine (84,699) dollars for reimbursement payments for the guaranteed loan payment program.

Sec. 15. Notwithstanding section 261.53, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, funds shall not be appropriated from the general fund of the state and loans shall not be made under sections 261.51 and 261.52.

Sec. 16. The legislative fiscal bureau shall study options for providing guaranteed student loan services to eligible borrowers and make recommendations to the education appropriations subcommittee chairpersons and ranking members not later than November 1, 1988.

Sec. 17. The college aid commission shall review during the fiscal year beginning July 1, 1988, the impact of the rule adopted by the commission that extends the deadline for applications for the Iowa tuition grant program and shall continue to pursue administrative methods that will promote access to the tuition grant program for those individuals seeking to receive an education in this state from an independent college or university. The college aid commission shall consider making a recommendation to the general assembly that increases the maximum amount of a tuition grant for those individuals who are expected to have a substantial debt burden upon graduation. The commission shall submit a report that outlines its conclusions to the general assembly by December 1, 1988.

Sec. 18. Section 99E.31, subsection 4, paragraph b, Code Supplement 1987, is amended to read as follows:

b. To the Iowa college aid commission for the summer institute program established pursuant to this paragraph the sum of one million dollars. Institutions of higher education in the state may submit proposals to the council for postsecondary education for ~~eight-week~~ summer institute programs to upgrade the skills of Iowa teachers in the ~~subject areas of math, science, foreign languages and such other areas as the department of public instruction has indicated a teaching shortage exists.~~ A summer institute program shall consist of an intensive immersion of at least eight weeks' duration in the subject area of the program except that a summer institute program that assists teachers to use technology in the classroom may have a duration of three weeks. In determining programs to be funded, preference shall be given to programs that will allow teachers to gain endorsements in other subject areas, or to add to their endorsements in mathematics, science, foreign languages, and other areas that the department of education has determined are areas in which a shortage of teachers currently exists or is predicted to occur.

PARAGRAPH DIVIDED. The proposals shall provide for the institutional reimbursement for the costs of instruction, materials, and room and board for the participants as well as for a weekly stipend of one hundred fifty dollars per week for each participant. The council for postsecondary education shall select the institutions at which the summer institutes shall be conducted based upon recommendations of the department of education. The council for postsecondary education in consultation with the Iowa college aid commission shall establish the criteria for the selection of the teachers to participate in the programs.

Sec. 19. Section 99E.32, subsection 4, paragraph c, Code Supplement 1987, is amended to read as follows:

c. To the Iowa college aid commission for the purposes and under the conditions specified in section 99E.31, subsection 4, paragraph "b". For the fiscal year years beginning July 1, 1987, and July 1, 1988, no amount is appropriated. However, the funds transferred under paragraph "a" are available for use under this paragraph for the fiscal year years beginning July 1, 1987, and July 1, 1988.

Sec. 20. Section 261.2, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Prepare and administer the occupational therapists loan program under this chapter.

Sec. 21. Section 261.2, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Review reports filed by accredited private institutions under section 261.9, subsection 5, to determine compliance.

Sec. 22. Section 261.9, subsection 4, Code Supplement 1987, is amended to read as follows:

4. "Qualified student" means a ~~full-time~~ resident student who has established financial need and who is making satisfactory progress toward graduation.

Sec. 23. Section 261.9, subsection 5, Code Supplement 1987, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Which promotes equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel at the institution. In carrying out this responsibility the institution shall do all of the following:

- (1) Designate a position as the affirmative action coordinator.
- (2) Adopt affirmative action standards.
- (3) Gather data necessary to maintain an ongoing assessment of affirmative action efforts.
- (4) Monitor accomplishments with respect to affirmative action remedies identified in affirmative action plans.
- (5) 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.
- (6) Establish an equal employment committee to assist in addressing affirmative action needs, including recruitment.
- (7) Address equal opportunity and affirmative action training needs by:
 - (a) Providing appropriate training for managers and supervisors.
 - (b) Insuring that training is available for all staff members whose duties relate to personnel administration.
 - (c) Investigating means for training in the area of career development.

(8) 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.

(9) Address equal opportunity and affirmative action policies with respect to employee benefits and leaves of absence.

(10) File annual reports with the college aid commission of activities under this paragraph.

Sec. 24. Section 261.9, subsection 7, Code Supplement 1987, is amended to read as follows:

7. "Half-time Part-time resident student" means an individual resident of Iowa who is enrolled at an accredited private institution in a course of study including at least ~~six~~ three semester hours or the trimester or quarter equivalent of ~~six~~ three semester hours. "Course of study" does not include correspondence courses.

Sec. 25. Section 261.10, Code 1987, is amended to read as follows:

261.10 WHO QUALIFIED.

A tuition grant may be awarded to ~~any~~ a resident of Iowa who is admitted and in attendance as a full-time or ~~half-time~~ part-time resident student at ~~any~~ an accredited private institution and who establishes financial need.

Sec. 26. Section 261.11, Code 1987, is amended to read as follows:

261.11 EXTENT OF GRANT.

A qualified full-time resident student may receive tuition grants for not more than eight semesters of undergraduate study or the trimester or quarter equivalent. A qualified ~~half-time~~ part-time resident student may receive tuition grants for not more than sixteen semesters of undergraduate study or the trimester or quarter equivalent.

Sec. 27. Section 261.12, subsection 2, Code 1987, is amended to read as follows:

2. The amount of a tuition grant to a qualified ~~half-time~~ part-time student enrolled in a course of study including at least six semester hours for the fall and spring semesters, or the trimester or quarter equivalent, shall be one-half the amount which would be paid for a qualified full-time student under ~~the provisions of~~ subsection 1.

The amount of a tuition grant to a qualified part-time student enrolled in a course of study including at least three semester hours but fewer than six semester hours for the fall and spring semesters, or trimester or quarter equivalent, shall be one-fourth the amount which would be paid for a qualified full-time student under subsection 1.

Sec. 28. Section 261.25, subsection 1, Code Supplement 1987, is amended to read as follows:

1. There is appropriated from the general fund of the state to the commission for each fiscal year the sum of ~~twenty-four~~ twenty-eight million ~~three~~ eight hundred ~~nineteen thousand eighty-four~~ ninety-four thousand ~~seven~~ hundred ~~sixty-five~~ sixty-five dollars for tuition grants.

Sec. 29. Section 261.37, subsection 8, Code Supplement 1987, is amended to read as follows:

8. To develop and disseminate informational and educational materials to lenders, postsecondary institutions and borrowers. The commission shall provide applicants, as deemed necessary by the commission, with information about the past default ~~rate~~ rates of borrowers, enrollment, and placement statistics by postsecondary ~~institutions~~ institution.

Sec. 30. NEW SECTION. 261.46 OCCUPATIONAL THERAPIST LOAN

PAYMENTS.

An occupational therapist loan payment program is established to be administered by the commission.

An occupational therapist is eligible for reimbursement payments under this section if the individual:

1. Has entered into a payment agreement with the commission on or after July 1, 1988.

2. Is a licensed occupational therapist under chapter 148B.

3. Is an Iowa resident employed in Iowa as an occupational therapist as certified by the board of physical and occupational therapy examiners.

4. Has an outstanding debt with an eligible lender under the Iowa guaranteed student loan program, or has parents with an outstanding debt with an eligible lender under the Iowa PLUS loan program, for the third and fourth years of an occupational therapist program.

The commission shall adopt rules under chapter 17A to provide for the administration of the program. The maximum annual reimbursement to an eligible occupational therapist for loan payments made during a year for loans qualifying under subsection 4 shall be equal to four thousand dollars or the remainder of a loan, whichever is less. Total payments for an eligible occupational therapist are limited to a two-year period and shall not exceed a total of eight thousand dollars.

If an occupational therapist fails to complete a year of employment as provided in subsection 3, the individual shall not be reimbursed for payments made during that year.

Sec. 31. Section 261.81, Code 1987, is amended to read as follows:

261.81 WORK-STUDY PROGRAM.

The Iowa college work-study program is established to stimulate and promote the part-time employment of students attending Iowa postsecondary educational institutions who are in need of employment earnings in order to pursue postsecondary education. The program shall be administered by the commission. The commission shall adopt rules under chapter 17A to carry out the program. The employment under the program shall be employment by the postsecondary education institution itself or work in a public agency or private nonprofit organization under a contract between the institution and the agency or organization. An eligible postsecondary institution that is allocated twenty thousand dollars or more for the work-study program by the commission shall allocate at least ten percent of the funds received for student employment in a public agency or private nonprofit organization that is accredited, approved, licensed, registered, certified, or operated by the department of human services or the department of corrections. However, if by October 1, for the first semester of an academic year, or by March 1, for the second semester of an academic year, contracts have not been signed, the funds may be used for employment by the postsecondary institution itself. The work shall not result in the displacement of employed workers or impair existing contracts for services.

Sec. 32. Section 261.85, Code Supplement 1987, is amended to read as follows:
261.85 APPROPRIATION.

There is appropriated from the general fund of the state to the commission for each fiscal year the sum of two million ~~one~~ six hundred fifty thousand dollars for the work-study program.

From moneys appropriated in this section, one million ~~one~~ five hundred ~~fifty~~

thousand dollars shall be allocated to institutions of higher education under the state board of regents and merged area schools and the remaining one million dollars appropriated in this section shall be allocated by the commission on the basis of need as determined by the portion of the federal formula for distribution of work study funds that relates to the current need of institutions.

DIVISION III

DEPARTMENT OF EDUCATION

Sec. 33. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, to be used in the manner designated:

1. GENERAL ADMINISTRATION

For salaries and support for not more than one hundred twenty-one full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 5,371,825

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department shall expend moneys for the development of model human growth and development curricula for grades kindergarten through twelve and for the identification and dissemination of information about early intervention programs for students who are at the greatest risk of suffering from the problems of dropping out of school, substance abuse, adolescent pregnancy, or suicide.

As a condition, limitation, and qualification of the appropriation made in this section, the department shall cooperate with the college aid commission and survey a representative sample of individuals graduating from high school during the school year beginning July 1, 1987. The purpose of this study is to determine why high school graduates are choosing not to pursue further education or technical training and identify the unmet needs for postsecondary education. For comparison purposes, high school graduates who do continue their education may be examined. In addition, this study will lay the groundwork for the development of a tracking mechanism to evaluate the effectiveness of each school district's preparation of its students for obtaining a college education or technical training. The survey shall elicit information about the sex of the student, race of the student, educational background of parents or guardians, location of residence, family income, reasons for not enrolling, and other relevant information. The college aid commission and the department of education shall compile the information received from the survey and other relevant sources and report the results to the general assembly by November 1, 1989.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall expend moneys to contract with institutions of higher education to provide a summer residence program for gifted and talented elementary and secondary school students and to support existing law-related education centers for training seminars and workshops in law-related education, summer institutes relating to law-related education and methodology and substance, and mock trial competitions for junior and senior high school students. The law-related education program shall include the legislative lawmaking process. Educational materials for this segment of the program shall be developed by the law-related education centers in consultation with the legislative council.

It is the intent of the general assembly that as a condition, limitation, and

qualification of the appropriation in this subsection, the department of education shall expend moneys to provide funds for the lift up program administered by the fifth judicial district department of correctional services to assist clients to obtain high school equivalency diplomas. The department of education shall assist the fifth judicial district department of correctional services in the development of an analysis of the effectiveness of the program. The department of correctional services shall submit a report analyzing the effectiveness of the program to the chairpersons and ranking members of the education appropriations subcommittee and to the legislative fiscal bureau not later than February 1, 1989.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the department of education shall expend moneys for funding pilot projects of school corporations to encourage the advancement of women and minorities to administrative positions within that school corporation. Each school corporation receiving moneys for a pilot project under this section shall submit a written report to the department analyzing the results of the project not later than October 1, 1989.

2. SPECIAL PROGRAMS AND PROJECTS.

For enhancing the preparation, teaching experiences, and induction of educators, and for assisting teachers to use technologies in the classroom:

..... \$ 750,000

The department shall expend the moneys appropriated in this subsection for the following programs:

- a. To develop, in cooperation with approved teacher education programs, model training and incentive programs for cooperating teachers, including studying the feasibility of establishing a cooperating teacher approval.
- b. To develop criteria for enhancing the clinical experiences of prospective teachers and for grants for pilot projects that designate certain schools as clinical schools.
- c. For grants for pilot projects that enhance the interaction between the faculty of approved teacher education institutions and teachers in school districts that accept student teachers from that institution.
- d. For developing an evaluation system to be used by evaluator panels that are evaluating teachers after the initial certification and before advancement to the next certification level.
- e. For developing, in cooperation with approved teacher education institutions, model systems for evaluating student teachers and for self-evaluation systems for student teachers and teachers.
- f. To provide funds to be used in conjunction with the University of Northern Iowa to develop a networking system that translates effective teaching methods through the use of a computer conferencing system to form information exchange networks.
- g. For grants for pilot projects for approved teacher education institutions to develop instructional programs that will instruct teachers in the use of electronic technologies. The pilot projects may include a demonstration project that involves classroom teachers and student teachers in the use of instructional technologies.
- h. To conduct a feasibility study of the establishment of five-year teacher education programs.

School districts and institutions receiving moneys under this subsection shall file a report with the department upon completion of the pilot project.

Notwithstanding the maximum number of full-time equivalent employees

authorized in subsection 1, the department may employ a full-time equivalent individual to assist the department employees in fulfilling the requirements of this subsection.

Notwithstanding section 8.33, moneys appropriated in this subsection shall not revert to the general fund of the state but shall remain available for expenditure for the purposes specified until June 30, 1990.

3. VOCATIONAL EDUCATION ADMINISTRATION

For salaries and support for not more than forty-four full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 844,671

4. VOCATIONAL EDUCATION AID

For vocational education aid to secondary schools:

..... \$ 3,666,360

Funds appropriated by this subsection are to be used for aid to school districts for development and the conduct of both continuing and new vocational programs, services and activities of vocational education through secondary schools, and for aid to existing jointly administered secondary vocational education programs, in accordance with chapter 258 and chapter 280A, and to purchase instructional equipment for vocational and technical courses of instruction in such schools.

5. VOCATIONAL YOUTH ORGANIZATION FUND

To carry out section 258.14:

..... \$ 9,000

6. SCHOOL FOOD SERVICE

For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations, including salaries and support for not more than sixteen full-time equivalent positions:

..... \$ 3,146,215

7. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

To provide funds for costs of providing textbooks to each resident pupil who attends a nonpublic school or authorized by section 301.1. Such funding is limited to ten dollars per pupil and shall not exceed the comparable services offered to resident public school pupils:

..... \$ 348,413

8. PROFESSIONAL TEACHING PRACTICES COMMISSION

For the use of the commission to carry out chapter 272A, including salaries and support for not more than one point forty-six full-time equivalent positions:

..... \$ 66,454

9. IOWA ACADEMY OF SCIENCE

For support and maintenance:

..... \$ 50,000

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this subsection, the Iowa academy of science annually submit a report of its activities, including a report of its expenditures, income from all sources, and current asset and liability base, for each fiscal year beginning with the fiscal year commencing July 1, 1987, to the legislative fiscal bureau not later than September 15 of the following fiscal year.

10. NON-ENGLISH SPEAKING

To provide funding to public schools and for nonpublic school students attending

approved nonpublic schools for special instruction:
 \$ 150,000

11. VOCATIONAL REHABILITATION DIVISION

a. For salaries and support for not more than three hundred eight point five full-time equivalent positions, maintenance, and miscellaneous purposes:
 \$ 2,732,253

b. For matching funds for programs to enable severely physically or mentally disabled persons to function more independently including salaries and support for not more than one point five full-time equivalent positions:
 \$ 17,715

12. MERGED AREA SCHOOLS

a. For general state financial aid to merged areas as defined in section 280A.2 and for vocational education programs in accordance with chapters 258 and 280A, to purchase instructional equipment for vocational and technical courses of instruction in such schools, and for salary increases, the amount of fifty-seven million two hundred ninety-five thousand eight hundred twenty-seven (57,295,827) dollars to be allocated as follows:

- (1) Merged Area I \$ 2,654,050
- (2) Merged Area II \$ 3,294,267
- (3) Merged Area III \$ 3,058,380
- (4) Merged Area IV \$ 1,493,218
- (5) Merged Area V \$ 3,460,235
- (6) Merged Area VI \$ 3,465,025
- (7) Merged Area VII \$ 4,573,775
- (8) Merged Area IX \$ 4,739,009
- (9) Merged Area X \$ 7,529,839
- (10) Merged Area XI \$ 7,392,910
- (11) Merged Area XII \$ 3,392,923
- (12) Merged Area XIII \$ 3,584,746
- (13) Merged Area XIV \$ 1,489,940
- (14) Merged Area XV \$ 4,432,771
- (15) Merged Area XVI \$ 2,734,739

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation in this paragraph, the merged area schools shall expend from moneys appropriated in this paragraph a minimum of three million five hundred thousand (3,500,000) dollars for additional salary increases for certificated nonadministrative faculty members of the merged area schools. A faculty member employed in both an administrative and a nonadministrative position shall be considered a part-time nonadministrative faculty member for the portion of time in the nonadministrative position. Distribution of the moneys for salary increases shall be negotiated pursuant to chapter 20 if the certificated nonadministrative faculty members of the area school are organized for collective bargaining purposes.

b. For distribution as property tax replacement moneys to each of the merged area schools in amounts determined by the department:
 \$ 411,772

The moneys distributed under this paragraph shall be considered as part of the moneys generated under chapter 286A on a statewide basis.

13. MERGED AREA SCHOOL PERSONAL PROPERTY TAX REPLACEMENT

For general financial aid to merged areas in lieu of personal property replacement payments under section 427A.13, the amount of eight hundred twenty-eight thousand twelve (828,012) dollars to be allocated as follows:

a. Merged Area I	\$	65,152
b. Merged Area II	\$	50,567
c. Merged Area III	\$	33,891
d. Merged Area IV	\$	23,204
e. Merged Area V	\$	60,042
f. Merged Area VI	\$	34,514
g. Merged Area VII	\$	57,884
h. Merged Area IX	\$	69,103
i. Merged Area X	\$	97,180
j. Merged Area XI	\$	142,463
k. Merged Area XII	\$	46,200
l. Merged Area XIII	\$	40,972
m. Merged Area XIV	\$	20,826
n. Merged Area XV	\$	55,026
o. Merged Area XVI	\$	30,988

Sec. 34. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the following amounts:

1. For state financial aid to merged areas the amount of twenty-three million fifty-five thousand three hundred fifty-six (23,055,356) dollars, to be accrued as income and used for expenditures incurred by the area schools during the fiscal year beginning July 1, 1988, and ending June 30, 1989, to be allocated to each area school as follows:

a. Merged Area I	\$	1,069,231
b. Merged Area II	\$	1,327,820
c. Merged Area III	\$	1,245,067
d. Merged Area IV	\$	611,651
e. Merged Area V	\$	1,388,438
f. Merged Area VI	\$	1,388,244
g. Merged Area VII	\$	1,843,493
h. Merged Area IX	\$	1,896,400
i. Merged Area X	\$	3,035,941
j. Merged Area XI	\$	2,935,708
k. Merged Area XII	\$	1,379,340
l. Merged Area XIII	\$	1,431,518
m. Merged Area XIV	\$	606,620
n. Merged Area XV	\$	1,799,477
o. Merged Area XVI	\$	1,096,408

2. For distribution as property tax replacement moneys to each of the merged area schools in amounts determined by the department:
 \$ 176,474

The moneys distributed under this subsection shall be considered as part of the moneys generated under chapter 286A on a statewide basis.

3. Funds appropriated by this section shall be allocated pursuant to this section and paid on or about August 15, 1989.

Sec. 35. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1989, and ending

June 30, 1990, for general financial aid to merged areas in lieu of property tax replacement payments under section 427A.13, the amount of three hundred fifty-four thousand eight hundred sixty (354,860) dollars, to be accrued as income and used for expenditures incurred by the area schools during the fiscal year beginning July 1, 1988, and ending June 30, 1989, to be allocated to each area as follows:

1. Merged Area I	\$	27,922
2. Merged Area II	\$	21,671
3. Merged Area III	\$	14,525
4. Merged Area IV	\$	9,924
5. Merged Area V	\$	25,732
6. Merged Area VI	\$	14,792
7. Merged Area VII	\$	24,807
8. Merged Area IX	\$	29,615
9. Merged Area X	\$	41,649
10. Merged Area XI	\$	61,056
11. Merged Area XII	\$	19,800
12. Merged Area XIII	\$	17,559
13. Merged Area XIV	\$	8,925
14. Merged Area XV	\$	23,582
15. Merged Area XVI	\$	13,281

Funds appropriated by this section shall be allocated pursuant to this section and paid on or about August 15, 1989.

Sec. 36. Moneys allocated to area schools under section 33, subsections 12 and 13, of this Act, for expenditures incurred during the fiscal year beginning July 1, 1988, and ending June 30, 1989, shall be paid by the department of revenue and finance in installments due on or about November 15, February 15, and May 15 of that fiscal year. The payments received by area schools on or about August 15 under sections 34 and 35 of this Act are accounts receivable for the previous fiscal year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state resources.

Sec. 37. The education appropriations subcommittee shall review the method of calculating the total contact hours for an area school for purposes of chapter 286A so that the calculation can be consistent with the method of calculating enrollment for school districts under the revision of chapter 442 and shall report the results of this study to the general assembly meeting in 1990.

Sec. 38. The department of education may solicit gifts and grants to be used to finance the costs of conducting a study of the literacy of Iowa's young adults.

If sufficient moneys are received for the study, the department of education shall award the contract to an independent testing corporation located in this state. The specifications for the study shall be substantially similar to the specifications for the national assessment of educational progress study of the literacy of young adults in the United States conducted by the educational testing service.

Sec. 39. Notwithstanding the appropriation provided in section 294A.25, subsection 1, there is appropriated from the general fund of the state to the department of education, for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the sum of ninety-two million seven thousand nine hundred eighty-five (92,007,985) dollars for the educational excellence program.

Sec. 40. For the fiscal year beginning July 1, 1988, and ending June 30, 1989,

section 280.4, subsection 4, is void and weighted enrollment calculated under section 442.4, subsection 6, does not include application of the non-English speaking weighting plan in section 280.4.

Sec. 41.

1. The state board of education may approve the request of an area vocational school to be reclassified as an area community college, but shall not allow the school to create an associate of arts program leading to the associate of arts degree until the requirements of this section have been met. An area vocational school reclassified as an area community college may contract with an accredited private institution, as defined in section 261.9, subsection 5, that is located within the merged area, for the area community college students to enroll in courses leading to an associate of arts degree.

2. An area community college for which the state board of education approved the creation of an arts and sciences division after February 1, 1988, and prior to the effective date of this Act, shall not implement curricular changes until the requirements of this section have been met.

This subsection does not apply if the area community college has substantially detrimentally relied on the approval by the state board of education.

3. The following studies shall be conducted and written reports of the results of the studies transmitted to the state board, the task force created in section 65 of this Act, and the general assembly by February 1, 1989:

a. The legislative fiscal bureau and the department of management shall jointly conduct fiscal impact studies relating to the effect on the state budget of the creation of the associate of arts degree program under subsection 1 and of the creation of a separate arts and sciences division under subsection 2 at the area community college.

b. The department of education shall conduct educational impact studies which shall include, but not be limited to, the effect of the creation of the associate of arts degree program under subsection 1, and the effect of the creation of the separate division under subsection 2, on enrollment at other postsecondary institutions located in the merged area, student access to educational opportunity, and also the number of students within the school's service area in need of the expanded services.

4. The written reports of each study shall be considered by the general assembly, the task force created in section 65 of this Act, and the state board. The state board shall not make decisions under subsection 1 or 2 before July 1, 1989.

Sec. 42. Section 19B.11, subsections 1 and 2, Code 1987, are amended to read as follows:

1. It is the policy of this state to provide equal opportunity in school district, area education agency, and merged area school employment to all persons. An individual shall not be denied equal access to school district, ~~or~~ area education agency, or merged area school employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability. It also is the policy of this state to apply affirmative action measures to correct deficiencies in school district, area education agency, and merged area school employment systems where those remedies are appropriate. This policy shall be construed broadly to effectuate its purposes.

2. The director of the department of education shall actively promote fair employment practices for all school district, area education agency, and merged area school employees and the state board of education shall inform adopt rules

requiring specific steps by school districts, area education agencies, and merged area schools concerning their efforts to accomplish this goal the goals of equal employment opportunity and affirmative action in the recruitment, appointment, assignment, and advancement of personnel. Each school district, area education agency, and merged area school shall be required to develop affirmative action standards which are based on the population of the community in which it functions, the student population served, or the persons who can be reasonably recruited. The director of education shall consult with the department of personnel in the performance of duties under this section.

Sec. 43. Section 256.30, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

The tribal council shall first use moneys distributed to it by the department of education for the purposes of this section to pay the additional costs of salaries for certificated instructional staff for educational attainment and full-time equivalent years of experience to equal the salaries listed on the proposed salary schedule for the school at the Sac and Fox Indian settlement for ~~the that~~ school year ~~beginning July 1, 1987 as that salary schedule existed on May 1, 1987,~~ but the salary for a certificated instructional staff member employed on a full-time basis shall not be less than eighteen thousand dollars. The department of management shall approve allotments of moneys appropriated in this section when the department of education certifies to the department of management that the requirements of this section have been met.

Sec. 44. NEW SECTION. 263.8A NATIONAL CENTER.

The state board of regents shall establish and maintain at Iowa City as an integral part of the state University of Iowa the national center for talented and gifted education. The national center shall provide programs to assist classroom teachers to teach gifted and talented students in regular classrooms.

A national center endowment fund is established at the state University of Iowa and gifts and grants to the national center shall be deposited in the fund and interest earned on moneys in the fund may be expended by the state University of Iowa for the purposes for which the national center was established.

Sec. 45. Notwithstanding 1986 Iowa Acts, chapter 1246, section 105, subsection 1, paragraph "c", the moneys appropriated to the department of education and allocated for the development of a mental retardation model curriculum shall not revert to the general fund of the state on June 30, 1988, but shall remain available for expenditure for the purpose specified until June 30, 1989.

Sec. 46. Section 279.19B, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The board of directors of a school district shall offer an extracurricular contract for varsity head coach of the interscholastic athletic activities of football, basketball, track not including cross country, baseball, softball, volleyball, gymnastics, hockey, and wrestling only to an individual possessing a teaching certificate with a coaching endorsement issued pursuant to chapter 260.

Sec. 47. Section 280A.23, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 14. In its discretion, adopt rules relating to the classification of students enrolled in the area school who are residents of Iowa's sister states as residents or nonresidents for tuition and fee purposes.

Sec. 48. Section 282.31, subsection 1, paragraph b, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, on June 30 of a school year, if the board of directors of a school district determines that the number of children under this paragraph who were counted in the basic enrollment of the school district on the third Friday of September of that school year is fewer than the sum of the number of months all children were enrolled in the school district under this paragraph during the school year divided by nine, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the difference between the number of children counted and the number of children calculated by the number of months of enrollment. The amount of the claim shall be paid by the department of revenue and finance to the school district by October 1 in the same manner as the claims are paid under paragraph "a".

Sec. 49. Section 294A.14, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any summer school program, for which the teacher's salary is paid or supplemented under a supplemental pay plan, shall be open to nonpublic school students in the manner provided in section 256.12.

Sec. 50. Section 294A.25, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Commencing with the fiscal year beginning July 1, 1988, the amount of one hundred thousand dollars to be paid to the department of education for distribution to the tribal council of the Sac and Fox Indian settlement located on land held in trust by the secretary of the interior of the United States. Moneys allocated under this subsection shall be used for the purposes specified in section 256.30.

Sec. 51. Section 302.1A, Code Supplement 1987, as amended by Senate File 2036, 1988 Iowa Acts, is amended to read as follows:

302.1A TRANSFER OF INTEREST.

1. The department of revenue and finance shall transfer the interest earned on the permanent school fund to the first in the nation in education foundation and to the national center for gifted and talented education in the manner provided in this section.

2. Prior For a transfer of interest earned to the first in the nation in education foundation, prior to July 1, October 1, January 1, and March 1 of each year, the governing board of the first in the nation in education foundation established in section 257A.2 shall certify to the director of revenue and finance the cumulative total value of contributions received under section 257A.7 for deposit in the fund and for the use of the foundation. The cumulative total value of contributions received includes the value of the amount deposited in the national center endowment fund established in section 263.8A in excess of seven hundred fifty thousand dollars. The value of in-kind contributions shall be based upon the fair market value of the contribution determined for income tax purposes.

PARAGRAPH DIVIDED. The portion of the permanent school fund that is equal to the cumulative total value of contributions, less the portion of the permanent school fund dedicated to the national center for gifted and talented education, is dedicated to the first in the nation in education foundation for that year. The interest ~~from~~ earned on this dedicated amount shall be transferred by the department of revenue and finance to the credit of the first in the nation in education

foundation.

3. For a transfer of interest earned to the national center endowment fund established in section 263.8A, prior to July 1, October 1, January 1, and March 1 of each year, the state University of Iowa shall certify to the department of revenue and finance the cumulative total value of contributions received and deposited in the national center endowment fund. The department of revenue and finance shall dedicate the interest earned on a portion of the permanent school fund to the national center in the manner provided in this subsection. The portion of the permanent school fund that is used to determine the dedicated amount of interest earned for a year shall equal one-half the cumulative total value of the contributions deposited in the national center endowment fund, not to exceed seven hundred fifty thousand dollars. The department of revenue and finance shall transmit the interest earned on the dedicated amount to the state University of Iowa for the use of the national center for gifted and talented education.

4. The remaining portion of the interest earned on the permanent school fund shall become a part of the permanent school fund.

DIVISION IV
STATE BOARD OF REGENTS

Sec. 52. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1988, and ending June 30, 1989, the following amounts, or so much thereof as may be necessary, for use for the following designated purposes:

1. OFFICE OF STATE BOARD OF REGENTS

a. For salaries and support for not more than nineteen point sixty-three full-time equivalent positions, maintenance, equipment, and miscellaneous purposes and for the establishment of a consortium consisting of representatives of Iowa State University, the University of Iowa, and the University of Northern Iowa as equal participants to establish and use a process for the exchange and integration of knowledge among the universities in the fields including but not limited to food production, food processing, food preservation, nutrition, medicine, pharmacy, chemical-free water, clean air, and environmental safety. The consortium shall also establish a means for the integration of knowledge across disciplines in each of the universities. In the establishment of the process for integration and exchange of knowledge for these purposes, the consortium shall also develop a process for disseminating this knowledge to the public for personal and business use by Iowans:

..... \$ 516,272

b. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in amounts as may be necessary to reimburse the institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

..... \$ 17,003,669

2. STATE UNIVERSITY OF IOWA

a. General university, including lakeside laboratory.

(1) For salaries and support for not more than four thousand three hundred twenty-five point sixty-three full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 138,376,377

It is the intent of the general assembly that as a condition, limitation, and

qualification of moneys appropriated in this subparagraph, from moneys available to the state University of Iowa, five hundred thousand (500,000) dollars shall be expended for teaching excellence awards to teaching faculty members and teaching assistants.

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation made in this subparagraph, the University of Iowa shall expend moneys for salaries and support for the labor center.

(2) Agriculture health and safety service pilot programs, including salaries and support for not more than one point twenty-eight full-time equivalent positions: \$ 59,940

(3) For acquisition of library materials: \$ 341,250

b. University hospitals

(1) For salaries and support for not more than five thousand five point thirty-eight full-time equivalent positions, maintenance, equipment, and miscellaneous purposes; for medical and surgical treatment of indigent patients as provided in chapter 255: \$ 25,899,603

(2) For allocation by the dean of the college of medicine, with approval of the advisory board, to qualified participants, to carry out chapter 148C for the family practice program, including salaries and support for not more than one hundred seventy-six point eighty-four full-time equivalent positions: \$ 1,511,061

(3) For specialized child health care services, including childhood cancer diagnostic and treatment network programs; rural comprehensive care for hemophilia patients; and Iowa high risk infant follow-up program, including salaries and support for not more than thirteen point fifty-eight full-time equivalent positions: \$ 337,256

c. As a condition, limitation, and qualification of the appropriation made in paragraph "b", subparagraph (1), the county quotas for indigent patients for the fiscal year commencing July 1, 1988, shall not be lower than the county quotas for the fiscal year commencing July 1, 1987. Before a patient is eligible for the indigent patient program, the county general relief director shall first ascertain from the local office of human services if the applicant would qualify for medical assistance or the medically needy program without the spend-down provision under chapter 249A. If the applicant qualifies, then the patient shall be certified for medical assistance and shall not be counted under chapter 255.

d. As a condition, limitation, and qualification of the appropriation made in paragraph "b", subparagraph (1), funds appropriated in that subparagraph shall not be allocated to the university hospitals until the superintendent has filed with the department of management and the legislative fiscal bureau a quarterly report containing the account required in section 255.24. The report shall include the information required in section 255.24 for patients by the type of service provided.

e. As a condition, limitation, and qualification of the appropriation made in paragraph "b", subparagraph (1), funds appropriated in that subparagraph shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this paragraph, an abortion is the purposeful interruption of pregnancy with the intention other

than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within one hundred fifty days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

f. As a condition of the appropriation made in paragraph "b", subparagraph (1), university hospitals shall compile and transmit to the general assembly the following information for the fiscal year beginning July 1, 1987:

(1) Revenue from all income sources, by source, including but not limited to state appropriations, other state funds, tuition income, patient charges, payments from political subdivisions, interest income, and gifts, and grants from public and private sources.

(2) Expenditures by program and revenue source.

(3) Net revenue over spending from hospital operations, including the method used to calculate the results.

The legislative fiscal bureau shall develop forms for collecting the information required in this subparagraph.

g. Psychiatric hospital

For salaries and support for not more than two hundred eighty-seven point twenty-six full-time equivalent positions, maintenance, equipment, and miscellaneous purposes and for the care, treatment and maintenance of committed and voluntary public patients:

..... \$ 6,014,532

h. State hygienic laboratory

For salaries and support for not more than one hundred fourteen point thirty-five full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 2,507,968

i. Hospital-school

For salaries and support for not more than one hundred eighty-five point seventy-three full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 4,542,607

j. Oakdale campus

For salaries and support for not more than eighty-two full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 2,498,481

3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

a. General university

For salaries and support for not more than three thousand seven hundred seventy-five full-time equivalent positions, maintenance, equipment, and

miscellaneous purposes:

..... \$116,234,916

It is the intent of the general assembly that as a condition, limitation, and qualification of the appropriation made in this paragraph, Iowa State University shall expend two million (2,000,000) dollars for the construction of livestock units for cattle and swine research and one million (1,000,000) dollars for the purchase of agronomy building equipment.

It is the intent of the general assembly that as a condition, limitation, and qualification of moneys appropriated in this paragraph, from moneys available to Iowa State University, five hundred thousand (500,000) dollars shall be expended for teaching excellence awards to teaching faculty members and teaching assistants.

b. Agricultural experiment station

For salaries and support for not more than four hundred thirteen point five full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 13,556,178

c. Cooperative extension service in agriculture and home economics

For salaries and support for not more than four hundred ninety-six point ninety-eight full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 13,317,224

d. For continuation of the rural concern hotline, including salaries and support for not more than four point five full-time equivalent positions:

..... \$ 90,000

e. Fire service education, including salaries and support for not more than eleven full-time equivalent positions:

..... \$ 389,456

f. For acquisition of library materials:

..... \$ 234,400

4. UNIVERSITY OF NORTHERN IOWA

a. For salaries and support for not more than one thousand three hundred twenty-four full-time equivalent positions, maintenance, equipment, and miscellaneous purposes:

..... \$ 45,136,113

It is the intent of the general assembly that as a condition, limitation, and qualification of moneys appropriated in this subsection, from moneys available to the University of Northern Iowa, two hundred fifty thousand (250,000) dollars shall be expended for teaching excellence awards to teaching faculty members and teaching assistants and four hundred sixty thousand (460,000) dollars shall constitute an equity adjustment to maintain and support the university's academic programs.

It is a condition, limitation, and qualification of the appropriation made in this subsection that moneys appropriated in this subsection not be expended for the power plant addition at the University of Northern Iowa.

b. For acquisition of library materials:

..... \$ 60,850

5. STATE SCHOOL FOR THE DEAF

For salaries and support for not more than one hundred thirty-five point three full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 4,957,177

6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL

For salaries and support for not more than ninety-five point thirty-three full-time equivalent positions, maintenance, and miscellaneous purposes:

..... \$ 2,742,752

7. The provisions of section 8.33, unnumbered paragraph 2, shall not apply to the funds appropriated in this section. No later than September 15, 1989, the state board of regents shall submit to the department of management a list of all obligations which have been incurred for goods and services that have not been received or rendered as of that date.

Sec. 53.

1. From funds in the state treasury not otherwise appropriated that are in excess of a fiscal year ending balance of sixty-one million seven hundred thousand (61,700,000) dollars, there is appropriated to the state board of regents for the fiscal year beginning July 1, 1987, and ending June 30, 1988, an amount not exceeding eleven million one hundred thousand (11,100,000) dollars to be allocated to the University of Northern Iowa for construction of a power plant addition. Notwithstanding section 262.28, the moneys appropriated in this section shall not be committed by the state board of regents or paid, either in full or in part, until the governor has certified to the department of revenue and finance that the estimated budget resources during the fiscal year are sufficient to pay all other appropriations in full and to pay all or a portion of the appropriation made in this section.

2. From funds in the state treasury not otherwise appropriated, there is appropriated to the state board of regents for the fiscal year beginning July 1, 1988, and ending June 30, 1989, an amount equal to the difference between the amount of the appropriation approved by the governor under subsection 1 for the purpose specified in subsection 1 and eleven million one hundred thousand (11,100,000) dollars. The payment of the appropriation made in this subsection is subject to the same restrictions as the appropriation made in subsection 1.

3. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated by subsection 1 for the fiscal year beginning July 1, 1987, and ending June 30, 1988, remaining on June 30, 1988, and unobligated or unencumbered funds appropriated by subsection 2 for the fiscal year beginning July 1, 1988, and ending June 30, 1989, remaining on June 30, 1989, shall not revert to the general fund of the state until September 30, 1991. However, if the project for which these funds are appropriated is completed prior to June 30, 1991, the remaining unobligated or unencumbered funds shall revert to the general fund of the state on September 30 following the end of the fiscal year in which the project is completed.

Sec. 54.

1. From funds in the state treasury not otherwise appropriated that are in excess of an ending balance for the fiscal year beginning July 1, 1987, of sixty-one million seven hundred thousand dollars (61,700,000), after the conditions of section 53 have been met and eleven million one hundred thousand (11,100,000) dollars have been appropriated to the state board of regents, there is appropriated for the fiscal year beginning July 1, 1988, and ending June 30, 1989, in the following priority order to the following named agencies the specified amounts to be used for the purposes designated:

a. To the state board of regents to be allocated to its institutions of higher education for fire and environmental safety deficiency corrections, the sum of

one million (1,000,000) dollars.

b. To the department of corrections to be used for community-based corrections, the sum of six hundred thousand five hundred sixty-three (600,563) dollars to be allocated as follows:

(1) For the first judicial district department of correctional services, the sum of ninety-three thousand five hundred fifty-nine (93,559) dollars or so much thereof as is necessary.

(2) For the second judicial district department of correctional services, the sum of seventy-six thousand one hundred ninety-two (76,192) dollars or so much thereof as is necessary.

(3) For the third judicial district department of correctional services, the sum of forty-four thousand three hundred twenty-five (44,325) dollars or so much thereof as is necessary.

(4) For the fourth judicial district department of correctional services, the sum of forty-one thousand four hundred seventy (41,470) dollars or so much thereof as is necessary.

(5) For the fifth judicial district department of correctional services, the sum of one hundred twenty-nine thousand six hundred ninety-seven (129,697) dollars or so much thereof as is necessary.

(6) For the sixth judicial district department of correctional services, the sum of ninety-four thousand eight hundred eighty-seven (94,887) dollars or so much thereof as is necessary.

(7) For the seventh judicial district department of correctional services, the sum of seventy-nine thousand eight hundred seventy-one (79,871) dollars or so much thereof as is necessary.

(8) For the eighth judicial district department of correctional services, the sum of thirty-seven thousand eight hundred seventy (37,870) dollars or so much thereof as is necessary.

(9) To the department of corrections for the assistance and support of each judicial district department of correctional services, the sum of two thousand six hundred ninety-two (2,692) dollars or so much thereof as is necessary.

c. To the department of corrections to be used for planning, site selection, and solicitations of requests for proposals for juvenile detention centers and adult correctional facilities, the sum of seven hundred thousand (700,000) dollars.

d. To the department of corrections, the sum of one million three hundred thousand (1,300,000) dollars to be retained by the department of revenue and finance and not paid to the department of corrections until the general assembly enacts legislation that provides for the specific expenditure of the moneys.

e. To the department of general services for capitol restoration, the sum of one million five hundred thousand (1,500,000) dollars.

2. The moneys appropriated in subsection 1 shall not be committed by the agency to which they are appropriated or paid, either in full or in part by the department of revenue and finance, until the governor has certified to the department of revenue and finance that the estimated budget resources during the fiscal year are sufficient to pay all other appropriations in full, including the moneys appropriated in section 53 of this Act, and are sufficient to pay the appropriation in the applicable paragraph.

3. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated in subsection 1, paragraphs "a", "c", "d", and "e", for the fiscal year beginning July 1, 1988, and ending June 30, 1989, shall not revert to the general

fund of the state until September 30, 1991. However, if the project for which these funds are appropriated is completed prior to June 30, 1991, the remaining unobligated or unencumbered funds shall revert to the general fund of the state on September 30 following the end of the fiscal year in which the project is completed.

Sec. 55. If the general fund ending balance for the fiscal year beginning July 1, 1987, is not sufficient under section 54 and the governor does not certify to the department of revenue and finance that the appropriation in section 54, subsection 1, paragraphs "b" and "c", be made, and notwithstanding any other provisions of law, the treasurer of state before making allotments of the moneys within the Iowa plan fund pursuant to section 99E.32, subsection 1, for the fiscal year beginning July 1, 1988, shall transfer to the department of corrections the sum of one million two hundred eighty-four (1,000,284) dollars, and the moneys are appropriated for the following purposes:

1. To be used for community-based corrections, the sum of three hundred thousand two hundred eighty-four (300,284) dollars, to be allocated as follows:

a. For the first judicial district department of correctional services, the sum of forty-six thousand seven hundred eighty (46,780) dollars or so much thereof as is necessary.

b. For the second judicial district department of correctional services, the sum of thirty-eight thousand ninety-six (38,096) dollars or so much thereof as is necessary.

c. For the third judicial district department of correctional services, the sum of twenty-two thousand one hundred sixty-three (22,163) dollars or so much thereof as is necessary.

d. For the fourth judicial district department of correctional services, the sum of twenty thousand seven hundred thirty-five (20,735) dollars or so much thereof as is necessary.

e. For the fifth judicial district department of correctional services, the sum of sixty-four thousand eight hundred forty-nine (64,849) dollars or so much thereof as is necessary.

f. For the sixth judicial district department of correctional services, the sum of forty-seven thousand four hundred forty-four (47,444) dollars or so much thereof as is necessary.

g. For the seventh judicial district department of correctional services, the sum of thirty-nine thousand nine hundred thirty-six (39,936) dollars or so much thereof as is necessary.

h. For the eighth judicial district department of correctional services, the sum of eighteen thousand nine hundred thirty-five (18,935) dollars or so much thereof as is necessary.

i. To the department of corrections for the assistance and support of each judicial district department of correctional services, the sum of one thousand three hundred forty-six (1,346) dollars or so much thereof as is necessary.

2. To be used for planning, site selection, and solicitations of requests for proposals for juvenile detention centers and adult correctional facilities, the sum of seven hundred thousand (700,000) dollars.

Sec. 56. Notwithstanding section 8.33, unobligated or unencumbered funds appropriated in 1987 Iowa Acts, chapter 233, section 408, subsection 1, paragraph "b", shall not revert to the general fund of the state on June 30, 1988, but shall be available for expenditure for the purposes listed in section 52, subsection 1,

paragraph "b", of this Act during the fiscal year beginning July 1, 1988, and ending June 30, 1989.

Sec. 57. As a condition, limitation, and qualification of the appropriations made in section 52, subsection 2, paragraph "a", subparagraph (1); section 52, subsection 3, paragraph "a"; and section 52, subsection 4, if the interest earned on moneys accumulated by campus organizations at an institution is not available for expenditure by those respective campus organizations, the institution shall allocate that interest to campus improvements that are of benefit to students and have been accepted by the institution's student government or to the student financial aid office to be used for the work-study program.

Sec. 58. As a condition, limitation, and qualification of the appropriations made in section 52, subsection 2, paragraph "a", subparagraph (1); section 52, subsection 3, paragraph "a"; and section 52, subsection 4, sales by an institution of computer equipment, computer software, and computer supplies to students and faculty at the institution are retail sales for the purpose of chapter 422, Division IV.

Sec. 59. It is the intent of the general assembly that the office of the state board of regents shall study the child care needs of faculty members, other staff members, and students at each institution of higher education under its control. The state board of regents shall survey each institution for potential locations for child care centers, explore the possibility of receiving federal funding for operation of the child care centers, and examine the feasibility of adopting a sliding fee scale based upon income of the parent or guardian. As a part of this study, the office of the state board of regents shall solicit input from the state association composed of students from the three institutions.

The state board of regents shall present to the general assembly no later than November 30, 1988, a comprehensive proposal for meeting the child care needs at each institution. This proposal shall include recommendations for using students enrolled at the institutions for meeting the child care needs with payment through the state work-study program.

Sec. 60. The department of human services shall increase the disproportionate share reimbursement rate under the medical assistance program provided by Title XIX of the federal Social Security Act to four percent for hospitals for which at least twenty percent of the business is with medically indigent persons.

Sec. 61. For the fiscal years beginning July 1, 1988, and July 1, 1989, the state board of regents shall use notes, bonds, or other evidences of indebtedness issued under section 262.48 to finance projects that will result in energy cost savings in an amount that will cause the state board to recover the cost of the projects within an average of six years.

Sec. 62. Notwithstanding House File 2444, section 1, if House File 2444 is enacted by the Seventy-second General Assembly, the auditor of state shall monitor the costs of performing examinations of the state board of regents and shall seek reimbursement under section 11.5A.

Sec. 63. Section 154.3, subsection 6, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

The board shall adopt rules requiring an additional twenty hours per biennium of continuing education in the treatment and management of ocular disease for all therapeutically certified optometrists. ~~The department of ophthalmology of the school of medicine of the State University of Iowa shall be one of the providers of this continuing education.~~

Sec. 64. Section 262.9, Code Supplement 1987, is amended by adding the

following new subsection:

NEW SUBSECTION. 19. Establish a hall of fame for distinguished graduates at the Iowa braille and sight-saving school and at the Iowa school for the deaf.

Sec. 65. **POSTSECONDARY EDUCATION TASK FORCE.** There is established a citizens postsecondary education task force to study and make recommendations regarding the goals, and the legislation necessary to meet the goals, of the state's postsecondary education system in the future. The study shall include, but not be limited to, the following:

1. Ways to preserve equal educational opportunity and equal access to a quality education for the students of Iowa.

2. An analysis of present and future needs of Iowans for postsecondary education.

3. Coordination and articulation of curriculum with the elementary and secondary school systems.

4. An inventory of the distribution and any duplication of the educational programs and services available in the state's board of regents institutions, merged area schools, private colleges and universities, and technical schools, and the college aid commission.

5. Demographic projections of enrollment trends, including trends among the various kinds of postsecondary education offerings available.

6. A comprehensive fiscal analysis of the state's postsecondary education financing effort, including historic financing trends, per pupil trends, and projections of the state's capacity to finance its postsecondary education system in the future.

7. The tuition being charged at the state universities, including a determination of how student tuition should be calculated, what share of the cost of education should be borne by students, and what share of the cost should be borne by the state.

8. A twenty-year postsecondary education plan that recommends methods and the structure necessary to match the recommended goals with the state resources necessary to fund them, accompanied by a recommended chronology and coordination within the postsecondary education system itself and within the elementary and secondary education systems.

The members of the citizens committee shall be appointed by the speaker and the minority leader of the house of representatives and by the majority and minority leaders of the senate. There shall be seven citizen members whose composition shall be bipartisan, which shall include citizens with an interest or experience in higher education or in research at the graduate level, a student from a postsecondary institution, members of the general public, and from which a chair shall be appointed. Four legislators, one from each political party in the house and one from each political party in the senate, shall be appointed by the joint leaders of the house and senate. The committee may work with one or more education consultants familiar with projected national trends in undergraduate, graduate, and research area goals and needs for the year 2000 and beyond. The task force shall be appointed by no later than June 1, 1988, and shall report to the legislative council by December 15, 1988, how it will be organized and conduct its research in order to report its recommendations to the general assembly by no later than July 1, 1990. If the legislative council approves of the task force organizational plan, it may authorize the task force to employ an executive director beginning February 1, 1989, until completion of the report in July 1990, and may authorize the expenditure of moneys from section 2.12 to fund the cost of the

task force. The task force may request and receive research assistance from the education commission of the states. The task force may accept gifts and donations, and may contract with a foundation for additional funds. The legislative council may authorize the payment of per diem and expenses for the citizen members of the task force.

Staff assistance to the task force shall be provided by the legislative service bureau, the legislative fiscal bureau, and the caucus staffs, who shall work under the direction of the chair of the task force and the executive director if an executive director is employed.

Sec. 66. NEW SECTION. 182.24 BOARD MEMBER DISCLOSURE.

Notwithstanding section 182.13, a member of the board may receive compensation, including a salary, from an organization or agency, including an educational institution, receiving funds from the board. If a member of the board has a pecuniary interest, either direct or indirect, in a matter considered by the board, the interest shall be disclosed by the member to the board and included in the minutes for that meeting of the board. The member having the pecuniary interest shall not participate in an action taken by the board on the matter.

Sec. 67. NEW SECTION. 269.3 CLASSROOM TEACHERS.

For purposes of chapter 20, classroom teachers employed by the Iowa braille and sight-saving school may be accreted to a faculty bargaining unit at the University of Northern Iowa or any other approved classroom teacher bargaining unit established under chapter 20 upon the affirmative vote of a majority of the classroom teachers employed by the school.

Sec. 68. NEW SECTION. 270.11 CLASSROOM TEACHERS.

For purposes of chapter 20, classroom teachers employed by the school for the deaf may be accreted to a faculty bargaining unit at the University of Northern Iowa or any other approved classroom teacher bargaining unit established under chapter 20 upon the affirmative vote of a majority of the classroom teachers employed by the school.

Sec. 69. Section 262.44, subsection 1, Code Supplement 1987, is amended by striking the subsection and inserting in lieu thereof the following:

1. Set aside and use portions of the respective campuses of the institutions of higher education under its control, namely, the state University of Iowa, the Iowa State University of science and technology, and the University of Northern Iowa, as the board determines are suitable for the acquisition or construction of the following self-liquidating and revenue producing buildings and facilities: Student unions, recreational buildings, auditoriums, stadiums, field houses, athletic buildings and areas, parking structures and areas, research equipment if the debt incurred in its acquisition will be retired by federal, private, or other lawfully available nonappropriated funds, and additions to or alterations of existing buildings or structures.

Except as provided for self-liquidating dormitories and buildings and facilities specifically listed in this subsection, the state board of regents, or any bonding authority established by them, shall not issue any notes, bonds, or other evidence of indebtedness under this division for construction of other buildings or facilities without prior approval by the general assembly and the governor in the manner provided in section 262A.4 for bonds issued under that chapter.

DIVISION V

AREA EDUCATION AGENCIES

Sec. 70. Section 442.4, subsection 1, unnumbered paragraph 6, Code Supplement

1987, is amended to read as follows:

A school district shall certify its basic enrollment to the department of education by October 1 of each year, and the department shall promptly forward the information to the department of management. For purposes of determining whether a district is entitled to an advance for increasing enrollment a determination of actual enrollment shall be made on the third Friday of September in the budget year by counting the pupils in the same manner and to the same extent that they are counted in determining basic enrollment, but substituting the count in the budget year for the count in the base year. In addition, a school district shall determine its additional enrollment because of special education, as defined in this section 442.38, on December 1 of each year and ~~if the district is entitled to an advance for special education~~, it shall certify its additional enrollment because of special education to the department of education by December 15 of each year, and the department shall promptly forward the information to the department of management.

For the purposes of this chapter, "additional enrollment because of special education" is determined by multiplying the weighting of each category of child under section 281.9 times the number of children in each category totaled for all categories minus the actual enrollment.

Sec. 71. Section 442.4, subsection 6, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

Commencing with the school year beginning July 1, ~~1981~~ 1988, and each school year thereafter, the weighted enrollment shall be determined on the basis of a count of a district's additional enrollment because of special education, as defined in ~~section 442.38 subsection 1~~, on December 1 of the base year.

Sec. 72. Section 442.4, subsection 6, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Weighted enrollment calculated under this subsection shall be used when weighted enrollment is prescribed by law. It shall not be used in calculations pertaining to special education support services costs.

Sec. 73. Section 442.4, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For the school year beginning July 1, 1988, and each subsequent school year, weighted enrollment for special education support services costs is the sum of the budget enrollment and the additional enrollment because of special education defined in subsection 1.

Sec. 74. Section 442.7, subsection 7, paragraphs g and h, Code Supplement 1987, are amended to read as follows:

g. For the school year beginning July 1, ~~1981~~ 1988, and succeeding school years, the amount included in the special education support services district cost per pupil in weighted enrollment for special education support services costs for each district in an area education agency for a budget year is the amount included in the special education support services district cost per pupil in weighted enrollment for special education support services costs in the base year plus the allowable growth added to special education support services state cost per pupil for special education support services costs for the budget year, except as provided in paragraph "h". Funds shall be paid to area education agencies as provided in section 442.25.

h. For the school year beginning July 1, ~~1986~~ 1988, and succeeding school years,

the director of the department of education may direct the department of management to increase or reduce the allowable growth added to included in special education support services district cost per pupil in weighted enrollment for a budget year for special education support services costs in an area education agency in the base year based upon special education support services needs in the area. However, an increase in the allowable growth can only be granted by action of the director of the department of education to restore a previous reduction or portion of a reduction in allowable growth for that year or the previous year.

Sec. 75. Section 442.7, subsection 8, Code Supplement 1987, is amended to read as follows:

8. For the school year beginning July 1, ~~1981~~ 1988, and succeeding school years, the allowable growth added to special education support services state cost per pupil for ~~special education support services costs~~ is the amount included in the special education support services state cost per pupil for ~~special education support services costs~~ for the base year times the state percent of growth for the budget year. ~~However, for the school year beginning July 1, 1981, no allowable growth shall be added, except as provided under subsection 9.~~

Sec. 76. Section 442.8, unnumbered paragraph 1, Code 1987, is amended to read as follows:

As used in this chapter, "state cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means state cost per pupil in weighted enrollment. The state cost per pupil for the school year beginning July 1, 1972, is nine hundred three dollars. The state cost per pupil for the school year beginning July 1, 1987, is two thousand seven hundred six dollars. Of that amount, two thousand five hundred ninety dollars is regular program state cost per pupil and one hundred sixteen dollars and two cents is special education support services state cost per pupil. The state cost per pupil for the school year beginning on July 1, ~~1978~~ 1988, and for each succeeding school year is the sum of the base year's regular program state cost per pupil plus the allowable growth for the budget year and the base year's special education support services state cost per pupil plus the allowable growth for the budget year. If the state percent of growth is zero, the budget year's state cost per pupil shall be is the same as the base year's state cost per pupil.

Sec. 77. Section 442.9, subsection 1, Code 1987, is amended to read as follows:

1. The department of management shall determine the additional school district property tax levy for each school district, which is in addition to the foundation property tax levy, as follows:

a. As used in this chapter, "district cost per pupil" for the school year beginning July 1, 1975, and subsequent school years means district cost per pupil in weighted enrollment. The regular program district cost per pupil for the budget year is equal to the regular program district cost per pupil for the base year plus the allowable growth. However, regular program district cost per pupil does not include additional allowable growth added for programs for gifted and talented children, for programs for returning dropouts, and for educational improvement projects under chapter 260A, for special education support services costs, or for school districts that have a negative balance of funds raised for special education instruction programs under section 442.13, subsection 14, paragraph "b", and does not include additional allowable growth established by the school budget review committee for a single school year only.

As used in this chapter, the special education support services district cost

per pupil for the budget year is the special education support services district cost per pupil for the base year plus allowable growth as provided in section 442.7, subsection 7.

District cost per pupil is the sum of the regular program district cost per pupil and the special education support services district cost per pupil.

b. The district cost for the budget year is equal to the sum of the regular program district cost per pupil for the budget year multiplied by the weighted enrollment, plus the special education support services district cost per pupil multiplied by the weighted enrollment for special education support services costs, plus commencing with the budget year beginning July 1, 1985 additional district cost added for moneys received by a school district under section 302.3, Code 1981, as provided in section 442.21, and plus the additional district cost allocated to the district under section 442.27 to fund media services and educational services provided through the area education agency. A school district may shall not increase its district cost for the budget year except to the extent that an excess tax levy is authorized by the school budget review committee as provided in section 442.13.

c. The amount to be raised by the additional school district property tax levy is equal to the district cost for the budget year, less the product total of the products of the state or district foundation base for regular program and times the weighted enrollment plus the state or district foundation base for special education support services costs times the weighted enrollment for special education support services costs.

Sec. 78. Section 442.26, unnumbered paragraph 2, Code 1987, is amended to read as follows:

All state aids paid under this chapter, unless otherwise stated, shall be paid in monthly installments beginning on September 15 of a budget year and ending on June 15 of the budget year and the installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget and cash position of the state resources. However, the state aids paid to school districts under section 442.28 shall be paid in monthly installments beginning on December 15 and ending on June 15 of a budget year ~~and state aids paid to school districts under section 442.38 shall be paid in monthly installments beginning on February 15 and ending on June 15 of a budget year.~~

Sec. 79. Section 442.28, unnumbered paragraph 1, Code 1987, is amended to read as follows:

If a district's actual enrollment for the budget year, determined under section 442.4, is higher than its budget enrollment for the budget year, the district is entitled to an advance from the state of an amount equal to its regular program district cost per pupil less the amount per pupil for special education support services, computed as a part of district cost under the provisions of section 442.7 for the budget year multiplied by the difference between the actual enrollment for the budget year and the budget enrollment for the budget year. However, if a district's actual enrollment for the budget year is more than fifteen percent higher than its basic enrollment for the budget year, the advance shall be calculated using seventy-five percent of the difference between the district's actual enrollment for the budget year and its basic enrollment for the budget year. The advance ~~shall be~~ is miscellaneous income.

Sec. 80. Section 442.31, unnumbered paragraph 1, Code 1987, is amended to read as follows:

For the school year beginning July 1, 1981 and succeeding school years, boards

of school districts, individually or jointly with the boards of other school districts, requesting to use additional allowable growth for gifted and talented children programs, may annually submit program plans for gifted and talented children programs and budget costs, including requests for additional allowable growth for funding the programs, to the department of education and to the applicable gifted and talented children advisory council, if an advisory council has been established, as provided in this chapter. **A district shall not identify more than three percent of its budget enrollment for the budget year as gifted and talented if the district is requesting to use additional allowable growth to finance the program.**

Sec. 81. Section 442.35, Code 1987, is amended to read as follows:
442.35 FUNDING.

The budget of an approved gifted and talented children program for a school district, after subtracting funds received from other sources for that purpose, shall be funded annually on a basis of one-fourth or more from the district cost of the school district and up to three-fourths by an increase in allowable growth as defined in section 442.7. The approved budget for a gifted and talented children program shall not exceed an amount equal to one and two-tenths percent of the district cost per pupil of the district multiplied by the budget enrollment of the district. Annually, the department of management shall establish a modified allowable growth for each such district equal to the difference between the approved budget for the gifted and talented children program for that district and the sum of the amount funded from the district cost of the school district plus funds received from other sources.

Sec. 82. Section 442.38, Code 1987, is repealed.

Sec. 83. All federal grants to and the federal receipts of agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts.

Sec. 84. Moneys appropriated in this Act, except for section 1, subsections 3, 5, and 6; sections 5 and 6; section 52, subsection 3, paragraph "a"; and sections 53 and 54, shall not be used for capital improvements.

Sec. 85. Sections 40 and 70 through 82 of this Act apply to computations required under chapter 442 for the budget year beginning July 1, 1988.

Sec. 86. Sections 6, 18, 19, 40, 41, 45, 48, 53, 56, 65, and 70 through 82 of this Act, being deemed of immediate importance, take effect upon their enactment.

2. Title page, line 4, by striking the words "and cultural" and inserting the following: ", cultural, and rehabilitational".

On the Part of the Senate:

RICHARD VARN, Chair
WALLY HORN
LARRY MURPHY
WILMER RENSINK
DALE L. TIEDEN

On the Part of the House:

CHARLES PONCY, Chair
HORACE DAGGETT
THOMAS J. JOCHUM
RUHL MAULSBY
MARY C. NEUHAUSER

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2314

To the President of the Senate and the Speaker of the House 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 2314, a bill for an Act relating to and making appropriations to state agencies whose responsibilities relate to general services, public defense, public safety, transportation, and enforcement, and including allocation and use of moneys from the road use tax fund and abstract fee fund, providing an increase in the abstract fee, mandating reports of certain agency purchases, renaming the chief executive officer of the department of public safety, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-6346.

2. That House amendment, S-5786, to Senate File 2314, as amended, passed, and reprinted by the Senate, is amended as follows:

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

“ ____ . Page 3, by striking lines 1 and 2 and inserting the following: “information system, the sum of one million nine hundred thirty-five thousand six hundred eight (1,935,608) dollars, or so much”.

____ . Page 4, by striking lines 8 and 9 and inserting the following: “three million four hundred fifty-three thousand one hundred eight (3,453,108) dollars, or so much thereof as is necessary, and”.

2. Page 1, by inserting after line 30 the following:

“ ____ . Page 8, line 35, by inserting after the word “construction” the following: “or purchase of a facility”.

____ . Page 9, by striking lines 10 and 11 and inserting the following: “ending June 30, 1989, the sum of eight hundred fifty thousand (850,000) dollars, or so much thereof as is necessary, for”.

3. Page 1, by inserting after line 35 the following:

“ ____ . Page 13, by striking lines 22 and 23 and inserting the following:

“Sec. ____ . Notwithstanding section 423.24, and prior to application of section 423.24, subsection 1, paragraph “b”, there is appropriated from revenues derived from the operation of section 423.7 to the state department of”.

____ . Page 13, by striking lines 28 through 31 and inserting the following: “airports. In selecting projects, the”.

4. Page 2, by striking lines 4 through 12 and inserting the following: “semiautomated system.”

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

“ ____ . Page 15, by inserting after line 14 the following:

“Sec. ____ . Section 302.1, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. All other moneys by law credited to the permanent school fund.”

6. Page 4, by inserting after line 12 the following:

“ ____ . Page 24, by inserting after line 3 the following:

“Sec. ____ . 1988 Iowa Acts, Senate File 2070, section 7, is amended by striking the section and inserting in lieu thereof the following:

SEC. 7. Section 321.449, Code Supplement 1987, is amended by adding the

following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions of this section, rules adopted under this section for a driver of a commercial vehicle shall not apply to a driver for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce, when the driver's commercial vehicle is not operated more than one hundred miles from the driver's work reporting location.””

7. Page 4, by inserting after line 12 the following:

“ ____ . Page 24, by inserting before line 4 the following:

“Sec. ____ . 1988 Iowa Acts, Senate File 2196, section 8, is repealed.””

8. Page 4, by inserting after line 12 the following:

“ ____ . Page 24, by inserting before line 4 the following:

“Sec. ____ . There is appropriated from the general fund to the permanent school fund the sum of fifty-five thousand (55,000) dollars.””

9. Page 4, line 21, by inserting after the word “safety.” the following: “The study shall also evaluate the department of public safety's employee recruitment, management, and retention policies and practices.”

10. Page 4, line 26, by inserting after the word “assembly.” the following: “The study shall be completed by January 14, 1989.”

11. Page 4, by striking lines 30 through 39.

12. Page 5, by inserting after line 25 the following:

“ ____ . Title page, line 5, by inserting after the words “fee fund,” the following: “appropriating moneys to the permanent school fund.””

13. Page 5, by inserting after line 29 the following:

“ ____ . Title page, line 8, by inserting before the word “and” the following: “changing provisions of the Code relating to application of certain transportation safety regulations, repealing provisions of the Code requiring woodlands, wetlands, public parks, and prime agricultural land to be protected in the design, construction, and reconstruction of highways.””

14. By renumbering, relettering, or redesignating and correcting internal references as necessary.

On the Part of the Senate:

DON GETTINGS, Chair
C. JOSEPH COLEMAN
RICHARD DRAKE
JOHN W. JENSEN
JOE WELSH

On the Part of the House:

EMIL PAVICH, Chair
JACK BEAMAN
DENNIS COHOON
THOMAS JOCHUM
DONALD PLATT

REPORT OF THE CONFERENCE COMMITTEE ON
SENATE FILE 2318

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 2318, a bill for an Act relating to the registration of construction contractors; providing for administration and enforcement of a system of registration by the

labor commissioner; providing for administrative penalties; providing an effective date; and providing other properly related matters, respectfully make the following report:

1. That the House recede from its amendment, S-5772, to Senate File 2318, as amended, passed, and reprinted by the Senate.

2. That Senate File 2318, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, line 15, by inserting after the word "law." the following: "However, a person who earns less than one thousand dollars annually or who performs work or has work performed on the person's own property is not a contractor for purposes of this chapter."

2. Page 1, by striking lines 16 through 20 and inserting the following:

"2. If a contractor's registration application shows that the contractor is self-employed, does not pay more than one thousand dollars annually to employ other persons in the business, and does not work with or for other contractors in the same phases of construction, the contractor is exempt from the fee requirements under this chapter."

3. Page 1, line 29, by inserting after the word "coverage" the following: "annually".

4. Page 1, line 31, by inserting after the figure "87.2." the following: "Notice of a policy's cancellation shall be provided to the labor commissioner by the insurance company."

5. Page 2, line 23, by striking the words "twenty-five dollars" and inserting the following: "twelve dollars and fifty cents".

6. Page 6, line 8, by striking the word and figure "January 1" and inserting the following: "February 15".

On the Part of the Senate:

On the Part of the House:

JAMES R. RIORDAN, Chair
 LINN FUHRMAN
 EDGAR H. HOLDEN
 THOMAS MANN, Jr.
 JAMES D. WELLS

GARY SHERZAN, Chair
 PHIL BRAMMER
 RICHARD V. RUNNING

REPORT OF THE CONFERENCE COMMITTEE ON
 SENATE FILE 2321

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 2321, a bill for An Act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges, by providing adjustments for salaries, by providing coverage and adjustments for health, life, disability, and dental insurance, by making coordinating amendments to the Code, and by providing applicability dates, respectfully make the following report:

1. Amend the House amendment, S-5956, to Senate File 2321, as amended, passed, and reprinted by the Senate, as follows:

1. By striking page 2, line 1 through page 3, line 37 and inserting the following: "following:

"Sec. ____ . Section 2.10, subsection 1, Code Supplement 1987, is amended to read as follows:

1. Every member of the general assembly except the speaker of the house and majority and minority floor leaders of the senate and house shall receive an annual salary of sixteen thousand six hundred dollars for the year 1989 and subsequent years while serving as a member of the general assembly. The majority and minority floor leaders of the senate and house, except the senate majority leader, shall receive an annual salary of twenty-two thousand nine hundred dollars for the year 1989 and subsequent years while serving in such capacity. In addition, each such member shall receive the sum of forty dollars per day for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that in the event the length of the first regular session of the general assembly exceeds one hundred ten calendar days and the second regular session exceeds one hundred calendar days, such payments shall be made only for one hundred ten calendar days for the first session and one hundred calendar days for the second session. However, members from Polk county shall receive twenty-five dollars per day. Each member shall receive a seventy-five dollar per month allowance for legislative district constituency postage, travel, telephone costs, and other expenses. Travel expenses shall be paid at the rate established by section 18.117 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session. However, any increase from time to time in the mileage rate established by section 18.117 shall not become effective for members of the general assembly until the convening of the next general assembly following the session in which the increase is adopted; and this provision shall prevail over any inconsistent provision of any present or future statute."

2. Page 3, by inserting after line 39 the following:

" ____ . Page 11, line 5, by striking the figure "1989," and inserting the following: "1989."

____ . Page 11, by striking lines 6 and 7 and inserting the following: "If a member of".

____ . Page 11, lines 17 and 18, by striking the words "for the first time".

3. By striking page 3, line 41 through page 4, line 3 and inserting the following: "inserting the following: "initially eligible or during the first subsequent annual open enrollment. A member of the general assembly who elects to become a member of a state health or medical group insurance plan shall be exempted from preexisting medical condition waiting periods. A member of the general assembly may change programs or coverage under the state health or medical service group insurance plan during the month of January of odd-numbered years, but program and coverage change selections shall be subject to the enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20. A person who has been a member of the general assembly for two years and who has elected to be a member of a state health or medical group insurance plan may continue to be a member of such state health or medical group insurance plan by requesting continuation in writing to the finance officer within thirty-one days after leaving office. The continuing former member of the general assembly shall pay the total premium and administrative costs for the state plan and shall have the same rights to change programs or coverage as

state employees.”

4. Page 4, line 30, by striking the words “after line 16” and inserting the following: “before line 17”.

5. Page 4, by inserting after line 48 the following:

“ ____ . Page 12, by inserting before line 17 the following:

“Sec. ____ . Section 331.752, subsection 4, Code 1987, is amended to read as follows:

4. The resolution changing the status of a county attorney shall state the initial annual salary to be paid to the county attorney when the full-time or part-time status is effective. The annual salary specified in the resolution shall remain effective until changed as provided in section 331.907. The Except in counties having a population of more than two hundred thousand, the annual salary of a full-time county attorney shall be an amount which is between forty-five percent and one hundred percent of the annual salary received by a district court judge.

Sec. ____ . Section 331.757, subsection 2, Code 1987, is amended to read as follows:

2. The county attorney may appoint, with the approval of the board, an assistant county attorney to serve as a full-time prosecutor. A full-time prosecutor shall refrain from the private practice of law. The county attorney shall determine the compensation paid to a full-time prosecutor within the budget set for the county attorney’s office by the board. The Except in counties having a population of more than two hundred thousand, the annual salary of an assistant county attorney shall not exceed eighty-five percent of the maximum annual salary of a full-time county attorney.

Sec. ____ . This section and the salary rate of the commissioner of education as specified in section 5, subsection 7, paragraph “d”, of this Act are effective upon enactment.”

On the Part of the Senate:

MICHAEL GRONSTAL, Chair
 BILL HUTCHINS
 ROBERT CARR
 CALVIN O. HULTMAN
 JOHN W. JENSEN

On the Part of the House:

THOMAS J. JOCHUM, Chair
 TONY BISIGNANO
 TOM SWARTZ
 ROGER A. HALVORSON
 WILLIAM H. HARBOR

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 2328

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 2328, a bill for An Act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, respectfully make the following report:

1. That the conference committee is unable to agree.

On the Part of the Senate:

LEONARD L. BOSWELL, Chair
ALVIN V. MILLER
JOE J. WELSH
DALE L. TIEDEN
DAVID M. READINGER

On the Part of the House:

RICHARD V. RUNNING, Chair
MIKE CONNOLLY
EDWARD G. PARKER
CLIFFORD O. BRANSTAD
WAYNE BENNETT

REPORT OF THE SECOND CONFERENCE
COMMITTEE ON SENATE FILE 2328

To the President of the Senate and the Speaker of the House of Representatives:
We, the undersigned members of the second conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2328, a bill for An Act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, respectfully make the following report:

1. That the House recede from its amendment, S-5997, to Senate File 2328, as amended, passed, and reprinted by the Senate.

2. That Senate File 2328, as amended, passed, and reprinted by the Senate, be amended as follows:

1. By striking everything after the enacting clause and inserting the following:

“Section 1. Section 99E.9, subsection 3, paragraphs b and o, Code Supplement 1987, are amended to read as follows:

b. The types of lottery games to be conducted. Rules governing the operation of a class of games are subject to chapter 17A. However, rules governing the particular features of specific games within a class of games are not subject to chapter 17A. Such rules may include, but are not limited to, setting the name and prize structure of the game and shall be made available to the public prior to the time the games go on sale and shall be kept on file at the office of the commissioner. The board shall authorize instant lottery and on-line lotto games and may authorize the use of any type of lottery game that on May 3, 1985 has been conducted by a state lottery of another state in the United States, or any game that the board determines will achieve the revenue objectives of the lottery and is consistent with subsection 1. However, the board shall not authorize a game using electronic computer terminals or other devices if the terminals or devices dispense coins or currency upon the winning of a prize. In a game utilizing instant tickets other than pull-tab tickets, each ticket in the game shall bear a unique consecutive serial number distinguishing it from every other ticket in the game, and each lottery number or symbol shall be accompanied by a confirming caption consisting of a repetition of a symbol or a description of the symbol in words. In the game other than an instant game which uses tangible evidence of participation, each ticket shall bear a unique serial number distinguishing it from every other ticket in the game.

o. Requirement that a licensee either print or stamp the licensee's name and address on the back of each instant ticket, except pull-tab tickets.

Sec. 2. Section 99E.10, subsection 1, paragraph a, Code Supplement 1987, is amended to read as follows:

a. An amount equal to one half of one percent of the gross lottery revenue shall be deposited in a gamblers assistance fund in the office of the treasurer of state. Moneys in the fund shall be administered by the commissioner of human services and used to provide assistance and counseling to individuals and families experiencing difficulty as a result of gambling losses and to promote awareness of "Gamblers Anonymous" and similar assistance programs. For the fiscal year beginning July 1, 1988, there is appropriated from the fund to the department of human services the sum of one hundred twenty-five thousand dollars to be used to establish a separate reimbursement policy to reimburse providers for material costs incurred in providing unit dose drug distribution systems in long-term care facilities. The department shall seek to implement the recommendation on unit dose reimbursement when funds become available.

Sec. 3. Section 99E.32, subsection 1, paragraphs a and b, Code Supplement 1987, are amended to read as follows:

a. In the fiscal year beginning July 1, 1986 the first three million four hundred thirty-eight thousand dollars, in the fiscal year beginning July 1, 1987 the first six million six hundred seventy-five thousand dollars, in the fiscal year beginning July 1, 1988 the first ~~three four~~ million ~~seven six~~ hundred ~~fifty twenty-five~~ thousand dollars and in the fiscal year beginning July 1, 1989 the first three million seven hundred fifty thousand dollars to the jobs now capitals account.

b. ~~In each of the four~~ For the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989, after the allotment in paragraph "a", ten million dollars, ten million dollars, four million six hundred fifty thousand dollars, and ten million dollars, respectively to the community economic betterment account; for the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989, eight million five hundred fifty thousand dollars, eight million three hundred seventy-five thousand dollars, ~~seven nineteen~~ million ~~nine hundred eight~~ thousand dollars, and seven million nine hundred thousand dollars, respectively, to the jobs now account; and for the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989, twelve million five hundred thousand dollars, seven million four hundred thousand dollars, ~~eleven seven~~ million ~~five hundred thousand~~ dollars, and eleven million two hundred fifty thousand dollars, respectively, to the education and agriculture research and development account.

Sec. 4. Section 99E.32, subsection 2, Code Supplement 1987, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. i. Notwithstanding any other provision, the moneys allocated to the community economic betterment account for the fiscal year beginning July 1, 1988, are appropriated to the department of economic development to be used only for the purposes of providing financial assistance for small business gap financing, new business opportunities, new product and entrepreneurial development, and comprehensive management assistance in the amounts, or so much thereof as may be necessary, as provided in section 99E.33. These purposes may be accomplished by providing the following types of assistance:

- (1) Principal buy-down program to reduce the principal of a business loan.
- (2) Interest buy-down program to reduce the interest of a business loan.
- (3) Loans to aid in economic development.

(4) Grants to aid in economic development projects as defined in section 99E.10, subsection 2, if at least fifty percent of the total cost of the project is paid from sources other than the Iowa plan fund. If a project involves purchase or improvement of real property, a grant may be made only if the property is located

in the state of Iowa.

(5) Loan guarantees for business loans made by commercial lenders.

(6) Equity-like investments.

(7) Comprehensive management assistance. The conditions, criteria, and limitations specified in section 99E.31, subsection 2, apply to providing of moneys under this paragraph.

The department shall document the actual job creation and retention effects of all businesses receiving financial assistance from the account in the context of the businesses' employer's contribution and payroll report.

The department shall require businesses which receive assistance from the account to submit historical copies of the reports with the application for funds, require businesses to submit the reports after the award on a timely basis, and require businesses to estimate the expected job creation and retention effects for the twelve-month and twenty-four month period after the award in terms of the number of employees and total wages as displayed in the payroll reports. The department shall develop definitions for the terms "job creation" and "job retention" to measure and identify the actual number of permanent, full-time positions which the businesses actually created or retained and can be documented by comparison of the payroll reports during the twenty-four month period after the award.

Sec. 5. Section 99E.32, subsection 3, Code Supplement 1987, is amended to read as follows:

3. There are appropriated moneys in the jobs now account for each of the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989 to the following funds, agencies, boards or commissions in the amounts, or so much thereof as may be necessary, as provided in section 99E.33 to be used for the following purposes:

a. To the department of natural resource commission resources for the purposes designated in section 99E.31, subsection 3, paragraph "a". For the fiscal year beginning July 1, 1986, the amount appropriated is two million five hundred thousand dollars. For the fiscal year beginning July 1, 1987, the amount appropriated is two million dollars. For the fiscal year beginning July 1, 1988, the amount appropriated is two million dollars, of which one hundred sixty thousand dollars shall be used for continuing projects to be matched with federal funds.

b. To the Iowa product development fund for the purposes provided in section 28.89. For the fiscal year beginning July 1, 1987, the amount appropriated is one million five hundred thousand dollars. For the fiscal year beginning July 1, 1988, the amount appropriated is one million two hundred fifty thousand dollars.

c. To the Iowa state arts council with administration by the department of cultural affairs for the purposes designated in section 99E.31, subsection 3, paragraph "d". For the fiscal year beginning July 1, 1987, the amount appropriated is six hundred seventy-five thousand dollars. For the fiscal year beginning July 1, 1988, the amount appropriated is six hundred fifty thousand dollars of which forty thousand dollars shall be allocated to the John L. Lewis commission for the John L. Lewis museum in Lucas, Iowa, seventy thousand dollars for the Iowa town square project, seventy thousand dollars for the artist endowment program, and twelve thousand dollars is to be directed to the secretary of state for the restoration and display of the Iowa state constitution.

d. To the Iowa department of economic development for the purposes designated in section 99E.31, subsection 3, paragraph "e". For the fiscal year beginning July 1, 1986, the amount appropriated is two million six hundred thousand dollars.

For the fiscal year beginning July 1, 1987, the amount appropriated is two million fifty thousand dollars. For the fiscal year beginning July 1, 1988, the amount appropriated is one million nine hundred eight thousand dollars to be used for the purposes and in the amounts as follows:

(1) Satellite centers under section 28.101, one million one hundred twenty-five thousand dollars of which fifty thousand dollars shall be used by the department to hire a rural development coordinator; forty-five thousand dollars for an informational referral center; and ninety-five thousand dollars for model rural development projects. For the fiscal year beginning July 1, 1988, the amount appropriated is nine hundred thirty-five thousand dollars. Of the amount appropriated, thirty thousand dollars shall be awarded to each of the fifteen regional coordinating councils for annual salaries, support, and maintenance of the satellite centers and up to one hundred fifty thousand dollars may be used for supplemental grants to the satellite centers. Criteria for awarding the grants include the performance of the satellite center and the need for the supplemental funding. The department shall award at least four supplemental grants, but in no case shall the maximum supplemental grant exceed fifteen thousand dollars.

(2) Federal procurement offices, one hundred thousand dollars. For the fiscal year beginning July 1, 1988, the amount appropriated, is one hundred thousand dollars.

(3) Iowa main street program, two hundred seventy-five thousand dollars. For the fiscal year beginning July 1, 1988, the amount appropriated is three hundred ninety-three thousand dollars.

(4) Technical assistance for businesses for purposes of the federal small business innovation research grants program, two hundred fifty thousand dollars of which fifty thousand dollars shall be expended to develop and operate a small business information center. For the fiscal year beginning July 1, 1988, no amount is appropriated.

(5) Business incubators, three hundred thousand dollars. The funds shall be used to provide for operations of existing incubators and for the establishment of at least one new incubator in the fiscal year. The department will award grants to universities, community colleges, and local communities on an annual basis. In awarding the grants, the department shall consider the incubator's plan to become self-sufficient from the need for further grants within three years of its start-up. Future grants shall be contingent upon how the incubator is succeeding in becoming self-sufficient. The local community, university, or college is required to match the state's grant on a dollar for dollar basis. For the fiscal year beginning July 1, 1988, the amount appropriated is two hundred fifty thousand dollars.

(6) Rural incubators, one hundred fifty thousand dollars. The funds shall be used for the establishment of incubators located in communities with a population of less than ten thousand. The department will award grants to universities, community colleges, and local communities on an annual basis. In awarding the grants, the department shall consider the incubator's plan to become self-sufficient from the need for further grants within three years of its start-up. Future grants shall be contingent upon how the incubator is succeeding in becoming self-sufficient. The local community, university, or college is required to provide a twenty-five percent match of the state's grant.

(7) For rural development programs, the sum of eighty thousand dollars.

e. For the fiscal year beginning July 1, 1986 only, the sum of two hundred thousand dollars for the targeted small business loan guarantee program

established pursuant to section 220.111.

f. For the fiscal years beginning July 1, 1986 and July 1, 1987 only, to the Iowa conservation corps account the sum of one million dollars and seven hundred fifty thousand dollars, respectively. Of the funds appropriated under this paragraph, five hundred thousand dollars shall be used for a summer jobs program for young adults, as a part of the Iowa youth corps and designed to provide part-time public service employment to work on conservation-oriented projects.

g. For the fiscal years beginning July 1, 1988 and July 1, 1989 only, to the Iowa department of economic development, one million eight hundred thousand dollars for purposes of administration of the "young adult program" of the Iowa conservation corps, established in section 15.225. Of the amount appropriated, one hundred thousand dollars shall be used for minority youth employment. Moneys not used for minority youth employment are available for use for the purposes of the Iowa conservation corps.

h. For the fiscal year years beginning July 1, 1987 only and July 1, 1988, to the advance account of the area school job training fund established in section 280C.6, one million dollars and seven hundred fifty thousand dollars, respectively. If Senate File 2303 is enacted, the amount appropriate for the fiscal year beginning July 1, 1988, shall be to the revolving loan account of the area school job training fund.

i. For the fiscal year beginning July 1, 1987 only, to the department of agriculture and land stewardship the sum of three hundred thousand dollars for developing pilot public/private partnerships to assist Iowa producers of agricultural products in the promotion, marketing, and selling of agricultural products to local and regional markets. For the fiscal year beginning July 1, 1988, the amount appropriated is one hundred fifty thousand dollars.

j. For the fiscal year beginning July 1, 1987 only, to the department of agriculture and land stewardship the sum of one hundred thousand dollars, or so much as is necessary, to provide a grant to the organizers from the 1988 world ag expo in the Amana colonies.

k. For the fiscal year beginning July 1, 1988, there is appropriated to the department of economic development for labor management councils the sum of one hundred thousand dollars.

l. For the fiscal year beginning July 1, 1988, to the Iowa department of economic development the sum of seven hundred thousand dollars for the establishment of welcome centers as provided in sections 15.271 and 15.272. The funds appropriated shall be used for implementation of the recommendations of the statewide long-range plan for developing and operating welcome centers through the state.

m. (1) For the fiscal year beginning July 1, 1988, to the department of agriculture and land stewardship the sum of one hundred thousand dollars to fund pilot lamb and wool management education projects approved by the department at area schools selected as project sites. The selection of an area school as a project site shall be based upon the evaluation and recommendations of an advisory committee created by the department and composed of persons actively engaged in lamb and wool production, persons representing the agricultural experiment station of the Iowa State University of science and technology, and persons expert in postsecondary education. The committee shall conduct an evaluation of area schools applying to be selected as pilot project sites. The committee in formulating its recommendations shall assign a weight to and consider the following criteria:

- (a) The area school's relevant and available educational facilities.
- (b) The number of persons interested in beginning or expanding lamb and wool production in the area school's merged area.
- (c) The current number of sheep in the area school's merged area.
- (d) The increase in the number of sheep in the area school's merged area.
- (e) The creation or expansion of lamb and wool production facilities in the area school's merged area.

(f) The size and number of lamb and wool producer groups in the area school's merged area, and the degree to which such groups promote lamb and wool production in the area.

(g) The qualifications of the person selected by the area school to direct the project, and the qualifications of persons selected by the area school to instruct producers participating in the project.

The committee shall be staffed by employees of the department as appointed by the director of the department. The evaluation and recommendations shall be submitted to the director not later than December 30, 1988.

(2) An area school selected to be a pilot project site is entitled to regular disbursements of funds by the department to establish the project, and for salaries, support, maintenance, and other operational purposes according to a schedule which shall be established by the department. An area school shall not have less than thirty producers participating in the project, on or after December 30, 1990. If after that time, less than thirty producers participate in a project when the department is disbursing scheduled funds to the area school, the amount of funds to the school shall be reduced proportionately according to the number of producers participating in the project. The amount withheld shall be added equally to the amount disbursed to area schools having thirty or more producers participating in their respective projects. Only producers are eligible to participate in a project. The department may establish additional requirements for participation in the project, including a fee which shall be charged for producers participating in the project. A producer shall be charged the fee notwithstanding any other fee paid to the area school.

(3) for purposes of the projects, "producer" means a person actively engaged or seeking to become actively engaged in lamb or wool production.

n. For the fiscal year beginning July 1, 1988, the sum of nine million three hundred thousand dollars as follows:

(1) Four million six hundred fifty thousand dollars to the Iowa finance authority for the revolving fund for the community and rural development loan program established under Senate File 2092.

(2) Four million six hundred fifty thousand dollars to the business development finance corporation assistance fund established under House File 2396.

(3) Up to one million dollars of the moneys allocated under subparagraph (1) and up to three million dollars of the moneys allocated under subparagraph (2) which are not used or dedicated may be transferred to and used for purposes of the community economic betterment account, as determined by the department of economic development with one-half of the amount to be transferred on October 1, 1988, and one-half of the amount to be transferred on January 15, 1989.

o. For the fiscal year beginning July 1, 1988, to the department of economic development the sum of fifty thousand dollars for a local economic development pilot project for an area encompassing the cities and rural areas making up the area community commonwealth where the cities are represented on the board

of directors of a nonprofit corporation set up for the purpose of aiding in the economic development of the area. In order for the area to receive moneys under this paragraph, the area shall be formed under an agreement entered into pursuant to chapter 28E for the sole purpose of providing for economic development projects for the area provided the agreement identifies an entity to receive the funds under this paragraph and all parties to the agreement shall be located within the same regional economic delivery area created pursuant to section 28.101. The moneys available to the chapter 28E area shall be used only for economic development initiatives as defined in section 99E.10, subsection 2. However, as used in this paragraph, economic development initiatives do not include the employment of professional staff or consultants. The chapter 28E area shall file an economic development plan with the department of economic development before application is made to receive funds under this paragraph. The area receiving funds under this paragraph shall submit an annual financial report within sixty days following the close of its fiscal year to the regional coordinating council created pursuant to section 28.101 of the region in which the area is located.

p. For the fiscal year beginning July 1, 1988, to the division of soil conservation within the department of agriculture and land stewardship for deposit in the water protection fund created in 1988 Iowa Acts, House File 2381, section 5, the sum of five hundred thousand dollars for purposes of the fund.

q. For the fiscal year beginning July 1, 1988, to the department of education the sum of seven hundred fifty thousand dollars for the purposes and under the conditions specified in section 99E.31, subsection 5, paragraph "c".

Sec. 6. Section 99E.32, subsection 4, Code Supplement 1987, is amended to read as follows:

4. There are appropriated moneys in the education and agriculture research and development account for each of the fiscal years beginning July 1, 1986, July 1, 1987, July 1, 1988, and July 1, 1989 to the following funds, agencies, boards or commissions in the amounts, or so much thereof as may be necessary, as provided in section 99E.33 to be used for the following purposes:

a. To the Iowa college aid commission for the forgivable loan program established in sections 261.71 to 261.73. For the fiscal year beginning July 1, 1986, the amount appropriated is seven hundred fifty thousand dollars. Notwithstanding subsection 7, any moneys not expended under this paragraph by June 30, 1987 shall not be used for purposes of this paragraph but shall be transferred and used for the purposes described in paragraph "c" for the fiscal year beginning July 1, 1987. For the fiscal year years beginning July 1, 1987, and July 1, 1988, no amount is appropriated.

b. To the Iowa department of economic development for the purposes and under the conditions specified in section 99E.31, subsection 4, paragraph "a". For the fiscal year beginning July 1, 1986, the amount appropriated is ten million seven hundred fifty thousand dollars. For the fiscal year beginning July 1, 1987, the amount appropriated is seven million dollars of which five hundred thousand dollars shall be allocated to the Iowa State University of science and technology for the national center for food and industrial agricultural product development; and two hundred fifty thousand dollars shall be allocated to the University of Northern Iowa for the decision making science institute. For the fiscal year beginning July 1, 1988, the amount appropriated is seven million dollars of which two hundred fifty thousand dollars shall be allocated to the University of Northern Iowa for the decision-making science institute; one hundred thousand dollars shall be

allocated to the department of economic development for an economic development training program at the school of business at the University of Northern Iowa which shall use these funds in consultation with the department, the university, and the Iowa professional developers; forty thousand dollars shall be allocated to the state library within the department of cultural affairs to establish a patent depository library for the purpose of making university patents accessible to the public and private sectors by purchasing the twenty-year backfile of patents and to train existing staff to work with users of the library; and three hundred sixty thousand dollars shall be allocated and used to establish a university and private industry research and development consortium at each of the state board of regents universities under chapter 262B. Of the three hundred sixty thousand dollars, one hundred twenty thousand dollars is allocated to each of the consortiums with eighty-five thousand dollars being appropriated to the department of economic development for providing staff and support to the marketing for the consortiums and thirty-five thousand dollars is allocated to each of the offices of vice president for research at the three board of regents institutions. Of the money allocated under this paragraph to the Iowa State University of science and technology for the fiscal year beginning July 1, 1988, two hundred thousand dollars shall be used to support collaborative research with the United States department of agriculture to improve reproductive performance and disease resistance in swine. After the first five million dollars appropriated for the fiscal year beginning July 1, 1988, has been allocated, the next one million dollars shall be allocated for proposals described in section 99E.31, subsection 4, paragraph "a", subparagraph (1) and the next one million dollars shall be allocated for applied research projects described in section 99E.31, subsection 4, paragraph "a", subparagraph (3) of which one hundred fifty thousand dollars shall be used for the water resource research institute under paragraph "e". The department may use any unexpended funds from the appropriation made under this paragraph for the fiscal year beginning July 1, 1987, as a prepayment of the allocations made for the fiscal year beginning July 1, 1988, for the decision-making science institute and the economic development leadership program, which prepayment shall be repaid as the fiscal year beginning July 1, 1988, allocation to such institute or program becomes available. Of the amount appropriated for the fiscal year beginning July 1, 1989, forty thousand dollars shall be allocated to the state library within the department of cultural affairs for purposes of the patent depository library and three hundred sixty thousand dollars shall be allocated and used to establish a university and private industry research and development consortium at each of the state board of regents universities under chapter 262B. Of the three hundred sixty thousand dollars, one hundred twenty thousand dollars is allocated to each of the consortiums with eighty-five thousand dollars being appropriated to the department of economic development for providing staff and support to the marketing for the consortiums and thirty-five thousand dollars is allocated to each of the offices of vice president for research at the three board of regents institutions.

c. To the Iowa college aid commission for the purposes and under the conditions specified in section 99E.31, subsection 4, paragraph "b". For the fiscal year beginning July 1, 1987, no amount is appropriated. However, the funds transferred under paragraph "a" are available for use under this paragraph for the fiscal year beginning July 1, 1987. For the fiscal year beginning July 1, 1988, no amount is appropriated.

d. For the fiscal years beginning July 1, 1987 and July 1, 1988 only, to the

Iowa peace institute, the sum of two hundred fifty thousand dollars each fiscal year for salaries, support, and maintenance provided, and to the extent that, the appropriations are matched dollar for dollar by the Iowa peace institute. The peace institute shall not use any of the state funds for the construction or purchase of real property. For the fiscal year beginning July 1, 1988, the unobligated moneys left in the Iowa plan fund as a result of the appropriation made for the fiscal year beginning July 1, 1985, pursuant to section 99E.31, subsection 5, paragraphs "e" and "g", are appropriated for use under this paragraph. However, if the amount appropriated exceeds two hundred fifty thousand dollars the excess shall be reallocated under the account.

e. For the fiscal years beginning July 1, 1987; ~~July 1, 1988~~; and July 1, 1989 to the Iowa State University of science and technology, the sum of one hundred fifty thousand dollars for each fiscal year for allocation to the Iowa State University water resource research institute for a subsurface water and nutrient management system. This research shall concentrate its efforts on providing optimum soil water table level throughout the growing season, reduction of nitrates in Iowa's surface and subsurface waters, reduction of Iowa's dependency on subsurface water for irrigation, and increasing productivity of selected Iowa soils for selected crops. The Iowa State University water resource research institute shall administer the research funds and report to the general assembly by February 1 of each year, on the program's progress and results.

Sec. 7. Section 99E.32, subsection 5, paragraphs a, b, c, i, and j, Code Supplement 1987, are amended to read as follows:

a. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for each of the fiscal years beginning July 1, 1986, July 1, 1987, ~~July 1, 1988~~ and July 1, 1989 to the department of education the sum of one million dollars for the purposes and under the conditions specified in section 99E.31, subsection 5, paragraph "c".

b. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1986 to the department of public safety for the acquisition and interface with a fingerprint computer the sum of four hundred thousand dollars. There is established an automated fingerprint identification system (AFIS) computer committee. This committee shall have the authority to prepare and implement guidelines, rules, and regulations pertaining to the placement, use, and access to the AFIS computer and any remote terminal designed to interface with the main computer located at the department of public safety. The AFIS committee will be chosen for two-year terms with four sheriffs chosen by the Iowa state sheriffs and deputies association and four chiefs of police chosen by the Iowa police executive forum. The director of public safety, or the designee, will be chairperson of the AFIS committee.

After the initial committee is selected effective July 1, 1986, new members will serve staggered terms of two years. Beginning July 1, 1988, the Iowa state sheriffs and deputies association and the Iowa police executive forum will each choose two new members, who will make up the nine member AFIS committee. Thereafter, the staggered terms will take effect between the sheriffs' representatives and the police chiefs' representatives. Nothing herein shall limit the number of terms any one person may serve.

For the fiscal year beginning July 1, 1988, there is appropriated to the department of public safety the sum of two hundred fifty thousand dollars for

the automated fingerprint identification system.

c. There is appropriated from the allotment made to the jobs now capitals account under subsection 1 for the fiscal years beginning July 1, 1986, ~~and July 1, 1987, and July 1, 1988,~~ to the Iowa State University of science and technology for funding for the small business development centers the sum of seven hundred thousand dollars, ~~and eight hundred twenty-five thousand dollars, and eight hundred twenty-five thousand dollars,~~ respectively.

i. There is appropriated from the allotment to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1987 to the Iowa department of economic development the sum of two million dollars for the establishment of welcome centers as provided in sections 15.271 and 15.272. Of the amounts appropriated, sixty thousand dollars shall be used for the establishment of rural centers to be located in or near communities with populations of five thousand or less. Not more than twenty thousand dollars shall be expended for each center. The local communities are required to equally match state funds. Welcome centers and rural centers that have received moneys from the department under this paragraph are required to promote the region in which they are located and the state as a whole.

j. There is appropriated from the allotment to the jobs now capitals account under subsection 1 for construction, equipment, renovation, and other costs associated with buildings in the capitol complex the sum of two million seven hundred fifty thousand dollars for each of the fiscal years beginning July 1, 1987; July 1, 1988; and July 1, 1989 to the department of general services. Of the total funds appropriated, seven hundred fifty thousand dollars shall be utilized to pay costs of equipping the new historical building and the costs of moving exhibits into that building; and the remaining funds shall be used for renovation and remodeling of buildings in the capitol complex. Notwithstanding the amount otherwise appropriated and the purpose for which appropriated under this paragraph, for the fiscal year beginning July 1, 1988, there is appropriated one million five hundred thousand dollars to the department of general services for construction, equipment, renovation, and other costs associated with buildings in the capitol complex, of which two hundred thousand dollars is allocated for Terrace Hill, one hundred twenty-five thousand is allocated for planning and construction of a parking garage, five hundred thousand is allocated for the planning for legislative office space, and up to ten thousand dollars shall be used for the purchase of POW/MIA flags to be flown on all public buildings of public bodies that apply for the flags.

Sec. 8. Section 99E.32, subsection 5, Code Supplement 1987, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. m. There is appropriated from the allotment to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1988, to the department of public defense the sum of fifty thousand dollars for the planning for the construction of armories.

NEW LETTERED PARAGRAPH. n. There is appropriated from the allotment to the jobs now capitals account under subsection 1 for the fiscal year beginning July 1, 1988, to the Iowa department of economic development the sum of seven hundred ninety-three thousand dollars for contracting exclusively for advertising for in-state and out-of-state tourism, tourism marketing, and tourism promotion programs for electronic media and printed materials.

The department shall develop public-private partnerships with Iowa businesses

in the tourism industry, Iowa tour groups, Iowa tourism organizations, and political subdivisions in this state to assist in the development of advertising efforts and to the fullest extent possible, match on a dollar-for-dollar basis, contributions from other sources to fund the advertising contracts.

The amount appropriated under this lettered paragraph is in addition to any amounts appropriated under Senate File 2309, if enacted.

NEW LETTERED PARAGRAPH. o. There is appropriated from the allotment to the jobs now capitol account under subsection 1 for the fiscal year beginning July 1, 1988, to the Iowa department of economic development the sum of one million two hundred seven thousand dollars for contracting exclusively for marketing and advertising contracts for out-of-state national marketing programs for electronic media and printed materials.

The department shall develop public-private partnerships with Iowa businesses, Iowa business organizations, Iowa chambers of commerce, and political subdivisions in this state, to assist in the development of the marketing efforts and to the fullest extent possible, match on a dollar-for-dollar basis, contributions from other sources to fund the marketing contracts.

The amount appropriated under this lettered paragraph is in addition to any amounts appropriated under Senate File 2309, if enacted.

Sec. 9. NEW SECTION. 262B.1 TITLE.

This chapter shall be known and may be cited as the "University-Based Research and Economic Development Act".

Sec. 10. NEW SECTION. 262B.2 LEGISLATIVE INTENT.

It is the intent of the general assembly to provide support for mechanisms for encouraging the coordination of pure and applied research at the state board of regents institutions. The purpose is to maximize and promote the economic benefit which may derive from research. This is to be done by increased coordination with the Iowa department of economic development and encouragement of the transfer of research results to the private sector.

Sec. 11. NEW SECTION. 262B.3 ESTABLISHMENT OF CONSORTIUM.

The board of regents or the universities under its jurisdiction shall establish consortiums for the purpose of carrying out the intent of this chapter. The majority of consortium members shall be from the university community and the balance of members shall be from private industry. The members of the consortium shall be appointed by the president of the convening university and will serve at the pleasure of the president.

Sec. 12. NEW SECTION. 262B.4 DUTIES OF THE CONSORTIUM.

1. Each consortium shall assist the university in efforts to maximize the economic benefits outlined in section 262B.2. More specifically, it shall assist the university by making recommendations for:

- a. The development of strategies and materials useful in marketing university resources to out-of-state firms interested in an Iowa site.
- b. Matching university resources with the needs of existing Iowa firms.
- c. Evaluation of university research for commercial potential.
- d. The development of a plan that will improve private sector access to the university and the transfer of technology from the university to the private sector.

2. In order to carry out its objectives the consortium shall perform, but is not limited to, the following tasks:

- a. Receive and review selected research synopses.
- b. Disseminate information on research activities of the university.

c. Identify research needs of existing Iowa businesses and recommend ways in which the university can meet these needs.

d. On a case-by-case basis, suggest business and financial tactics useful in realizing the commercial potential of university research projects.

Sec. 13. NEW SECTION. 262B.5 REGENTS AND DEPARTMENT OF ECONOMIC DEVELOPMENT.

The state board of regents and the Iowa department of economic development shall enter into an agreement under chapter 28E to coordinate and facilitate the activities of the consortiums. The state board of regents and the Iowa department of economic development shall report annually to the governor and the general assembly concerning the activities of the consortiums.

Sec. 14. 1988 Iowa Acts, Senate File 2312, section 54, subsection 9, paragraph d, is amended to read as follows:

d. To the department of corrections, the sum of one million three hundred thousand (1,300,000) dollars ~~to be retained by the department of revenue and finance and not paid to the department of corrections for the purposes of paragraph "c" upon the approval of the general assembly of the plans submitted pursuant to paragraph "c" but not to be used~~ until the general assembly enacts legislation that provides for the specific expenditure of the moneys, and after consideration of the most recent information made available by the task force consultant."

On the Part of the Senate:

LEONARD L. BOSWELL, Chair
 ALVIN V. MILLER
 JOE J. WELSH
 DALE L. TIEDEN
 DAVID M. READINGER

On the Part of the House:

EDWARD G. PARKER, Chair
 MIKE CONNOLLY
 RICHARD V. RUNNING
 CLIFFORD O. BRANSTAD
 WAYNE BENNETT

**SENATE RESOLUTIONS AND
CONCURRENT RESOLUTIONS**

**Adopted by the Senate and not
Previously Printed During the
Seventy-second General Assembly
1988 Regular Session**

1 SENATE RESOLUTION 102

2 By: Committee on Rules and Administration
 3 A Resolution relating to gubernatorial appointments
 4 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 Examining Board
 21 3 terms commencing 5-1-88 and ending 4-30-91
 22 Agricultural Development Authority
 23 3 terms commencing 5-1-88 and ending 4-30-94
 24 Alcoholic Beverages Commission
 25 1 term commencing 5-1-88 and ending 4-30-93
 26 Architectural Examining Board
 27 2 terms commencing 5-1-88 and ending 4-30-91
 28 Banking, Superintendent of
 29 1 unexpired portion of a term ending 4-30-89
 30 Barber Examiners, Board of

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1 2 terms commencing 5-1-88 and ending 4-30-91
 2 Blind, Commission for the
 3 1 term commencing 5-1-88 and ending 4-30-91
 4 Chiropractic Examiners, Board of
 5 2 terms commencing 5-1-88 and ending 4-30-91
 6 Cosmetology Examiners, Board of
 7 2 terms commencing 5-1-88 and ending 4-30-91
 8 Credit Union Review Board
 9 3 terms commencing 5-1-88 and ending 4-30-91
 10 Deaf, Commission on the
 11 2 terms commencing 5-1-88 and ending 4-30-91
 12 Dental Examiners, Board of
 13 3 terms commencing 5-1-88 and ending 4-30-91
 14 Dietetic Examiners, Board of
 15 2 terms commencing 5-1-88 and ending 4-30-91
 16 Economic Development Board, Iowa

- 17 2 terms commencing 5-1-88 and ending 4-30-92
- 18 Education, State Board of
- 19 3 terms commencing 5-1-88 and ending 4-30-94
- 20 Elder Affairs, Commission of
- 21 2 terms commencing 5-1-88 and ending 4-30-92
- 22 Employment Appeal Board
- 23 1 term commencing 5-1-88 and ending 4-30-94
- 24 Engineering and Land Surveying Examining Board
- 25 2 terms commencing 5-1-88 and ending 4-30-91
- 26 Foster Care Review Board, State
- 27 2 terms commencing 5-1-88 and ending 4-30-91
- 28 General Services, Director of
- 29 1 term serving at the pleasure of the governor
- 30 Hearing Aid Dealers, Board of Examiners for the

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- 1 Licensing and Regulation of
- 2 1 term commencing 5-1-88 and ending 4-30-91
- 3 Higher Education Loan Authority
- 4 1 term commencing 5-1-88 and ending 4-30-94
- 5 Inspections and Appeals, Director of the Department of
- 6 1 term serving at the pleasure of the governor
- 7 Iowa Grain Indemnity Fund Board
- 8 2 terms commencing immediately and ending 4-30-90
- 9 Landscape Architectural Examining Board
- 10 2 terms commencing 5-1-88 and ending 4-30-91
- 11 Law Enforcement Academy Council
- 12 2 terms commencing 5-1-88 and ending 4-30-92
- 13 Medical Examiners, Board of
- 14 3 terms commencing 5-1-88 and ending 4-30-91
- 15 Mental Health and Mental Retardation Commission
- 16 5 terms commencing 5-1-88 and ending 4-30-91
- 17 Mortuary Science Examiners, Board of
- 18 2 terms commencing 5-1-88 and ending 4-30-91
- 19 Nursing Examiners, Board of
- 20 2 terms commencing 5-1-88 and ending 4-30-91
- 21 Nursing Home Administrators, Board of Examiners for
- 22 5 terms commencing 5-1-88 and ending 4-30-91
- 23 Optometry Examiners, Board of
- 24 2 terms commencing 5-1-88 and ending 4-30-91
- 25 Parole, Board of
- 26 2 terms commencing 5-1-88 and ending 4-30-92
- 27 (1 full-time and 1 part-time)
- 28 Pharmacy Examiners, Board of
- 29 2 terms commencing 5-1-88 and ending 4-30-91
- 30 Physical and Occupational Therapy Examiners, Board of

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- 1 2 terms commencing 5-1-88 and ending 4-30-91
- 2 Podiatry Examiners, Board of
- 3 2 terms commencing 5-1-88 and ending 4-30-91
- 4 Psychology Examiners, Board of
- 5 2 terms commencing 5-1-88 and ending 4-30-91
- 6 Public Employment Relations Board
- 7 2 terms commencing 5-1-88 and ending 4-30-92
- 8 Public Safety, Director of
- 9 1 term serving at the pleasure of the governor
- 10 Racing Commission, State
- 11 2 terms commencing 5-1-88 and ending 4-30-91
- 12 Railway Finance Authority
- 13 2 terms commencing 5-1-88 and ending 4-30-94
- 14 Real Estate Examining Board
- 15 2 terms commencing 5-1-88 and ending 4-30-91
- 16 Respiratory Care Advisory Committee
- 17 1 term commencing 5-1-88 and ending 4-30-91
- 18 Social Work Examiners, Board of
- 19 1 term commencing 5-1-88 and ending 4-30-91
- 20 Speech Pathology and Audiology Examiners, Board of
- 21 3 terms commencing 5-1-88 and ending 4-30-91
- 22 State-Federal Relations, Director of the Office for
- 23 1 term serving at the pleasure of the governor
- 24 Transportation Commission, State
- 25 2 terms commencing 5-1-88 and ending 4-30-92
- 26 Utilities Board
- 27 1 unexpired portion of a term ending 4-30-89
- 28 Utilities Board, Chair of
- 29 1 unexpired portion of a term ending 4-30-89
- 30 Veterinary Medicine, Iowa Board of

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- 1 2 terms commencing 5-1-88 and ending 4-30-91

- 1 SENATE RESOLUTION 104
- 2 By: Committee on Ethics
- 3 A Resolution to amend the senate rules governing
- 4 lobbyists.
- 5 BE IT RESOLVED BY THE SENATE, That Rule 1,
- 6 unnumbered paragraph 2, of the senate rules governing
- 7 lobbyists is amended to read as follows:
- 8 As used in these rules the word "gift" and the
- 9 phrases "immediate family member" and "public
- 10 disclosure" have the meaning provided in chapter 68B.
- 11 As used in these rules the term "political action
- 12 committee" means a committee, but not a candidate's

13 committee, which accepts contributions, makes expendi-
 14 tures, or incurs indebtedness in the aggregate of more
 15 than two hundred fifty dollars in any one calendar
 16 year for the purpose of supporting or opposing a
 17 candidate for public office or ballot issue or
 18 influencing legislative action, or an association,
 19 lodge, society, cooperative, union, fraternity,
 20 sorority, educational institution, civic organization,
 21 labor organization, religious organization, or
 22 professional or other organization which makes
 23 contributions in the aggregate of more than two
 24 hundred fifty dollars in any one calendar year for the
 25 purpose of supporting or opposing a candidate for
 26 public office or ballot issue or influencing
 27 legislative action.
 28 BE IT FURTHER RESOLVED, That Rule 8 of the senate
 29 rules governing lobbyists is amended to read as
 30 follows:

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1 8. OFFERS OF ECONOMIC OPPORTUNITY. A lobbyist, or
 2 an employer of a lobbyist, or a political action
 3 committee shall not offer economic or investment
 4 opportunity or promise of employment to any senator
 5 with intent to influence the senator's conduct in the
 6 performance of official duties.
 7 A lobbyist shall not take action intended to
 8 negatively affect the economic interests of a senator.
 9 For purposes of this rule, supporting or opposing a
 10 candidate for office or supporting or opposing a bill,
 11 amendment, or resolution shall not be considered to be
 12 action intended to negatively affect the economic
 13 interests of a senator.
 14 BE IT FURTHER RESOLVED, That the senate rules
 15 governing lobbyists be amended by adding the following
 16 new rule:
 17 NEW RULE. 12A. REPORTING GROUP EVENTS. Persons
 18 who host a group event to which all members of the
 19 senate, or all members of both houses, have been
 20 invited shall file a report with the secretary of the
 21 senate, separately for each event, listing the date,
 22 location, and total expense incurred by the donor or
 23 donors for food, beverages, registration, and
 24 scheduled entertainment. The reporting requirements
 25 of Rule 12 apply.
 26 BE IT FURTHER RESOLVED, That Rule 13 of the senate
 27 rules governing lobbyists is amended to read as
 28 follows:

29 13. COMPLAINTS. Rules 9 through ~~14~~ 15 of the
30 senate code of ethics apply to complaints and

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1 procedures regarding violations of these rules.

1 SENATE RESOLUTION 105

2 By: Committee on Ethics

3 A Resolution to amend the Senate Code of Ethics
4 adopted by the Seventy-second General Assembly.

5 BE IT RESOLVED BY THE SENATE, That Rule 1 of the
6 senate code of ethics be amended by adding the
7 following new subrules:

8 NEW SUBRULE. d. Honoraria. A senator shall not
9 accept an honorarium from any person for a speech,
10 writing for publication, or other similar activity,
11 that is in excess of the usual and customary value for
12 those services.

13 NEW SUBRULE. e. Employment. A senator shall not
14 accept employment, either directly or indirectly, from
15 a political action committee. A senator may accept
16 employment from a political party, but shall disclose
17 the employment relationship in writing to the
18 secretary of the senate within ten days after the
19 beginning of each legislative session. If a senator
20 accepts employment from a political party during a
21 legislative session, the senator shall disclose the
22 employment relationship within ten days after
23 acceptance of the employment.

24 For the purpose of this rule, a political action
25 committee means a committee, but not a candidate's
26 committee, which accepts contributions, makes
27 expenditures, or incurs indebtedness in the aggregate
28 of more than two hundred fifty dollars in any one
29 calendar year for the purpose of supporting or
30 opposing a candidate for public office or ballot issue

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1 or influencing legislative action, or an association,
2 lodge, society, cooperative, union, fraternity,
3 sorority, educational institution, civic organization,
4 labor organization, religious organization, or
5 professional organization which makes contributions in
6 the aggregate of more than two hundred fifty dollars
7 in any one calendar year for the purpose of supporting
8 or opposing a candidate for public office or ballot
9 issue or influencing legislative action.

10 BE IT FURTHER RESOLVED, That Rule 10 of the senate
11 code of ethics be amended to read as follows:

12 10. FILING OF COMPLAINTS.

13 a. Persons entitled. Complaints may be filed by
14 any person believing that a senator or lobbyist has
15 ~~been guilty of a violation of~~ violated the senate
16 ethics code, the senate rules governing lobbyists, and
17 or chapter 68B of the Iowa Code. A violation of the
18 criminal law may be considered to be a violation of
19 this code of ethics if the violation constitutes a
20 serious misdemeanor or greater, or a repetitive and
21 flagrant violation of the law.

22 b. Committee complaint. The ethics committee may,
23 upon its own motion, initiate a complaint,
24 investigation or disciplinary action.

25 c. Timeliness of filing. A complaint will be
26 considered to be timely filed if it is filed during
27 the legislative session when an alleged violation of
28 the ethics code occurs. If the alleged unethical
29 conduct occurs after adjournment, the complaint may be
30 filed at any time up to and including the first

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1 fifteen days of the following legislative session.

2 If the complaint alleges a violation of Iowa's
3 criminal law, it is timely if filed during the
4 legislative session when the alleged violation
5 occurred, or during the session when the criminal
6 charges are disposed of.

7 BE IT FURTHER RESOLVED, That Rule 12 of the senate
8 code of ethics is amended to read as follows:

9 12. PRE-HEARING PROCEDURE.

10 a. Defective complaint. Upon receipt of a
11 complaint, the chairperson and ranking member of the
12 ethics committee shall determine whether the complaint
13 substantially complies with the code of ethics. If
14 the complaint does not substantially comply with the
15 code of ethics, the complaint may be returned to the
16 complainant with a statement that the complaint is not
17 in compliance with the code and a copy of the code.
18 If the complainant fails to amend the complaint to
19 comply with the code within a reasonable time, the
20 chair and ranking member may dismiss the complaint
21 with prejudice for failure to prosecute.

22 b. Service of complaint on respondent. Upon
23 receipt of any complaint substantially complying with
24 the requirements of this code of ethics, the
25 chairperson of the ethics committee shall cause a copy
26 of the complaint and any supporting information to be

27 delivered promptly to the respondent, requesting a
 28 written response to it be filed within ten days. The
 29 response may:
 30 (1) Admit or deny the allegation or allegations.

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1 or
 2 (2) Object that the allegation fails to allege a
 3 violation of the code of ethics, or
 4 (3) Object to the jurisdiction of the committee.
 5 or
 6 (4) Request a more specific statement of the
 7 allegation or allegations, or
 8 (5) Object to the participation of any member of
 9 the committee in the consideration of the allegation
 10 or allegations on the grounds that the member cannot
 11 render an impartial and unbiased decision.
 12 c. Extension of time. At the request of the
 13 respondent and upon a showing of good cause, the
 14 committee, or the chairperson if authorized by the
 15 committee and ranking member, may extend the time for
 16 response, not to exceed ten additional days.
 17 d. Scheduling hearing. Upon receipt of the
 18 response, the committee shall schedule a public
 19 meeting to review the complaint and available
 20 information, and shall:
 21 a. (1) Notify the complainant that no further
 22 action will be taken, unless further substantiating
 23 information is produced, or
 24 b. (2) Conduct its own investigation or, upon
 25 approval of the senate or the senate rules and
 26 administration committee when the senate is not in
 27 session, arrange for an investigation of the complaint
 28 by independent counsel, to be received within a
 29 reasonable time, or
 30 e. (3) Cause the complaint to be scheduled for a

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1 public hearing before the committee, or
 2 ~~d.~~ (4) Cause the complaint to be scheduled for a
 3 public hearing upon receipt of the report of the
 4 independent counsel.
 5 BE IT FURTHER RESOLVED, That Rule 13 of the senate
 6 code of ethics is amended to read as follows:
 7 13. HEARING PROCEDURE.
 8 a. Notice of hearing. If the committee causes a
 9 complaint to be scheduled for a public hearing, notice
 10 of the hearing date and time shall be given to the

11 complainant and respondent in writing, and of the
12 respondent's right to appear in person, be represented
13 by legal counsel, present statements and evidence, and
14 examine and cross-examine witnesses. The committee
15 shall not be bound by formal rules of evidence, but
16 shall receive relevant evidence, subject to
17 limitations on repetitiveness. Any evidence taken
18 shall be under oath.

19 b. Subpoena power. The committee may require, by
20 subpoena or otherwise, the attendance and testimony of
21 witnesses and the production of such books, records,
22 correspondence, memoranda, papers, documents, and any
23 other things it deems necessary to the conduct of the
24 inquiry.

25 c. Ex post facto. An investigation shall not be
26 undertaken by the committee of a violation of a law,
27 rule, or standard of conduct that is not in effect at
28 the time of violation.

29 d. Disqualification of member. Members of the
30 committee may disqualify themselves from participating

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1 in any investigation of the conduct of another person
2 upon submission of a written statement that the member
3 cannot render an impartial and unbiased decision in a
4 case. A member may also be disqualified by a vote of
5 four-fifths of the legislative members of the
6 committee.

7 A member of the committee is ineligible to
8 participate in committee meetings, as a member of the
9 committee, in any proceeding relating to the member's
10 own official conduct.

11 If a member of the committee is disqualified to
12 act, the majority leader, after consultation with the
13 minority leader, shall appoint a senator of the same
14 political party as the disqualified committee member
15 to serve as a member of the committee during the
16 period of disqualification.

17 e. Hearing. At the hearing, the chairperson shall
18 open the hearing by stating the charges, the purpose
19 of the hearing, and its scope. The burden of proof
20 rests upon the complainant to establish the facts as
21 alleged, by clear and convincing evidence. However,
22 questioning of witnesses shall be conducted by the
23 members of the committee, by legal counsel appointed
24 by the committee, or by a senator, the senate legal
25 counsel, or legal counsel from the legislative service
26 bureau, if designated by the chairperson and ranking
27 member of the committee. The chairperson shall also

7 Senate and the House of Representatives; and
8 WHEREAS, the Senate necessarily incurs substantial
9 expenses for its daily operations; and
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, 1988 and ending June 30, 1989, 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 \$2,043,001.
27 2. Interim expenses including members' and staff
28 compensation and other current expenses in an amount
29 not to exceed \$237,000.
30 3. Fixed expenses, including permanent employees'

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1 compensation and equipment in an amount not to exceed
2 \$1,096,076.
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. Joint expenditures and expenses for
23 renovation and remodeling of the Senate chamber or

24 offices approved by the Committee on Rules and
 25 Administration are not included in the budget set
 26 forth in this resolution.

27 Sec. 4. If a special session of the General
 28 Assembly is held, the Committee on Rules and
 29 Administration shall provide for consideration of a
 30 budget for the special session.

1 SENATE CONCURRENT RESOLUTION 103

2 By: Kinley, Mann, Readinger, Gentleman, and Palmer
 3 A Concurrent Resolution congratulating the Greater Des Moines
 4 Chamber of Commerce Federation upon its centennial.

5 WHEREAS, the predecessor of the Greater Des Moines
 6 Chamber of Commerce Federation, the Des Moines
 7 Commercial Exchange, was established in 1888; and

8 WHEREAS, through the ensuing years the Greater Des
 9 Moines Chamber of Commerce Federation has served as
 10 the voice of Des Moines area business; and

11 WHEREAS, it has been an effective organization in
 12 promoting economic development and growth in the Des
 13 Moines area and Iowa; NOW THEREFORE,

14 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 15 That the General Assembly of Iowa congratulates the
 16 Greater Des Moines Chamber of Commerce Federation upon
 17 its centennial which is being celebrated on January
 18 25, 1988, and wishes the Federation continued success
 19 as a public service organization promoting the economy
 20 of the state capital and Iowa; and

21 BE IT FURTHER RESOLVED, That a copy of this
 22 resolution be submitted to the Greater Des Moines
 23 Chamber of Commerce Federation.

1 SENATE CONCURRENT RESOLUTION 104

2 By: Committee on Agriculture

3 A Concurrent Resolution relating to the
 4 federal conservation reserve program.

5 WHEREAS, the prevention of soil erosion is
 6 recognized as being of prime importance to ensure the
 7 preservation of the nation's environmental and
 8 agricultural resources; and

9 WHEREAS, Title XII of the federal Food Security Act
 10 of 1985, Public Law 99-198, provides that persons may
 11 contract with the Secretary of the United States
 12 Department of Agriculture to enter into the
 13 conservation reserve program; and

14 WHEREAS, the State of Iowa, as many states, has
 15 naturally occurring sinkholes and agricultural

16 drainage wells that significantly contribute to soil
17 erosion and present possible groundwater quality
18 problems; and
19 WHEREAS, only land which is located near certain
20 streams and other bodies of water are eligible for the
21 federal conservation reserve program; NOW THEREFORE,
22 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
23 That the General Assembly hereby petitions the
24 Congress of the United States, the President of the
25 United States, the United States Secretary of
26 Agriculture, and the Administrator of the Agricultural
27 Stabilization & Conservation Service to take immediate
28 steps to ensure that lands with agricultural drainage
29 wells and naturally occurring sinkholes are eligible
30 for the federal conservation reserve program; and

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1 BE IT FURTHER RESOLVED, That copies of this
2 resolution be submitted by the secretary of the senate
3 to the President of the United States, the United
4 States Secretary of Agriculture, the Administrator of
5 the Agricultural Stabilization & Conservation Service,
6 the Director of the Midwest Area Office of the
7 Agricultural Stabilization & Conservation Service, and
8 the members of Iowa's Congressional Delegation.

1 SENATE CONCURRENT RESOLUTION 105
2 By: Committee On Human Resources
3 A Concurrent Resolution relating to the assessment of nursing
4 personnel needs in the state.
5 WHEREAS, the health care services interim study
6 committee recognizes the critical role nurses play in
7 providing health care to Iowans; and
8 WHEREAS, there is a documented shortage of nursing
9 personnel in the state of Iowa; NOW THEREFORE,
10 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
11 That the Iowa Department of Public Health, in
12 conjunction with the board of nursing, is urged to
13 take the necessary steps to study the nursing
14 personnel needs of the rural and urban areas of this
15 state and to provide recommended measures to ensure an
16 adequate nursing supply, especially to underserved
17 areas; and
18 BE IT FURTHER RESOLVED, That the Iowa Department of
19 Public Health report its recommendations to the
20 General Assembly by January 11, 1989.

1 SENATE CONCURRENT RESOLUTION 109
 2 By: Committee On Transportation
 3 A Concurrent Resolution relating to the spending
 4 limitations placed on the highway program and the
 5 release of user fees for urgently needed highway
 6 improvements.
 7 WHEREAS, this country, through a partnership of
 8 federal, state, and local governments, has constructed
 9 the world's finest system of roads and highways; and
 10 WHEREAS, the Federal Highway Trust Fund derived
 11 from fees collected from the users of the system was
 12 established as a self-supporting dedicated fund to
 13 help build and maintain that system; and
 14 WHEREAS, the Federal Highway Trust Fund does not
 15 contribute to the federal deficit; and
 16 WHEREAS, the Federal Highway Trust Fund has a
 17 balance in excess of ten billion dollars, including
 18 nearly one hundred million dollars due Iowa; and
 19 WHEREAS, artificial spending limitations imposed on
 20 the highway program have reduced funding so that
 21 current funding levels are inadequate to meet pressing
 22 highway and bridge needs; and
 23 WHEREAS, Iowa's future economic development and
 24 rural revitalization is dependent on a sound highway
 25 system; NOW THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 27 That the General Assembly of the state of Iowa
 28 requests that Congress take immediate steps to release
 29 those funds which have accumulated in the Highway
 30 Trust Fund so that the user fees can be put to work

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1 helping to rebuild the nation's highways and bridges;
 2 and
 3 BE IT FURTHER RESOLVED, That copies of this
 4 concurrent resolution be transmitted by the Secretary
 5 of the Senate to the state's Congressional delegation.

1 SENATE CONCURRENT RESOLUTION 111
 2 By: Committee On Education
 3 A Senate Concurrent Resolution directing the Department of
 4 Education to develop criteria for the establishment of an
 5 internship program.
 6 WHEREAS, under the present system in Iowa, newly
 7 graduated teachers who are employed by school
 8 districts are assigned full-time teaching and
 9 extracurricular duties and do not receive any

10 formalized assistance in adjusting to the teaching
 11 field; and
 12 WHEREAS, many newly graduated teachers experience
 13 difficulty in handling the regular duties of teaching
 14 and would welcome assistance; and
 15 WHEREAS, frustration in the early years of teaching
 16 may discourage teachers from continuing to teach; and
 17 WHEREAS, nearly one-half of the states have some
 18 kind of program to assist new teachers and research
 19 indicates that the new teachers can benefit from
 20 assistance programs; NOW THEREFORE,
 21 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 22 That the Department of Education, after consulting
 23 with associations interested in education in this
 24 state and with approved teacher preparation
 25 institutions, is directed to develop criteria for the
 26 establishment of an internship and induction program
 27 as a part of the teacher education process. The
 28 program should include provisional certification,
 29 reduced teaching load for those possessing provisional
 30 certificates, assistance from an experienced teacher,

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1 and an evaluation of the provisionally certificated
 2 teacher; and
 3 BE IT FURTHER RESOLVED, That the Department of
 4 Education shall report the criteria for the
 5 establishment of the internship program to the General
 6 Assembly not later than January 9, 1989.

1 SENATE CONCURRENT RESOLUTION 112

2 By: Committee On Education

3 A Senate Concurrent Resolution directing the Department of
 4 Education to develop criteria for enhancing the clinical
 5 experiences of prospective teachers.
 6 WHEREAS, research relating to teacher education has
 7 documented the value of extensive and well-planned
 8 clinical or field experiences for prospective
 9 teachers; and
 10 WHEREAS, the new state standards for approval of
 11 teacher education institutions require that
 12 institutions provide an in-depth experience with
 13 children or youth early in the teacher education
 14 program, require prospective teachers to observe and
 15 analyze a variety of teaching models, and provide a
 16 full-time student teaching experience; and
 17 WHEREAS, thirty different teacher preparation
 18 institutions have thirty different programs for

SENATE RESOLUTIONS

meeting the state standards; and
20 WHEREAS, each of the clinical experiences for
21 teacher preparation institutions requires the
22 cooperation of school districts and the assistance of
23 teachers in those school districts; and
24 WHEREAS, the clinical experiences of prospective
25 teachers vary depending upon the school district and
26 the teacher involved; and
27 WHEREAS, programs to assist school districts and
28 teachers to provide meaningful field experiences for
29 prospective teachers are not available; NOW THEREFORE,
30 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

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1 That the Department of Education, after consulting
2 with associations interested in education in this
3 state and approved teacher preparation institutions,
4 is directed to develop criteria for enhancing the
5 clinical experiences of prospective teachers and to
6 recommend to the General Assembly by January 9, 1989,
7 a process for implementation of the criteria; and
8 BE IT FURTHER RESOLVED, That the Department of
9 Education, in the development of the criteria, should
10 study the feasibility of initiating a process for
11 designating certain schools as clinical schools; and
12 BE IT FURTHER RESOLVED, That the Department of
13 Education should also study the feasibility of
14 establishing an approval for certification of teachers
15 who are supervising student teachers.

1 SENATE CONCURRENT RESOLUTION 113
2 By: Committee On Education
3 A Concurrent Resolution calling upon the Congress of
4 the United States to enact legislation to aid the
5 parents of prospective college students in saving
6 for future college costs.
7 WHEREAS, paying the costs of higher education has
8 become increasingly difficult for students and their
9 parents as evidenced by increases in tuition costs at
10 rates higher than inflation for each of the past seven
11 years; and
12 WHEREAS, the federal government has been decreasing
13 its financial support for college costs; and
14 WHEREAS, nearly half of all students in the United
15 States now graduate from college with college debts
16 remaining to be paid; and
17 WHEREAS, tax reform at the federal level has
18 reduced or eliminated the options many parents had for

19 sheltering income to pay for future college costs of
 20 their children; and
 21 WHEREAS, a comprehensive national approach for
 22 assisting parents to pay college costs is needed; and
 23 WHEREAS, several bills have been introduced in the
 24 Congress of the United States that would address this
 25 issue; NOW THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 27 That the 101st Congress be urged to consider and enact
 28 legislation that will aid the parents of prospective
 29 college students in saving for future college costs,
 30 will provide that amounts saved for future college

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1 costs are exempt from federal income taxation, and
 2 will ensure that the amounts saved will not disqualify
 3 the students from eligibility for other student
 4 financial aid; and
 5 BE IT FURTHER RESOLVED, That the Secretary of the
 6 Senate forward copies of this Resolution to the
 7 members of the Iowa Congressional Delegation, to the
 8 presiding officers of the Senate of the United States,
 9 and to the Speaker of the House of Representatives of
 10 the United States.

1 SENATE CONCURRENT RESOLUTION 114

2 By: Committee On Agriculture

3 A Concurrent Resolution urging that the United States
 4 Department of Agriculture reconsider proposals relating
 5 to modifying the grain reserve and special producer
 6 storage loan programs.

7 WHEREAS, The United States Department of
 8 Agriculture, Commodity Credit Corporation has
 9 announced an intention to not extend or continue
 10 certain loans to farmers under programs relating to
 11 commodity credit under 7 CFR chapter XIV, part 1421;
 12 and

13 WHEREAS, the Commodity Credit Corporation has
 14 announced an intention not to approve new requests by
 15 farmers seeking to participate in the program,
 16 rescinding approval of previously approved requests,
 17 and requiring farmers to refund advance storage
 18 payments made on previously approved requests; and

19 WHEREAS, the Commodity Credit Corporation has
 20 announced an intention to force farmers to immediately
 21 repay the outstanding principal amount plus interest
 22 of their loans or forfeit or deliver collateral to the
 23 commodity credit corporation, and sacrifice income in

24 storage fees paid to farmers for on farm storage; and
 25 WHEREAS, the result of the proposal is to force the
 26 transfer of grain off-farm and to permit the
 27 contracting for the storage of the grain with
 28 multinational grain companies which should not be
 29 subsidized by the federal government, and who have not
 30 shown a respect for the maintenance of grain quality,

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1 in lieu of the producers of the grain who now require
 2 continued just compensation for sealing and
 3 safeguarding grain under the programs; NOW THEREFORE,
 4 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 5 That the General Assembly of the State of Iowa hereby
 6 petitions the United States Department of Agriculture
 7 to withdraw any regulation or other directive having
 8 the effect of forcing the transfer of grain under the
 9 grain reserve and special producers storage loan
 10 programs to be transferred from on-farm storage
 11 facilities; and
 12 BE IT FURTHER RESOLVED, That copies of this
 13 resolution and petition be submitted to the members of
 14 the Board of Directors of the Commodity Credit
 15 Corporation, the Secretary of the United States
 16 Department of Agriculture, the President of the United
 17 States, and to members of Iowa's Congressional
 18 Delegation.

1 SENATE CONCURRENT RESOLUTION 115
 2 By: Readinger
 3 A Concurrent Resolution relating to the certificate of
 4 need program.
 5 WHEREAS, the Iowa certificate of need program was
 6 initiated in 1978 in order to review certain capital
 7 expenditures, changes in services, and changes in bed
 8 capacity of health facilities; and
 9 WHEREAS, the policy basis of the certificate of
 10 need program is the provision and development of new
 11 institutional health services in an orderly,
 12 economical manner which provides necessary and
 13 adequate institutional health services to all persons
 14 in the state; and
 15 WHEREAS, despite the existence of the certificate
 16 of need program, the cost of health services continues
 17 to escalate; and
 18 WHEREAS, many states are reviewing their
 19 certificate of need programs to more clearly reflect
 20 the change in institutional health care delivery; and

21 WHEREAS, the current system may prevent efficient
 22 providers from entering the market and may be
 23 disrupting free market price movements; and
 24 WHEREAS, a certain amount of regulation is
 25 considered to be beneficial in the provision of health
 26 care services; NOW THEREFORE,
 27 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 28 That the Legislative Council establish an interim
 29 study committee to study the certificate of need
 30 program in order to make recommendations to the

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1 General Assembly by January 1, 1989, concerning the
 2 changes necessary in the regulation of health service
 3 delivery through institutional health providers, in
 4 order to provide necessary health services in an
 5 economical manner.

1 SENATE CONCURRENT RESOLUTION 116
 2 By: Committee On Human Resources
 3 A Concurrent Resolution relating to a midwest legislative
 4 conference on children.
 5 WHEREAS, seventeen and one-half percent of Iowa's
 6 children and twenty percent of the nation's children
 7 live in poverty; and
 8 WHEREAS, in 1985 nearly two million children in the
 9 United States, a twelve-percent increase over 1984
 10 were reported to be victims of abuse and neglect, and
 11 over twenty-six thousand children in Iowa in 1986 were
 12 so reported; and
 13 WHEREAS, affordable child day care is essential to
 14 aiding mothers in moving off of welfare; and
 15 WHEREAS, there are approximately seven thousand
 16 five hundred homeless people in Iowa, approximately
 17 one-third of whom are children; and
 18 WHEREAS, thirty-seven million Americans, seven
 19 point four million of them being children of working
 20 families, currently have no health insurance; and
 21 WHEREAS, although seven and one-half million of the
 22 nation's children may suffer emotional or other
 23 problems warranting mental health treatment, seventy
 24 to eighty percent of them do not receive appropriate
 25 mental health services; and
 26 WHEREAS, our children are our most important
 27 resource; and
 28 WHEREAS, it is in each state's best interest to
 29 assure the physical well-being of each child in order
 30 that each child will grow to the child's potential;

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1 and
 2 WHEREAS, contiguous states can benefit from the
 3 exchange of ideas and exploration of solutions to
 4 mutual problems; and
 5 WHEREAS, the legislative branch of government is
 6 the focus of public policy formation and decisions;
 7 and
 8 WHEREAS, other regions in the United States have
 9 found regional legislative conferences to benefit
 10 children in their region and improve planning of
 11 children's services; NOW THEREFORE,
 12 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 13 That the Legislative Council shall initiate a Midwest
 14 Legislative Conference on Children with the
 15 cooperation of the legislative, executive, and
 16 judicial branches of government.

1 SENATE CONCURRENT RESOLUTION 117
 2 By: Committee On Agriculture
 3 A Concurrent Resolution to honor the Iowa Agriculture
 4 and Home Economics Experiment Station.
 5 WHEREAS, on March 1, 1888, the Iowa General
 6 Assembly adopted provisions consistent with the Hatch
 7 Act as enacted by the United States Congress, to
 8 establish within the College of Agriculture, the Iowa
 9 Agricultural Experiment Station, now the Iowa
 10 Agriculture and Home Economics Experiment Station; and
 11 WHEREAS, the Iowa Agriculture and Home Economics
 12 Experiment Station has consistently served this state
 13 and the nation by increasing the knowledge of issues
 14 related to agriculture, improving methods to increase
 15 agricultural production, improving the quality of
 16 agricultural products, and directly improving the
 17 lives of rural and urban residents; and
 18 WHEREAS, since its establishment, the Iowa
 19 Agriculture and Home Economics Experiment Station has
 20 vitally contributed to this State and the nation by
 21 providing research in areas related to agriculture,
 22 including research into the development, production,
 23 and use of soybeans; soil conservation; the
 24 development of varieties of hybrid corn; the
 25 eradication of diseases which threaten plants and
 26 animals; livestock breeding; the preservation,
 27 evaluation, and distribution of plant seeds from
 28 around the world; methods to measure and increase
 29 livestock production; the improvement of health and
 30 sanitary procedures on farms; and the improvement of

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1 animal feeds; and
 2 WHEREAS, the change in the station's name to the
 3 Iowa Agriculture and Home Economics Experiment Station
 4 reflects an expansion in the research facility
 5 required in a rapidly evolving world; and,
 6 WHEREAS, the Iowa Agriculture and Home Economics
 7 Experiment Station is engaged in conducting research
 8 into new vital agricultural areas, including the safe
 9 management and disposal of waste pesticides; the
 10 efficient transportation of agricultural commodities;
 11 the measuring of grain moisture at the point of sale;
 12 the developing of reliable, quick, and inexpensive
 13 procedures to detect plant viruses; the development of
 14 specific natural soybean oils; the improvement of feed
 15 efficiency for cattle; the development of value-added
 16 agricultural commodities; the development of leaner
 17 meats; and the facilitation of trade and expansion of
 18 world markets; NOW THEREFORE,
 19 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 20 That the General Assembly, on the centennial date of
 21 its establishment, honors the Iowa Agriculture and
 22 Home Economics Experiment Station for its outstanding
 23 contributions to science and technology in improving
 24 agriculture in this state and bettering, through
 25 research and education, the lives of producers and
 26 consumers of agricultural products throughout the
 27 world; and
 28 BE IT FURTHER RESOLVED, That copies of this
 29 resolution be submitted to the Iowa board of regents,
 30 the president of Iowa State University of science and

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1 technology, the dean of the College of Agriculture of
 2 Iowa State University of science and technology, and
 3 the director and staff of the Iowa Agriculture and
 4 Home Economics Experiment Station.

1 SENATE CONCURRENT RESOLUTION 118
 2 By: Committee On Agriculture
 3 A Concurrent Resolution urging the Congress of the
 4 United States to exempt diesel fuel used
 5 for farming purposes from retail excise taxes.
 6 WHEREAS, Congress has traditionally exempted from
 7 retail excise taxes diesel fuel sold for use on a farm
 8 for farming purposes under 26 U.S.C. § 4041; and
 9 WHEREAS, there is a retail excise tax of fifteen

10 cents a gallon imposed on diesel fuel under such
 11 section of the Internal Revenue Code; and
 12 WHEREAS, agricultural producers in this state as
 13 farmers in other states have relied upon this
 14 exemption in purchasing diesel fuel used on-farm to
 15 produce agricultural commodities vital to support this
 16 nation's economy; and
 17 WHEREAS, the State of Iowa, one of the major
 18 agricultural states in the United States, is
 19 recovering from a farm crisis that affects the entire
 20 economic health of this state, as well as the economic
 21 health of the midwestern and national economies; and
 22 WHEREAS, effective in 1988, the Congress of the
 23 United States has terminated the diesel fuel tax
 24 exemption applied for on-farm use, causing a hardship
 25 upon agricultural producers who have relied in
 26 troubled times upon the exemption in order to produce
 27 agricultural commodities vital to the nation; NOW
 28 THEREFORE,
 29 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 30 That the General Assembly hereby petitions the

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1 Congress of the United States to take immediate steps
 2 to ensure that the exemption for retail excise taxes
 3 imposed on diesel fuel used on a farm for farming
 4 purposes be restored with all deliberate speed; and
 5 BE IT FURTHER RESOLVED, That copies of this
 6 petition and resolution be delivered to Iowa's
 7 Congressional Delegation.

1 SENATE CONCURRENT RESOLUTION 122

2 By: Committee On Appropriations

3 A Concurrent Resolution directing the department of general
 4 services to allow the use of certain parking spaces
 5 without charge.

6 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
 7 That the department of general services allow the
 8 Association for Retarded Citizens to use seven parking
 9 spaces east of its office location at 715 East Locust
 10 Street without charge; and

11 BE IT FURTHER RESOLVED, That the use of the parking
 12 spaces without charge be allowed retroactively
 13 beginning on January 1, 1987.

1 SENATE CONCURRENT RESOLUTION 123

2 By: Committee On Business And Labor Relations

3 A Concurrent Resolution relating to the establishing of a Committee
4 on licensure or certification of construction contractors.
5 WHEREAS, there is pending legislation on the
6 registration or certification of construction
7 contractors; and
8 WHEREAS, assistance is required of all interested
9 parties in assuring that an orderly phase-in is
10 accomplished; NOW THEREFORE,
11 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
12 That the Legislative Council shall establish a
13 Committee on licensure or certification of
14 construction contractors in the building and
15 construction industry, which shall develop and report
16 to the Seventy-third General Assembly proposed
17 legislation to require the licensure or certification
18 of construction contractors. The study may include
19 but need not be limited to the following:
20 1. Establishment of a state board for the
21 licensure or certification of construction
22 contractors.
23 2. Criteria for licensure or certification of
24 construction contractors.
25 3. Requirements for continuing education for
26 construction contractors.
27 4. Establishment of a warranty program whereby new
28 construction by residential contractors is subject to
29 a ten-year warranty.
30 5. Provisions for dealing with the bankruptcy or

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1 other financial failure of a construction contractor,
2 including a provision for license revocation and a
3 requirement that there be a waiting period before a
4 construction contractor or a principal in the business
5 of a construction contractor may again be licensed.
6 The Committee may include, in addition to
7 legislative members, the following:
8 a. Four representatives selected by the Iowa
9 Building and Construction Trades Council.
10 b. Two representatives selected by the Associated
11 General Contractors of Iowa.
12 c. Two representatives of the Master Builders of
13 Iowa.
14 d. Two representatives of the Home Builders
15 Association of Iowa.
16 BE IT FURTHER RESOLVED, That the Committee report
17 its recommendation to the General Assembly by January
18 1, 1989.

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(See President of the United States, Congress and/or Federal Agencies)

FRAISE, EUGENE—Senator Thirty-first District

Bills introduced—258, 385
 Amendments filed—336, 343, 373, 458, 530, 544, 613, 828, 916, 923, 1071,
 1084, 1115, 1169, 1248, 1271, 1294, 1311, 1421, 1438, 1576, 1604, 1676,
 1723
 Amendments offered—336, 515, 1071, 1111, 1115, 1576, 1604
 Amendments withdrawn—515
 Committee appointments—1563
 Petitions presented—87, 536, 653
 Presided at sessions of the Senate—1639
 Reassigned subcommittees—74
 Reports—1609
 Resolutions offered—375
 Standing committees and subcommittees appointed to—11, 12, 14
 Subcommittee assignments—38, 39, 40, 41, 42, 43, 46, 48, 50, 51, 146, 148,
 172, 173, 179, 233, 234, 253, 289, 303, 304, 305, 320, 328, 405, 406, 482,
 501, 528, 560, 597, 657, 747, 748, 818, 837, 848, 923, 935
 Subcommittee assignments, governor's appointments—963

FUHRMAN, LINN—Senator Fifth District

Bills introduced—185, 429, 487
 Amendments filed—182, 343, 771, 820, 849, 871, 915, 916, 1084, 1286, 1294,
 1310, 1311, 1438, 1440, 1485, 1590, 1676, 1723
 Amendments offered—363, 871, 1286, 1540, 1590, 1723
 Amendments withdrawn—1172
 Appointed to Medical Assistance Advisory Council—36
 Committee appointments—25, 36, 1417, 1677, 1699, 1745
 Petitions presented—653, 800

Reports—1463, 1715, 1756, 1768

Resolutions offered—1264

Standing committees and subcommittees appointed to—11, 12, 14, 405

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Subcommittee assignments, governor's appointments—386, 944, 963

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Senators appointed to—1811

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(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, joint convention, Tuesday, January 12, 1988, 10:00 a.m., Governor Branstad's budget message. S.J. 18, 19, 20 (HCR 101 substituted) - S.J. 55 w/d.

Senate Concurrent Resolution 103, congratulate the Greater Des Moines Chamber of Commerce Federation upon its centennial. S.J. 138, 139, 153 adopted, 156. H.J. 150, 151 adopted. Substituted for HCR 106 - H.J. 151 - S.J. 180.

Senate Concurrent Resolution 106, Board of regents, ten-year building program. S.J. 351, 355, 389.

Senate Concurrent Resolution 107, department of general services allow use of certain parking spaces without charges. S.J. 375, 390, 429.

Senate Concurrent Resolution 109, spending limitations placed on the highway program and the release of user fees for urgently needed highway improvements. S.J. 404, 412, 548 adopted - H.J. 536, 550, 591, 1038.

Senate Concurrent Resolution 111, directing the Department of Education to develop criteria for the establishment of an internship program. S.J. 447, 452, 548-549 adopted, 1698 - H.J. 536, 551, 1950 adopted.

Senate Concurrent Resolution 112, directing the Department of Education to develop criteria for enhancing the clinical experiences of prospective teachers. S.J. 452-453, 455, 549 adopted, 1698 - H.J. 536, 551, 1950 adopted.

Senate Resolution 102, gubernatorial appointments require senate confirmation. S.J. 323, 329, 357 adopted.

Senate Resolution 104, amend Senate rules governing lobbyists. S.J. 1472, 1667 as amended, adopted.

Senate Resolution 105, amend Senate code of Ethics and Rules, adopted by the Seventy-second General Assembly. S.J. 1472, 1489, 1525, 1529, 1668, 1669, 1691 as amended, adopted.

Senate Resolution 112, defer action on confirmation of Paul Grossheim, Director of Dept. of Corrections. S.J. 1666, 1667 as amended, adopted.

- Senate Resolution 113, senate legislative expenses. S.J. 1698, 1699 adopted.
- House Concurrent Resolution 101, joint convention, Tuesday, January 12, 1988, 10:00 a.m., Governor Branstad's condition of the state message. H.J. 4 adopted, 5 - S.J. 19, 21 adopted - H.J. 22.
- House Concurrent Resolution 102, joint convention, Monday, January 18, 1988, 6:30 p.m., Governor Branstad's budget message. H.J. 4 adopted, 5 - S.J. 19, 23, 73, 79 adopted, 80 - H.J. 94.
- House Concurrent Resolution 103, joint convention, Tuesday, January 19, 1988, 10:00 a.m., Chief Justice McGiverin present his message of the condition of the judicial department. H.J. 4-5 adopted - S.J. 20, 23, 74, 78-79 adopted, 80 - H.J. 94.
- House Concurrent Resolution 104, establishment of a "sister state" relationship with the Republic of China (Taiwan) and a trade and investment office in Taiwan. H.J. 90, 170 adopted - S.J. 213, 235, 254, 265 adopted, 266 - H.J. 241.
- House Concurrent Resolution 108, designate the vocational rehabilitation bldg. of the dept. of education as the Parker State Office Bldg. in honor of Jessie M. Parker. H.J. 227, 496, 497, 985-986 as amended, adopted - S.J. 974, 984, 1081, 1525, 1547, 1548 adopted, 1552 - H.J. 1902.

GENTLEMAN, JULIA B.—Senator Forty-first District

- Bills introduced—7, 245
- Amendments filed—355, 509, 542, 562, 717, 749, 757, 771, 1075, 1083, 1141, 1203, 1205, 1310, 1382, 1412, 1427, 1439, 1486, 1513, 1643, 1644, 1676, 1707
- Amendments offered—515, 517, 786, 787, 1075, 1141, 1382, 1405, 1427, 1448, 1496, 1513, 1647, 1693, 1707
- Amendments withdrawn—1707
- Called up appointees on Individual Confirmation Calendar—1593, 1599, 1600
- Committee appointments—1563, 1620
- Petitions presented—1065
- Reports—1609
- Resolutions offered—138, 375
- Standing committees and subcommittees appointed to—12, 13, 14
- Subcommittee assignments—38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 74, 75, 113, 114, 115, 116, 117, 130, 131, 132, 133, 134, 135, 147, 148, 177, 179, 193, 234, 252, 253, 274, 289, 303, 304, 305, 319, 327, 362, 528, 560, 561, 569, 597, 608, 747, 748, 817, 818, 837, 848, 922, 935, 978, 979, 1365
- Subcommittee assignments, governor's appointments—371, 377, 944, 964, 965, 966, 967, 1500

GETTINGS, DONALD E.—Senator Thirty-third District

- Amendments filed—530, 544, 899, 924, 925, 972, 1248, 1310, 1311, 1344, 1371, 1372, 1373, 1438, 1676
- Amendments offered—924, 925, 1371, 1373
- Appointed to Senate Ethics Committee—14

Committee appointments—14, 1425, 1734
 Petitions presented—165, 448, 653, 1406
 Reports—1244, 1491, 1766
 Standing committees and subcommittees appointed to—11, 12, 13, 14
 Subcommittee assignments—41, 43, 44, 45, 47, 48, 63, 66, 67, 74, 75, 113,
 114, 116, 146, 234, 389, 429, 466, 467, 501, 569, 684, 747, 748, 922, 969,
 1081, 1211, 1480
 Subcommittee assignments, governor's appointments—963, 968

GOODWIN, NORMAN J.—Senator Nineteenth District

Bills introduced—432
 Amendments filed—236, 705, 1294, 1486, 1676
 Amendments offered—333
 Appointed to Commission on Elder Affairs—35
 Committee appointments—35, 1386
 Reports—1485
 Resolutions offered—375
 Standing committees and subcommittees appointed—12, 13, 14
 Subcommittee assignments—40, 41, 46, 49, 63, 65, 66, 67, 76, 114, 172, 233,
 234, 253, 303, 405, 406, 467, 501, 748, 817
 Subcommittee assignments, governor's appointments—371, 968

GOVERNOR BRANSTAD, TERRY E.—

Addressed joint convention—26
 Bills signed by—256, 293, 359, 404-405, 607, 713, 817, 1145, 1210-1211, 1245-
 1246, 1329, 1436, 1479, 1483-1484, 1555, 1612-1613, 1685, 1780, 1792-
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 Veto messages—1634-1636, 1806-1810
 Resolution relating to Budget Message, HCR 102 - H.J. 4 adopted, 5 - S.J.
 19, 23, 73, 79 adopted, 80 - H.J. 94
 Resolution relating to Condition of the State Message, HCR 101 - H.J. 4
 adopted, 5 - S.J. 19, 21 adopted - H.J. 22
 Closing message—1788-1790

GRONSTAL, MICHAEL E.—Senator Fiftieth District, Assistant Majority Leader

Bills introduced—7, 8, 227, 255, 356, 374, 385, 486
 Amendments filed—169, 391, 414, 483, 530, 545, 561, 658, 668, 685, 705,
 749, 802, 820, 821, 829, 845, 1084, 1122, 1158, 1181, 1295, 1311, 1344,
 1367, 1408, 1430, 1440, 1485, 1557, 1571, 1661, 1676, 1687, 1704
 Amendments offered—417, 516, 545, 551, 661, 729, 792, 845, 851, 865, 930,
 960, 1121, 1336, 1429, 1469, 1498, 1534, 1566, 1571, 1632, 1633, 1647,
 1676, 1704
 Amendments withdrawn—419, 792, 852, 1652, 1654

Appointed to Energy Assistance Pilot Project Advisory Board—1811
 Appointed to Energy Fund Disbursement Council—36
 Appointed to Medical Assistance Advisory Council—36
 Committee appointments—36, 91, 565, 1462, 1524, 1538
 Petitions presented—448, 921
 Presented President Zimmerman, President pro tempore Kinley, Majority
 Leader Hutchins and Minority Leader Hultman each with an engraved
 cross pen and pencil set on behalf of the members of the Senate, in
 recognition of their leadership service during the Seventy-second
 General Assembly—1748
 Presided at sessions of the Senate—225
 Reports—1082, 1505, 1662-1663, 1750
 Resolutions offered—375, 1461
 Standing committees and subcommittees appointed to—11, 12, 13
 Subcommittee assignments—42, 45, 47, 60, 61, 62, 63, 64, 65, 66, 67, 74,
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 288, 303, 327, 379, 405, 406, 429, 467, 468, 501, 528, 582, 684, 748, 749,
 770, 818, 837, 838, 875, 978, 979, 1081, 1211, 1309, 1614
 Subcommittee assignments, governor's appointments—965, 966, 967, 968

HALL, HURLEY W.—Senator Twenty-fourth District

Bills introduced—272, 510
 Amendments filed—530, 685, 757, 1247, 1260, 1268, 1294, 1329, 1373, 1423,
 1432, 1438, 1676, 1723
 Amendments offered—1059, 1260, 1559
 Amendments withdrawn—1434
 Committee appointments—1689
 Petitions presented—536
 Reports—1753, 1754-1755
 Resolutions offered—375
 Standing committees and subcommittees appointed to—11, 12
 Subcommittee assignments—41, 49, 50, 148, 251, 262, 289, 319, 320, 328,
 389, 406, 468, 483, 501, 657, 817, 838, 923, 978
 Subcommittee assignments, governor's appointments—944, 963

HANNON, BEVERLY A.—Senator Twenty-second District

Bills introduced—7, 150, 385, 432
 Amendments filed—268, 290, 468, 509, 530, 544, 668, 705, 717, 831, 880,
 1049, 1070, 1201, 1205, 1284, 1287, 1311, 1345, 1367, 1413, 1427, 1428,
 1430, 1438, 1439
 Amendments offered—268, 367, 512, 651, 728, 808, 831, 1059, 1070, 1092,
 1201, 1205, 1284, 1287, 1423, 1427, 1428, 1519
 Amendments withdrawn—650, 810, 1519
 Committee appointments—4
 Presided at sessions of the Senate—1066
 Resolutions offered—375, 1461
 Standing committees and subcommittees appointed to—11, 12, 13

- Subcommittee assignments—38, 48, 49, 60, 61, 62, 64, 74, 75, 76, 113, 114, 115, 116, 117, 148, 177, 178, 179, 242, 251, 252, 253, 289, 303, 319, 320, 327, 361, 389, 405, 429, 452, 467, 482, 483, 501, 502, 561, 569, 597, 685, 748, 875, 915, 922, 1365
- Subcommittee assignments, governor's appointments—377, 405, 964

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- Senators appointed to—36

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- Informational Hearing on Governor's Appointees—769

HESTER, JACK W.—Senator Forty-ninth District

- Bills introduced—506
- Amendments filed—184, 299, 306, 343, 530, 544, 1025, 1083, 1267, 1271, 1294, 1295, 1486, 1676, 1723
- Amendments offered—662, 1025, 1411
- Committee appointments—102, 1152, 1563, 1677, 1689, 1745
- Petitions presented—653, 1406
- Reassigned subcommittees—74
- Reports—1609, 1685-1686, 1715, 1753, 1754-1755, 1768
- Resolutions offered—375
- Standing committees and subcommittees appointed to—11, 12, 13
- Subcommittee assignments—39, 40, 41, 46, 48, 50, 51, 60, 61, 62, 63, 64, 66, 76, 114, 130, 147, 173, 177, 193, 327, 328, 389, 406, 451, 452, 482, 528, 560, 561, 582, 657, 747, 748, 801, 818, 837, 1212, 1309, 1480, 1614
- Subcommittee assignments, governor's appointments—963
- Vocally performed "May the Lord Bless and Keep You" for Senator Charles Miller—1736

HOLDEN, EDGAR H.—Senator Twentieth District, Assistant Minority Leader

- Bills introduced—7, 8, 9, 120, 345
- Amendments filed—136, 149, 169, 266, 274, 275, 299, 306, 321, 329, 530, 562, 613, 627, 685, 749, 760, 771, 820, 821, 839, 844, 879, 916, 936, 955, 959, 981, 1013, 1049, 1075, 1083, 1149, 1176, 1248, 1268, 1294, 1312, 1368, 1408, 1486, 1529, 1652, 1654, 1661, 1664, 1665, 1676, 1687
- Amendments offered—154, 155, 266, 278, 337, 760, 831, 844, 868, 955, 959, 994, 1075, 1092, 1129, 1258, 1260, 1354, 1566, 1654, 1657, 1661, 1664, 1667, 1676
- Amendments withdrawn—155, 278, 279, 897, 1002, 1078, 1225, 1664, 1665
- Appointed to Health Data Commission—36
- Committee appointments—36, 1417
- Petitions presented—448, 653, 1246
- Presented Robert F. Shaw, 1988 Iowa Small Business Person of the Year—1405
- Presided at sessions of the Senate—1369
- Reports—1463
- Resolutions offered—375, 1369
- Standing committees and subcommittees appointed to—11, 13, 14

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Subcommittee assignments, governor's appointments—371, 963, 1479

HOLT, LEE—Senator Sixth District

Bills introduced—90

Amendments filed—266, 414, 802, 808, 811, 879, 924, 925, 972, 1070, 1239, 1294, 1310, 1311, 1345, 1371, 1373, 1438, 1485, 1486, 1676

Amendments offered—266, 891, 925, 1229, 1239, 1372

Committee appointments—565, 1620, 1787

Petitions presented—353

Presided at sessions of the Senate—673, 677, 1717

Reports—1082, 1716

Resolutions offered—375

Standing committees and subcommittees appointed to—11, 12, 14

Subcommittee assignments—38, 39, 41, 42, 43, 44, 46, 48, 49, 50, 51, 60, 61, 62, 63, 64, 65, 66, 117, 146, 147, 173, 193, 304, 319, 327, 466, 528, 582, 608, 658, 747, 801, 837, 848, 922, 1245, 1365, 1452, 1480, 1528

Subcommittee assignments, governor's appointment—405, 944, 964, 978

Bernard Allen, T.D., Alderman of the City of Cork, Finagael Party, Spokesperson for Health from Cork, Ireland, guest of Senators Holt and Priebe—851

HORN, WALLY E.—Senator Twenty-fifth District, Assistant Majority Leader

Bills introduced—9, 24, 122, 123, 385

Amendments filed—118, 149, 194, 307, 530, 544, 561, 658, 685, 718, 749, 820, 849, 880, 972, 1013, 1049, 1083, 1149, 1311, 1344, 1421, 1457, 1485, 1589, 1704, 1781

Amendments offered—206, 410, 897, 898, 928, 953, 1040, 1123, 1234, 1540, 1589, 1704

Amendments withdrawn—1002

Called up appointees on En Bloc Confirmation Calendar—1313

Committee appointments—91, 1513, 1633, 1699, 1734

Escorted Senator Wells to the well of Senate, and presented him with an engraved plaque and enrolled copy of Senate Resolution 108 by President Zimmerman on behalf of the Senate—1732

Reports—1657-1658, 1741, 1756, 1766

Resolutions offered—375, 1263

Standing committees and subcommittees appointed to—11, 12, 13, 14

Subcommittee assignments—38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 113, 114, 115, 116, 117, 130, 131, 132, 133, 134, 135, 146, 148, 178, 233, 234, 242, 251, 252, 288, 289, 304, 305, 319, 328, 361, 362, 379, 429, 452, 466, 501, 528, 561, 569, 597, 608, 658, 685, 747, 748, 837, 838, 922, 923, 978, 1081, 1181

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HULTMAN, CALVIN O.—Senator Forty-seventh District, Minority Leader

Addressed the Senate—3, 1748
 Bills introduced—8, 9, 244, 571, 623, 911, 938, 1153, 1178, 1384, 1449, 1640
 Amendments filed—458, 483, 530, 643, 702, 757, 839, 880, 936, 1028, 1070, 1078, 1157, 1198, 1248, 1310, 1368, 1453, 1458, 1543, 1557, 1572, 1585, 1589, 1676, 1769
 Amendments offered—702, 870, 904, 1028, 1053, 1070, 1078, 1200, 1335, 1402, 1458, 1534, 1543, 1572, 1589, 1759
 Amendments withdrawn—617, 1201
 Committee appointments—1524
 Escorted James “Shorty” Sullivan, honorary 51st Senator, to the Senate well and presented him with an engraved plaque and enrolled copy of Senate Resolution 111—1702-1703
 Presented an engraved plaque and enrolled copy of Senate Resolution 103 on behalf of the Senate, to Senator Schwengels, who was retiring from legislative office—1227-1229, 1733
 Presented each Senate Page with a Certificate of Excellence and picture from the Senate in appreciation for his or her service during the 1988 session of the Seventy-second session—1762
 Reports—1662-1663
 Resolutions offered—19, 90, 322, 375, 1718, 1719
 Standing committees and subcommittees appointed to—11, 12, 13
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 Subcommittee assignments, governor’s appointments—371, 963

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Appointees, investigation of—941-942, 964
 Bills introduced—196, 331, 345, 412, 470, 473, 507, 572, 593, 598, 616
 Amendments filed—473, 502, 880, 1022, 1373, 1656
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 Referred to—1324
 Resolutions offered—255, 571, 596, 617
 Standing committees and subcommittees appointed to—12, 370
 Subcommittee assignments—74, 75, 113, 114, 115, 116, 117, 134, 172, 173, 177, 178, 193, 216, 251, 252, 253, 289, 303, 311, 327, 328, 429, 482, 483, 501, 569, 597, 608, 747, 748, 875, 922, 979, 1365, 1636
 Subcommittee assignments, governor’s appointments—377

HUSAK, EMIL J.—Senator Thirty-eighth District, Assistant Majority Leader

Bills introduced—185

- Amendments filed—184, 458, 530, 533, 542, 544, 570, 800, 932, 972, 1079, 1083, 1141, 1181, 1248, 1271, 1294, 1295, 1310, 1311, 1344, 1413, 1438, 1572, 1585, 1723
 - Amendments offered—461, 542, 1141, 1273, 1322, 1397, 1413, 1502, 1653
 - Amendments withdrawn—556, 1337
 - Appointed to Commission on Elder Affairs—35
 - Appointed to Senate Ethics Committee—14
 - Committee appointments—14, 35, 1152, 1538, 1787
 - Petitions presented—448, 536
 - Presided at sessions of the Senate—77, 538, 844, 1230, 1762
 - Reassigned subcommittees—74
 - Reports—1750
 - Resolutions offered—375, 1546
 - Standing committees and subcommittees appointed to—11, 12, 13
 - Subcommittee assignments—41, 52, 60, 61, 62, 63, 64, 66, 76, 147, 148, 177, 179, 217, 242, 288, 360, 389, 405, 406, 451, 483, 685, 748, 749, 769, 801, 837, 979, 1081, 1245, 1270, 1480
 - Subcommittee assignments, governor's appointments—963
- HUTCHINS, C.W. (Bill)—Senator Forty-eighth District, Majority Leader**
- Addressed the Senate—1-2, 1748
 - Bills introduced—9, 137, 623, 911, 938, 1153, 1178, 1384, 1449, 1583-1584, 1640
 - Amendments filed—382, 530, 702, 800, 892, 896, 1182, 1232, 1310, 1311, 1371, 1381, 1438, 1633
 - Amendments offered—382, 702, 1668, 1769
 - Appointed to Department of Economic Development Board—1811
 - Appointments made to statutory committees—18, 35-36, 1811
 - Asked and received unanimous consent to excuse Ingwer Hansen, Governor's appointee to Alcoholic Beverages, from introduction before the Senate—1297
 - Asked and received unanimous consent to excuse Mark A. Stansberry, Governor's appointee to Barber Examining Board, from introduction before the Senate—1341
 - Called up appointees on En Bloc Confirmation Calendar—764-765, 909, 1216-1217, 1251-1252, 1391-1393, 1532-1533, 1619
 - Committee appointments—1524
 - Escorted James "Shorty" Sullivan, honorary 51st Senator, to the Senate well and presented him with an engraved plaque and enrolled copy of Senate Resolution 111—1702-1703
 - Petitions presented—18, 231, 448, 536, 653, 1406
 - Presented President Zimmerman, President pro tempore Kinley, Majority Leader Hutchins and Minority Leader Hultman each with an engraved cross pen and pencil set on behalf of the members of the Senate in recognition of their leadership service during the Seventy-second assembly—1748
 - Presented each Senate Page with a Certificate of Excellence and picture from the Senate in appreciation for his or her service during the 1988 session of the Seventy-second General Assembly—1762

Reports—1662-1663
 Resolutions offered—19, 322, 375, 1718, 1719
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(See also En Bloc Confirmation Calendar)

Appointees listed called up—1184-1187, 1216-1217, 1593, 1599, 1600, 1601, 1602, 1602-1603, 1640-1641, 1642, 1673, 1682

Confirmation—1184-1185, 1185-1186, 1186-1187, 1216-1217, 1593, 1599, 1599-1600, 1601, 1602, 1602-1603, 1640-1641, 1642, 1642-1643, 1673-1674, 1682

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 Heistand-Bro, Mary L.—657
 Lazar, Toni A.—657
 Naylor, Sally S.—657

Placement on by Senators:

Anderson, Dr. John R. by Senator Riordan—1147
 Cleavenger, Dr. Charlotte A. by Senator Riordan—1292
 Garst, Mary by Senator Boswell—704
 Gross, Dolores by Senator Hannon—1196
 Lindquist, David by Senator Wells—704
 O'Neill, Ann by Senator Riordan—1147
 Shepard, Gene W. by Senator Murphy—1147
 Sweeney, Charles H. by Senator Welsh—1216
 Walters, John B. by Senator Hutchins—1250

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Lepley, William by Education—1681
 Pike, L. C. by State Government—1267
 Prickett, Sally by State Government—1267
 Stockdale, Joanne L. by State Government—1292

Reports recommending appointments be confirmed—1010, 1045, 1064, 1082-1083, 1108-1109, 1146-1147, 1180, 1197, 1208-1209, 1245, 1266-1267, 1292, 1327-1328, 1529

Reports without recommendation, appointments—657

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(See Addressed the Senate, Lieutenant Governor Zimmerman, Jo Ann and/or Presentations)

INVESTIGATING COMMITTEES—Governor's Appointments—

Committees to—371, 377, 386, 405, 944, 963-968, 978, 1293

Reports—471, 491, 498, 560, 572, 581, 654, 1010, 1045, 1064, 1082-1083, 1108, 1146-1147, 1180, 1207, 1208-1209, 1245, 1292, 1327-1328, 1437, 1479, 1529, 1681-1683

Reports called up—909, 1216-1217, 1250-1252, 1266-1267, 1313-1315, 1391-1393, 1500, 1593, 1599-1601, 1602-1603, 1619, 1640-1641, 1642-1643

IOWA COLLEGE AID COMMISSION—

Senators appointed to—35

IOWA PEACE INSTITUTE BOARD OF DIRECTORS—

Senators appointed to—36

IPERS ADVISORY INVESTMENT BOARD—

Senators appointed to—36

JENSEN, JOHN W.—Senator Eleventh District, Assistant Minority Leader

Bills introduced—68, 150, 218, 245, 506

Amendments filed—136, 274, 351, 355, 483, 530, 535, 722, 749, 880, 923,
972, 1070, 1143, 1294, 1295, 1329, 1344, 1438, 1486, 1503, 1614, 1676

Amendments offered—417, 535, 891, 1143, 1372, 1423

Amendments withdrawn—351, 419, 1004, 1058, 1325, 1503

Committee appointments—91, 1425, 1524

Petitions presented—536

Presided at sessions of the Senate—939, 1409

Reports—1244, 1491, 1662-1663

Resolutions offered—375

Standing committees and subcommittees appointed to—11, 12, 13

Subcommittee assignments—47, 61, 62, 63, 64, 66, 67, 74, 75, 113, 114, 117,
147, 193, 216, 234, 242, 288, 327, 361, 389, 405, 429, 452, 482, 501, 597,
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Condition of the Judicial Department Message of Chief Justice Arthur A.
McGiverin, HCR 103—102-108

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Resolution relating to:

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adopted - H.J. 22

House Concurrent Resolution 102 - H.J. 4 adopted, 5 - S.J. 19, 23,
73, 79 adopted, 80 - H.J. 94

House Concurrent Resolution 103 - H.J. 4-5 adopted - S.J. 20, 23, 74,
78-79 adopted, 80 - H.J. 94

JUDICIARY, COMMITTEE ON—

Appointees, investigation of—942

Bills introduced—137, 195, 308, 384, 429, 430, 486, 507, 528, 529, 572, 593,
594, 615, 665, 666

Amendments filed—256, 488, 602, 658, 749, 879, 972, 1013

Corrected subcommittee assignments—178

Investigating committee reports—1010, 1146

Referred to—208, 475, 645, 703, 1500, 1618

Resolutions offered—430, 1014, 1511, 1524

Standing committees and subcommittees appointed to—12

Subcommittee assignments—38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 113, 114, 115, 117, 135, 147, 148, 173, 177, 179, 193, 233, 234, 242, 252, 253, 304, 305, 319, 320, 327, 328, 361, 362, 406, 452, 468, 482, 528, 560, 561, 582, 597, 608, 747, 817, 818, 848, 935, 969, 1212, 1528, 1614

Subcommittee assignments, governor's appointments—944, 1500

KINLEY, GEORGE R.—Senator Fortieth District

Bills introduced—122, 292

Amendments filed—410, 530, 545, 1182, 1311, 1427, 1536, 1676, 1704

Amendments offered—168, 410, 515, 1427, 1536, 1704

Amendments withdrawn—411

Parliamentary inquiry—1769

Petitions presented—921, 1246

Presented Senator Charles Miller, who is retiring from the legislature, with an engraved plaque and an enrolled copy of Senate Resolution 110—1735

Presided at sessions of the Senate—166, 245, 323, 336, 455, 459, 469, 474, 493, 503, 510, 673, 678, 757, 788, 823, 833, 844, 899, 1030, 1059, 1068, 1168, 1229, 1261, 1269, 1279, 1359, 1381, 1428, 1448, 1563, 1580, 1659, 1661

Resolutions offered—138, 375

Rulings—504, 846, 1070, 1177, 1262, 1340, 1429, 1564, 1667

Standing committees and subcommittees appointed to—11, 12, 13

Subcommittee assignments—38, 39, 41, 42, 44, 45, 46, 49, 113, 148, 216, 288, 289, 328, 406, 582, 748, 818, 922, 1081

Subcommittee assignments, governor's appointments—963

LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

LIEUTENANT GOVERNOR ZIMMERMAN, JO ANN, President of the Senate—

Addressed the Senate, opening remarks—1

Advisories—Take point of order (what rule governs dead bill) under advisement and render ruling on April 7, 1988—1307

Announced appointment of Danita Edwards as Administrative Assistant—5

Announcements—5, 301

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Assignment of bills—22-23, 54, 67, 81, 89, 121, 136, 149, 172, 184, 194, 217, 235, 243, 254, 274, 289-290, 296, 311, 321, 329, 355, 362, 390, 407, 430, 457, 471, 491, 502, 529, 561, 570, 581, 597, 624, 638, 667, 692, 713, 745, 771, 801, 817, 874, 915, 935, 968-969, 984, 1015, 1029, 1181, 1246, 1271, 1310, 1388, 1437, 1484, 1558, 1576, 1640

Bills signed by—243, 325, 353, 570, 683, 768-769, 1064, 1145, 1210-1211, 1270, 1329, 1342, 1366, 1407, 1437, 1452, 1479, 1500, 1555, 1779, 1786

Called to order 1988 Regular Session of the Seventy-second General Assembly—1

Chair cast an "aye" vote to break tie:

Senate File 468, S-4046B—1235

Senate File 2328, S-5910—1422

Communications received—1554-1555

Presentations:

- Presented Governor Terry E. Branstad, Budget Message—92
- Presented Governor Terry E. Branstad, Condition of the State Message—26
- Presented Chief Justice McGiverin, State of the Judicial Department Message—102
- Presented winners of essay contest sponsored by the Iowa Commission on the Status of Women, Iowa, State Historical Society and Iowa Department of Education to “Write Women Back Into History” in celebration of Women’s History month—726
- Presented Western Christian High School Boy’s State basketball Class 2-A tournament team, accompanied by Coach Jim Eekhoff, guests of Senator Rensink—838
- Presented Maurice-Orange City Boy’s State basketball Class 1-A tournament team, accompanied by Coach Todd Barry, guests of Senator Rensink—838
- Presented Bernard Allen, T.D., Alderman of the City of Cork, Finagael Party, Spokesperson for Health, from Cork, Ireland, who addressed the Senate, guest of Senator Priebe—851
- Presented Iowa’s four top seventh and eighth grade math students who participated with 1,600 students from 200 schools in Iowa, contest called MATHCOUNTS—1458
- Presented Senator James D. Wells with an engraved plaque and an enrolled copy of Senate Resolution 108—1732
- Presented each Senate Page with a Certificate of Excellence and a picture in appreciation for his or her service during the 1988 session of the Seventy-second General Assembly—1762

Presided at joint conventions—25, 91, 102

Presided at sessions of the Senate—1, 6, 19, 24, 25, 34, 57, 68, 69, 78, 82, 90, 91, 99, 101, 102, 108, 119, 137, 139, 150, 152, 174, 180, 185, 198, 205, 218, 237, 255, 258, 265, 276, 277, 291, 300, 308, 314, 322, 330, 344, 348, 356, 363, 374, 381, 392, 408, 415, 432, 532, 533, 538, 552, 564, 571, 576, 592, 603, 614, 629, 630, 644, 659, 670, 695, 698, 707, 736, 750, 758, 773, 780, 793, 803, 808, 822, 830, 851, 865, 881, 890, 917, 918, 924, 937, 938, 947, 974, 982, 989, 1023, 1032, 1051, 1070, 1110, 1114, 1118, 1151, 1153, 1159, 1183, 1199, 1200, 1213, 1230, 1235, 1240, 1249, 1269, 1272, 1283, 1296, 1319, 1331, 1346, 1369, 1375, 1381, 1390, 1409, 1410, 1420, 1432, 1441, 1454, 1466, 1487, 1496, 1502, 1520, 1530, 1547, 1558, 1564, 1610, 1616, 1618, 1627, 1648, 1662, 1677, 1688, 1690, 1701, 1721, 1729, 1733, 1736, 1746, 1750, 1763, 1773

Resolutions signed by—1787

Rulings—206, 269, 308, 334, 382, 418, 419, 555, 556, 647, 660, 702, 722, 762, 763, 826, 891, 894, 899, 926, 927, 928, 951, 953, 959, 997, 1033, 1071, 1072, 1074, 1078, 1138, 1141, 1200, 1203, 1231, 1235, 1260, 1306, 1325, 1326, 1334, 1337, 1338, 1377, 1412, 1421, 1423, 1459, 1469, 1477, 1504, 1507, 1521, 1535, 1560, 1567, 1574, 1580, 1622, 1644, 1653, 1664, 1709, 1710, 1714, 1721, 1722, 1727, 1759, 1761, 1769

Welcomed:

Andrew Mooney, Executive Director of Des Moines Chamber of Commerce—165

- Gail Bonstetter, Shamrock Queen of St. Patrick's Day festivities in Emmetsburg, Ia., guest of Senators Priebe and Holt—878
- Members of the Ballet Folklorico dancers from the University of Yucatan, who were visiting Iowa under the sponsorship of Iowa-Yucatan Partners of the Americans and through a grant of Avon Cosmetics of Mexico—914
- Sari Paivacinta, foreign exchange student from Finland, attending Adel-DeSoto schools—184
- Sherwin Peterson, member of the Legislative Assembly and Legislative Secretary to the Minister of Agriculture, from the Province of Saskatchewan; Ken Ritter, Advisor to the Minister of Justice and Doug Moon, Lawyer for the Department of Justice—217
- Item veto messages received—1554-1555, 1799, 1806
- Veto messages received—1806-1810
- Closing message from Governor Terry E. Branstad—1788-1790
- Final adjournment 1988 Regular Session of the Seventy-second General Assembly, HCR 134—1788

LIND, JIM—Senator Thirteenth District

- Bills introduced—24, 506, 507, 594
- Amendments filed—277, 430-431, 468, 530, 531, 545, 555, 658, 661, 686, 717, 718, 833, 839, 841, 871, 872, 879, 895, 900, 916, 972, 1012, 1030, 1049, 1050, 1071, 1122, 1150, 1234, 1287, 1294, 1311, 1329, 1330, 1344, 1367, 1423, 1430, 1432, 1438, 1486, 1496, 1529, 1585, 1614, 1615, 1676, 1686, 1687, 1721, 1761
- Amendments offered—277, 676, 678, 833, 841, 871, 872, 895, 900, 995, 1030, 1122, 1227, 1230, 1231, 1668, 1690, 1691, 1721, 1761
- Amendments withdrawn—1030, 1226, 1230, 1231, 1233, 1234, 1496, 1690
- Committee appointments—1538
- Presided at sessions of the Senate—519
- Reports—1750
- Resolutions offered—375, 1461
- Standing committees and subcommittees appointed to—11, 12, 14
- Subcommittee assignments—38, 40, 48, 49, 50, 67, 74, 113, 114, 115, 116, 148, 177, 178, 193, 216, 217, 251, 252, 288, 311, 319, 328, 361, 429, 466, 467, 748, 801, 817, 922, 1636
- Subcommittee assignments, governor's appointments—377, 963, 964

LLOYD-JONES, JEAN—Senator Twenty-third District

- Bills introduced—7, 9, 24, 237, 392
- Amendments filed—274, 343, 355, 509, 542, 555, 668, 688, 916, 936, 988, 1013, 1049, 1084, 1123, 1150, 1248, 1311, 1333, 1428, 1485, 1529, 1676
- Amendments offered—542, 647, 673, 918, 1054, 1125, 1199, 1558, 1564, 1606, 1676
- Amendments withdrawn—279
- Called up appointees on Individual Confirmation Calendar—1599
- Committee appointments—4, 1620
- Corrected subcommittee assignments—252

Presented members of the Hebei People's Congress from China, Iowa's sister state, accompanied by Mr. Cui Shunyi, Interpreter of the Friendship Association and Deng Chaocong, Consul General of the People's Republic of China in Chicago—1323

Reports—1716

Resolutions offered—375, 1263, 1461

Standing committees and subcommittees appointed to—11, 13, 14

Subcommittee assignments—38, 39, 43, 50, 64, 66, 67, 114, 115, 130, 131, 132, 134, 135, 178, 193, 234, 242, 274, 303, 319, 379, 380, 466, 467, 482, 569, 597, 747, 836, 837, 1108

Subcommittee assignments, governor's appointments—371, 964, 965, 967, 968

LOCAL GOVERNMENT, COMMITTEE ON—

Appointees, investigation of—942

Bills introduced—282, 422, 510, 594, 595, 633

Amendments filed—149, 273, 329, 613, 718

Investigating committee reports—1245

Referred to—622, 722, 1216

Standing committees and subcommittees appointed to—12

Subcommittee assignments—39, 40, 41, 42, 44, 46, 48, 49, 172, 177, 233, 234, 288, 289, 303, 328, 405, 406, 501, 582, 597, 657, 748, 770, 817, 922, 923

Subcommittee assignments, governor's appointments—944

MAJORITY FLOOR LEADER, C.W. (Bill) Hutchins—Senator Forty-eighth District

(See Hutchins, C.W. (Bill)—Senator Forty-eighth District, Majority Leader)

MANN, Jr., TOM—Senator Forty-third District

Bills introduced—8, 77, 119, 181, 255, 272, 385

Amendments filed—267, 290, 468, 530, 537, 544, 575, 627, 658, 668, 705, 709, 718, 802, 828, 829, 916, 1122, 1123, 1149, 1150, 1157, 1168, 1174, 1181, 1182, 1212, 1267, 1271, 1287, 1311, 1345, 1421, 1438, 1439, 1477, 1577, 1643, 1644, 1646, 1667, 1668, 1687, 1707

Amendments offered—336, 410, 504, 679, 688, 788, 810, 823, 825, 1168, 1172, 1174, 1355, 1468, 1477, 1540, 1564, 1565, 1577, 1580, 1660, 1667, 1668, 1707, 1725

Amendments withdrawn—504, 512, 709, 997, 1473, 1564, 1621, 1644

Appointed to Senate Ethics Committee—14

Called up appointees on Individual Confirmation Calendar—1640-1641

Committee appointments—14, 102, 1417, 1563, 1677, 1699

Presided at sessions of the Senate—1502

Reports—1463, 1609, 1715, 1756

Resolutions offered—138, 375, 697, 1461

Standing committees and subcommittees appointed to—11, 12, 13, 14

Statement by—1636

Subcommittee assignments—38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 60, 62, 63, 64, 65, 75, 76, 113, 114, 115, 117, 130, 147, 148, 173, 177, 178, 179, 193, 233, 242, 252, 304, 327, 328, 361, 362, 405, 406, 452, 466, 467, 528, 560, 561, 582, 747, 748, 817, 818, 848, 874, 875, 1081, 1245, 1452, 1528

Subcommittee assignments, governor's appointments—371, 944, 963, 1500, 1681

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Senators appointed to—36

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(See also Communications, Joint Conventions and Addressed the Senate)

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From Governor Terry E. Branstad, closing—1788-1790

- From Governor Terry E. Branstad, item veto—1799-1806

From Governor Terry E. Branstad, veto—1806-1810

Immediate message—170, 212, 218, 237, 266, 280, 281, 397, 412, 421, 445, 519, 554, 578, 622, 632, 651, 665, 690, 707, 712, 731, 736, 758, 765, 797, 815, 827, 846, 859, 873, 903, 905, 918, 927, 929, 930, 952, 954, 956, 960, 961, 996, 1031, 1032, 1041, 1073, 1077, 1080, 1143, 1178, 1269, 1288, 1296, 1323, 1324, 1339, 1340, 1357, 1360, 1370, 1374, 1380, 1384, 1403-1404, 1411, 1412-1413, 1418, 1419, 1426, 1434, 1435, 1447, 1456, 1457, 1461, 1463, 1465, 1466, 1469, 1470, 1474, 1492, 1494, 1495, 1498, 1505, 1507, 1510, 1513, 1520, 1535, 1538, 1539, 1542, 1546, 1552, 1561, 1575, 1577, 1578, 1580, 1588, 1591, 1598, 1610, 1617, 1618, 1621, 1624, 1631, 1642, 1645, 1648, 1650, 1652, 1655, 1657, 1659, 1660, 1662, 1664, 1673, 1678, 1681, 1689, 1696, 1701, 1710, 1716, 1718, 1722, 1725, 1728, 1729, 1730, 1736, 1742, 1744, 1745, 1747, 1753, 1754, 1756, 1758, 1760, 1762, 1765, 1767, 1769, 1771

MILEAGE, COMMITTEE ON—

Reports—1244

MILLER, ALVIN V.—Senator Tenth District

Bills introduced—150, 214

Amendments filed—343, 530, 544, 693, 749, 771, 800, 802, 880, 924, 1150, 1169, 1177, 1271, 1310, 1311, 1438, 1585, 1649, 1723

Amendments offered—758, 777, 857, 1003, 1052, 1053, 1260, 1471, 1649
 Amendments withdrawn—1003
 Appointed to Advisory Commission on Intergovernmental Relations—1811
 Appointed to Iowa Commission on Interstate Cooperation—18
 Committee appointments—18, 25, 1152, 1462, 1592, 1689, 1737
 Petitions presented—1246
 Reports—1505, 1685-1686, 1736, 1753, 1754-1755, 1770
 Resolutions offered—375, 1144
 Standing committees and subcommittees appointed to—11, 12, 14
 Subcommittee assignments—38, 39, 42, 46, 49, 50, 51, 62, 63, 66, 134, 146,
 147, 172, 177, 178, 193, 233, 242, 262, 289, 319, 320, 328, 360, 361, 389,
 405, 406, 451, 468, 481, 482, 501, 528, 582, 657, 748, 770, 837, 915, 923,
 978
 Subcommittee assignments, governor's appointments—386, 405, 963, 964

MILLER, CHARLES P.—Senator Thirtieth District

Bills introduced—352, 469
 Amendments filed—658, 1311
 Corrected subcommittee assignments—252
 Petitions presented—294, 448, 653, 921
 Resolutions offered—375
 Standing committees and subcommittees appointed to—12, 13, 14
 Subcommittee assignments—39, 40, 41, 48, 75, 116, 130, 172, 178, 233, 242,
 289, 303, 379, 482, 501, 582, 817, 836, 837
 Subcommittee assignments, governor's appointments—371, 377, 944, 964,
 965, 966, 967

MINORITY FLOOR LEADER, Calvin O. Hultman—Senator Forty-seventh District

(See Hultman, Calvin O.—Senator Forty-seventh District, Minority Leader)

MOTIONS TO RECONSIDER AND RULINGS—

Motions to reconsider—

Filed:

Senate File 187—537
 Senate File 354—224
 Senate File 376—1672
 Senate File 376—1686
 Senate File 450—450
 Senate File 2075, Senate refused to concur in S-5740—1292
 Senate File 2108—355
 Senate File 2139—770
 Senate File 2157, S-5253 to S-5147(2)—683
 Senate File 2159—450
 Senate File 2169, S-5134—898
 Senate File 2169, S-5340—908
 Senate File 2188, S-5266—1010
 Senate File 2188—1045
 Senate File 2196, S-5164—545
 Senate File 2196, S-5184—546

Senate File 2196, S-5167—555
Senate File 2196, S-5195B—556
Senate File 2196, S-5160—556
Senate File 2196, S-5171—557
Senate File 2196, S-5169—557
Senate File 2196, S-5165—557
Senate File 2196(3)—914
Senate File 2196, Senate concurred in S-5447—922
Senate File 2197—684
Senate File 2201—692
Senate File 2205—874
Senate File 2208—684
Senate File 2208—705
Senate File 2210—684
Senate File 2223, S-5229—784
Senate File 2231—874
Senate File 2240—873
Senate File 2247, S-5334—775
Senate File 2250—1613
Senate File 2259—801
Senate File 2259, S-5260—814
Senate File 2261—747
Senate File 2261, S-5315—747
Senate File 2263, S-5348—782
Senate File 2263—796-797
Senate File 2263—797
Senate File 2285, S-5292—734
Senate File 2310—1343
Senate File 2310—1367
Senate File 2310, S-5815 to S-5710(2)—1367
Senate File 2310, Senate concurred in S-5710—1367
Senate File 2328, S-5845—1430
Senate File 2328, S-5832—1431
Senate File 2333—1588
Senate File 2341, S-6057—1679
House File 327—390
House File 382—1485
House File 429, S-3665—1138
House File 433—353
House File 433, S-5073—372
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Senate File 2159—578
Senate File 2169, S-5340—908
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MURPHY, LARRY—Senator Fourteenth District

Bills introduced—255, 281, 300, 301, 308, 331, 375, 486
 Amendments filed—306, 483, 540, 542, 543, 562, 602, 706, 717, 718, 820,
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 Amendments offered—542, 543, 618, 753, 891, 892, 897, 902, 925, 995, 1001,
 1106, 1135, 1167, 1239, 1253, 1257, 1410, 1446, 1460, 1523
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NYSTROM, JOHN N.—Senator Forty-fourth District, Assistant Minority Leader

Amendments filed—184, 458, 533, 1083, 1169, 1294, 1311, 1345, 1703

Appointed to Department of Economic Development Board—1811

Committee appointments—1734

Presided at sessions of the Senate—1454

Reports—1766

Resolutions offered—375

Standing committees and subcommittees appointed to—11, 12, 14

Subcommittee assignments—60, 62, 63, 64, 65, 66, 113, 115, 117, 130, 131,
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380, 406, 481, 607, 608, 657, 658, 747, 748, 818, 837, 838, 875, 978

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967, 968

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Permanent officers appointed and took oath of office—4-5

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PALMER, WILLIAM D.—Senator Thirty-ninth District

Bills introduced—385

Amendments filed—329, 373, 530, 544, 776, 880, 925, 936, 1248, 1311, 1438,
1676, 1760

Amendments offered—350, 516, 776, 905, 925, 1300

Amendments withdrawn—796, 1760

Petitions presented—1406

Resolutions offered—138, 375

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Bills introduced—139

Amendments filed—274, 306, 502, 542, 544, 705, 802, 828, 862, 906, 972, 1022, 1050, 1058, 1069, 1198, 1271, 1310, 1311, 1344, 1438, 1676, 1723, 1743, 1765

Amendments offered—350, 661, 861, 862, 906, 954, 958, 1058, 1069, 1355, 1518, 1559, 1743

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Senate File 2196, S-5191 - Senator Coleman—545

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- Senate File 2333, S-6025 - Senator Peterson—1580
- Senate File 2341, S-6064 - Senator Gronstal—1677
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- Senate Resolution 105, S-5975 - Senator Mann—1690
- Senate Resolution 105, S-6077 - Senator Mann—1690
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- House File 468, S-4022 - Senator Horn—503
- House File 468, S-5751, same subject matter previously considered in S-5053 - Senator Welsh—1232
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- House File 468, what governs a dead bill - Senator Dieleman—1307
- House File 566, S-5843 - Senator Drake—1490
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- House File 2405, S-6094 to S-6084 - Senator Hultman—1707
- House File 2405, fiscal note requirement under Joint Rule 16 - Senator Gentleman—1710
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- House File 2432, S-5765 - Senator Varn—1660
- House File 2439, refer to State Government under Rule 38 - Senator Mann—1167
- House File 2443, S-5588 - Senator Hultman—1072
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- House File 2456, S-6031 - Senator Hultman—1606
- House File 2460, S-6039 - Senator Bruner—1759
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 House File 2170, S-6005—1564
 House File 2259, S-5584—1058
 House File 2319, S-5508—1300
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 House File 2405, S-6094 to S-6084—1707
 House File 2432, S-5765—1660
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 House File 2473, S-6103—1722
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Ruled well taken:

Senate Concurrent Resolution 140—1769
 House File 2046, referred to State Government—1002

Ruled not well taken:

Senate File 2314, committee report violation—1491
 Senate File 2333, violation of rules—1580
 House File 395, committee report violation—1700
 House File 2439, refer to committee under Rule 38—1167

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House File 468, no rule regarding referring a dead bill—1326
 House File 2405, revised fiscal note not required, fiscal note already
 on bill—1710

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Senate File 2164, S-5716 as amended—1254
 House File 2405, S-6085 to S-6084—1704

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- (See also Addressed the Senate, and/or Lieutenant Governor Zimmerman, Jo Ann, President of the Senate)
- Senator Boswell presented Senator Loran Schmit, Nebraska, Chairman of the Interstate Grain Compact—643
- Senator Coleman presented the Honorable William Gluba, former member of the Senate—1181
- Senator Coleman welcomed the Honorable Merlin D. Hulse, former member of the Senate—1344
- Senator Dieleman presented Tonya Van Wyke, Queen of the Fifty-third Annual Pella Tulip Time Festival, who in turn introduced the members of her court: Jennifer Sue Brandl, Jaci Ryken, Elizabeth Smiley and Kim Van Dalen—1496
- Senator Holden presented Robert F. Shaw, 1988 Iowa Small Business Person of the Year—1405
- Senator Lloyd-Jones presented members of the Hebei Peoples's Congress from China, Iowa's sister state, accompanied by Mr. Cui Shunyi, Interpreter of the Friendship Association and Deng Chaocong, Consul General of the People's Republic of China in Chicago—1323
- Senator Murphy presented Heidi Kriener, 10, from Waucoma, 1988 Iowa Easter Seal Ambassador. She was accompanied by her parents, Marvin and Connie Kriener and brother, Chris—238

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- Senator Coleman presented Senator Priebe with his Senate chair and an enrolled copy of Senate Resolution 106—1719
- Senator Coleman presented Senator Wells with his Senate chair and an enrolled copy of Senate Resolution 107—1720
- Senators Drake and Scott presented Senator Holt, who is retiring, with an engraved plaque and an enrolled copy of Senate Resolution 109—1739
- Senator Hultman presented Senator Schwengels, who is retiring, with an engraved plaque and an enrolled copy of Senate Resolution 103—1227-1229, 1733
- Senators Hutchins and Hultman presented James "Shorty" Sullivan, honorary 51st Senator with an engraved plaque and an enrolled copy of Senate Resolution 111—1702-1703
- Senators Kinley and Drake presented Senator Charles Miller, who is retiring, with an engraved plaque and an enrolled copy of Senate Resolution 110—1735
- President Zimmerman presented Senator Wells, who is retiring, with a plaque and an enrolled copy of Senate Resolution 108—1732
- President Zimmerman, President pro tempore Kinley, Majority Leader Hutchins and Minority Leader Hultman were invited to the well, Senator Husak and Gronstal presented each with an engraved cross pen & pencil set on behalf of the members of the Senate in recognition of their leadership service during the Seventy-second General Assembly—1748

PRESIDENT OF THE SENATE - Lieutenant Governor Jo Ann Zimmerman—
(See Lieutenant Governor Zimmerman, Jo Ann, President of the Senate)

PRESIDENT OF THE UNITED STATES, CONGRESS, AND/OR FEDERAL AGENCIES—

Resolutions relating to:

Senate Concurrent Resolution 102, urge Congress to address adverse effects of the Social Security program which discriminates certain persons, "Notch". S.J. 89, 90, 146

Senate Concurrent Resolution 104, Federal conservation reserve program. S.J. 245, 253, 265 adopted, 266, 593, 603-604 - H.J. 241, 290, 329, 366, 369, 540 as amended, was adopted, 599

Senate Concurrent Resolution 113, Congress to enact legislation to aid the parents of prospective college students in saving for future college costs. S.J. 464, 470, 549 adopted - H.J. 536, 551

Senate Concurrent Resolution 114, urge U.S. Dept. of Ag., reconsider proposals relating to modifying the grain reserve and special produce storage loan programs. S.J. 474, 478-479, 538 adopted - H.J. 536, 551, 731, 908, 911

Senate Concurrent Resolution 118, urge Congress to exempt diesel fuel used for farming purposes from retail excise taxes, S.J. 582, 596, 646, 647 adopted, 668 - H.J. 648, 688, 908, 1036, 1038

PRESIDENT PRO TEMPORE OF THE SENATE—Senator George R. Kinley
(See Kinley, George R., Senator Fortieth District)

PRIEBE, BERL E.—Senator Eighth District

Bills introduced—77, 90, 170, 296, 352

Amendments filed—173, 184, 290, 321, 458, 502, 530, 542, 544, 718, 757, 771, 796, 802, 849, 880, 923, 926, 972, 1078-1079, 1182, 1248, 1294, 1310, 1311, 1344, 1438, 1485, 1572, 1573, 1585, 1676, 1723

Amendments offered—182, 220, 221, 782, 870, 926, 999, 1059, 1079, 1286, 1356, 1424, 1499, 1573

Amendments withdrawn—350, 1573

Appointed to Administrative Rules Review Committee—35

Committee appointments—25, 35, 1633, 1689, 1745

Parliamentary inquiry—1429

Petitions presented—1065

Presided at sessions of the Senate—195, 807, 938, 1677, 1701

Reports—1741, 1753, 1754-1755, 1768

Resolutions offered—375, 1546

Standing committees and subcommittees appointed to—11, 12, 13

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Bernard Allen, T.D., Alderman of the City of Cork, Finagael Party, Spokesperson for Health, from Cork, Ireland, guest of Senators Priebe and Holt—851

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READINGER, DAVID M.—Senator Forty-second District

Bills introduced—7, 385
Amendments filed—355, 509, 530, 542, 543, 545, 562, 776, 1150, 1232, 1248,
1287, 1294, 1330, 1367, 1439, 1459, 1614, 1615, 1676, 1687
Amendments offered—543, 673, 688, 898, 1232, 1358, 1459, 1693
Amendments withdrawn—542
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Subcommittee assignments, governor's appointments—377, 964, 978

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RENSINK, WILMER—Senator Third District

Bills introduced—180, 236, 255
Amendments filed—483, 530, 900, 1049, 1137, 1294, 1311, 1344, 1676, 1703,
1723
Amendments offered—1137, 1490, 1703
Committee appointments—1152, 1513
Reports—1657-1658, 1685-1686
Resolutions offered—375
Standing committees and subcommittees appointed to—11, 12, 14
Subcommittee assignments—39, 43, 44, 46, 48, 49, 50, 60, 61, 62, 64, 66,
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Subcommittee assignments, governor's appointments—405, 963, 964

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REQUEST FOR UNANIMOUS CONSENT—

Senator Holden asked unanimous consent that House File 468 be referred
from the Ways & Means Calendar to Ways & Means—301

REQUEST TO REFER BILL TO COMMITTEE DEFERRED—

Senator Holden asked unanimous consent that House File 468 be referred
from the Ways & Means Calendar to Ways & Means—301

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 - Senate Resolution 102 - Gubernatorial appointments require senate confirmation. S.J. 323, 329, 357 adopted
 - Senate Resolution 104 - Amend senate rules, governing lobbyists. S.J. 1472, 1667 as amended, adopted
 - Senate Resolution 112 - Defer action on confirmation of Paul Grossheim, Director of Dept. of Corrections. S.J. 1666, 1667 as amended, adopted
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 House File 2439, S-6028 to H-6455—1595

SMALL BUSINESS AND ECONOMIC DEVELOPMENT, COMMITTEE ON—

Appointees, investigation of—942, 964
 Bills introduced—150, 195, 369, 487, 493, 595, 596, 632, 633, 665
 Corrected subcommittee assignments—360
 Investigating committee reports—491, 657, 1064
 Referred to—208, 462
 Standing committees and subcommittees appointed to—12, 370
 Subcommittee assignments—146, 147, 148, 319, 320, 328, 360, 361, 481, 482,
 502, 582, 597, 608, 748, 818, 837, 915, 922

SOORHOLTZ, JOHN E.—Senator Thirty-sixth District

Bills introduced—185, 226
 Amendments filed—458, 530, 542, 749, 1022, 1169, 1176, 1248, 1271, 1294,
 1310, 1344, 1438, 1439, 1723
 Appointed to Agricultural Energy Management Advisory Council—1811
 Corrected subcommittee assignments—252
 Resolutions offered—375, 1546
 Standing committees and subcommittees appointed to—11, 12, 13
 Subcommittee assignments—45, 50, 61, 62, 63, 64, 65, 75, 113, 130, 134,
 146, 148, 177, 178, 193, 217, 251, 274, 303, 379, 406, 429, 466, 467, 482,
 501, 658, 748, 749, 801, 836, 837, 935, 979, 1081, 1211, 1387
 Subcommittee assignments, governor's appointments—371, 963, 966, 967,
 968

SPECIAL ORDER OF BUSINESS—

House File 2396—1358

STANDING COMMITTEES AND SUBCOMMITTEES—

Standing committees appointed—11-13
 Chairmen listed—11-14
 List of appointments to—11-14
 Senators and respective committees—11-14
 Subcommittees appointed and appointments to—13-14

STATE APPEAL BOARD—

Richard D. Johnson, Chairman
 Communications from, stating claims filed—128-129
 Claims (approved)—128-129

STATE GOVERNMENT, COMMITTEE ON—

- Appointees, investigation of—942-943, 965-968, 1207, 1293
- Bills introduced—55, 185, 276, 301, 375, 383, 384, 485, 486, 487, 511, 519, 615, 630
- Amendments filed—290, 483, 602, 718, 771, 988, 1676
- Corrected subcommittee assignments—252
- Investigating committee reports—498, 560, 654, 1082, 1108-1109, 1146, 1208-1209, 1266, 1292, 1327-1328
- Referred to—119, 533, 645, 703, 797, 1002, 1124, 1216, 1240
- Re-referred to—1307
- Standing committees and subcommittees appointed to—13, 370
- Subcommittee assignments—67, 113, 115, 130, 131, 132, 133, 134, 135, 146, 149, 177, 178, 234, 242, 251, 274, 303, 304, 361, 362, 379, 466, 467, 481, 482, 501, 607, 608, 657, 658, 747, 748, 836, 837, 838, 978, 1081
- Subcommittee assignments, governor's appointments—371, 405

STATEMENT BY—

- Senator Mann—1636

STATUTORY APPOINTMENTS AND REAPPOINTMENTS TO COMMISSIONS, COMMITTEES, COUNCILS AND ADVISORY BOARDS— (See Appointments - Reappointments, Statutory - Senators)

STUDY BILLS IN COMMITTEES—

- Agriculture—52, 53, 54, 89, 111, 112, 232, 233, 354, 402, 451
- Business and Labor Relations—88, 89, 171, 297, 354, 428, 451, 968
- Commerce—111, 136, 215, 310, 402, 450, 613
- Education—22, 52, 87, 88, 135, 172, 215, 299, 327, 359, 360, 388, 402, 428, 450, 451, 465, 478, 497, 527, 559, 568, 590, 612, 1207
- Environment and Energy Utilities—192, 318, 389, 450, 466, 497, 527, 590
- Ethics—1436
- Human Resources—110, 111, 171, 172, 215, 240, 241, 250, 288, 310, 326, 428, 478, 498, 569, 590, 591
- Judiciary—52, 53, 81, 87, 112, 136, 144, 171, 176, 192, 232, 241, 251, 297, 298, 299, 310, 327, 360, 402, 451, 466, 498, 559, 591, 1207-1208
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- Transportation—111, 192, 231, 233, 318, 389, 428, 465, 569, 590
- Ways and Means—88, 232, 402, 465, 657, 705, 768, 800, 828, 915, 978, 1207, 1244, 1270, 1308, 1479, 1479-1480, 1778

STUDY COMMITTEES—

Resolutions relating to:

- Senate Concurrent Resolution 110 - Pornography, committee to study.
S.J. 426, 430, 433, 501

- Senate Concurrent Resolution 119 - Grounds to civil commitment of mentally ill persons, request committee study. S.J. 586, 596, 622, 684
- Senate Concurrent Resolution 124 - Practice of land surveying, preparation, recording, and vacation of plats, committee study. S.J. 1011, 1014, 1066, 1211
- Senate Concurrent Resolution 125 - Family and marriage law in Iowa, concerning property rights between spouses in comparison with the Uniform Marital Property Act, committee study. S.J. 1144, 1149, 1211
- Senate Concurrent Resolution 126 - Appoint committee to review present and projected higher ed. needs and offerings, committee to study. S.J. 1211, 1216
- Senate Concurrent Resolution 128 - Black Hawk Lake and Hallett's Pits, committee study. S.J. 1264, 1271
- Senate Concurrent Resolution 130 - Review and report on the investment of state funds, companies doing business with South Africa, committee study. S.J. 1461
- Senate Concurrent Resolution 132 - Rights of privacy, committee study. S.J. 1511, 1517
- Senate Concurrent Resolution 133 - Preserve family farms, committee study. S.J. 1511, 1515
- Senate Concurrent Resolution 134 - Regulate swine coming into the state, committee study. S.J. 1512, 1515
- Senate Concurrent Resolution 135 - Quality of grain in Iowa, committee study. S.J. 1512, 1515, 1516
- Senate Concurrent Resolution 136 - State's sheep industry, committee study. S.J. 1512, 1516
- Senate Concurrent Resolution 138 - Iowa's corporation law in comparison with the Model Business Corporation Act, committee study. S.J. 1512, 1524, 1525, 1532
- Senate Concurrent Resolution 139 - Economic role, that ag. and the ag. community can play in preparing for and developing this state's full potential, committee study. S.J. 1546
- Senate Concurrent Resolution 141 - Consider the impact of state sales, services, and rise tax policy, committee study. S.J. 1749, 1750

STURGEON, AL—Senator First District

- Bills introduced—8, 24, 78, 90, 174, 214, 282, 320, 368, 385
- Amendments filed—509, 543, 544, 545, 547, 688, 771, 821, 840, 841, 906, 923, 1083, 1084, 1157, 1158, 1181, 1182, 1197, 1198, 1205, 1247, 1268, 1295, 1305, 1306, 1310, 1311, 1377, 1382, 1421, 1428, 1430, 1475, 1557, 1615, 1714
- Amendments offered—547, 618, 688, 811, 840, 842, 843, 1026, 1120, 1160, 1165, 1168, 1298, 1305, 1306, 1356, 1430, 1475, 1522, 1656, 1714
- Amendments withdrawn—544, 841, 1305
- Committee appointments—1462
- Presided at sessions of the Senate—1014, 1234, 1239, 1749
- Reports—1505
- Resolutions offered—375

Standing committees and subcommittees appointed to—11, 12, 14
 Subcommittee assignments—39, 66, 67, 74, 75, 114, 115, 116, 117, 134, 147,
 172, 178, 193, 216, 217, 251, 252, 288, 303, 320, 327, 328, 389, 406, 429,
 452, 466, 501, 657, 748, 801, 817, 818, 838, 875, 922, 1108, 1636
 Subcommittee reassignments, governor's appointments—964

SUBCOMMITTEES APPOINTMENTS—

Appropriations subcommittees, listed and members of—13-14

SUBCOMMITTEE ASSIGNMENTS—

Assignments—38-52, 60-67, 74-76, 113-117, 130-135, 146-149, 172-173, 177-
 179, 193, 216-217, 233-234, 242, 251-253, 262, 274, 288-289, 303-305,
 311, 319-320, 327-328, 360-362, 379-380, 389, 405-406, 429, 451-452, 466-
 468, 481-483, 501-502, 528, 560-561, 569, 581-582, 597, 607-608, 657-
 658, 684-685, 747-748, 769-770, 801, 817-818, 836-838, 848, 874-875, 915,
 922-923, 935, 969, 978-979, 1081, 1108, 1181, 1211-1212, 1245, 1270,
 1309, 1365, 1387, 1452-1453, 1480, 1528, 1614, 1636, 1777

Assignments for governor's appointments—371, 377, 386, 405, 944, 963-968,
 1293, 1479, 1500, 1681

Corrected—252

SUPREME COURT OF IOWA—

(Chief Justice of Supreme Court, The Honorable Arthur A. McGiverin)

Condition of the Judicial Department Message—102-108

Resolution relating to the Judicial Department Message:

House Concurrent Resolution 103 - H.J. 4-5 adopted - S.J. 20, 23, 74, 78-
 79 adopted

TAYLOR, RAY—Senator Ninth District

Bills introduced—68, 80, 120, 166, 236, 245, 374, 385

Amendments filed—268, 269, 454, 483, 530, 540, 545, 570, 811, 820, 879,
 916, 936, 972, 1049, 1198, 1203, 1262, 1294, 1344, 1486, 1563, 1647,
 1651, 1676, 1680

Amendments offered—268, 269, 540, 810, 990, 1231, 1234, 1262, 1298, 1299,
 1563, 1647, 1652, 1680

Amendments withdrawn—1563, 1647, 1651

Appointed to Iowa College Aid Commission—35

Appointed to Senate Ethics Committee—14

Committee appointments—14, 35, 1633

Resolutions offered—375

Standing committees and subcommittees appointed to—11, 12, 13, 14

Subcommittee assignments—39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50,
 51, 74, 75, 114, 117, 134, 147, 172, 173, 177, 251, 289, 319, 328, 361,
 429, 452, 501, 528, 561, 569, 770, 875, 922, 1181, 1528

Subcommittee assignments, governor's appointments—964, 1681

TIEDEN, DALE L.—Senator Sixteenth District

Bills introduced—8, 137, 237, 375

Amendments filed—220, 274, 530, 718, 749, 770, 800, 832, 891, 923, 932,
 997, 1013, 1078, 1079, 1248, 1268, 1294, 1310, 1329, 1344, 1409, 1438,
 1486, 1503, 1676

Amendments offered—220, 793, 794, 832, 932, 997, 1001, 1103, 1409, 1576
 Amendments withdrawn—1409
 Appointed to Administrative Rules Review Committee—35
 Committee appointments—35, 1462, 1513, 1592, 1658, 1737, 1787
 Petitions presented—921
 Reports—1737
 Resolutions offered—375
 Standing committees and subcommittees appointed to—11, 12, 13
 Subcommittee assignments—38, 42, 46, 61, 63, 66, 67, 115, 147, 148, 242,
 252, 253, 262, 288, 360, 361, 406, 429, 451, 467, 560, 561, 582, 685, 818,
 874, 1108

TRANSPORTATION, COMMITTEE ON—

Appointees, investigation of—943-944, 968
 Bills introduced—150, 195, 255, 309, 312, 505, 506, 595, 615, 616
 Amendments filed—490, 491, 602, 749
 Investigating committee reports—572, 1146-1147
 Referred to—645
 Resolutions offered—412
 Standing committees and subcommittees appointed to—13, 370
 Subcommittee assignments—60, 61, 62, 63, 64, 65, 66, 67, 113, 114, 117,
 193, 234, 242, 253, 303, 361, 380, 389, 452, 467, 482, 569, 597, 747, 748,
 922
 Subcommittee assignments, governor's appointments—371

VANDE HOEF, RICHARD—Senator Fourth District

Bills introduced—57, 119, 150, 226, 227, 295, 506, 510
 Amendments filed—343, 355, 468, 483, 530, 544, 924, 926, 972, 1012, 1070,
 1084, 1181, 1199, 1212, 1294, 1311, 1312, 1432, 1440, 1486, 1676, 1709,
 1723
 Amendments offered—517, 549, 924, 926, 1070, 1225, 1331, 1432, 1468, 1565,
 1709
 Amendments withdrawn—517, 1201
 Appointed to Advisory Commission on Intergovernmental Relations—1811
 Committee appointments—1386, 1699, 1734
 Escorted Senator Wells to the well of the Senate, where he was presented
 with an engraved plaque and an enrolled copy of Senate Resolution
 108—1732
 Petitions presented—448, 653
 Reports—1485, 1756, 1766
 Resolutions offered—375
 Standing committees and subcommittees appointed—11, 12, 14
 Subcommittee assignments—39, 40, 41, 42, 43, 45, 46, 48, 49, 52, 116, 147,
 172, 177, 178, 233, 288, 289, 304, 319, 328, 361, 406, 466, 467, 481, 482,
 483, 582, 597, 657, 748, 817, 837, 923
 Subcommittee assignments, governor's appointments—405, 963, 964

VARN, RICHARD—Senator Twenty-seventh District

Bills introduced—24, 227, 320, 385, 392, 581, 603

Amendments filed—89, 136, 149, 184, 509, 530, 538, 613, 627, 685, 693, 757, 770, 771, 802, 820, 829, 862, 880, 892, 896, 915, 923, 936, 1005, 1049, 1084, 1134, 1181, 1267, 1294, 1310, 1311, 1344, 1388, 1421, 1430, 1439, 1457, 1485, 1486, 1507
 Amendments offered—154, 155, 538, 709, 711, 782, 805, 806, 807, 812, 825, 841, 891, 892, 896, 897, 916, 929, 953, 998, 1005, 1088, 1134, 1340, 1351, 1457, 1469, 1477, 1507
 Amendments withdrawn—903, 1660
 Committee appointments—1513, 1620, 1657-1658
 Presided at sessions of the Senate—860, 1331, 1772
 Reports—1716
 Resolutions offered—375
 Standing committees and subcommittees appointed to—11, 12, 14
 Subcommittee assignments—38, 39, 41, 42, 43, 44, 45, 47, 48, 49, 50, 51, 65, 66, 67, 75, 114, 115, 134, 147, 148, 178, 193, 234, 242, 251, 319, 320, 327, 328, 361, 362, 389, 406, 429, 452, 468, 501, 528, 560, 561, 569, 582, 597, 608, 747, 801, 817, 837, 848, 923, 935, 1212, 1528
 Subcommittee assignments, governor's appointments—964

WAYS AND MEANS, COMMITTEE ON—

Appointees, investigation of—944
 Bills introduced—151, 470, 720, 989, 1178, 1179, 1341, 1467, 1478, 1484, 1511, 1734
 Amendments filed—236, 718, 1345, 1485, 1760
 Investigating committee reports—1180
 Referred to—226, 301, 511, 533, 645, 1206, 1618
 Standing committees and subcommittees appointed to—13
 Subcommittee assignments—60, 61, 62, 63, 64, 65, 75, 76, 130, 135, 147, 193, 234, 288, 327, 406, 466, 467, 528, 582, 657, 658, 749, 769, 801, 838, 923, 979, 1081, 1181, 1245, 1270, 1309, 1365, 1387, 1452, 1453, 1480, 1528, 1614, 1777

WELLS, JAMES D.—Senator Twenty-sixth District

Bills introduced—10, 55, 150, 368, 455
 Amendments filed—136, 169, 530, 540, 544, 643, 660, 661, 668, 749, 795, 1311, 1329, 1373, 1493, 1585, 1676
 Amendments offered—182, 444, 540, 686, 720, 795, 804
 Amendments withdrawn—795, 1373
 Committee appointments—1417, 1745
 Petitions presented—1406
 Reports—1463, 1768
 Resolutions offered—375
 Standing committees and subcommittees appointed to—11, 12, 14
 Subcommittee assignments—39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 113, 116, 172, 177, 178, 233, 234, 289, 303, 304, 361, 405, 429, 466, 467, 501, 582, 684, 770, 817, 922, 923, 969, 1480
 Subcommittee assignments, governor's appointments—371, 1479

WELSH, JOE J.—Senator Seventeenth District

Bills introduced—170, 324

Amendments filed—382, 414, 438, 517, 538, 543, 545, 555, 658, 718, 811, 829, 831, 832, 840, 849, 900, 924, 925, 926, 927, 972, 988, 1030, 1050, 1069, 1070, 1072, 1073, 1110, 1141, 1169, 1177, 1199, 1200, 1248, 1271, 1305, 1310, 1311, 1312, 1329, 1333, 1335, 1344, 1345, 1371, 1373, 1388, 1408, 1421, 1423, 1427, 1431, 1434, 1438, 1496, 1503, 1564, 1606, 1671, 1686, 1687, 1722, 1761

Amendments offered—277, 444, 517, 538, 543, 555, 675, 721, 831, 832, 840, 900, 926, 927, 982, 983, 1030, 1069, 1070, 1072, 1073, 1110, 1124, 1169, 1177, 1200, 1230, 1325, 1373, 1431, 1564, 1589, 1606, 1653, 1654, 1691, 1714, 1722, 1761

Amendments withdrawn—278, 438, 555, 900, 1325, 1372, 1423, 1496, 1503, 1671

Appointed to Advisory Commission on Intergovernmental Relations—36

Committee appointments—36, 1425, 1592, 1620, 1699, 1737

Petitions presented—536

Presided at sessions of the Senate—484, 780, 939, 1110, 1195

Raised point of order to question if a record roll call could be requested after vote is announced by the chair—673

Reports—1491, 1716, 1737

Resolutions offered—375, 1461

Rulings—784

Standing committees and subcommittees appointed to—11, 13

Subcommittee assignments—42, 43, 45, 46, 48, 49, 50, 66, 67, 113, 114, 115, 130, 131, 132, 133, 134, 135, 149, 216, 234, 242, 288, 304, 360, 361, 362, 379, 466, 467, 608, 657, 748, 801, 817, 818, 848, 874

Subcommittee assignments, governor's appointment—965, 967

ZIMMERMAN, JO ANN, President of the Senate—

(See Lieutenant Governor Zimmerman, Jo Ann, President of the Senate)