

State of Iowa

1990

JOURNAL OF THE HOUSE

**1990
REGULAR SESSION
SEVENTY-THIRD
GENERAL ASSEMBLY**

**Convened January 8, 1990
Adjourned April 8, 1990**

**Volume I
January 8 - March 23**

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

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

SEVENTY-THIRD GENERAL ASSEMBLY

1990 Regular Session

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OFFICERS OF THE HOUSE—Continued

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

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ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

TERRY E. BRANSTAD, <i>Governor</i>	Lake Mills
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JUSTICES OF THE IOWA SUPREME COURT

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

IOWA COURT OF APPEALS JUDGES

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

MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1990 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Adams, Janet	Webster City	52	Teacher	14th— <i>Hamilton, Webster</i>	72, 72X, 72XX, 73(1st)
Arnould, Robert C.	Davenport	36	Legislator	42nd— <i>Scott</i>	67(2nd), 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Avenson, Donald D.	Oelwein	45	Speaker	28th— <i>Chickasaw, Fayette</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Banks, Bradly C.	Westfield	37	Livestock & Grain Farmer	5th— <i>Plymouth, Woodbury</i>	73(1st)
Beaman, Jack	Osceola	65	Self-employed	91st— <i>Adair, Adams, Cass, Clarke, Union</i>	72, 72X, 72XX, 73(1st)
Beatty, Linda	Indianola	47	Homemaker	68th— <i>Warren</i>	71, 72, 72X, 72XX, 73(1st)
Bennett, Wayne	Ida Grove	62	Farmer	4th— <i>Ida, Monona, Woodbury</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Bisignano, Tony	Des Moines	37	President of AFSCME, Local 1868	80th— <i>Polk</i>	72, 72X, 72XX, 73(1st)
Black, Dennis	Grinnell	50	Director, Jasper Co. Conservation Board	71st— <i>Jasper, Marshall</i>	70, 71, 72, 72X, 72XX, 73(1st)
Blanshan, Eugene	Scranton	41	Farmer	88th— <i>Boone, Carroll, Greene</i>	70, 71, 72, 72X, 72XX, 73(1st)
Brammer, Philip E.	Cedar Rapids	57	Insurance Agent	51st— <i>Linn</i>	70, 71, 72, 72X, 72XX, 73(1st)
Brand, William J.	Vinton	31	Administrator, Human Services	76th— <i>Benton, Black Hawk</i>	73(1st)
Branstad, Clifford O.	Thompson	65	Farmer	16th— <i>Hancock, Kossuth, Winnebago</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Brown, Joel W.	Lucas	25	Legislator	67th— <i>Clarke, Monroe, Lucas, Wayne</i>	73(1st)

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1990 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Buhr, Florence D.	Des Moines	56	Legislator	85th— <i>Polk</i>	70, 71, 72, 72X, 72XX, 73(1st)
Carpenter, Dorothy F.	West Des Moines	56	Legislator	82nd— <i>Polk</i>	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Chapman, Kay	Cedar Rapids	52	Lawyer	49th— <i>Linn</i>	70, 71, 72, 72X, 72XX, 73(1st)
Clark, Betty Jean	Rockwell	69	Legislator	29th— <i>Cerro Gordo, Floyd, Mitchell</i>	67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Cphoon, Dennis	Burlington	36	Teacher	60th— <i>Des Moines</i>	72, 72X, 72XX, 73(1st)
Connors, John H.	Des Moines	67	Retired Fire Captain and Labor Arbitrator	79th— <i>Polk</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Corbett, Ron J.	Cedar Rapids	29	Insurance Agent	52nd— <i>Linn</i>	72, 72X, 72XX, 73(1st)
Daggett, Horace C.	Kent	58	Farmer	92nd— <i>Adams, Decatur, Ringgold, Taylor</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
De Groot, Kenneth R.	Doon	60	Farming & Legislator	8th— <i>Lyon, O'Brien, Osceola, Sioux</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Diemer, Marvin E.	Cedar Falls	65	Retired	23rd— <i>Black Hawk</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Doderer, Minnette F.	Iowa City	66	Self-employed	45th— <i>Johnson</i>	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Dvorsky, Robert E.	Coralville	41	Legislator/ Employment Coordinator	54th— <i>Iowa, Johnson</i>	72, 72X, 72XX, 73(1st)

MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1990 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Eddie, Russell J.	Storm Lake	51	Pork Producer/Farmer	10th— <i>Buena Vista, Pocahontas</i>	72, 72X, 72XX, 73(1st)
Fey, Thomas H.	Davenport	35	Legislator	41st— <i>Scott</i>	69(2nd), 70, 71, 72, 72X, 72XX, 73(1st)
Fogarty, Daniel P.	Cylinder	65	Farmer	11th— <i>Clay, Palo Alto</i>	70, 71, 72, 72X, 72XX, 73(1st)
Fuller, Robert D.	Steamboat Rock	60	Farmer	18th— <i>Franklin, Hamilton, Hardin</i>	72, 72X, 72XX, 73(1st)
Garman, Teresa	Ames	52	Farmer	87th— <i>Boone, Story</i>	72, 72X, 72XX, 73(1st)
Groninga, John	Mason City	44	Educator	20th— <i>Cerro Gordo</i>	70, 71, 72, 72X, 72XX, 73(1st)
Gruhn, Josephine	Spirit Lake	62	Farm Owner/Operator	12th— <i>Dickinson, Emmet</i>	70, 71, 72, 72X, 72XX, 73(1st)
Halvorson, Rod	Fort Dodge	40	Real Estate Salesman, Political Consultant	13th— <i>Webster</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Halvorson, Roger A.	Monona	55	Insurance-Real Estate Broker	32nd— <i>Allamakee, Clayton</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Hammond, Johnie	Ames	57	Legislator	74th— <i>Story</i>	70, 71, 72, 72X, 72XX, 73(1st)
Hansen, Steve D.	Sioux City	34	Legislator, Youth Worker, Self-employed	1st— <i>Woodbury</i>	72, 72X, 72XX, 73(1st)
Hanson, Darrell R.	Manchester	35	Legislator, Small Business Manager	48th— <i>Buchanan, Delaware, Linn</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Harbor, William H.	Henderson	69	Varied Business Interests	94th— <i>Mills, Montgomery, Pottawattamie</i>	56, 57, 58, 62, 63, 64, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)

MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1990 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Harper, Patricia M.	Waterloo	57	Educator	26th— <i>Black Hawk</i>	72, 72X, 72XX, 73(1st)
Hatch, Jack	Des Moines	39	Management Consultant	81st— <i>Polk</i>	71, 72, 72X, 72XX, 73(1st)
Haverland, Mark	Polk City	43	Self-Employed	77th— <i>Polk</i>	70, 71, 72, 72X, 72XX, 73(1st)
Hermann, Donald F.	Bettendorf	68	Retired	40th— <i>Scott</i>	70, 71, 72, 72X, 72XX, 73(1st)
Hester, Joan L.	Honey Creek	57	Farming-Retired	98th— <i>Harrison, Pottawattamie</i>	71, 72, 72X, 72XX, 73(1st)
Hibbard, David	Booneville	40	Attorney	90th— <i>Adair, Dallas, Guthrie, Madison</i>	73(1st)
Holveck, Jack	Des Moines	46	Attorney	84th— <i>Polk</i>	70, 71, 72, 72X, 72XX, 73(1st)
*Iverson, Stewart	Dows	39	Farmer	17th— <i>Franklin, Hancock, Wright</i>	None
Jay, Daniel	Moulton	35	Lawyer	66th— <i>Appanoose, Davis, Wapello</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Jesse, Glen	Mitchellville	46	Small Business Person	70th— <i>Jasper, Marion, Polk, Warren</i>	73(1st)
Jochum, Thomas J.	Dubuque	38	Legislator	36th— <i>Dubuque</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Johnson, Paul W.	Decorah	48	Farmer	31st— <i>Allamakee, Winneshiek</i>	71, 72, 72X, 72XX, 73(1st)
Kistler, Robert L.	Fairfield	64	Educator	63rd— <i>Jefferson, Keokuk, Wapello</i>	73(1st)
Knapp, Donald J.	Cascade	57	Legislator	33rd— <i>Dubuque, Jones</i>	69(2nd), 70, 71, 72, 72X, 72XX, 73(1st)
Koenigs, Deo A.	Osage	54	Farmer/Legislator	30th— <i>Chickasaw, Howard, Mitchell</i>	70, 71, 72, 72X, 72XX, 73(1st)
Kremer, Joseph M.	Jesup	68	Retired Farmer	27th— <i>Black Hawk, Buchanan</i>	71, 72, 72X, 72XX, 73(1st)
Lageschulte, Raymond	Waverly	67	Farm Manager, Insurance Adjuster	22nd— <i>Black Hawk, Bremer, Butler</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)

* Elected in Special Election November 7, 1989

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1990 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Lundby, Mary A.	Marion	41		47th— <i>Linn</i>	72, 72X, 72XX, 73(1st)
Lykam, Jim	Davenport	40	Sales Manager	58th— <i>Scott</i>	73(1st)
Maulsby, Ruhl	Rockwell City	66	Agriculture	9th— <i>Calhoun, Sac, Webster</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
May, Dennis	Kensett	42	Farmer, Real Estate Broker	19th— <i>Cerro Gordo, Winnebago, Worth</i>	72, 72X, 72XX, 73(1st)
McKean, Andy	Anamosa	40	Lawyer/Graduate School Instructor	44th— <i>Jones, Linn</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
McKinney, Wayne H., Jr.	Waukee	39	Attorney	89th— <i>Dallas</i>	72, 72X, 72XX, 73(1st)
Mertz, Dolores M.	Ottosen	61	Farm Owner/Operator	15th— <i>Humboldt, Kossuth, Palo Alto, Pocahontas</i>	73(1st)
Metcalf, Janet S.	Des Moines	54	Legislator	83rd— <i>Polk</i>	71, 72, 72X, 72XX, 73(1st)
Miller, Tom H.	Cherokee	64	Journalist	7th— <i>Cherokee, Clay, O'Brien</i>	71, 72, 72X, 72XX, 73(1st)
Muhlbauer, Louis J.	Manilla	60	Agri-Business	96th— <i>Crawford, Shelby</i>	70, 71, 72, 72X, 72XX, 73(1st)
*Murphy, Pat	Dubuque	30	Documentation Specialist	35th— <i>Dubuque</i>	None
Neuhauser, Mary	Iowa City	55	Attorney	46th— <i>Johnson</i>	72, 72X, 72XX, 73(1st)
Nielsen, Joyce	Cedar Rapids	56	Legislator	50th— <i>Linn</i>	73(1st)
Ollie, C. Arthur	Clinton	48	Teacher	38th— <i>Clinton</i>	70, 71, 72, 72X, 72XX, 73(1st)
Osterberg, David	Mt. Vernon	46	Economic Consultant	43rd— <i>Cedar, Linn</i>	70, 71, 72, 72X, 72XX, 73(1st)
Pavich, Emil S.	Council Bluffs	58	Retired — Kellogg Cereal Company	100th— <i>Pottawattamie</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)

* Elected in Special Election September 26, 1989

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1990 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Pellett, Wendell C.	Atlantic	72	Farmer	97th—Cass, Harrison, Pottawattamie, Shelby	64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Peters, Michael R.	Sioux City	40	Legislator	2nd—Woodbury	72, 72X, 72XX, 73(1st)
Petersen, Daniel F.	Muscatine	38	Farmer	57th—Muscatine, Scott	71(2nd), 72, 72X, 72XX, 73(1st)
Peterson, Michael K.	Carroll	29	Attorney/Legislator	95th—Audubon, Carroll, Shelby	71, 72, 72X, 72XX, 73(1st)
Plasier, Lee	Sioux Center	47	Business Manager	6th—Plymouth, Sioux	72, 72X, 72XX, 73(1st)
Poncy, Charles N.	Ottumwa	67	Retired School District Employee	65th—Wapello	62, 63, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Renaud, Dennis L.	Altoona	47	Barber Business & D.M. Fire Dept.	78th—Polk	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Renken, Robert H.	Aplington	68	Farmer	21st—Butler, Grundy	68(2nd), 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Rosenberg, Ralph	Ames	40	Attorney	73rd—Story	69(2nd), 70, 71, 72, 72X, 72XX, 73(1st)
Royer, Bill D.	Essex	60	Real Estate Broker, Appraiser	93rd—Fremont, Mills, Page	70, 71, 72, 72X, 72XX, 73(1st)
Schnekloth, Hugo	Eldridge	66	Farmer	39th—Scott	67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Schrader, David	Monroe	37	Small Business Owner	69th—Marion	72, 72X, 72XX, 73(1st)
Shearer, Mark S.	Columbus Junction	37	Newspaper Editor	55th—Des Moines, Louisa, Washington	73(1st)
Sherzan, Gary	Des Moines	45	Parole Officer	86th—Polk	70, 71, 72, 72X, 72XX, 73(1st)
Shoning, Don	Sioux City	74	Legislator	3rd—Woodbury	71, 72, 72X, 72XX, 73(1st)

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1990 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Shoultz, Don	Waterloo	53	Coordinator of Economic Dev.	25th— <i>Black Hawk</i>	70, 71, 72, 72X, 72XX, 73(1st)
Siegrist, Brent	Council Bluffs	37	Teacher	99th— <i>Pottawattamie</i>	71, 72, 72X, 72XX, 73(1st)
Spear, Clay	Burlington	73	Retired Postal Service Employee	61st— <i>Des Moines, Lee</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Spenner, Gregory A.	Mt. Pleasant	25	Broadcaster	59th— <i>Des Moines, Henry</i>	73(1st)
Stueland, Vic	Grand Mound	69	Farmer-Businessman	37th— <i>Cedar, Clinton</i>	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Svoboda, E. Jane	Clutier	45	Farm Wife/Homemaker, Sales	75th— <i>Black Hawk, Marshall, Tama</i>	72, 72X, 72XX, 73(1st)
Swartz, Thomas E.	Marshalltown	43	Teacher & Consultant	72nd— <i>Marshall</i>	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Tabor, David M.	Baldwin	34	Farmer	34th— <i>Dubuque, Jackson</i>	70, 71, 72, 72X, 72XX, 73(1st)
Teaford, Jane	Cedar Falls	54	Legislator	24th— <i>Black Hawk</i>	71, 72, 72X, 72XX, 73(1st)
Trent, Bill	Muscatine	42	Businessman & Lawyer	56th— <i>Louisa, Muscatine</i>	73(1st)
Tyrrell, Phil	North English	57	Independent Insurance Agent	53rd— <i>Iowa, Poweshiek</i>	68, 69, 69X, 69XX, 72, 72X, 72XX, 73(1st)
Van Maanen, Harold	Oskaloosa	60	Farmer	64th— <i>Keokuk, Mahaska, Wapello</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73(1st)
Wise, Philip	Keokuk	43	Teacher	62nd— <i>Lee, Van Buren</i>	72, 72X, 72XX, 73(1st)

REPRESENTATIVES

JOURNAL OF THE HOUSE

First Calendar Day — First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 8, 1990

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the House of Representatives of the Seventy-third General Assembly of Iowa 1990 Regular Session, convened at 10:00 a.m., Monday, January 8, 1990.

The House was called to order by the Honorable Don Avenson, Speaker of the House.

Prayer was offered by the Honorable Mark Haverland, state representative from Polk County.

The Journal of May 6 and 7, 1989 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Neuhauser of Johnson on request of May of Worth; Johnson of Winneshiek, until his arrival, on request of Schrader of Marion.

COMMUNICATIONS RECEIVED

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

June 27, 1989

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

Dear Governor Branstad:

I submit this letter of resignation from the office of State Representative, House District 35, effective July 1, 1989.

I have chosen this date to coincide with the resignation in Senate District 18. This will make it possible for the special elections to be held on the same day. Thus saving the local taxpayers the trouble and expense of two separate elections.

It has been a great privilege and honor to serve the people of Dubuque as their State Representative these past eleven years and to work with my fellow legislators and the executive branch to make Iowa a better place to live. I believe we have done just that.

Sincerely,
MIKE CONNOLLY
State Representative

September 7, 1989

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

Dear Governor Branstad:

I am writing to notify you that I am resigning my seat as state representative for House District 17, effective at the end of the day on Sunday, September 10, 1989.

As you are aware, I have been appointed by the Bush administration to serve as the Region VI Administrator for the General Services Administration in Kansas City, Missouri, beginning September 11, 1989.

Sincerely,
 Delwyn Stromer
 State Representative

SUPPLEMENTAL REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named persons duly elected to and entitled to seats in the House of Representatives of the Seventy-third General Assembly as shown by duplicate copies of the certification of election on file in the office of the Secretary of State:

CERTIFICATION STATE OF IOWA Office of THE SECRETARY OF STATE

To the Honorable, The Chief Clerk of the House of Representatives:

I, ELAINE BAXTER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at a special election held on September 26, 1989, Pat Murphy was elected to fill a vacancy in the office of State Representative of the Thirty-fifth District, for the balance of the term which began January first, 1989.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this twenty-third day of October, 1989.

ELAINE BAXTER, Secretary of State

CERTIFICATION STATE OF IOWA Office of THE SECRETARY OF STATE

To the Honorable, The Chief Clerk of the House of Representatives:

I, ELAINE BAXTER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State

Canvassing Board has declared that at a special election held on November 7, 1989, Stewart Iverson, Jr. was elected to fill a vacancy in the office of State Representative of the Seventeenth District, for the balance of the term which began January first, 1989.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this twenty-second day of November, 1989.

ELAINE BAXTER, Secretary of State

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

Hammond of Story moved that the supplemental report of the committee on credentials be adopted.

The motion prevailed and the supplemental report was adopted.

Jochum of Dubuque moved that a committee of two be appointed to escort Representative-elect Pat Murphy to the well of the House and that a committee of two be appointed to escort Representative-elect Stewart Iverson to the well of the House to be duly sworn and then escorted to their legislative seats.

The motion prevailed and the Speaker appointed Jochum of Dubuque and Halvorson of Clayton to escort Representative-elect Pat Murphy and Fogarty of Palo Alto and Lundby of Linn to escort Representative-elect Stewart Iverson to the front of the House chamber where the Chief Clerk administered the following oath of office:

OATH OF OFFICE

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa according to the best of my ability, so help me God."

The committee previously appointed escorted Representatives Iverson and Murphy to their legislative seats.

COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed and the following committee was appointed: Brown of Lucas, Harper of Black Hawk and Carpenter of Polk.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Buhr of Polk, Groninga of Cerro Gordo and Eddie of Buena Vista.

INTRODUCTION OF BILLS

House File 2001, by Bisignano, a bill for an act relating to elections by revising provisions governing voting booth requirements.

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

House File 2002, by Garman, a bill for an act permitting the use of open enrollment by students who have undergone substance abuse treatment and wish to transfer to another district to achieve post-treatment goals.

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

House File 2003, by Fuller, a bill for an act relating to the use of refuse derived fuels.

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

House File 2004, by Hibbard, a bill for an act relating to the penalty for operating a motor vehicle while intoxicated which causes a serious injury.

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

House File 2005, by Spear, a bill for an act relating to pension benefits for surviving spouses of retired members of retirement systems for public safety peace officers and municipal police officers and firefighters and providing for the applicability of the Act.

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

House File 2006, by Schnekloth, a bill for an act to exempt operators of special trucks in a tractor-trailer combination from certain recordkeeping requirements.

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

House File 2007, by Shoning, a bill for an act relating to the provision of respite care and adult day care services to victims of

Alzheimer's disease, amyotrophic lateral sclerosis, and other similar impairments of the elderly, and making appropriations.

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

House File 2008, by Shoning, a bill for an act relating to investigations of complaints concerning an individual's driving ability.

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

House File 2009, by Fuller, a bill for an act relating to elections, providing that an eligible elector residing in a precinct may register to vote at the polling place on election day, and increasing the penalty for improper voting.

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

House File 2010, by Garman and Hanson of Delaware, a bill for an act to permit the use of open enrollment by students who move during a school year and request permission to enroll in the students' former district of residence.

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

House File 2011, by Harper, a bill for an act to allow for special registration plates for members of certain armed forces groups, veterans, recipients of certain military honors, and members of certain civilian occupations.

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

House File 2012, by Hammond and Nielsen, a bill for an act relating to the Iowa public employees' retirement system by revising provisions governing the determination of a member's total years of prior service and including an applicability provision.

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

House File 2013, by Spenner, Shoning and Hester, a bill for an act relating to eligibility determinations involving spousal resources for certain institutionalized medical assistance recipients.

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

House File 2014, by Siegrist, a bill for an act changing the notification date for open enrollment and eliminating the informal notification requirement.

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

House File 2015, by Wise, a bill for an act relating to operating a motor vehicle while intoxicated by amending certain penalties, reducing the requisite alcohol concentration for persons under age eighteen, restricting the issuance of temporary licenses, providing for surrender of registration plates and certificates for certain owners, and providing penalties.

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

House File 2016, by Connors, a bill for an act relating to the maximum age of amateur boxing participants and providing an effective date.

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

SENATE MESSAGES CONSIDERED

Senate File 505, by committee on local government, a bill for an act limiting tax increment financing of city urban renewal projects.

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

Senate File 545, by Hutchins and Hultman, a bill for an act relating to those persons eligible to sue for relief under the Iowa competition law, providing for the Act's applicability, and providing an effective date.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

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

- 1 HOUSE CONCURRENT RESOLUTION 101
- 2 By Arnould and Van Maanen
- 3 *Be It Resolved by the House of Representatives, the*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 1990 session of the Seventy-third
- 6 General Assembly be held on Tuesday, January 9, 1990,
- 7 at 10:00 a.m.; and
- 8 *Be It Further Resolved,* That Governor Terry E.
- 9 Branstad be invited to deliver his condition of the
- 10 state and budget message at this joint convention of
- 11 the two houses of the General Assembly, and that the
- 12 Speaker of the House and the President of the Senate
- 13 be designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
(House Concurrent Resolution 101)

Arnould of Scott asked and received unanimous consent that House Concurrent Resolution 101 be immediately messaged to the Senate.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Brown of Lucas, chair of the committee to notify the Governor that the House was duly organized and ready to receive any communication he might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

REMARKS BY THE SPEAKER

Speaker Avenson addressed the House as follows:

Welcome. It's good to see you all again. First off, I want to congratulate Harold Van Maanen on his selection as the new Republican leader. Harold, there isn't a member here who doesn't respect your integrity, your sincerity and your hard work. I'm sure I speak for all of us when I say I look forward to working with you to make this a successful — and short — legislative session.

I want to welcome our two new legislators, Pat Murphy and Stewart Iverson. I know that serving here will be a tremendous experience for both of you and I wish you both the very best.

I also want to thank each of you legislators for giving so much of yourselves to public service. Few understand the family sacrifices you make to be here. But it's worth it. We should be extremely proud of our democratic process and our role in setting Iowa's future goals.

As we enter the 1990s the value of our democratic system is being rediscovered all over the world. We convene today against a backdrop of world change so sweeping that it was unimaginable when we convened just last year. As a young boy I took part in grade school air raid practices. Today, democracy has taken root in Eastern Europe. And as we sit here today in this freely-elected legislative body, there are legislative bodies organizing in East Germany and Poland and Hungary and Czechoslovakia who are getting their first taste of democracy. Their first opportunity to speak out, to right the wrongs, to determine their destinies.

What we take for granted every day in this chamber is cause for great celebration in Eastern Europe. It should make us very proud of what we do here.

And one more thing — let's remember that the fire of freedom sweeping Eastern Europe began with the flame lit by the working men and women in Poland, who joined together to form a labor union they called Solidarity. As long as there was Solidarity, there was hope for change. In a time in America when labor unions are often taken for granted, let's remember the positive changes that organized working men and women have brought about in our own country.

There are great opportunities today for our nation and our world. There is also a feeling of optimism in Iowa. As we begin this new decade, we have a chance to break away once and for all from the economic stress of the '80s and start out fresh again. Today I want to share with you some of the thoughts about Iowa in the 1990s and where I believe the state should be heading.

First of all, Iowa government in the '90s must be strong and aggressive. We must pave the way for progress, not get in its way.

We must be the state that others look to for leadership. We have already established our pre-eminence in areas such as water quality, resource protection, and job training, all ideas that began in this very chamber. But we need to do more. Our state is small enough to pull together and focus our efforts on a common goal. We have potential that other states don't.

To reach that potential, we have to be willing to stick our necks out once in awhile, to test new ideas and new ways to improve on the old. Perhaps the greatest benefit of the recent Iowa Futures Project is that it brought Iowans together in communities all across the state and got them talking about the future, about their dreams for tomorrow.

Our quality of life is what makes Iowa strong. In the long run, Iowa will succeed or fail on how well we maintain and improve that quality. So we should focus on our strengths, the things we do well, and then endeavor to do them better than anyone else.

When I look at Iowa's future, I start with our environment. We in Iowa have been blessed with some of the most abundant natural resources on Earth. Our rich soil, our clean air and water — these are the resources that give us the ability to produce crops that feed the world. They're our most basic assets, but they're our most important ones.

We can never afford to take our environment for granted. Seven years ago, in his first address to the state, Governor Branstad said, and I quote, "The environment is not the burning issue it once was." Fortunately, we saw it differently.

In my mind, you can never say, "That it's done. We don't have to worry about the environment anymore." There will always be a threat to our environment. There will always be scofflaws who put profits ahead of people, who test us to see how far they can go and how much they can get away with. Stewardship of our resources is an ongoing responsibility and we must stand ready at all times to protect them.

Because we refused to believe that the environment was no longer a burning issue, this legislature has built an environmental protection record that I view as our proudest achievement. Without question, Iowa is first in the nation when it comes to the environment. Paul Johnson, who serves on the prestigious National Academy of Sciences, tells me that wherever he goes in the United States, people are talking about Iowa and what we've been able to do to protect our water and to enhance our resources. They marvel at how we were able to get ahead of potential problems.

It's no wonder that they wonder. Our groundwater law is the standard by which all other state laws are now judged. The research it's providing will help us prevent water contamination for years to come. And our resource enhancement program is far and away the most comprehensive commitment this state has ever made to enhancing its natural beauty, improving its parks and recreation areas, and conserving wild-life habitat.

As we look to the '90s, there's more work on the horizon. We need to be more responsible in using pesticides and other farm chemicals. We know we use too many chemicals on our land. With just a fraction of what we now use, we can maintain productivity and avoid the very serious dangers that come from chemical contamination of our water supplies.

We must reduce our reliance on ag chemicals. And we can do it without jeopardizing farmers' ability to produce and compete.

Hazardous waste is another concern. If a company uses hazardous and toxic materials and generates toxic waste, we ought to expect them to have a plan to properly dispose of that waste, even reduce the amount of waste. That only seems fair. For our part, we should be willing to lend them some of our technical expertise that we now have.

There are hazardous chemicals in every home and Iowans are showing a greater awareness and concern about them. Look at the unbelievable success of Toxic Cleanup Days. Iowans know there is a problem and they're willing to help solve it.

Iowans are willing to start recycling, too. When I was growing up we used to separate our trash. Even today, most households have separate containers for returnable bottles and cans. Environmental-conscious Iowans will separate out plastics and other reusable items, so that instead of burying them in a landfill, we use them over and over again.

Global warming — global warming is something in the dead of an Iowa winter that sounds pretty good. But it's a serious worldwide problem. Air pollution is causing severe damage to the ozone layer, and the erosion of this protective covering has grave implications for our continued existence on this planet.

Everyone should be concerned about reducing air pollution. In Iowa, we can do our part by offering incentives to Iowans who buy cars with tougher emissions controls. And Iowa industries which emit harmful pollutants into the air (and seventeen have been identified) ought to come up with plans to eliminate those toxic emissions.

We have good environmental laws in Iowa. You and I have seen to that. But the state has fallen short in enforcing those laws. When our environmental laws are broken, we need swift investigation and enforcement. Polluters must know that they will not be tolerated in Iowa.

Since we are not getting the job done now, we ought to create an environmental advocate whose only responsibility is environmental protection, who has authority to take polluters to court, and who can constantly advise us on what we need to correct.

You might ask what good it is if Iowa starts recycling in earnest or takes additional steps to control air pollution if the rest of the nation doesn't join in? Well, I'm talking about an Iowa being the state that others join in with. As soon as one state has the foresight to do these things, others will notice it and others will follow. You know that's true. They're already starting to copy our groundwater law, our resource enhancement program, our hazardous waste protections. If we take the lead on pesticides, on recycling, on global warming, on toxic waste reduction, we will set off a chain reaction that will be felt all over America. And it won't be hard for us to do because Iowans are deeply concerned about their environment and they will support us.

It takes just one state to step forward and take the lead. If it's not Iowa, then who will it be? We can't wait to find out. Let's make Iowa the state that leads the nation on the environment.

We've always been known as an education state, and we're proud of our tradition of superior education in Iowa. It's no accident — we have worked long and hard to improve our schools and encourage our teachers. But it's not that way everywhere.

In a world where you measure hope and opportunity by the quality of your educational system, Iowa stands head and shoulders above the rest. That's how it should be, that's how it always will be if we're willing to try new ideas.

The jobs of the 1990's will require more skills than a high school education can prepare a student for. Iowa should make sure that students have access to the quality advanced training they'll need, either at area colleges or four-year universities. No Iowan should ever have to say "I can't afford to go to school." Not as long as the state has the means to help them. It's an investment we will never regret.

We must never back away from our commitment to help businesses create good jobs, either. We must be smarter about it. In the mid-80's, when Iowa was desperate for any kind of new employment, the state fed every cat that came around and we fed some big, fat cats. Sometimes we got ripped off. It was a tough lesson, but we've learned it well.

Today, we don't give money away with no strings attached, and we'd be foolish to adopt any program that does. Neither should we be subsidizing low-wage, no benefit jobs. You can't raise a family on \$5 an hour. If the state continues to fund that kind of job, we're only swelling the ranks of the working poor.

I don't want to see Iowa divided between rich and poor, have and have not. We need a strong middle class with strong middle class values. At the very least, people should expect to earn enough to get by, and have a little something left over for the nicer things in life.

So we should shift our development efforts so we attract jobs that tap the potential of Iowa's educated, productive work force. If we see an employer who's willing to be a good corporate citizen and will work with us to provide good jobs with medical benefits or child care, we should bend over backwards to help them.

But if it's an employer who doesn't respect workers, who just wants a handout, they'll have to make it on their own. Iowa will compete for jobs, but we'll use our heads.

As we move forward in the 1990's, we must make sure that rural Iowa is not left behind. Good things are happening in some of our larger cities, and the business and civic leaders of those communities should be commended for making progress in the face of great adversity.

But rural Iowa, where we've had the greatest population loss, still hasn't totally recovered. And it's on rural Iowa that I believe we should focus our immediate attention. In smaller communities a minimum of state assistance can generate great benefits.

We should encourage local and regional decisionmaking. The best decisions are made closest to home by those who know the needs of the area.

We should invest in infrastructure, the backbone of the community. To be able to compete for business and industry, towns must have adequate water and sewage facilities, roads, bridges and telecommunications. We can help with that.

We can help with housing, too. Plenty of families who are now renting would love to own their own homes. In fact, they can afford the mortgage payments but they can't scrape together enough to make the upfront costs. If we can make home ownership a little easier, we should do it.

I don't think we've ever been as concerned about crime as we are today. Right now, our safety is threatened by drugs like crack cocaine. It's cheap and it's addictive, and once you've been addicted you'll stop at nothing to get more. And it's not just in Des Moines and Sioux City and Cedar Rapids. It's in rural Iowa, too.

Drug dealing in Iowa ought to be risky business. We have to make drug dealers live every day looking over their shoulders, afraid of being caught, afraid of being sentenced under tough laws, and afraid of being locked up for the entire length of their term.

We can't let ourselves be pushed around by drug pushers. They need to know that we will push back.

Finally, I want to mention a woman's reproductive rights. Last summer the U.S. Supreme Court gave states the power to restrict a woman's right to have an abortion. Iowa should adopt no restrictions. Government has no business interfering in a woman's private decision, a decision that should be made by each woman according to her own moral and religious beliefs and in consultation with her family and physician.

Instead, Iowa should direct its attention to those areas where we can help reduce the need for abortion. Better education about sex and birth control, especially amongst teenagers; family planning; adoption; pre-natal care; and medical assistance for children born to low-income mothers.

And when those children are born we should be the state where they have the right to health care, education, housing and a decent environment.

There's a certain "stubborn" among Iowans that says, "Don't tell me what to do with my personal life." I trust Iowa women. Let's keep government out of their private, personal decisions.

In the movie "Field of Dreams", the question was asked, "Is this Heaven?" I've had the opportunity to travel across Iowa this last summer and fall and I visited with people in 160 cities and 99 counties. And I'd have to say if this isn't Heaven it's very close.

I had wonderful experiences that made me fall more deeply in love with this state than I imagined I could. I was taken by the variety of Iowa's natural beauty — the Loess Hills, the prairie potholes, the woodlands, the rivers. But above all I was taken by the people.

A few weeks ago I was up along the Mississippi River. In the space of about five miles, I counted two dozen mature bald eagles hunting along the river. And it struck me that twenty years ago that spectacular sight could not have been seen in Iowa. Eagles were endangered. But now, thanks in part to human efforts in banning DDT, their environment has improved and they are prospering once more. We must remain vigilant if we are to prevent their environment from ever being spoiled again.

In the same way the eagles have returned to the Mississippi, I believe the 1990s will see people coming home to Iowa. It's the quality of life that will bring them back. You can sense a spirit and optimism with this new decade. If we just direct that enthusiasm toward those elements that make life so good here, then Iowa will prosper for years to come. I trust Iowa, I have confidence in Iowa that we're going to succeed.

Thank you.

REMARKS BY THE MINORITY LEADER

Van Maanen of Mahaska addressed the House as follows:

Mr. Speaker, Ladies and Gentlemen of the House:

It is indeed a privilege for me to stand before you this morning as the Minority Leader of the Iowa House of Representatives. It is especially a privilege as we begin a new decade, a decade that will lead us into the 21st century.

As we look back to the decade of the 80s, we are reminded of the many difficult times that Iowans endured due to economic conditions. During this period of stress, we learned to deal with each challenge and attempted to move the state forward in a positive manner. Let us continue to build on the progress that has been made in economic development, education, the environment and other areas, and not say that one is more important than the others.

The membership of this honorable body is very diverse and we come from various backgrounds and areas of interest. We have members who are totally rural as well as totally urban. I respect each and every one of you, as well as your philosophical viewpoint. By the same token, I would ask that we each have a deep respect and appreciation for each other and our views. We can have a high level of respect for each other and still have a good debate that involves honest differences of opinion on a given issue. We can do this and still protect the integrity of the legislative process. We must protect this heritage, which has been handed down from General Assembly to General Assembly. If we as elected officials are not willing to have respect and appreciation for how things are accomplished procedurally, then who will?

And now, Mr. Speaker and Ladies and Gentlemen of the House, as we begin the decade of the 90s, is it possible that we could set a new course, a course of better cooperation and understanding between the majority and the minority party? Can we begin with less posturing, less pitting of one side against the other, but instead work diligently to resolve the honest philosophical differences on a given issue? Can we begin this new course by working together to seek solutions to the drug problem, prison space and other issues in a bi-partisan manner? I believe the people of Iowa are waiting for this change. I am sure that all Iowans would benefit as the result of this new course as we begin the first session of the 90s.

So, with that in mind, Mr. Speaker, the Republican Caucus stands ready and eager to begin this new session with anticipation of cooperation. With this cooperation and with our input, I am sure we can accomplish the goal of having an effective session.

REMARKS BY THE MAJORITY LEADER

Arnould of Scott addressed the House as follows:

Thank you, Mr. Speaker, Ladies and Gentlemen. I wanted to compliment the Speaker on a very inspiring and moving message for all of us this morning. It's also my hope that this legislative session will be as short as his speech was long. We all look forward to welcoming you back next year, Mr. Speaker, on the second Tuesday in January for your next address to this General Assembly.

I'd like to welcome the new leader of the Republican Caucus. I look forward to working with Harold Van Maanen. He has been a very competent, very hard working member of the Appropriations Committee. I know that we can keep a constant and open dialogue and retain our discussion, both in person and on this floor, to policy and process as we will request that our members also keep their comments during this session on the issues in front of us and the process that surrounds it and stay away from personalities.

I want to welcome the new legislators, Mr. Murphy and Mr. Iverson. They both survived very hard fought special elections and as someone who also survived a special election in 1977, myself, let me say that there are some advantages and disadvantages in arriving in this chamber as a member of a class of two. One of those advantages will be that you will receive a great deal more attention and support from fellow members. I'd like to let you know that my office is available to both of you as it is to all other ninety-seven members of the General Assembly at any time that they would like to come in and meet with either me or my staff. We stand ready to help in any way that we can to facilitate this process.

I also want to mention that you ought to be proud as new members because you have joined that body of state government, this House of Representatives, which more than any other part of state government is the place to be in Iowa. It will be in the '90s as it has been in the '80s, the place where new ideas for economic development, for the environment, for given needs and for education have come from and will continue to come from. This body, in this state, is the think tank and you can be very proud to know that you are joining that part of state government which has been the true leaders of Iowa for the last seven years.

I'd like to welcome the press back. You are the eyes and the ears of millions of Iowans who are not able to share in the day to day deliberations of this process. We're all aware of the fact that our body is more open than some parts of state government are; we don't have the luxury of deciding that today we're going to talk to you, but rather, day to day you get to see the internal workings of this process and it's not always pretty. But, it is Iowa government in action at its best and we welcome you and appreciate the hard work and the important job that you do. My office also looks forward to being as helpful as we can with you in any way that we can.

Last year we had a monumental session of this General Assembly. We passed important bills in a number of areas including road formulas and education that were monumental rewrites. However, a number of the initiatives that this body took last year that were passed in many cases by bipartisan votes, in the bipartisan nature that Mr. Van Maanen discussed earlier, did not receive the signature of the Governor. As we discuss what our job needs to be for this year, I think we ought to start by talking about those issues that did not receive the signature, and even though I respect this Governor and do not believe that his vetoes were mean spirited, I do think that that serves as a place for us to start this bipartisan effort.

The thirty million dollars that he vetoed from rural economic development by not putting in place the funding mechanism for rural Iowa 2000 for the second year in a row has now cost us directly thirty million dollars in investments which could have been used to leverage hundreds of millions of dollars of investments in rural Iowa, and we need to start our work in economic development by once again trying to convince Governor Branstad that it's important that rural Iowa receive meaningful help. I have seen his comments in recent days and I have seen some what I call "small ideas" for rural economic development, but the sixty million dollars which has passed us by is very similar to the hundreds of millions of dollars that passed us by before we convinced the Governor to sign the lottery, and we need to put the same initiative and the same force to work to convince the Governor that it's just as important now to pass rural economic development in a meaningful fashion as it was to pass the lottery at that time.

Another veto that should not have happened was the three million dollars for housing in Iowa. It continues to be a significant and growing problem in this state, and we need to revisit that. Also, we need somebody in Iowa who will enforce strongly the environmental laws of this state. That's not happening. We need an environmental advocate, we need to repass that legislation.

There was money vetoed, of all things, for health and safety for Iowa's farmers and for health care needs in rural Iowa. That certainly needs to be taken a look at again by this General Assembly and sent again to the Governor by this General Assembly.

Also, we passed bills here saying that it was not okay for correctional residents, for inmates, to cross picket lines in Iowa labor disputes and to allow blue collar workers in this state to choose their own doctor. We need to revisit that area because of gubernatorial vetoes, also language which would have contained fire safety for our institutions for the mentally ill and asbestos removal in our juvenile institutions which this body passed, needs to be passed again because those problems in some ways are certainly tragedies waiting to happen.

Three million dollars in waste reduction language that was in last year's bill sent to the Governor needs to go out there. Already there are five million dollars in unmet requests to help communities meet their solid waste needs. We can wait no longer in assisting those communities. Obviously there was a serious mistake made in the veto on the corrections language which has slowed down the construction of Iowa's prison beds. We need to revisit that area and help solve that problem so that that construction can move forward.

It's very important that state government serve as a model for daycare in this state, as we serve for a model in other areas, and we need to again send a message to the Governor that we think we ought to serve as that model, we ought to provide the money and the language again to make sure that our state employees have daycare available for their children.

This, ladies and gentlemen, may very well be a monumental year for the environment. The Iowa lottery will be rededicated to the environment, the public now clearly supports that move. I oppose the Governor's move to put it in the general fund and I think that it's time that we go to work on energy conservation, recycling, waste disposal, additional money for parks and habitat through the REAP program and more money for soil conservation, all of those things available now through the lottery as we make that transition.

Higher education, both in terms of accessibility and salaries, grants, loans, work study, tuition reduction and tuition freezes, all need to be part of our plans to make higher education more accessible to Iowans. Our crime package of thirty points we've already agreed on with the Governor, thirty points in a bipartisan fashion, in our crime package with a special emphasis from this chamber in prevention and treatment of drug and alcohol problems, and also, obviously, new assistance for law enforcement, corrections, and in the judicial area, including a family court for juveniles. We must continue to move forward on a basic ADC grant, even though we managed finally to get an increase last year after a number of vetoes, those grants are way behind where they ought to be and Iowa's low income Iowans continued to be underfunded in meeting their needs.

We have a thirty million dollar property tax relief measure to pass this year in one way or another, and I will stress that this body needs to keep in mind fairness in its tax structure as that bill is passed, and that thirty million in combination with the over one hundred million dollars that we'll be putting into our schools will make this one of the largest increases in property tax relief ever passed by this General Assembly.

Rural economic development — there are pockets of rural Iowa that clearly need additional assistance, there are also pockets of urban Iowa that are on the front line of the drug war that have very pressing needs that also need our attention. Campaign finance and fairness in insurance rates will obviously be important issues for us to deal with again this year.

In closing, there are also a couple of items that I think we ought not to do in this General Assembly this year. The first one is we ought not raise any major taxes during this session of the General Assembly. The second thing is that this House of Representatives, from the best that I can tell, is the first and best line of defense in protecting the rights of Iowa's women. If language restricting the right to a safe medical abortion should pass out of this chamber, it has a fairly high chance of becoming law. It's imperative that this House stand firm and represents the majority viewpoint of Iowans on this issue, and that we never permit any restrictions of any kind to pass this House of Representatives.

In closing, let me say that we are not out of the woods in terms of economic development in this state. We face a potential drought, we face potential national recession, potential changes in farm programs or international relations, all of which can affect this economy in a major way. We should be hoping for the best and planning for the worst. We should continue to diversify while we have resources available to do that diversification with. We cannot rest on our laurels in any area. Even in education, where we consider ourselves to be national leaders, the standards are changing rapidly and we must keep up with them. The decade of the '90s will require additional growth and additional change. The seeds that we planted in the '80s we will harvest in the '90s, but if we rest on that we will not grow. I believe that the '90s will be just as big a challenge as the '80s have been. As we planted those seeds, now the changes will begin to happen and many of those changes will continue to be difficult, and it will be a struggle for us to find the resources to make those happen and to plant the seeds for the future change for the year 2000 and beyond.

Some might like to rest, but until this state reaches the point where it's once again in the top tier of states in this country economically, we cannot rest on our laurels at all. That means that we need to continue to act in this chamber boldly and with courage and if the past eight years have been a guidepost at all, that means that those actions of courage will originate in this chamber with the people who sit in this chamber right now today. I look forward to meeting that challenge with each and every one of you.

This session, as I said at the outset, will be expedited. It will be a short session but it will be a very important session for the people of this state.

I would like to mention a couple of items, first of all to remind you that budget bills are due out February 2, that's only three and a half weeks, and standing committee bills in five and a half weeks, and bills will need to be off this floor that are House Files within seven and a half weeks, if they have any chance of passing in the Senate. There, obviously, is no second chance since this is the second of the two sessions of

the General Assembly. Punctuality will be important if we're going to accomplish our goal. From my point and the Speaker's point, that means that we try to start this process on time every morning and from your point of view, that means that you also need to be here in the morning and, for a change, need to be in your committees on time. If we're able to do that then we will have shorter evenings, work some Fridays, but we will work as long as we need to to accomplish our work in the timeframe, no matter how many evenings we have to put in here together. So, good hard early committee work is the key to making this shorter legislative session possible, and I challenge you all to do that. I will meet my side of the bargain if you meet your side of the bargain.

Harold, I look forward to working with you and communicating on a regular basis. I welcome you, once again, any of you, to my office and back to this session of the General Assembly.

Thank you, Mr. Speaker.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

COMMITTEE FROM THE SENATE

A committee from the Senate appeared and notified the House that the Senate was duly organized and ready to receive any communications that the House might desire to transmit.

RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for committee meetings today.

The House stood at ease at 11:08 a.m., until the fall of the gavel.

The House resumed session at 11:59 a.m., Speaker Avenson in the chair.

INTRODUCTION OF BILL

House File 2017, by Swartz, a bill for an act relating to the reallocation of the moneys in the surplus account of the Iowa plan fund and providing an effective date.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 8, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 101, a concurrent resolution to amend Joint Rule 20 by advancing the deadline dates for the 1990 Session of the Seventy-third General Assembly.

JOHN F. DWYER, Secretary

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Name	Round Trip Miles
Wayne D. Bennett	288
Joel W. Brown	98
Stewart E. Iverson, Jr.	152
Patrick J. Murphy	400

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

REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on rules and administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Journal Editor	Vivian M. Anders	24-4 to 24-5	P-FT	01-19-90
Journal Editor	Carol S. Edwards	24-4 to 24-5	P-FT	01-19-90
Finance Officer I	Debra K. Rex	24-4 to 24-5	P-FT	01-19-90
Senior Finance Officer	Billie Jean Walling	31-3 to 31-5	P-FT	01-19-90
Administrative Assistant to Speaker II	Catherine S. Jury	30-3 to 30-4	P-FT	01-19-90
Chief Indexer	Juanita F. Swackhammer	24-4 to 24-6	P-FT	01-19-90

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Indexer	Wilma F. Zika	21-4 to 21-5	P-FT	01-19-90
Caucus Secretary	Jenifer L. Parsons	21-2 to 21-3	P-FT	03-02-90
Legislative Research Analyst I	Steven A. Kopf	27-2 to 27-3	P-FT	02-16-90
Legislative Research Analyst I	Kathi G. Woods	27-2 to 27-3	P-FT	03-02-90
Clerk to Chief Clerk	Jeanine S. Crist	16-1 to 16-2	S-O	02-16-90
Postmaster	George W. Pendergraft	11-2 to 11-3	S-O	03-16-90
Doorkeeper	Marvin L. Thomas	10-1 to 10-2	S-O	01-19-90
Assistant to the Legal Counsel	Eileen M. Tyler	17-1 to 17-2	S-O	02-16-90
Recording Clerk/ Supervisor of Pages	Laura J. Ward	21-3 to 21-4	S-O	02-02-90
Supply Clerk	Joanne Wengert	15-2 to 15-3	S-O	04-13-90
Legislative Committee Secretary	Mary Alice Amerman	17-1	S-O	01-08-90
Legislative Committee Secretary	Catharine R. Ankeny	17-1 to 17-2	S-O	03-02-90
Legislative Committee Secretary	Neal Baedke	17-1	S-O	01-08-90
Legislative Committee Secretary	Morgan A. Baethke	17-1	S-O	01-08-90
Legislative Secretary	Brock S. Banks	15-1	S-O	01-08-90
Legislative Secretary	Anne Black	16-1	S-O	01-08-90
Legislative Committee Secretary	Nancy B. Bowers	17-1 to 17-2	S-O	03-02-90
Legislative Secretary	Jane E. Burrows	16-1	S-O	01-08-90
Legislative Committee Secretary	Aimee L. Campin	17-1 to 17-2	S-O	03-02-90
Legislative Committee Secretary	JoAnn Critelli	17-3 + 2 to 18-3 + 2	S-O	01-08-90
Legislative Secretary	Deborah L. Crowley	16-1 to 16-2	S-O	03-02-90
Legislative Secretary	Michael J. Current	16-1 to 16-2	S-O	03-02-90
Legislative Secretary	Christine C. Davis	16-1 to 16-2	S-O	03-02-90
Legislative Committee Secretary	Betty J. Dunn	17-4 + 2 to 17-5 + 2	S-O	02-02-90
Legislative Secretary	Katherine E. Egan	15-1 to 15-2	S-O	03-02-90
Legislative Secretary	David L. Epley	16-1 to 16-2	S-O	03-02-90

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Brenda R. Grochala	16-1	S-O	01-08-90
Legislative Secretary	Lisa M. Hannon	16-1	S-O	01-08-90
Legislative Secretary	Anne M. Hansen	16-1 to 16-2	S-O	03-02-90
Legislative Secretary	Helene J. Hoffman/Bergren	16-1	S-O	01-08-90
Legislative Secretary	Kay D. Iverson	15-2	S-O	01-08-90
Legislative Secretary	Dawn M. Johnson	16-1	S-O	01-08-90
Legislative Secretary	Barbara G. Kalbach	16-1 to 16-2	S-O	03-02-90
Legislative Committee Secretary	Marjorie T. Larson	17-1 to 17-2	S-O	03-02-90
Legislative Secretary	Joann M. Leachman	16-2 + 2 to 16-3 + 2	S-O	01-19-90
Legislative Secretary	Prudence A. Leachman	15-2 + 2 to 15-3 + 2	S-O	02-16-90
Legislative Secretary	Shelley Lidster	17-1	S-O	01-08-90
Legislative Secretary	Lynne Melssen	15-1	S-O	01-08-90
Legislative Secretary	Jewell K. Midthun	15-1	S-O	01-08-90
Legislative Secretary	Betty C. Millen	15-5	S-O	01-08-90
Legislative Secretary	Edith L. Moore	16-2 + 2	S-C	01-08-90
Legislative Secretary	Elizabeth L. Mounsdon	17-1	S-O	01-08-90
Legislative Secretary	Frances Paterik-Johnson	16-1	S-O	01-08-90
Legislative Secretary	Susan L. Priest	16-1	S-O	01-08-90
Legislative Secretary	Donald A. Ray	17-1	S-O	01-08-90
Legislative Secretary	Martha G. Ricklefs	16-1 to 16-2	S-O	03-02-90
Legislative Secretary	Sharon R. Robinson	17-6	S-O	01-08-90
Legislative Secretary	Joni St. Pierre	16-1	S-O	01-08-90
Legislative Secretary	Wilma R. Scieszinski	16-1 to 16-2	S-O	01-08-90
Legislative Secretary	Mary Ann Scott	16-6 + 2	S-O	01-08-90
Legislative Secretary	Kristin L. Senty	16-1 to 16-2	S-O	03-02-90
Legislative Secretary	Patricia A. Shearer	16-1	S-O	01-08-90
Legislative Committee Secretary	Mark B. Teerink	17-1	S-O	01-08-90
Legislative Secretary	Jo Ann Thomas	16-2 + 2	S-O	01-08-90
Legislative Secretary	Twyla J. Woodward	16-1	S-O	01-08-90
Legislative Secretary	Lori L. Woody	16-1	S-O	01-08-90

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
GROUP I				
Page	Christopher R. Birge	3.85 Per Hour	S-O	01-08-90
Page	Michael M. Clabaugh	3.85 Per Hour	S-O	01-08-90
Page	Robin C. Clark	3.85 Per Hour	S-O	01-08-90
Page	Emily E. Earwood	3.85 Per Hour	S-O	01-08-90
Page	Evelyn D. Eckert	3.85 Per Hour	S-O	01-08-90
Page	Matthew C. Gardner	3.85 Per Hour	S-O	01-08-90
Page	Eugenia R. Hamilton	3.85 Per Hour	S-O	01-08-90
Chief Clerk's Page	Scott E. Harrington	3.85 Per Hour	S-O	01-08-90
Page	Chandra A. Heden	3.85 Per Hour	S-O	01-08-90
Page	Heather M. Hobson	3.85 Per Hour	S-O	01-08-90
Page	Angela R. Jones	3.85 Per Hour	S-O	01-08-90
Page	Gregory M. McCleary	3.85 Per Hour	S-O	01-08-90
Page	Marc D. McKay	3.85 Per Hour	S-O	01-08-90
Page	Suzanne M. Moroney	3.85 Per Hour	S-O	01-08-90
Speaker's Page	Carrie L. O'Connor	3.85 Per Hour	S-O	01-08-90
Page	Jeffrey M. Osweiler	3.85 Per Hour	S-O	01-08-90
Page	Emily A. Paulos	3.85 Per Hour	S-O	01-08-90
Page	Luann J. Segerstrom	3.85 Per Hour	S-O	01-08-90
Page	Heidi M. Schafer	3.85 Per Hour	S-O	01-08-90
Page	Christine M. Turner	3.85 Per Hour	S-O	01-08-90
Page	Kate E. Yoder	3.85 Per Hour	S-O	01-08-90
GROUP II				
Page	Brooke A. Baysinger	3.85 Per Hour	S-O	01-08-90

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Page	Jennifer L. Brown	3.85 Per Hour	S-O	01-08-90
Page	Heather N. Carter	3.85 Per Hour	S-O	01-08-90
Page	Michelle M. Coppie	3.85 Per Hour	S-O	01-08-90
Page	Heather C. Creasman	3.85 Per Hour	S-O	01-08-90
Page	Brenda A. Donaghy	3.85 Per Hour	S-O	01-08-90
Page	Veronica L. Driscoll	3.85 Per Hour	S-O	01-08-90
Page	Dawn J. Eckert	3.85 Per Hour	S-O	01-08-90
Page	Brenda M. Ehr	3.85 Per Hour	S-O	01-08-90
Page	Jeffrey L. Fuhrman	3.85 Per Hour	S-O	01-08-90
Page	Tracy L. McQuown	3.85 Per Hour	S-O	01-08-90
Page	Jolene K. Pfund	3.85 Per Hour	S-O	01-08-90
Page	Sarah D. Sherman	3.85 Per Hour	S-O	01-08-90
Page	Heather M. Switzer	3.85 Per Hour	S-O	01-08-90
Page	Sara N. Upmeyer	3.85 Per Hour	S-O	01-08-90
Page	Melinda S. Vaughan	3.85 Per Hour	S-O	01-08-90
Page	Darci A. Wade	3.85 Per Hour	S-O	01-08-90

TEAFORD of Black Hawk, Chair

REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on rules and administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps:

Chief Clerk	Joseph O'Hern	\$62,140.00	Annual Salary	12-22-89
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<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Secretary to Leader	Oliver Ivory Jr.	19-1 to 19-2	P-FT	11-24-89
Secretary to Leader	Luella R. Van Maanen	19-3 + 2	S-O	10-23-89
Assistant Legal Counsel	E. Jane Fowler	26-3 to 26-4	P-FT	06-23-89
Senior Caucus Staff Director	Gary W. Steinke	34-3 to 36-2	P-FT	05-26-89
Legislative Research Analyst I	Margaret A. Dohrer	27-2 to 27-3	P-FT	06-23-89
Administrative Assistant to Speaker III	Mark W. Brandsgard	33-6 to	P-FT	01-05-90
Senior Administrative Assistant to Speaker		35-5		
Administrative Assistant to Leader III	William C. Maloney	33-6 to	P-FT	01-05-90
Senior Administrative Assistant to Leader		35-5		
Legislative Research Analyst II	Edward J. Conlow	30-5 to	P-FT	01-05-90
Legislative Research Analyst III		33-3		
Legislative Research Analyst III	Mary E. O. Fleckenstein	33-6 to	P-FT	01-05-90
Senior Legislative Research Analyst		35-5		
Legislative Research Analyst III	Thomas R. Patterson	33-6 to	P-FT	01-05-90
Senior Legislative Research Analyst		35-5		
Executive Secretary to Chief Clerk	Deanna J. Verwers	23-6 to	P-FT	01-05-90
Confidential Secretary to Chief Clerk	Templeton	26-4		
Legislative Research Analyst I	Susan D. Severino	27-1 to 27-2	P-FT	07-07-89
Legislative Research Analyst II	Margaret Ann Thomson	30-2 to 30-3	P-FT	07-07-89
Legislative Research Analyst I	Greg E. Watson	27-1 to 27-2	P-FT	07-07-89
Legislative Research Analyst I	Joseph P. Romano	27-2 to 27-3	P-FT	09-15-89
Legislative Research Analyst I	Mary C. Braun	27-1	P-FT	12-22-89
Bill Clerk	Faith B. Fenton	13-1	S-O	12-04-89
Assistant Bill Clerk	Marie A. Kirby	12-1	S-O	12-04-89

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

<u>Position</u>	<u>Name</u>	<u>Eff. Date</u>
Administrative Secretary To Leader	Robert J. Fleming, Jr.	05-26-89
Senior Legislative Research Analyst	Sharon Robinson	12-29-89

TEAFORD of Black Hawk, Chair

REPORT FROM LEGISLATIVE COUNCIL

MR. SPEAKER: Pursuant to the Pay Resolution adopted by the Legislative Council on May 17, 1989, the Iowa Legislative Council submits the following names of employees of the central legislative staff agencies, and their respective classifications, grades and steps:

CITIZENS' AID-OMBUDSMAN

<u>Position</u>	<u>Name</u>	<u>Class</u>	<u>Grade</u>	<u>Step</u>
Citizens' Aide	William P. Angrick, II	P-FT	\$52,391.56 annual	
Deputy	Ruth Mosher	P-FT	35	6
Legal Counsel	Michael K. Elliott	P-FT	31	2
Asst. for Correc.	Clarence Key, Jr.	P-FT	30	6
Assistant II	Randy Meline	P-FT	30	6
Assistant II	Michael J. Ferjak	P-FT	30	2
Exec. Secretary	Judy Green	P-FT	23	6
Admin. Secretary	Patricia Nett	P-FT	21	6
CA/O Secretary	Maureen Kennedy	P-FT	19	2

COMPUTER SUPPORT BUREAU

Director	Sanford Scharf	P-FT	\$54,207.66 annual	
Mapper Coordinator	Kay Evans	P-FT	32	3
Run Designer I	Cheryl Porath	P-FT	24	3
Admin. Secretary	Sherry Frederick	P-FT	21	3
Computer Operator I	David Robinson	P-FT	21	5
Microcomputer Support Analyst	Ed Damman	P-FT	27	2
Computer Operator I	Scott Scothorn	S-O	21	1

LEGISLATIVE FISCAL BUREAU

Director	Dennis C. Prouty	P-FT	\$62,140.00 annual	
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<u>Position</u>	<u>Name</u>	<u>Class</u>	<u>Grade</u>	<u>Step</u>
Legislative Analyst I	Jon A. Studer	P-FT	27	1
Legislative Analyst I	David L. Reynolds	P-FT	27	1
Legislative Analyst I	Pamela N. Shipman	P-FT	27	1
Legislative Analyst I	Paul W. Accola	P-FT	27	1
Legislative Analyst I	Mary A. Shipman	P-FT	27	1
Legislative Analyst II	Paul D. Durand	P-FT	30	2
Legislative Analyst II	John K. Hawley	P-FT	30	2
Legislative Analyst II	Beth A. Lenstra	P-FT	30	2
Legislative Analyst II	Carter R. Hawley	P-FT	30	2
Legislative Analyst II	Alice A. Wisner	P-FT	30	2
Legislative Analyst II	Jeffrey W. Robinson	P-FT	30	2
Legislative Analyst II	Khalid N. Mahmood	P-FT	30	2
Legislative Analyst III	Robert R. Snyder	P-FT	33	2
Legislative Analyst III	Susan L. Lerdal	P-FT	33	2
Senior Legislative Analyst	Jonathan M. Neiderbach	P-FT	35	2
Principal Legis. Analyst	Douglas P. Wulf	P-FT	36	6
Principal Legis. Analyst	Holly M. Lyons	P-FT	36	4
Principal Legis. Analyst	Miller D. Ferguson	P-FT	36	3
Principal Legis. Analyst	Glen P. Dickinson	P-FT	36	4
Deputy Director	Timothy C. Faller	P-FT	39	6
Run Designer II	Cynthia Dufty	P-FT	27	1
Run Designer III	Raymond L. Knapp	P-FT	30	6
Administrative Secretary	Lynn S. Sevedge	P-FT	21	6
Administrative Secretary	Le Ann Dunne-Jaber	P-FT	21	2
Executive Secretary	Nona M. Livingston	P-FT	23	6
Page	Donald D. Bryan	S-O	Minimum Wage	

LEGISLATIVE SERVICE BUREAU

<u>Position</u>	<u>Name</u>	<u>Class</u>	<u>Grade</u>	<u>Step</u>
Director	Diane Bolender	P-FT	\$62,140.00 annual	
Iowa Code Editor	JoAnn Brown	P-FT	38	6
Admin. Code Editor	Phyllis Barry	P-FT	38	2
Legal Division Chief	Richard Johnson	P-FT	37	4
Deputy Iowa Code Editor	Janet Wilson	P-FT	33	6
Senior Legal Counsel	Michael Goedert	P-FT	36	4
Senior Legal Counsel	Gary Kaufman	P-FT	36	3
Senior Research Analyst	Thane Johnson	P-FT	35	6
Legal Counsel II	Mark Johnson	P-FT	33	2
Legal Counsel II	Susan Voss	P-FT	33	5
Legal Counsel I	Douglas Adkisson	P-FT	30	4
Legal Counsel I	Aida Audeh	P-FT	30	1
Legal Counsel I	Mary Carr	P-FT	30	1
Legal Counsel I	Julie Smith	P-FT	30	1
	Craggs			
Legal Counsel I	Daniel	P-FT	30	4
	Winegarden			
Legal Counsel I	Leslie Workman	P-FT	30	4
Research Analyst II	Patricia Funaro	P-FT	30	3
Research Analyst II	John Pollak	P-FT	30	2
Research Analyst I	Gary Rudicil	P-FT	27	2
Legis. Research Librarian	Jonetta Douglas	P-FT	24	1
Asst. Librarian	Ruth McGhee	P-PT	22	1
Public Information Officer	Lucinda Parker	P-FT	22	1
Capitol Tour Guide Coordinator	Henrietta Macaulay	P-PT	14	X
Capitol Tour Guide	Joan Arnett	P-PT	12	6
Capitol Tour Guide	Kathryn Farrell	P-PT	12	5
Capitol Tour Guide	Karen Nichols	P-PT	12	6
Capitol Tour Guide	Susan Madden	P-PT	12	1
Capitol Tour Guide	Scott Robinson	P-PT	12	1
Assistant Editor II	Donna Waters	P-FT	27	6
Assistant Editor I	Kathleen Bates	P-FT	24	3
Assistant Editor I	Joyann Benoit	P-FT	24	4
Assistant Editor I	Loanne Dodge	P-FT	24	5
Assistant Editor I	Peter Dubec	P-FT	24	3
Publication Coordinator	Rosemary Drake	P-FT	21	1

<u>Position</u>	<u>Name</u>	<u>Class</u>	<u>Grade</u>	<u>Step</u>
Iowa Code Indexer	Richard Schulze	P-FT	24	6
Admin. Code Indexer	Pamela Worden	P-FT	24	6
Assistant Indexer	Toni Boyd	P-FT	18	4
Assistant Indexer	Sarah Cartwright	P-FT	18	4
Assistant Indexer	Patricia Fetters	P-FT	18	6
Assistant Indexer	Doris Stoner	P-FT	18	4
Admin. Assistant	Alice Gossett	P-FT	20	1
Admin. Assistant	Bonnie King	P-FT	20	6
Senior Finance Officer	Marge Knudsen	P-FT	31	3
Confidential Sec.	Donna Greenwood	P-FT	26	6
Executive Sec.	Vivian Haag	P-FT	23	6
Executive Admin.	Kathaleen Miklus	P-FT	23	4
Legislative Text Processor Super.	Jean Wyer	P-FT	28	4
Senior Legislative Text Processor	Sarah Craig	P-FT	25	4
Senior Legislative Text Processor	Chris Fisher	P-FT	25	4
Legislative Text Processor II	Susan Weddell	P-FT	22	1
Legislative Text Processor I	Marva Cross	P-FT	19	2
Legislative Text Processor I	Jody Jorgensen	P-FT	19	1
Senior Bill Clerk	Bridget McNerney	P-FT	18	1
Bill Clerk	Robert Burgin	S-O	13	1
Bill Clerk	Carolyn Cox	S-O	13	2
Proofreader Coordinator	Andrea Meier	P-FT	18	3
Proofreader	Cathie Young	P-FT	16	2
Proofreader	Diane Young	P-FT	16	3
Proofreader	Barbara Colonno	S-O	16	2
Proofreader	Sue Fetters	S-O	16	1
Code Proofreader	Betty Snuggs	P-FT	15	5
Code Proofreader	Donna Munzenmaier	P-FT	15	2
Page	Chad Nowels	S-O	Minimum Wage	

APPOINTMENTS

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

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

Linda Beatty Reappointed to a term ending June 30, 1991

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

- Glen Jesse Replacing David Osterberg to a term ending June 30, 1990
- Dan Petersen Replacing Don Paulin to a term ending June 30, 1990

CAPITOL PLANNING COMMISSION
(Chapter 18A.1-2, Code of Iowa)

- Wayne McKinney Replacing Dennis Black to a term ending June 30, 1991
- Darrell Hanson Reappointed to a term ending June 30, 1993

CHILDREN, YOUTH AND FAMILIES
(Chapter 237B.2, Code of Iowa)

- Joyce Nielsen Replacing Mark Haverland to a term ending December 31, 1990
- Leroy Plasier Replacing Sue Mullins to a term ending December 31, 1990

COMMUNICATIONS REVIEW
(Chapter 2.35, Code of Iowa)

- Bob Dvorsky To a term ending with the
73rd General Assembly
- Steve Hansen To a term ending with the
73rd General Assembly
- Joe Kremer To a term ending with the
73rd General Assembly

COMPREHENSIVE HEALTH INSURANCE ADVISORY COMMITTEE
(Senate File 538, 1989 Session of the 73rd General Assembly)

- Pat Harper Serves at the pleasure of the Speaker

COUNCIL ON AGRICULTURAL EDUCATION
(Chapter 256.32, Code of Iowa)

- Dolores Mertz To a term ending June 30, 1992

DEPARTMENT OF ELDER AFFAIRS
(Chapter 249B.1-2, Code of Iowa)

- Ruhl Maulsby Replacing Mike Van Camp to a term ending June 30, 1993

EDUCATION COMMISSION OF THE STATES
(Chapter 272B.2, Code of Iowa)

- Horace Daggett Reappointed to a term ending June 30, 1993

ENERGY FUND DISBURSEMENT COUNCIL
(Chapter 93.11, Code of Iowa)

- David Schrader To a term ending with the
73rd General Assembly
- Theresa Garman To a term ending with the
73rd General Assembly

GRAIN MARKETING ADVISORY COUNCIL
(Chapter 195, 1989 Acts of the 73rd General Assembly)

- Bob Fuller To a term ending April 30, 1991
- Jane Svoboda To a term ending April 30, 1991

HEALTH DATA COMMISSION
(Chapter 145.2, Code of Iowa)

- Mark Haverland To a term ending June 30, 1990

INTERSTATE AGRICULTURAL GRAIN MARKETING COMMISSION
(Chapter 183.1, Code of Iowa)

- Louis Muhlbauer To a term ending June 30, 1991

IOWA BOUNDARY COMMISSION
(Chapter 2.91, Code of Iowa)

- Mike Peters Replacing Louis Muhlbauer to a term ending June 30, 1990

IOWA HIGHWAY RESEARCH BOARD
(Senate File 538, 1989 Session of the 73rd General Assembly)

- Mark Shearer To a term ending June 30, 1991

LAW ENFORCEMENT ACADEMY COUNCIL
(Chapter 80B.6, Code of Iowa)

- David Hibbard To a term ending April 30, 1992

MEDICAL ASSISTANCE ADVISORY BOARD
(Chapter 249A.4, Code of Iowa)

- Bill Brand To a term ending June 30, 1991
- Andy McKean To a term ending June 30, 1991

OFFICE OF RURAL HEALTH ADVISORY COMMITTEE
(Senate File 538, 1989 Session of the 73rd General Assembly)

- Joel Brown Serves at the pleasure of the Speaker
- Bob Kistler Serves at the pleasure of the Speaker

SOCIAL SERVICES BLOCK GRANT

- Jane Svoboda Serves at the pleasure of the Speaker
- Jim Lykam Serves at the pleasure of the Speaker

WALLACE TECHNOLOGY FOUNDATION
(House File 686, 1989 Session of the 73rd General Assembly)

- Jack Hatch Serves at the pleasure of the Speaker

**1990 Legislative Reapportionment
Technology Selection Committee**
(Section 2.41, Code of Iowa)

Representative Bob Arnould

Representative Kay Chapman
Representative Harold Van Maanen

1990 Legislative Fiscal Committee

Representative Roger Halvorson

1990 Legislative Service Committee

Representative Harold Van Maanen

1990 Legislative Studies Committee

Representative Roger Halvorson

1990 Legislative Procedures Committee

Representative Bill Harbor

The Speaker announced the following changes in House Committee assignments:

Representative Roger Halvorson, Ranking Member on the Committee on Appropriations.

Representative Bill Trent, Ranking Member on the Committee on Judiciary and Law Enforcement.

Representative Wayne Bennett, Committee on Rules and Administration.

Representative Phil Tyrrell, Committee on Rules and Administration.

Representative Tom Miller, Committee on Appropriations and removed from Committee on Education.

Representative Harold Van Maanen, removed from Committees on Appropriations and State Government.

APPOINTMENT

The following appointment was made June 29, 1989, by House Minority Leader Stromer:

GRAIN MARKETING ADVISORY COUNCIL
(Chapter 195, 1989 Acts of the 73rd General Assembly)

Bradly Banks To a term ending April 30, 1991

COMMUNICATIONS RECEIVED

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

AUDITOR OF STATE

The Audit Report of the Lottery Division, pursuant to Chapter 99E.20(3), Code of Iowa.

CITY OF FORT MADISON

A communication pertaining to legislation pending in Congress seeking comprehensive changes in the Cable Communications Policy Act of 1984.

COLLEGE AID COMMISSION

A report on a study to determine whether there is a shortage of trained health care practitioners, particularly in rural areas; and to develop strategies for alleviating the shortage of health care practitioners, pursuant to House File 774, 1989 Session of the Seventy-third General Assembly.

DEPARTMENT OF COMMERCE

Alcoholic Beverages Division

A plan for the collection and disposal of empty alcoholic beverage containers, including fiscal impact, pursuant to House File 753, 1989 Session of the Seventy-third General Assembly.

Insurance Division

The report on small employer participation in multiple employer trust (MET) health benefit programs, pursuant to Senate File 538, Section 410, 1989 Session of the Seventy-third General Assembly.

Savings and Loan Division

The 93rd Annual Report of the condition of Savings and Loan Associations, pursuant to Chapter 534.401(4), Code of Iowa.

DEPARTMENT OF EDUCATION

The Final Report on Correctional Education Initiative for Iowa Penal Institutions, pursuant to House File 772, 1989 Session of the Seventy-third General Assembly.

Recommendations for Educational Programs in Institutions of the Department of Corrections, pursuant to House File 774, 1989 Session of the Seventy-third General Assembly.

DEPARTMENT OF EMPLOYMENT SERVICES

A report on the Job Service Advisory Council Service Delivery recommendations, the original Job Service Advisory Council plan, and a recent report completed by the Field Operations Bureau, pursuant to Section 6 of House File 779, 1989 Session of the Seventy-third General Assembly.

DEPARTMENT OF HUMAN SERVICES

The Final Social Services Block Grant Pre-Expenditure Report, covering July 1, 1989 through June 30, 1990, pursuant to Chapter 217.21, Code of Iowa.

The "Report to Iowa Department of Human Services: Research of the Iowa Lottery and Gambling" pursuant to Chapter 99E.12(4), Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

A coordinated foster care plan pursuant to Chapter 1274.44, 1988 Acts of the Seventy-second General Assembly.

DEPARTMENT OF JUSTICE

A report on the operation of the Iowa Prosecutor Intern Program during the 1989 state fiscal year, pursuant to Chapter 13.2(12), Code of Iowa.

DEPARTMENT OF MANAGEMENT

The Annual Report of the activities of the Department of Management from July 1, 1988, through June 30, 1989, pursuant to Chapter 8.52, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

The Annual Report to the General Assembly, pursuant to Chapters 455B.425 and 455B.427, Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE

The corrected version of "Enhanced 911 Legislative Report", previously received, pursuant to Chapter 477A.5, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The Annual Report concerning activities, programs and budgeting, pursuant to Chapter 135.11(18), Code of Iowa.

A letter from the Office of Drug Policy indicating the appropriateness of extending the time for completion of a report due to the Governor and the General Assembly by November 1 of each year until as late as November 30, 1989, if need be, due to pending federal appropriations legislation.

DEPARTMENT OF REVENUE AND FINANCE

The 1987 Individual Income Tax Annual Statistical Report, pursuant to Chapter 422.75, Code of Iowa.

The Annual Report for the fiscal year ending June 30, 1989, pursuant to Chapter 17.3(1), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The 1989 Iowa Primary Road Sufficiency Log, pursuant to Chapter 307A.2(12), Code of Iowa.

An updated Iowa Transportation Policy for Fiscal Year 1990, pursuant to Chapter 307.10(1), Code of Iowa.

The Iowa Statewide Aviation Weather Collection and Dissemination Study, pursuant to Chapter 1278, Section 20, 1988 Acts of the Seventy-second General Assembly.

The 1989 Iowa Airport Sufficiency Ratings, pursuant to Chapter 328.12, Code of Iowa.

The report "Report of Recycling Efforts", pursuant to House File 753, 1989 Session of the Seventy-third General Assembly.

DIVISION OF BANKING

The listing of maximum lawful rates of interest, pursuant to Chapter 535.2(3)(a), Code of Iowa.

DIVISION OF COMMUNITY ACTION AGENCIES

The 1988 Annual Report of Community Action Programs in Iowa, pursuant to Chapter 601K.100, Code of Iowa.

DIVISION ON THE STATUS OF BLACKS

The Annual Report of the Iowa Commission on the Status of Blacks for the Fiscal Year ending June 30, 1989, pursuant to Chapter 601K.149, Code of Iowa.

DRUG ENFORCEMENT AND ABUSE PREVENTION COORDINATOR

An annual report and advisory budget recommendation, pursuant to House File 780, Section 1, 1989 Session of the Seventy-third General Assembly.

IOWA LAW ENFORCEMENT ACADEMY

The Fiscal Year 1989 Annual Report, pursuant to Chapter 80B.10, Code of Iowa.

IOWA LEGISLATIVE EXTENDED ASSISTANCE GROUP

"The State Budget Process: An Analysis of Forecasting Error and Optimal Reserves", a report published by LEAG, the University of Iowa, Oakdale, Iowa.

IOWA STATE UTILITIES BOARD

A report, "Energy Efficiency Options Study, Main Report," pursuant to Chapter 321.19, 1989 Acts of the Seventy-third General Assembly.

The 1988 Annual Report of the Iowa Utilities Board, pursuant to Chapters 17.10 and 476.16, Code of Iowa.

STATE BOARD OF REGENTS

An update of the 1988 study on child care needs at Regent universities, pursuant to House File 774, Section 19, 1989 Session of the Seventy-third General Assembly.

A report on plastic products regularly purchased by Board of Regent institutions for which starch-based product alternatives are available, pursuant to Senate File 2086, 1989 Session of the Seventy-third General Assembly.

A report providing a list of ongoing research projects in the area of global climate change as well as a listing of Regent faculty involved in this research, pursuant to House File 774, Section 19, 1989 Session of the Seventy-third General Assembly.

STATE OF TEXAS

House Concurrent Resolution 18, petitioning the Congress of the United States of America to propose to the states an amendment to the United States Constitution, protecting the American flag and 50 state flags from willful desecration and exempting such desecration from constitutional construction as a First Amendment right.

TREASURER OF IOWA

The rates of interest for public obligations and special assessments, pursuant to Chapter 74A, Code of Iowa.

WASHINGTON, D.C.

From the White House, an acknowledgement of receipt of Iowa House Concurrent Resolution Number 22.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

- 1989-101 Monsignor J.E. Tolan, Wall Lake — Recognition for his lifetime of service to the youth of the Sioux City Diocese and the State of Iowa.
- 1989-102 Eric Main, Epworth — Achieving the rank of Eagle Scout in the Boy Scouts of America.
- 1989-103 Steven Perrenoud, Farley — Achieving the rank of Eagle Scout in the Boy Scouts of America.
- 1989-104 Farmers Mutual Insurance Association, Osceola County — One hundred years of service to the surrounding area.
- 1989-105 Sean Keeler, Sioux City — Achieving the rank of Eagle Scout in the Boy Scouts of America.
- 1989-106 Sarah Anderson, Muscatine — Being named to the 1989 Iowa Girls' High School Softball All-Tournament Team.
- 1989-107 Girls' Softball Team, Muscatine High School, Muscatine — Winning the 1989 Iowa Girls' High School Softball Championship.
- 1989-108 Marci Stalkfleet, Muscatine — Being named to the 1989 Iowa Girls' High School Softball All-Tournament Team.
- 1989-109 Hope Haven, Rock Valley — Providing continuous training and care to children and adults with disabilities for 25 years.
- 1989-110 St. Albert High School, Council Bluffs — Celebrating its 25th anniversary.
- 1989-111 Linda Nelson, Council Bluffs — Being named Social Studies Teacher of the Year for her performance while teaching primary grades at Carter Lake.
- 1989-112 Tom Engelbert, North Mahaska School District — Recognition for 43 years of service as an educational administrator, teacher, coach and his dedication to the education of young people.
- 1989-113 Hessel J. Roorda, Rock Valley — Celebrating his 70th birthday.
- 1989-114 Laurens-Marathon Community School, Laurens — Winning the 1989 Class-A State Football Playoff Championship.
- 1989-115 Department of Public Safety, Council Bluffs — Establishment of the District 3 Post facility.
- 1990-1 The Honorable Robert M. Carr, Dubuque — Recognition for serving with distinction during his years of dedicated service in both the Iowa House of Representatives and the Iowa Senate.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 500 Education

Relating to consideration of open enrollment requests by a student's district of residence.

H.S.B. 501 Education

Relating to continuing education requirements for school administrators.

H.S.B. 502 Education

Relating to the sale, lease, or other disposition of student-constructed buildings and related school property.

H.S.B. 503 Energy and Environmental Protection

Altering the penalty for late payment of the solid waste tonnage fee.

H.S.B. 504 Judiciary and Law Enforcement

Relating to discovery in a civil action involving sexual abuse, sexual assault, or sexual harassment and providing for the Act's applicability.

H.S.B. 505 Judiciary and Law Enforcement

Relating to the appointment of an additional district judge for the district which includes the Iowa state penitentiary.

SUBCOMMITTEE ASSIGNMENTS

House File 169 (Reassigned)

Small Business and Commerce: Chapman, Chair; Holveck and Trent.

House File 397 (Reassigned)

Small Business and Commerce: Sherzan, Chair; Dvorsky and Metcalf.

House File 503 (Reassigned)

Small Business and Commerce: Doderer, Chair; Bisignano, Brammer, Kremer and Shoning.

House File 563 (Reassigned)

Small Business and Commerce: Chapman, Chair; Holveck and Trent.

House File 2004

Judiciary and Law Enforcement: Jay, Chair; Renaud and Siegrist.

House File 2007

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

House File 2013

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

House File 2015

Judiciary and Law Enforcement: Jay, Chair; Renaud and Siegrist.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 504

Judiciary and Law Enforcement: Beatty, Chair; Brammer and Rosenberg.

House Study Bill 505

Judiciary and Law Enforcement: Jay, Chair; McKinney and Trent.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON RULES AND ADMINISTRATION

Senate Concurrent Resolution 101, a concurrent resolution to amend Joint Rule 20 by advancing the deadline dates for the 1990 Session of the Seventy-third General Assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 8, 1990.

Committee Resolution, a resolution to amend House Rule 31.8 by advancing the amendment rule for the 1990 Session of the Seventy-third General Assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 8, 1990.

RESOLUTIONS FILED

HR 101, by committee on rules and administration, a resolution to amend House Rule 31.8 by advancing the amendment rule for the 1990 Session of the Seventy-third General Assembly.

Placed on the **calendar**.

SCR 101, by committee on rules and administration, a concurrent resolution to amend Joint Rule 20 by advancing the deadline dates for the 1990 Session of the Seventy-third General Assembly.

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

On motion by Arnould of Scott, the House adjourned at 12:00 noon, until 9:00 a.m., Tuesday, January 9, 1990.

JOURNAL OF THE HOUSE

Second Calendar Day — Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 9, 1990

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

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

The Journal of Monday, January 8, 1990 was approved.

INTRODUCTION OF BILLS

House File 2018, by Tyrrell, Kremer, and Branstad, a bill for an act relating to the repeal of wagering on excursion gambling boats, making corresponding amendments to the Code, and providing an effective date.

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

House File 2019, by Spear, a bill for an act relating to the time period for reconsideration of misdemeanants' sentences.

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

House File 2020, by Rosenberg, a bill for an act relating to inheritance taxation and providing a retroactive applicability date.

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

House File 2021, by Clark, a bill for an act relating to the use of adoption records in research.

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

House File 2022, by Rosenberg, a bill for an act relating to the definition of a child in need of assistance.

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

House File 2023, by Rosenberg, a bill for an act expanding the definition of child abuse to include sexual offenses by certain persons providing transportation services to children.

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

House File 2024, by Hansen of Woodbury, Peters, Banks, Bennett, and Shoning, a bill for an act relating to confidential autopsy records of the state medical examiner or a county medical examiner.

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

House File 2025, by Tyrrell, a bill for an act relating to mobile home annual tax reductions and property tax credits and rent reimbursements for the elderly by lowering the minimum age qualification and providing an effective date.

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

House File 2026, by Doderer, a bill for an act requiring persons to keep loaded firearms in a secure manner in order to prevent access by minors, prescribing conditions concerning the sale of firearms, and creating criminal penalties for violations.

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

House File 2027, by Garman, a bill for an act relating to school bus driver education requirement.

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

House File 2028, by Hibbard, a bill for an act relating to training requirements for reserve peace officers.

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

House File 2029, by Clark, a bill for an act requiring a bank to perform reconciliation of customer accounts by first crediting deposits before debiting withdrawals, and prohibiting a bank from creating an overdraft through imposition of bank service charges and fees.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 8, 1990, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, a concurrent resolution relating to a joint convention, Tuesday, January 9, 1990, 10:00 a.m., Governor Terry E. Branstad deliver his condition of the state and budget message.

JOHN F. DWYER, Secretary

COMMITTEE TO NOTIFY THE SENATE

Schrader of Marion moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Schrader of Marion, Murphy of Dubuque and Clark of Cerro Gordo.

The House stood at ease at 9:09 a.m., until the fall of the gavel.

The House resumed session at 9:42 a.m., Speaker Avenson in the chair.

SPECIAL PRESENTATION

Johnson of Winneshiek presented to the House a group of international students from Indonesia, China, Taiwan, Kenya, Ghana, and Canada who are learning about Iowa and the Midwest as a part of the International Fellow Program.

The group, who are sponsored by the Iowa Peace Institute and the Midwest Agribusiness, Trade Research and Information Center, represent a number of countries and are attending various colleges and universities in Iowa for a year's study. The student leaders will meet with Iowa leaders and learn more about one another as well as their respective countries, promoting long term interaction and facilitating international relationships and trade in the future.

The House rose and expressed its welcome.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Schrader of Marion, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The House stood at ease at 9:45 a.m., until the fall of the gavel.

The House resumed session at 9:47 a.m., Speaker Avenson in the chair.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 101, duly adopted, the joint convention was called to order at 9:49 a.m., President Zimmerman presiding.

Senator Hutchins of Audubon moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Zimmerman announced a quorum present and the joint convention duly organized.

Senator Hutchins of Audubon moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to notify Governor Terry E. Branstad that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Boswell of Decatur, Fraise of Lee and Goodwin of Clinton, on the part of the Senate, and Representatives Adams of Hamilton, Beatty of Warren and Pellett of Cass, on the part of the House.

The joint convention stood at ease at 9:50 a.m., until the fall of the gavel.

The joint convention resumed session at 9:51 a.m., President Zimmerman presiding.

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

Elaine Baxter, Secretary of State; Michael Fitzgerald, Treasurer of State; Richard Johnson, State Auditor; Dale Cochran, Secretary of Agriculture; and Tom Miller, Attorney General, were escorted into the House chamber.

Congressman Dave Nagle, United States Representative from Iowa's Third Congressional District, was escorted into the House chamber.

Mrs. Chris Branstad; daughter, Allison and son, Eric Branstad; Governor Branstad's parents, Mr. and Mrs. Edward Branstad; and Mrs. Branstad's parents, Mr. and Mrs. Richard Johnson, were escorted into the House chamber.

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

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

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

Before I begin this morning, I would like to take a moment to welcome a very special family to these chambers — Tibi and Marilena Craici and their children, Dan and Anamaria.

The Craici's were born, married and had their two children in Romania. They were both engineers in Romania. They were more fortunate than many of their countrymen. Yet, Tibi told me last week, "We had everything... except freedom."

A few years ago, they fled their homeland as political refugees. Today, Tibi and Marilena Craici are realizing their dream of freedom here in Iowa. Iowa is now their home.

It was thus with horror that a month ago the Craici's watched thousands of their compatriots who were gunned down while marching for freedom back in Romania. We can only imagine the joy in their hearts as they witnessed Romania throw off a 40-year yoke of brutal oppression. Finally, all Romanians are now realizing their dream of freedom.

Just this morning on the radio I heard it said for the first time in over 40 years, Romanians are now being permitted to travel outside of their country. 1989 was the year when the Cold War melted; the Iron Curtain parted; and the Berlin Wall came tumbling down. First it was Hungary, then Poland, East Germany, Czechoslovakia, Bulgaria and finally Romania. One by one, the brave people of Eastern Europe threw off the mantle of oppression and demanded freedom and democracy.

Today, we salute all the brave Romanians and other Eastern Europeans who risked their lives to bring freedom to their lands. Please join me in welcoming the Craici's to this special place they now call home, to Iowa.

As we enter the 1990's, the prospects for peace in the world are greater than at any other time during the 20th Century and we Iowans should take at least some pride in knowing that we helped make that happen. Our state has always been a force for peace in the world.

Even though it was more than 30 years ago, we can vividly remember when Nikita Khrushchev visited the Roswell Garst farm near Coon Rapids, Iowa. In the 70's, Iowans pushed for expanded trade with the Soviets and in the 80's, Iowa was the first state to establish a sister-state in the Soviet Union.

For Iowa, peace means prosperity. The next ten years offers an extraordinary opportunity for our state. Yes, the 90's could well be Iowa's best decade.

Lest we forget, the 80's taught us some important lessons.

Ten years ago today, we had just come off a decade of great prosperity. Farmland values had yet to hit their peak; manufacturing jobs were at an all time high, and inflation-induced growth seemed never ending.

Yet, there were dark clouds on the horizon. Interest rates were beginning to soar; a grain embargo had just been imposed against the Soviets and the wheels of commerce were slowing down.

We were not prepared to deal with that result.

Those dark clouds rained distress on Iowa like no time since the 30's.

We watched in dismay as the floor fell out of our economy, land values plummeted, bankruptcies mounted, unemployment neared double digits, and many Iowans moved to other parts of the country in search of jobs.

Never again. Never again will we enter a decade so vulnerable to the shifts in economic trends. Never again will we become complacent and uncompetitive. Never again will we let our economy rest on a one-legged stool. Never, never again.

Yes, in the 80's times were tough, but Iowans were tougher. We learned some lessons from the farm crisis and we used them to set a new direction. We set out a plan and stuck to it: to strengthen and diversify Iowa's economy; to build on our strengths in agriculture and education; to improve our business climate; to promote and market Iowa.

Now the sun is shining on the horizon. Our strategy is paying dividends. Over the past three years, we've seen a dramatic comeback in Iowa. In 1989, we saw record numbers of Iowans working and our unemployment remains among the lowest of American states. Land values are now up — 45 percent since 1986. Now 40 percent of Iowa firms intend to expand. For the first 10 months of 1989, exports are up 20 percent.

In 1989 millions of people learned about Iowa. They saw the care and compassion in Sioux City after the disastrous crash of Flight 232 and they marveled that the community of Sioux City could respond so quickly and so well. The rest of the nation saw the beauty of Iowa and Iowa people through the movie "Field of Dreams."

1989 was the year when Fortune Magazine dubbed the Hawkeye State No. 1 in education, when Newsweek touted prairie cuisine and Midwest Living reported that people were, "Returning from the South, the Northeast and the West to a region that for them was gone, but not forgotten. America is rediscovering meatloaf and Midwest values."

1989 proved that Iowa was back on track. But are we ready to take advantage of the opportunities that await us in the 90's? Have we decided the kind of future that we want for Iowa?

Let us imagine for a moment where we want Iowa to be ten years from today.

In the year 2000, we want a growing economy in tune with the global marketplace with quality jobs.

In the year 2000, we want an education system that is nothing less than world class.

In the year 2000, we want a state renowned for its rolling hills, trees, wildlife and healthy human environment.

In the year 2000, we want our families to be whole and secure, caring and compassionate.

To fulfill this vision of our future, state government must lead and facilitate, encourage and sustain. But the people who are going to make it possible for us to reach this field of dreams for Iowa's future are the people living in every community from river to river and from border to border. Every Iowan must be motivated to get involved in building their communities, thus building their state.

We can do it. We can be architects of our future. We have already seen Iowans roll up their sleeves and help their communities to become part of our economic comeback.

We have seen communities like Bonaparte, population 490, raise \$100,000 to restore their historic Main Street. We have seen communities like Lisbon attract a division of Illinois Tool to a new industrial park. We have seen communities like Sac City where 101 volunteers spend hundreds of hours to get a large industrial building ready for sale.

Our program for the 90's begins now. We must keep economic development a top priority. We need a dynamic economy that is competitive in the global marketplace.

It is clear that in the 90's, the economy will be more global than ever before. Iowa is well-positioned to forge relationships with people and develop markets for our products throughout the world. We already have three foreign offices and we export over 3 billion dollars in goods annually.

As the doors of Eastern Europe swing open, we must develop a plan for trade opportunities in that part of the world. Our European Office should be expanded to accommodate our trade plans both in Eastern Europe and in the European community, which is slated to become a united market in 1992.

We must also continue to enhance our trade and cultural relationships with Japan. Iowa sells 1 billion dollars in agricultural goods and \$300 million of other products to Japan each year and, with fewer trade restrictions, the Japanese people have been introduced to Iowa quality beef and pork. We must sell them even more in the 90's.

As we pursue our opportunities in other parts of the world, we must also focus on our largest trading partner, our neighbor to the north — Canada. The United States already has a free trade agreement with Canada. To achieve the full benefits of this relationship, Iowa should join with other Midwestern states and open a trade office in Canada.

We can be a model in the states developing strong, vibrant rural communities. Agriculture, small business and health care are key components of a strong rural development strategy. We are addressing each.

Adding value to our commodities brings higher prices, more jobs and a more diversified economic base. We are in the midst of an unprecedented three-year commitment to strengthen agriculture research at Iowa State. Our goal is to develop new products and processes. With the help of farm and commodity organizations, we will keep that commitment. This year, we should establish a special fund to provide financing for innovative ways to add value to commodities.

Small businesses are the backbone of the Iowa economy and they are especially important to rural communities. The entrepreneurial spirit is part of the fabric of Iowa, yet we trail many states in new business formation and growth. To be competitive in the 90's, our state needs an economy that is conducive to entrepreneurship and innovation. The Iowa Futures Report identified this as a key to our future and that report is on target.

I am recommending several initiatives to foster entrepreneurship in Iowa: a Capital Access Program to make it easier for small business to get bank loans; a 10 percent tax credit for qualified investments in Iowa start-up companies; and removal of remaining barriers for small Iowa companies to raise capital.

Access to affordable quality health care is also critical to sustain viability of rural communities. Recent adjustments in Medicare and Medicaid reimbursements will reduce some of the inequities between urban and rural hospitals.

We need to do our part at the state level with financial incentives to encourage doctors, nurses and other health care professionals to locate in rural Iowa. We must also provide rural health care planning grants to help rural communities attract professionals and develop effective ways to deliver services.

The tools of the next decade and the next century will be technology-based and we must begin to set the framework for them now. Supercomputers provide state-of-the-art solutions for technology development and transfer. To keep Iowa competitive, we should allocate funds to develop a plan that will make a supercomputer part of Iowa's science infrastructure in the next decade.

In the 90's, we will complete the fiber optics network which will link Iowa people at home and abroad. Our plan also includes building new livestock research facilities at Iowa State and medical research facilities at the University of Iowa.

As we invest in the tools and technology of tomorrow, we must also invest in the people who keep the machines of our economy humming. In the 90's we have a decade of promise for people who want jobs, but preparation is the key.

Ninety percent of the technology used today was invented in the last 30 years and half of what we will use in the year 2000 hasn't been invented yet. By the end of this decade, we will see a dramatically different workforce and 75 percent of all employees will need retraining to just keep up with their jobs.

We must focus on helping Iowans to become part of that workforce. A new Workforce 90's Program will help prepare older Iowans, displaced homemakers, at-risk youths and immigrants for jobs. Businesses will need skilled employees, so our commitment to Job Training Programs must remain firm.

Iowa's record in education is outstanding. We can be proud of our leadership to education. Through our revised School Aid Formula, this year we will commit almost 88 percent of our new resources to Iowa's schools. Over \$193 million in scholarships, loans and grants will be available to Iowa students attending our colleges and universities.

In education, Iowa is indeed a model for the nation. As chair of the National Governors' Association, I had the honor of working with President Bush and the other governors at the Education Summit in September. Iowa's education record, especially our three-phased Educational Excellence Program, generated a lot of interest among the governors.

Here at home, in Iowa, we are not resting on our laurels. A month ago, Iowans began the process of developing our own goals for education. Iowans support education goals that call for all Iowa children to be prepared to succeed when they start school; for all Iowans to be able to read well; and for all Iowans to have the necessary skills to get good jobs.

In looking to the future of education in Iowa, we must continue to support innovation among our teachers. We must also invest in staff development and improved faculty salaries at our community colleges. We must address the needs of the 21st Century with instruction in math and science and in foreign languages and international education. This budget does that.

Our students must have access to a quality and timely undergraduate education at our state universities. We must provide financial aid to students and I am proposing increases in the Iowa Tuition Grants and Voc Tech Programs to help those who attend our independent and community colleges.

Iowa has long been a leader in environmental issues and, with your help, the 80's produced landmark legislation to protect our groundwater and an unprecedented resource enhancement and protection program.

REAP funds are already at work to purchase more land in the Loess Hills; to expand the Yellow River State Forest; to develop the Green Island Wildlife Area and for the renovation in state and local parks throughout Iowa.

In the 90's, we have the opportunity to assume leadership in the reuse of resources; to make environmental and renewable energy technology a growth industry in our state; and to boost our economy through energy conservation.

Last summer, I asked a group of Iowans with broad experience in environmental issues to help develop an environmental agenda for the 90's in our state.

In addition to fully funding the REAP Program, I am asking you to join me in making an additional 4 million dollar commitment to launch this innovative environmental agenda:

- * To develop markets for recycled products;
- * To establish permanent collection centers for toxic household wastes;
- * To increase the funding for the Center for Health Effects of Environmental Contamination at Iowa State University, and the Waste Reduction Center at the University of Northern Iowa; and
- * To expand environmental education programs throughout Iowa.

Global climate change is an issue of much discussion and complexity. Yet, we all know that trees play an important role in nature's delicate balancing act.

To celebrate the 20th Anniversary of Earth Day on April 22, I am asking Iowans to help enhance our state's environment by planting a tree this year. Our goal is to plant a tree for every Iowan, a tree that will help air quality and improve the beauty of Iowa.

Iowa has long been known for our commitment to solid family values. Our goal for the 90's must be to preserve and strengthen that family structure to ensure that all our citizens have the opportunity to realize their full potential.

Drug and alcohol abuse devastate family life. The drug problem has not skipped over Iowa. One cocaine baby is born every week here in Iowa and our State Department of Education reports that 10 percent of our youth in grades 7 through 12 are in need of substance abuse treatment.

Communities are the key to the strategy to combat drugs, but we must give them the tools to do that job. That means stepped-up education programs for school children; increased funds for treatment; more narcotics agents and tougher penalties for drug offenses; more prosecutors; and additional resources for the courts; and, yes, we must have more prison beds to rid our streets of hardened criminals.

We must also provide for Iowans who cannot provide for themselves. Last year, we pledged 11.2 million dollars to address the needs of at-risk children. We need to encourage and assist with more adoptions and provide for more foster care homes. This budget also includes inflation adjustments for human service providers and for needy Iowans.

The budget supporting this program carefully allocates our resources. It takes into account the moderate, yet steady growth that we can expect in coming years.

The budget reflects our commitment to be prudent stewards of taxpayers dollars. We cannot borrow our way into prosperity and we should be wary of spending schemes that will lead us into a deficit. My commitment is to an even handed and balanced program. We need to continue to move ahead to achieve generally accepted accounting principles on schedule and to fulfill our commitment to property taxpayers. We can do this without raising taxes.

Quality jobs. A world class education system. A healthy environment. Safe communities. Strong families. All part of our agenda for the 90's. Action is needed in each area if we are to realize our full potential.

We can be proud of the economic comeback that together we helped start in the 80's; but the job is not completed. We must not rest until all Iowans share in our recovery. We can make the 90's the best decade of the Twentieth Century.

Like our ancestors, the Craici's have decided to call Iowa home. They like the quiet and comfortable life of our state and the freedom and security that it provides. They understand that this is a special place to live, work and raise a family.

Former Iowans are coming back, realizing that only Iowa can be home. This is a special place where friendliness, honesty and kindness are a way of life.

New Iowans marvel at our attention to the environment, our quality of life and our unparalleled commitment to education. All of this we must develop. All of this we must nurture. All of this we must preserve.

Let us not let partisan or personal differences to divert us from this task — to make the 1990's Iowa's decade, a decade to come home to Iowa.

Come home to a state that is strong and safe; clean and compassionate.

Come home to a state with open arms for families like the Craici's in search of freedom and hope and opportunity.

Come home to a state where our children and our children's children can find jobs and family and community.

Come home to a special place — Iowa — a beacon of hope in the Heartland of the world.

Thank you very much.

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

On motion by Arnould of Scott, the joint convention was dissolved at 10:30 a.m.

The House reconvened at 10:31 a.m., Speaker Avenson in the chair.

APPOINTMENTS

House Minority Leader Stromer announced the following appointment which was made July 6, 1989:

IOWA HIGHWAY RESEARCH BOARD
(Chapter 293, 1989 Acts of the 73rd General Assembly)

Kenneth De Groot To a term ending June 30, 1993

He also announced the following appointment which was made July 28, 1989:

WALLACE TECHNOLOGY TRANSFER FOUNDATION OF IOWA
(Chapter 258, 1989 Acts of the 73rd General Assembly)

Bill Trent To a term ending June 30, 1993

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF COMMERCE

A report referring to the wastepaper recycling program plan and efforts to use recycled paper products by the Department of Commerce, pursuant to Chapter 272.21, 1989 Acts of the Seventy-third General Assembly.

The annual report from the Iowa State Utilities Board on the status of utility customer contribution funds, pursuant to Chapter 476.66(6), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS
Division of Children, Youth and Families

The 1989 Annual Report, pursuant to Chapter 601K.17, Code of Iowa.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 506 Education

Providing technical changes to the financing of education programs of school districts.

H.S.B. 507 Natural Resources and Outdoor Recreation

Relating to sales and use tax by exempting certain vessels from sales tax and providing for collection of use tax on those vessels.

H.S.B. 508 Natural Resources and Outdoor Recreation

Relating to the enforcement of outdoor recreation and natural resource laws, by defining degrees of repeat offenders, by requiring the reporting of firearm accidents, by providing for the suspension of licenses, permits, and certificates, by providing penalties, and by providing retroactive applicability.

H.S.B. 509 Local Government

Relating to the tax levy for the assessment expense fund of assessment areas.

H.S.B. 510 Local Government

Relating to the duties of the county recorder by imposing a fee for recording and indexing certain instruments, and by providing for the issuance of certain transcripts.

H.S.B. 511 Local Government

Removing the statutory monetary limitation on the local option E911 emergency telephone service surcharge.

H.S.B. 512 Economic Development

Relating to and making appropriations from Iowa lottery revenues.

H.S.B. 513 Judiciary and Law Enforcement

Allowing a person indirectly injured by a violation of the Iowa competition law to bring a legal action for redress.

H.S.B. 514 Judiciary and Law Enforcement

Relating to the Iowa civil rights Act by expanding the definition of public accommodation.

H.S.B. 515 Judiciary and Law Enforcement

Relating to the definition of public accommodation under the civil rights law.

H.S.B. 516 Judiciary and Law Enforcement

Making corrections and removing inconsistencies in Iowa's civil rights laws.

H.S.B. 517 Education

Relating to the appointment of administrative law judges for the board of educational examiners for certain administrative hearings.

H.S.B. 518 Transportation

Relating to investigations of complaints concerning an individual's driving ability.

H.S.B. 519 Local Government

Relating to membership qualifications of the board of review.

H.S.B. 520 Local Government

Authorizing the creation of a township general fund and the levy of a property tax, making corresponding amendments to the Code, and providing effective dates.

SUBCOMMITTEE ASSIGNMENTS**House File 436**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Hansen of Woodbury and Jay.

House File 2002

Education: Ollie, Chair; Daggett, Iverson, Shoultz and Wise.

House File 2006

Transportation: Fey, Chair; Cohoon and Schneklath.

House File 2008

Transportation: Black, Chair; Cohoon and Spenner.

House File 2010

Education: Ollie, Chair; Daggett, Iverson, Shoultz and Wise.

House File 2011

Transportation: Muhlbauer, Chair; Branstad and Brown.

House File 2014

Education: Ollie, Chair; Daggett, Iverson, Shoultz and Wise.

House File 2016

State Government: Connors, Chair; Lundby and Pavich.

House File 2017

Economic Development: Swartz, Chair; Beaman, Brand and Corbett.

House File 2024

State Government: Peterson of Carroll, Chair; Hammond and Shoning.

Senate File 255 (Reassigned)

Small Business and Commerce: Blanshan, Chair; Jesse and Renken.

Senate File 545

Agriculture: Hibbard, Chair; Bennett and May.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 500

Education: Ollie, Chair; Daggett, Iverson, Shoultz and Wise.

House Study Bill 501

Education: Harper, Chair; Kistler and Shoultz.

House Study Bill 502

Education: Shearer, Chair; Adams and Beaman.

House Study Bill 503

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

House Study Bill 514

Judiciary and Law Enforcement: Brammer, Chair; Clark, Peterson of Carroll, Rosenberg and Shoning.

House Study Bill 515

Judiciary and Law Enforcement: Brammer, Chair; Clark, Peterson of Carroll, Rosenberg and Shoning.

House Study Bill 516

Judiciary and Law Enforcement: Brammer, Chair; Clark, Peterson of Carroll, Rosenberg and Shoning.

AMENDMENT FILED

H — 5001 H.F. 152 Spear of Lee

On motion by Arnould of Scott, the House adjourned at 10:32 a.m., until 9:00 a.m., Wednesday, January 10, 1990.

JOURNAL OF THE HOUSE

Third Calendar Day — Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 10, 1990

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

Prayer was offered by the Honorable Robert Fuller, state representative from Hardin County.

The Journal of Tuesday, January 9, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peterson of Carroll, for the remainder of the week, on request of Svoboda of Tama; Siegrist of Pottawattamie on request of Lundby of Linn.

INTRODUCTION OF BILLS

House File 2030, by Royer, a bill for an act relating to the removal of railway track from a grade crossing once the railway corporation has abandoned the line or permitted interim use for the establishment of a trail.

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

House File 2031, by Daggett, Harbor, Halvorson of Clayton and Beaman, a bill for an act relating to certain occupancy requirements for the homestead tax credit.

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

House File 2032, by Renaud, a bill for an act relating to the reporting of burn injuries to the state fire marshal, and providing a penalty.

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

House File 2033, by Shoultz, a bill for an act relating to real estate transfer books maintained by the county auditors' offices and permitting such records to be electronically maintained and printed.

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

House File 2034, by Wise, a bill for an act relating to the age of a child for whom a support obligation may be required.

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

House File 2035, by Shearer, a bill for an act relating to the establishment, operation, and dissolution of a benefited ambulance district and providing for a property tax levy.

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

House File 2036, by Shoning, a bill for an act providing for a state income tax checkoff to pay the expenses of older Iowan delegates for attending and participating in approved older Iowans' legislature activities, making an appropriation, and providing a retroactive applicability date.

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

House File 2037, by Fuller and Svoboda, a bill for an act relating to disposal of solid waste on agricultural land and making penalties applicable.

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

House File 2038, by Diemer, a bill for an act relating to the repeal of a local option sales and services tax.

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

House File 2039, by Rosenberg, a bill for an act relating to juvenile court officers' and employees' salaries.

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

House File 2040, by Spear, a bill for an act relating to the Iowa public employees' retirement system by revising provisions governing the classification of certain employees of the department of corrections as members employed in protection occupations.

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

House File 2041, by Rosenberg, a bill for an act relating to third-party payor health and accident coverages by prohibiting denial of insurance or the issuance of other third-party payor contracts or policies based upon an applicant's or member's receipt of negative results to a medical diagnostic test.

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

House File 2042, by Van Maanen, a bill for an act relating to payments for child support during the appeal of a child support order or decree.

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

House File 2043, by Chapman, a bill for an act relating to execution upon and assignment of benefits accrued pursuant to certain governmental retirement systems for the payment of child and spousal support.

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

HOUSE FILES WITHDRAWN

The following bills were withdrawn by unanimous consent by the members listed:

House File 93 by Peters of Woodbury
 House File 125 by Harbor of Mills
 House File 131 by Renaud of Polk
 House File 154 by Svoboda of Tama
 House File 206 by Haverland of Polk
 House File 279 by Schrader of Marion
 House File 291 by Fogarty of Palo Alto
 House File 339 by Dvorsky of Adams
 House File 369 by Metcalf of Polk
 House File 374 by Fogarty of Palo Alto
 House File 411 by Clark of Cerro Gordo
 House File 457 by Shoultz of Black Hawk
 House File 463 by Schrader of Marion
 House File 621 by Fogarty of Palo Alto
 House File 708 by Black of Jasper
 House File 759 by Tabor of Jackson

On motion by Arnould of Scott, the House was recessed at 9:13 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

QUORUM CALL

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

INTRODUCTION OF BILLS

House File 2044, by committee on education, a bill for an act relating to the sale, lease, or other disposition of student-constructed buildings and related school property.

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

House File 2045, by committee on judiciary and law enforcement, a bill for an act relating to the appointment of an additional district judge for the district which includes the Iowa state penitentiary.

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

HOUSE FILES 55 AND 727 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House Files 55 and 727 from further consideration of the House.

ADOPTION OF SENATE CONCURRENT RESOLUTION 101

Teaford of Black Hawk called up for consideration the following Senate Concurrent Resolution 101, a concurrent resolution to amend Joint Rule 20 by advancing the deadline dates for the 1990 Session of the Seventy-third General Assembly, and moved its adoption:

- 1 Senate Concurrent Resolution 101
- 2 By Committee on Rules and Administration
- 3 A Concurrent Resolution to amend Joint Rule 20 by
- 4 advancing the deadline dates for the 1990 Session
- 5 of the Seventy-third General Assembly.
- 6 *Be It Resolved By The Senate, The House Of*
- 7 *Representatives Concurring*, That the joint rules of
- 8 the senate and house for the 1990 session of the
- 9 Seventy-third General Assembly are amended as follows:
- 10 Rule 20
- 11 Time of Committee Passage and Consideration of Bills
- 12 1. This rule does not apply to concurrent or
- 13 simple resolutions, joint resolutions nullifying
- 14 administrative rules, senate confirmations, or bills
- 15 passed by both houses in different forms. Subsection
- 16 2 of this rule does not apply to appropriations bills,
- 17 ways and means bills, legalizing acts, administrative
- 18 rules review committee bills, bills cosponsored by
- 19 majority and minority floor leaders of one house,
- 20 bills in conference committee, and companion bills
- 21 sponsored by the majority floor leaders of both houses

22 after consultation with the respective minority floor
 23 leaders. For the purposes of this rule, a joint
 24 resolution is considered as a bill. To be considered
 25 an appropriations or ways and means bill for the
 26 purposes of this rule, the appropriations committee or
 27 the ways and means committee must either be the
 28 sponsor of the bill or the committee of first referral
 29 in the originating house.
 30 2. To be placed on the calendar in the house of

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1 origin, a bill must be first reported out of the
 2 committee of first referral by Friday of the 10th week
 3 of the first session and the 8th week of the second
 4 session. To be placed on the calendar in the other
 5 house, a bill must be first reported out of the
 6 committee of first referral by Friday of the 13th week
 7 of the first session and the 11th week of the second
 8 session.

9 However, for the second session of the Seventy-
 10 third General Assembly only, to be placed on the
 11 calendar in the house of origin a bill must be first
 12 reported out of the committee of first referral by
 13 Friday of the 6th week, and to be placed on the
 14 calendar in the other house, a bill must be first
 15 reported out of the committee of first referral by
 16 Friday of the 9th week.

17 3. During the 11th week of the first session and
 18 the 9th week of the second session, each house shall
 19 consider only bills originating in that house and
 20 unfinished business. During the 14th week of the
 21 first session and the 12th week of the second session,
 22 each house shall consider only bills originating in
 23 the other house and unfinished business. Beginning
 24 with the 15th week of the first session and the 13th
 25 week of the second session, each house shall consider
 26 only bills passed by both houses, bills exempt from
 27 subsection 2 and unfinished business.

28 However, for the second session of the Seventy-
 29 third General Assembly only, during the 7th week each
 30 house shall consider only bills originating in that

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1 house and unfinished business, during the 10th week
 2 each house shall consider only bills originating in
 3 the other house and unfinished business, and beginning
 4 with the 11th week each house shall consider only
 5 bills passed by both houses, bills exempt from
 6 subsection 2, and unfinished business.

7 4. A motion to reconsider filed and not disposed
 8 of on an action taken on a bill or resolution which is

9 subject to a deadline under this rule may be called up
10 at any time before or after the day of the deadline by
11 the person filing the motion or after the deadline by
12 the majority floor leader, notwithstanding any other
13 rule to the contrary.

A non-record roll call was requested.

The ayes were 72, nays 1.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 101

Teaford of Black Hawk called up for consideration the following House Resolution 101, a house resolution to amend House Rule 31.8 by advancing the amendment rule for the 1990 Session of the Seventy-third General Assembly, and moved its adoption:

1 House Resolution 101

2 By Committee on Rules and Administration

3 A House Resolution to amend House Rule 31.8 by
4 advancing the amendment rule for the 1990 Session of
5 the Seventy-third General Assembly.

6 *Be It Resolved By The House Of Representatives,*
7 That House Rule 31.8 for the 1990 Session of the
8 Seventy-third General Assembly is amended to read as
9 follows:

10 Rule 31.8

11 31.8. No amendment to the rules of the house, to
12 any resolution or bill, except technical amendments
13 and amendments to bills substituted for by senate
14 files containing substantially identical title,
15 language, subject matter, purpose and intrasectional
16 arrangement, shall be considered by the membership of
17 the house without a copy of the amendment having been
18 filed with the chief clerk by 4:00 p.m. or within one-
19 half hour of adjournment, whichever is later, on the
20 day preceding floor debate on the amendment. However,
21 committee amendments filed pursuant to the submission
22 of the committee report may be accepted after this
23 deadline. This provision shall not apply to any
24 proposal debated on the floor of the house after the
25 fourteenth week of the first session and the twelfth
26 week of the second session. However, for the second
27 session of the Seventy-third General Assembly only,
28 this provision shall not apply to any proposal debated
29 on the floor of the house after the tenth week of
30 session. No amendment or amendment to an amendment to

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- 1 a bill, rule of the house, or resolution shall be
- 2 considered by the membership of the house without a
- 3 copy of the amendment being on the desks of the entire
- 4 membership of the house prior to consideration.

A non-record roll call was requested.

The ayes were 80, nays none.

The motion prevailed and the resolution was adopted.

APPROPRIATIONS SUBCOMMITTEE APPOINTMENT

The Speaker announced the appointment of Blanshan of Greene to the Appropriations Subcommittee on Administration replacing McKinney of Dallas.

PRESENTATION OF VISITORS

Lageschulte of Bremer presented to the House Belinda Russell, foreign exchange student from Germiston, South Africa. She is staying with the Folkerts family of Waverly.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 521 Education

Relating to student teaching in accredited school districts or private schools.

H.S.B. 522 Education

Relating to dropout and at-risk student programs.

H.S.B. 523 Education

Relating to student financial aid programs administered by the college aid commission.

H.S.B. 524 Natural Resources and Outdoor Recreation

Removing certain limitations on the issuance of nonresident deer hunting licenses and wild turkey hunting licenses and on the use of license revenues.

H.S.B. 525 Human Resources

Relating to juvenile substance abuse programs licensed by the Iowa department of public health by requiring criminal record and child abuse registry screening of persons employed by the programs.

H.S.B. 526 Human Resources

Requiring name change petitioners to attach certified copies of birth certificates for each person seeking a name change to the name change petition.

H.S.B. 527 Human Resources

Requiring the Iowa department of public health to enter the name of the father on the certificate of birth upon a determination of paternity by a court of competent jurisdiction.

H.S.B. 528 Human Resources

To establish a pharmaceutical assistance to the aged program in the department of human services.

H.S.B. 529 Human Resources

Relating to the establishment of a special mental health unit within a state hospital-school.

H.S.B. 530 Human Resources

Changing the eligibility criteria for the family support subsidy program.

H.S.B. 531 Human Resources

Revising the allocation provision for the state community mental health and mental retardation services fund.

H.S.B. 532 Human Resources

Relating to the operation of institutions under the control of the department of human services by authorizing the offering of goods and services to the public as part of client training programs and by deleting the requirement of maintaining daily records of time worked by institutional staff.

H.S.B. 533 Human Resources

Relating to personnel requirements for intermediate care facilities.

H.S.B. 534 Human Resources

Establishing an integrated case management program and making an appropriation.

H.S.B. 535 Human Resources

Relating to the provision of respite care and adult day care services to victims of Alzheimer's disease, amyotrophic lateral sclerosis, and other similar impairments of the elderly, and making appropriations.

H.S.B. 536 Human Resources

Relating to eligibility determinations involving spousal resources for certain institutionalized medical assistance recipients.

H.S.B. 537 Transportation

Authorizing persons to obtain copies of their own accident reports filed with the state department of transportation.

H.S.B. 538 Human Resources

Providing for access to certain vital statistics records which are at least seventy-five years old.

H.S.B. 539 Natural Resources and Outdoor Recreation

Providing a property tax exemption for wetlands.

H.S.B. 540 State Government

To require that public and nonpublic schools identify for the county commissioner of elections those students who have reached voting age or will reach voting age within six months.

H.S.B. 541 State Government

To reduce the markup percentage on state alcoholic liquor sales.

H.S.B. 542 Judiciary and Law Enforcement

Relating to schedule II controlled substances.

H.S.B. 543 Judiciary and Law Enforcement

Relating to missing person reports to law enforcement agencies by amending the definition of missing person to conform with a definition used by the national crime information center.

H.S.B. 544 Judiciary and Law Enforcement

Relating to the payment of indigent defense expenses for adults and juveniles.

H.S.B. 545 Judiciary and Law Enforcement

Relating to the appeal process for certain postconviction procedures.

H.S.B. 546 Judiciary and Law Enforcement

Removing duplicative requirements for notification of crime victims.

H.S.B. 547 Labor and Industrial Relations

Relating to workers' health, safety, and welfare, by providing funding for the second injury fund and an appropriation for the industrial commissioner, establishing initial hearing deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, and providing applicability and effective dates.

H.S.B. 548 Small Business and Commerce

Relating to the regulation of banks to conform to changes in federal law contained in the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

H.S.B. 549 Small Business and Commerce

Relating to indemnification of art exhibitors by the Iowa arts council.

H.S.B. 550 State Government

Relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards.

H.S.B. 551 State Government

Relating to election administration, designating the secretary of state as the state registrar of voters, and providing properly related matters.

H.S.B. 552 State Government

Relating to the registration of voters, repealing provisions for the appointment of mobile deputy registrars, changing certain registration time limits, and providing other properly related matters.

SUBCOMMITTEE ASSIGNMENTS**House File 793**

Ways and Means: Chapman, Chair; Doderer and Schneklath.

House File 2001

State Government: Connors, Chair; Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

House File 2005

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

House File 2009

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

House File 2012

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

House File 2017 (Reassigned)

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 2021

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House File 2032

State Government: Renaud, Chair; Carpenter and Connors.

House File 2040

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

Senate File 150 (Reassigned)

State Government: Blanshan, Chair; Peterson of Carroll and Tyrrell.

Senate File 385

Labor and Industrial Relations: Bisignano, Chair; Harper, Hester, Peters and Tyrrell.

Senate File 523 (Reassigned)

State Government: Teaford, Chair; Blanshan, Carpenter, Halvorson of Webster and Hanson of Delaware.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 512**

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House Study Bill 517

Education: Harper, Chair; Kistler and Shoultz.

House Study Bill 525

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 526

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 527

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 528

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

House Study Bill 529

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House Study Bill 530

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 531

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House Study Bill 532

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House Study Bill 533

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

House Study Bill 534

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

House Study Bill 535

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

House Study Bill 536

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

House Study Bill 538

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 502), relating to the sale, lease, or other disposition of student-constructed buildings and related school property.

Fiscal Note is not required.

Recommended **Do Pass** January 9, 1990.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 236), relating to the establishment of formulas for the allocation of funds to the public health nursing program and the homemaker-home health aid program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 9, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House Study Bill 505), relating to the appointment of an additional district judge for the district which includes the Iowa state penitentiary.

Fiscal Note is not required.

Recommended **Do Pass** January 9, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly House File 503), relating to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of newborn infant coverage for treatment, including routine well-baby care, under certain circumstances.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 9, 1990.

On motion by Arnould of Scott, the House adjourned at 1:26 p.m., until 9:00 a.m., Thursday, January 11, 1990.

JOURNAL OF THE HOUSE

Fourth Calendar Day — Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 11, 1990

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

Prayer was offered by Reverend Robert Drenten, pastor of the First Christian Reformed Church, Oskaloosa.

The Journal of Wednesday, January 10, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware on request of Lundby of Linn; McKean of Jones on request of Branstad of Winnebago.

INTRODUCTION OF BILLS

House File 2046, by Clark, a bill for an act changing the eligibility criteria for the family support subsidy program.

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

House File 2047, by Tyrrell, a bill for an act relating to group insurance, by permitting a policy of group life or group accident or health insurance to be issued for the group of Iowans not otherwise participating in a similar group policy or plan.

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

House File 2048, by Teaford, a bill for an act relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the practice of marital and family therapy or mental health counseling without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, providing for a temporary waiver of certain licensing requirements, and providing other properly related matters.

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

House File 2049, by De Groot, a bill for an act extending eligibility dates for certain benefits from the comprehensive petroleum underground storage tank fund.

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

House File 2050, by Beatty, a bill for an act relating to the selling of goods or services by an official or employee of a regulatory agency.

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

House File 2051, by Pellett, a bill for an act relating to the official language of the state of Iowa.

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

House File 2052, by Fuller and Adams, a bill for an act relating to and making an appropriation from the general fund for reimbursement to counties for mental health institution costs.

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

House File 2053, by Svoboda, a bill for an act relating to grants for programs that provide child development services to at-risk children.

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

House File 2054, by Pellett, a bill for an act relating to the custody and control of county courthouse facilities.

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

House File 2055, by Shoning, a bill for an act relating to the establishment of a listing of health care facility residents' rights, and providing a penalty.

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

House File 2056, by Connors, a bill for an act relating to boxing and wrestling matches by imposing certain admission fees and requiring the proceeds from the fees collected to be used to promote amateur boxing in this state.

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

House File 2057, by Van Maanen, a bill for an act relating to prohibited interests in public contracts.

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

House File 2058, by Doderer, a bill for an act relating to mobile home annual tax reductions and property tax credits and rent reimbursements for persons not married and providing an effective date.

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

House File 2059, by Schrader, a bill for an act to restrict the use of electronic computer terminals or other devices for lottery games to on-line lotto games only and to prohibit the use of lottery games based on organized sporting events.

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

House File 2060, by May, a bill for an act amending the Iowa alcoholic beverage control Act and providing penalties for violations.

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

House File 2061, by committee on human resources, a bill for an act relating to the establishment of formulas for the allocation of funds to the public health nursing program and the homemaker-home health aide program.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 9, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 102, a concurrent resolution to amend Joint Rule 11, relating to the Code Editor's Correction Bills by extending the applicability of the rule to amendments by the other house.

JOHN F. DWYER, Secretary

ADOPTION OF THE SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Harper of Black Hawk called up for consideration the Supplemental Report of Committee on Mileage found on page 16 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

PRESENTATION OF 1990 IOWA YOUNG WOMAN OF THE YEAR

Tabor of Jackson presented to the House Robin Christine Clark, 1990 Iowa Young Woman of the Year from Bellevue, Iowa.

Robin, who is a senior at Marquette High School is the daughter of Bruce and Carmen Clark and will represent Iowa at the America's Young Woman of the Year Program in Mobile, Alabama in July.

She has a 4.0 grade point average, received the Bausch and Laumb Science Award, is a member of the Student Council and S.A.D.D./S.T.A.N.D and is involved in numerous social and civic activities. Robin is currently serving as a House Page.

The House rose and expressed its congratulations.

SPECIAL HONOR

Lageschulte of Bremer announced to the House that Connors of Polk has been elected to the position of Chair-elect of the National Council of State Governments.

The House rose and expressed its congratulations.

On motion by Arnould of Scott, the House was recessed at 9:22 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

INTRODUCTION OF BILLS

House File 2062, by committee on small business and commerce, a bill for an act relating to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of newborn infant coverage for treatment, including routine well-baby care, under certain circumstances.

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

House File 2063, by Harper, a bill for an act relating to the disclosure of certain mental health information to family members.

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

House File 2064, by Spear, a bill for an act relating to child sexual abuse.

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

House File 2065, by Rosenberg, a bill for an act establishing a youthful drunk driver visitation program, authorizing the court to order certain offenders to participate in a program of visitation to

specified emergency medical care facilities, chemical substance abuse treatment facilities, and morgues, and providing for immunity from civil liability for persons and entities involved in the program.

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

House File 2066, by Schneklath, a bill for an act relating to actions by employees of public schools regarding collective bargaining and public referenda.

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

House File 2067, by Spear, Svoboda, Kremer, Knapp, Muhlbauer, Garman, Banks and Murphy, a bill for an act relating to viability testing of a fetus and the termination of certain human pregnancies.

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

House File 2068, by committee on education, a bill for an act providing technical changes to the financing of education programs of school districts.

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 553 Labor and Industrial Relations

Relating to the disclosure of the names of all subcontractors by bidders on a state procurement contract.

H.S.B. 554 Local Government

Relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective and applicability date.

H.S.B. 555 Agriculture

Relating to agricultural drainage wells and providing an effective date.

H.S.B. 556 Agriculture

To repeal a Code chapter relating to the organization, support, and functions of poultry associations.

H.S.B. 557 Local Government

Relating to disposition of instruments filed with the county recorder, and providing for the applicability of certain instruments.

H.S.B. 558 Ways and Means

Providing for a state income tax checkoff to pay the expenses of older Iowan delegates for attending and participating in approved older Iowans' legislature activities, making an appropriation, and providing a retroactive applicability date.

H.S.B. 559 Ways and Means

Allowing for subchapter S corporations to be taxed as regular corporations for state income tax purposes and making adjustments in the computation of the income tax on the corporation and its shareholders and providing a retroactive applicability date.

SUBCOMMITTEE ASSIGNMENTS

House File 23 (Reassigned)

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 116 (Reassigned)

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 205 (Reassigned)

Economic Development: Swartz, Chair; Beaman, Dvorsky, Miller and Murphy.

House File 231 (Reassigned)

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 238 (Reassigned)

Local Government: Peters, Chair; Brown and Iverson.

House File 298 (Reassigned)

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 322 (Reassigned)

Small Business and Commerce: Shoultz, Chair; Hansen of Woodbury and Renken.

House File 337 (Reassigned)

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 354 (Reassigned)

Small Business and Commerce: Shoning, Chair; Groninga and Jesse.

House File 360 (Reassigned)

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 406 (Reassigned)

Small Business and Commerce: Dvorsky, Chair; Halvorson of Clayton and Holveck.

House File 428 (Reassigned)

Small Business and Commerce: Kremer, Chair; Dvorsky and Hansen of Woodbury.

House File 437 (Reassigned)

Small Business and Commerce: Bisignano, Chair; Holveck and Renken.

House File 442 (Reassigned)

Small Business and Commerce: Hibbard, Chair; Hansen of Woodbury and Trent.

House File 456 (Reassigned)

Small Business and Commerce: Jesse, Chair; Hibbard and Renken.

House File 458 (Reassigned)

Small Business and Commerce: Bisignano, Chair; Hansen of Woodbury and Shoning.

House File 495 (Reassigned)

Small Business and Commerce: Sherzan, Chair; Blanshan and Kremer.

House File 518

Economic Development: Swartz, Chair; Brand and Branstad.

House File 569 (Reassigned)

Small Business and Commerce: Groninga, Chair; Shoultz and Trent.

House File 629

Small Business and Commerce: Shoultz, Chair; Chapman and Schnekloth.

House File 633

Small Business and Commerce: Chapman, Chair; Schnekloth and Shoultz.

House File 634

Small Business and Commerce: Blanshan, Chair; Hansen of Woodbury and Trent.

House File 671

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 697 (Reassigned)

Small Business and Commerce: Shoning, Chair; Groninga and Sherzan.

House File 796

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 2019

Judiciary and Law Enforcement: Rosenberg, Chair; Sherzan and Trent.

House File 2022

Judiciary and Law Enforcement: Rosenberg, Chair; Brammer and Clark.

House File 2026

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Jay and Kremer.

House File 2027

Transportation: Fogarty, Chair; Pellett and Shearer.

House File 2028

Judiciary and Law Enforcement: Knapp, Chair; Hibbard and Shoning.

House File 2030

Transportation: Gruhn, Chair; Brown and Royer.

Senate File 81 (Reassigned)

Small Business and Commerce: Bisignano, Chair; Chapman and Kremer.

Senate File 445 (Reassigned)

Small Business and Commerce: Brammer, Chair; Jesse and Trent.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 506**

Education: Ollie, Chair; Daggett, Iverson, Shultz and Wise.

House Study Bill 507

Natural Resources and Outdoor Recreation: Schrader, Chair; Diemer and Tabor.

House Study Bill 508

Natural Resources and Outdoor Recreation: Jay, Chair; Black and Pellett.

House Study Bill 509

Local Government: Mertz, Chair; Brown and Hester.

House Study Bill 510

Local Government: Fuller, Chair; Connors and Renken.

House Study Bill 511

Local Government: Fogarty, Chair; Banks, Eddie, Fuller and Shearer.

House Study Bill 513

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Plasier and Renaud.

House Study Bill 518

Transportation: Pavich, Chair; Beaman and Renaud.

House Study Bill 519

Local Government: Black, Chair; McKean and Spear.

House Study Bill 520

Local Government: Muhlbauer, Chair; Haverland and Iverson.

House Study Bill 524

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

House Study Bill 537

Transportation: Murphy, Chair; Brown and Harbor.

House Study Bill 539

Natural Resources and Outdoor Recreation: Osterberg, Chair; McKean and Swartz.

House Study Bill 542

Judiciary and Law Enforcement: Plasier, Chair; Poncey and Sherzan.

House Study Bill 543

Judiciary and Law Enforcement: Clark, Chair; Harbor and Hibbard.

House Study Bill 544

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Beatty and Shoning.

House Study Bill 545

Judiciary and Law Enforcement: McKinney, Chair; Chapman and Trent.

House Study Bill 546

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Knapp and Poncey.

House Study Bill 555

Agriculture: Mertz, Chair; Branstad and Johnson.

House Study Bill 556

Agriculture: Fuller, Chair; Eddie and May.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 506), providing technical changes to the financing of education programs of school districts.

Fiscal Note is not required.

Recommended **Do Pass** January 11, 1990.

RESOLUTION FILED

SCR 102, by committee on rules and administration, a concurrent resolution to amend Joint Rule 11, relating to the Code Editor's Correction Bills by extending the applicability of the rule to amendments by the other house.

Referred to committee on rules and administration.

On motion by Arnould of Scott, the House adjourned at 4:08 p.m., until 10:00 a.m., Monday, January 15, 1990.

JOURNAL OF THE HOUSE

Eighth Calendar Day — Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 15, 1990

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

Prayer was offered by the Honorable Art Ollie, state representative from Clinton County.

The Journal of Thursday, January 11, 1990 was approved.

PETITION FILED

The following petition was received and placed on file:

By Daggett of Adams, from three hundred fifty-five constituents favoring legislation to require bottle and can distributors to pay redemption centers the sum of two cents more per container for their work in collecting said cans and bottles.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk, for January 15 and 16; and January 17, until her arrival, on request of Schnekloth of Scott; Renken of Grundy on request of Lundby of Linn.

INTRODUCTION OF BILLS

House File 2069, by Hatch, a bill for an act relating to the adoption of environmental standards by the department of natural resources.

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

House File 2070, by Shoultz, a bill for an act conditioning the receipt of certain business assistance upon the completion of a waste review by the Iowa waste reduction center.

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

House File 2071, by Spear, a bill for an act providing a fee for the sale of trout, wildlife habitat, and waterfowl stamps by depositaries.

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

House File 2072, by Kremer, a bill for an act permitting school boards to deduct the amount of unpaid school foundation aid from unspent balances of the districts.

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

House File 2073, by Svoboda, a bill for an act relating to the reporting of terminations of pregnancy and making penalties applicable.

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

House File 2074, by Banks, a bill for an act relating to the crime of theft, making the theft of certain livestock a felony, and making penalties applicable.

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

House File 2075, by Svoboda, a bill for an act relating to the development and implementation of a discarded tire recovery program and establishing a fee.

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

House File 2076, by Stueland and Ollie, a bill for an act making an appropriation to the department of natural resources for certain environmental protection projects.

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

House File 2077, by Peters, Svoboda, Shoning and Brown, a bill for an act providing for a percentage of lottery revenues collected in each county of the state to be returned to the county and cities within the county to be used for any purpose.

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

House File 2078, by May and Koenigs, a bill for an act relating to the sale of certain beverages by wholesalers and retailers, and providing a penalty for violations.

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

House File 2079, by Fey, Schnekloth, Hermann and Petersen of Muscatine, a bill for an act establishing a chiropractic grant program.

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

House File 2080, by Swartz, a bill for an act relating to the definition of covered wages for purposes of the Iowa public employees' retirement system.

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

House File 2081, by Pavich and Harbor, a bill for an act relating to the sale of real property owned by the state department of transportation.

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

House File 2082, by Doderer, a bill for an act relating to the state individual income tax return and the capital gain deduction and providing a retroactive applicability date and repeal date.

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

House File 2083, by Fey, a bill for an act relating to the department of economic development by authorizing the advertising of welcome centers.

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

House File 2084, by Hammond, Metcalf and Nielsen, a bill for an act relating to access to and egress from a health facility and providing a penalty.

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

House File 2085, by Trent, a bill for an act providing for awarding a reasonable attorney's fee in an action for a quitclaim deed.

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

House File 2086, by Swartz, a bill for an act requiring retail sellers of new or used motor vehicles to conspicuously post a statement regarding any fees charged in the regular course of business by the seller in connection with the sale, trade, or purchase, or proposed sale, trade, or purchase, of a new or used motor vehicle.

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

House File 2087, by Wise, a bill for an act relating to phase III performance-based pay plans.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that on January 8, 1990, Lieutenant Governor Zimmerman replaced the Senator from Dubuque, Senator Carr with the Senator from Palo Alto, Senator Kibbie on the Conference Committee to House File 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters.

JOHN F. DWYER, Secretary

REMEMBRANCE OF MARTIN LUTHER KING, JR.

Fey of Scott announced that today was the birthday of Martin Luther King, Jr. who would have been sixty-one today, and that across the nation people are celebrating his life and contributions.

HOUSE FILES 286 AND 767 WITHDRAWN

Jochum of Dubuque asked and received unanimous consent to withdraw House Files 286 and 767 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

House Refused To Concur

Harper of Black Hawk called up for consideration **Senate File 149**, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-4501, to the House amendment:

H-4501

- 1 Amend House amendment, S-3750, to Senate File 149,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 15 through 17, and
- 5 inserting the following:
- 6 "_____. Page 1, by striking lines 32 and 33, and
- 7 inserting the following: "~~seven and under sixteen~~
- 8 years of age by September 15 is of compulsory
- 9 attendance age, in proper physical and mental".
- 10 _____. Page 2, by inserting after line 14, the
- 11 following:
- 12 "Sec. _____. NEW SECTION. 299.1A COMPULSORY

13 ATTENDANCE AGE.

14 A child who has reached the age of six and is under
15 sixteen years of age by September 15 is of compulsory
16 attendance age.

17 Sec. _____, NEW SECTION. 299.1B COMPULSORY
18 ATTENDANCE AGE.

19 A child who has reached the age of six and is under
20 eighteen years of age by September 15 is of compulsory
21 attendance age.””

22 2. Page 1, by striking lines 25 through 33, and
23 inserting the following:

24 “_____. Page 3, by striking lines 21 and 22, and
25 inserting the following: “school over seven and under
26 sixteen years of age who is of compulsory attendance
27 age, the course of study pursued by”.

28 _____. Page 3, by striking lines 33 and 34, and
29 inserting the following: “child who by September 15
30 is over seven and under sixteen years of age is of
31 compulsory attendance age, who places the”.

32 _____. Page 4, by striking lines 17 and 18 and
33 inserting the following: “seven and under sixteen
34 years of age by September 15 is of compulsory
35 attendance age, who is physically or mentally”.

36 _____. Page 4, line 19, by inserting after the word
37 “school,” the following: “or whose presence in school
38 would be injurious to the health of other pupils,”.

39 3. By striking page 1, line 49, through page 2,
40 line 20, and inserting the following:

41 “_____. Page 7, line 9, by striking the words “has
42 reached the”.

43 _____. Page 7, by striking line 10, and inserting
44 the following: “and under sixteen years of age is of
45 compulsory attendance age, who is”.

46 4. Page 2, by striking lines 29 through 33, and
47 inserting the following:

48 “_____. Page 8, by striking lines 14 and 15, and
49 inserting the following: “seven and under sixteen
50 years of age who are of compulsory attendance age, in

Page 2

1 their respective districts, the”.”

2 5. Page 2, by striking lines 36 through 45.

3 6. By striking page 3, line 48, through page 4,
4 line 6, and inserting the following:

5 “_____. Page 11, by inserting after line 5, the
6 following:

7 “Sec. _____. Section 299.1A is repealed effective
8 June 30, 1994.

9 Sec. _____. Section 299.1B takes effect July 1,
10 1994.””

The motion lost and the House refused to concur in the Senate amendment H—4501, to the House amendment.

CONSIDERATION OF BILLS Regular Calendar

House File 2044, a bill for an act relating to the sale, lease, or other disposition of student-constructed buildings and related school property, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2044)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Metcalf Renken

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

House File 2045, a bill for an act relating to the appointment of an additional district judge for the district which includes the Iowa state penitentiary, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2045)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Metcalf Renken

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 560 Local Government

Relating to mobile home parks by requiring termination of tenancies

only for good cause, providing for minimum standards, and delegating enforcement and regulatory authority.

H.S.B. 561 Energy and Environmental Protection

Relating to the establishment of an Iowa energy stamp program.

H.S.B. 562 Small Business and Commerce

Regulating certain motor vehicle service contracts and establishing an annual fee.

H.S.B. 563 Small Business and Commerce

Relating to increasing the motor vehicle proof of financial responsibility and automobile liability insurance requirements and providing effective and applicability dates.

H.S.B. 564 Agriculture

Relating to state income taxation by exempting certain bonds and notes issued by the agricultural development authority and providing a retroactive applicability date.

H.S.B. 565 Agriculture

Regulating certain livestock transfers, and providing penalties.

H.S.B. 566 Agriculture

Relating to the production of dairy products and providing penalties and effective dates.

H.S.B. 567 Agriculture

Relating to the injury of animals, by providing definitions; prohibiting animal cruelty, animal neglect, animal abandonment, and certain exhibitions involving animals; providing for the care or destruction of disabled animals; providing for the forfeiture of animals, the assessment of certain costs, and the disposition of animals; and providing penalties.

H.S.B. 568 Transportation

Relating to reporting requirements for certain cities receiving road use tax funds.

H.S.B. 569 State Government

To welcome and encourage diverse cultures and diverse languages in business, government, and private affairs in Iowa.

H.S.B. 570 State Government

Relating to the right to bring a civil rights action after administrative closure.

H.S.B. 571 State Government

Recognizing the twenty-fifth anniversary of the Iowa Civil Rights Commission.

H.S.B. 572 State Government

Relating to voter registration, providing for state payment of postage for alternate registration forms, and providing an appropriation.

H.S.B. 573 Small Business and Commerce

Eliminating the requirement that a financial institution file semiannual reports with the treasurer of state disclosing certain service charges.

H.S.B. 574 Human Resources

Relating to registration and deferrals of children on state and national adoption exchanges.

H.S.B. 575 Human Resources

Relating to licensure of freestanding hospice facilities.

H.S.B. 576 Human Resources

Establishing a quality incentive program for care provided to residents of health care facilities under the state medical assistance program.

H.S.B. 577 Labor and Industrial Relations

Relating to workers' health, safety, and welfare, by providing funding for the second injury fund, establishing initial hearing deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, and providing applicability and effective dates.

H.S.B. 578 State Government

Relating to unclaimed winnings at a racetrack and providing for the use and payment of the unclaimed winnings.

H.S.B. 579 Economic Development

Relating to income taxation by increasing the tax credit allowed for certain research activities and providing an effective and applicability date.

SUBCOMMITTEE ASSIGNMENTS**House File 27 (Reassigned)**

Small Business and Commerce: Holveck, Chair; Garman and Shoultz.

House File 28 (Reassigned)

Energy and Environmental Protection: Osterberg, Chair; McKean and Neuhauser.

House File 86 (Reassigned)

Energy and Environmental Protection: Schrader, Chair; Lundby and Neuhauser.

House File 112 (Reassigned)

Ways and Means: Murphy, Chair; Fey and Renken.

House File 229 (Reassigned)

Energy and Environmental Protection: Schrader, Chair; McKean, Neuhauser, Nielsen and Siegrist.

House File 243 (Reassigned)

Energy and Environmental Protection: Jesse, Chair; Banks, Garman, Neuhauser and Schrader.

House File 290 (Reassigned)

Small Business and Commerce: Blanshan, Chair; Chapman and Garman.

House File 302 (Reassigned)

Energy and Environmental Protection: Osterberg, Chair; Neuhauser and Petersen of Muscatine.

House File 308 (Reassigned)

Energy and Environmental Protection: Schrader, Chair; McKean, Neuhauser, Nielsen and Siegrist.

House File 410

Small Business and Commerce: Holveck, Chair; Jesse and Renken.

House File 443 (Reassigned)

Ways and Means: Murphy, Chair; Metcalf and Teaford.

House File 478 (Reassigned)

Ways and Means: Murphy, Chair; Bennett and Fey.

House File 649

Judiciary and Law Enforcement: Renaud, Chair; Kremer and Poncy.

House File 683

Judiciary and Law Enforcement: Jay, Chair; Rosenberg and Siegrist.

House File 702

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Renaud and Trent.

House File 761

Ways and Means: Murphy, Chair; Daggett and Doderer.

House File 2018

Small Business and Commerce: Groninga, Chair; Garman and Sherzan.

House File 2020

Ways and Means: Rosenberg, Chair; Holveck and Schnekloth.

House File 2025

Ways and Means: Murphy, Chair; Daggett and Doderer.

House File 2029

Small Business and Commerce: Hansen of Woodbury, Chair; Blanshan and Schnekloth.

House File 2031

Ways and Means: Brand, Chair; Daggett and Doderer.

House File 2036

Ways and Means: Doderer, Chair; Metcalf and Teaford.

House File 2038

Ways and Means: Wise, Chair; Metcalf, Murphy, Rosenberg and Schnekloth.

House File 2041

Small Business and Commerce: Jesse, Chair; Hibbard and Schnekloth.

House File 2046

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House File 2047

Small Business and Commerce: Brammer, Chair; Bisignano, Groninga, Halvorson of Clayton and Metcalf.

House File 2048

State Government: Teaford, Chair; Blanshan, Hammond, Hanson of Delaware and Lundby.

House File 2050

State Government: Beatty, Chair; Buhr, Garman, Lundby and Pavich.

House File 2051

State Government: Blanshan, Chair; Carpenter and Doderer.

House File 2052

Appropriations: Hammond, Chair; Buhr and Halvorson of Clayton.

House File 2055

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House File 2056

State Government: Pavich, Chair; Connors and Tyrrell.

House File 2058

Ways and Means: Murphy, Chair; Daggett and Doderer.

House File 2060

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

House File 2063

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House File 2078

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

House File 2080

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

Senate File 547

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

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 521**

Education: Harper, Chair; Kistler and Shoultz.

House Study Bill 522

Education: Shoultz, Chair; Cohoon and Kistler.

House Study Bill 523

Education: Neuhauser, Chair; Lageschulte, Shearer, Shoultz and Siegrist.

House Study Bill 549

Small Business and Commerce: Shoultz, Chair; Dvorsky and Metcalf.

House Study Bill 558

Ways and Means: Doderer, Chair; Metcalf and Teaford.

House Study Bill 559

Ways and Means: Tabor, Chair; Chapman and Schneklath.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

1990-2 St. Patrick Garryowen — 1990 marks sesquicentennial year.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

House File 209, a bill for an act relating to the limitations on smoking in public places.

Fiscal Note is not required.

Recommended **Do Pass** January 11, 1990.

House File 2001, a bill for an act relating to elections by revising provisions governing voting booth requirements.

Fiscal Note is not required.

Recommended **Do Pass** January 11, 1990.

House File 2016, a bill for an act relating to the maximum age of amateur boxing participants and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 11, 1990.

Senate File 205, a bill for an act relating to the credentialing and regulation of respiratory care practitioners.

Fiscal Note is not required.

Recommended **Do Pass** January 11, 1990.

AMENDMENTS FILED

H—5002	S.F.	205	Hanson of Delaware
H—5003	H.F.	2062	Doderer of Johnson
H—5004	H.F.	2062	Halvorson of Clayton
H—5005	H.F.	2062	Halvorson of Clayton
H—5006	H.F.	2062	Halvorson of Clayton

On motion by Arnould of Scott, the House adjourned at 10:47 a.m., until 9:00 a.m., Tuesday, January 16, 1990.

JOURNAL OF THE HOUSE

Ninth Calendar Day — Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 16, 1990

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

Prayer was offered by the Honorable Lee Plasier, state representative from Sioux County.

The Journal of Monday, January 15, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott on request of Miller of Cherokee.

INTRODUCTION OF BILLS

House File 2088, by Spear and Spenner, a bill for an act providing for contiguous counties to implement a local option sales and services tax.

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

House File 2089, by Trent, a bill for an act relating to eliminating recovery of damages for mental anguish or emotional distress in certain actions and providing an applicability provision.

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

House File 2090, by Chapman, a bill for an act relating to absentee voting for regular city elections.

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

House File 2091, by Van Maanen, a bill for an act exempting certain teachers from the definition of chauffeur.

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

House File 2092, by Teaford and Harper, a bill for an act relating to debt management services, by providing certain regulatory exemptions for nonprofit consumer credit counseling services and providing for the distribution of debtor trust funds.

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

House File 2093, by Svoboda, a bill for an act providing for the reimbursement of expenses incurred for the safekeeping and lodging of a prisoner handed over to a county sheriff by a member of the department of public safety.

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

House File 2094, by Wise, a bill for an act relating to drug testing of peace officers by allowing random drug testing of peace officers required to carry firearms or participate in the interdiction of controlled substances in the course of employment, and by allowing disciplinary action against the peace officer when a drug test indicates the illegal presence of a controlled substance.

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

House File 2095, by Trent and Pellett, a bill for an act establishing a state soil conservation income tax credit and providing a retroactive applicability date.

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

House File 2096, by Fuller, a bill for an act relating to the county agricultural extension education tax by increasing the maximum dollar amount of property tax revenue which may be raised, establishing state supplemental assistance for districts which are unable to raise a minimum dollar amount by the permitted property tax levy, and providing an appropriation.

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

House File 2097, by Fey, a bill for an act to allow for special registration plates for members of the national guard reserve.

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

House File 2098, by Beaman and Tyrrell, a bill for an act relating to the reimbursement of a county for the charges and expenses incurred for the safekeeping and maintenance of prisoners handed over to the county sheriff by a member of the department of public safety.

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

House File 2099, by Adams and Fuller, a bill for an act removing the statutory monetary limitation on the local option E911 emergency telephone service surcharge.

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

House File 2100, by Fuller and Adams, a bill for an act making an appropriation to provide for the implementation of E911 service plans.

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

House File 2101, by Hermann, a bill for an act relating to meetings of nonprofit corporations.

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

House File 2102, by Hermann, a bill for an act repealing the chapter regulating organizations which solicit public donations.

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

SPONSOR ADDED
(House File 2040)

McKean of Jones requested to be added as a sponsor of House File 2040.

STANDING COMMITTEE APPOINTMENTS

The Speaker announced the following appointments and or changes to the standing committees of the House effective January 8, 1990:

Cphoon, Dennis — Committee on Transportation and Safety Appropriations Subcommittee, Chair

Fey, Tom — Committee on Rules and Administration

Halvorson, Roger — Removed from the Justice System Appropriations Subcommittee

Iverson, Stewart — Committee on Education; Committee on Local Government; Justice System Appropriations Subcommittee

Koenigs, Deo — Committee on Transportation, Chair and removed as Chair of Transportation and Safety Appropriations Subcommittee

Murphy, Pat — Committee on Economic Development; Committee on Transportation and Committee on Ways and Means

Pavich, Emil — Committee on Transportation, Vice Chair

Spenner, Greg — Committee on State Government; removed from Committee on Local Government

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ELDER AFFAIRS

The annual report pursuant to Section 249D.58, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS Division of Community Action Agencies

An evaluation of the first year of the Affordable Heating Payment Program Pilot Project, pursuant to Chapter 1175.5(5), 1988 Session of the Seventy-second General Assembly.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 580 Economic Development

Relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions.

H.S.B. 581 Economic Development

Relating to the Wallace technology transfer foundation of Iowa.

H.S.B. 582 Economic Development

Relating to and making an appropriation from the Iowa plan fund to the department of human rights for a community-based recreational and educational grant program.

H.S.B. 583 Economic Development

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

H.S.B. 584 Agriculture

Relating to agricultural health and safety and providing appropriations to the state board of regents and the Iowa department of public health.

H.S.B. 585 Human Resources

Relating to state and local surrogate medical decision-making boards.

H.S.B. 586 Human Resources

Relating to persons authorized to certify information for a birth certificate.

H.S.B. 587 Transportation

Increasing the penalty for a person convicted of driving without a valid motor vehicle or chauffeur's license if the person has three or more such convictions within a five-year period.

H.S.B. 588 State Government

Relating to additional retirement benefits for peace officers of the state department of transportation, and providing for payment of the employer share of the cost of the additional benefits.

H.S.B. 589 State Government

Abolishing the duty of the treasurer of state to approve increases in the maximum deposit limit of a local government in a depository financial institution.

H.S.B. 590 State Government

Relating to unclaimed fees to conform with the uniform disposition of unclaimed property Act.

H.S.B. 591 State Government

Relating to installation in certain multiple-unit residential buildings of smoke detectors with light-emitting alarms.

H.S.B. 592 State Government

Relating to the qualifications of the director of the Iowa department of corrections.

H.S.B. 593 State Government

Relating to the filing of uniform commercial code financing statements by permitting a filing officer to accept for filing a copy of a signature and authorizing the adoption of rules to permit electronic filing of financing statements.

H.S.B. 594 Local Government

Adding marijuana to the list of secondary noxious weeds.

H.S.B. 595 Local Government

Relating to property tax by providing for monthly payments.

H.S.B. 596 Local Government

Relating to the annexation of land surrounded by one or more cities, and providing an effective date.

H.S.B. 597 Rules and Administration

Relating to membership of members and part-time employees of the general assembly in the state group insurance plan.

H.S.B. 598 Transportation

Relating to indemnification for odometer fraud from a motor vehicle dealer's surety bond.

H.S.B. 599 State Government

Relating to the standards of conduct for professional engineers and land surveyors.

H.S.B. 600 State Government

Changing the time deadlines for submission of state agency affirmative action plans and annual reports and providing an effective date.

H.S.B. 601 State Government

Relating to elections and election procedures.

H.S.B. 602 Human Resources

Establishing a state community-based service fund for the mentally ill.

H.S.B. 603 Human Resources

Requiring the department of human services to adopt administrative rules which apply administrative penalties to certain health care facilities reimbursed under the medical assistance program.

H.S.B. 604 Human Resources

Relating to the medical assistance subrogation rights of the department of human services.

H.S.B. 605 Human Resources

Establishing an income tax credit for child day care assistance provided by an employer and providing a retroactive applicability date.

H.S.B. 606 Human Resources

Relating to child day care and the state child and dependent care tax credit.

H.S.B. 607 Economic Development

Relating to the reallocation of the moneys in the Iowa plan fund and providing an effective date.

H.S.B. 608 Economic Development

Providing a venture capital tax credit and providing effective and applicability dates.

SUBCOMMITTEE REASSIGNMENTS

Tabòr of Jackson announced that Murphy of Dubuque replaces Connolly of Dubuque as a member of the ways and means subcommittee on the following bills: House Files 16, 101, 106, 181, 182, 214, 264, 304, 328, 412, 494, 528 and 652.

SUBCOMMITTEE ASSIGNMENTS**House File 667**

Local Government: Fogarty, Chair; Banks and Mertz.

House File 749

Local Government: Connors, Chair; Hester and Peters.

House File 2033

Local Government: Connors, Chair; Mertz and Renken.

House File 2035

Local Government: Shearer, Chair; McKean and Peters.

House File 2049

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

House File 2054

Local Government: Haverland, Chair; Fuller and Royer.

House File 2057

Local Government: Royer, Chair; Brown and Muhlbauer.

House File 2059

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 2077

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 2083

Economic Development: Murphy, Chair; Cohoon and Lageschulte.

House File 2091

Transportation: Cohoon, Chair; Harbor and Murphy.

House File 2097

Transportation: Muhlbauer, Chair; Pavich and Royer.

Senate File 138

Local Government: Fuller, Chair; Mertz and Renken.

Senate File 505

Local Government: Bisignano, Chair; Diemer and Haverland.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 554**

Local Government: Spear, Chair; Royer and Shearer.

House Study Bill 557

Local Government: Fuller, Chair; Connors and Renken.

House Study Bill 560

Local Government: Hatch, Chair; Black, Connors, Renken and Royer.

House Study Bill 561

Energy and Environmental Protection: Hatch, Chair; Banks, Garman, Holveck and May.

House Study Bill 565

Agriculture: Svoboda, Chair; McKinney, Muhlbauer, Petersen of Muscatine and Stueland.

House Study Bill 566

Agriculture: Osterberg, Chair; Bennett, De Groot, Muhlbauer and Schrader.

House Study Bill 568

Transportation: Brown, Chair; Shearer and Spenner.

House Study Bill 587

Transportation: Jay, Chair; Beaman and Cohoon.

House Study Bill 597

Rules and Administration: Chapman, Chair; Metcalf and Swartz.

House Study Bill 598

Transportation: Muhlbauer, Chair; Pavich and Pellett.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 526), requiring name change petitioners to attach certified copies of birth certificates for each person seeking a name change to the name change petition.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 15, 1990.

Committee Bill (Formerly House Study Bill 527), requiring the Iowa department of public health to enter the name of the father on the certificate of birth upon a determination of paternity by a court of competent jurisdiction.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1990.

Committee Bill (Formerly House Study Bill 538), providing for access to certain vital statistics records which are at least seventy-five years old.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House Study Bill 543), relating to missing person reports to law enforcement agencies by amending the definition of missing person to conform with a definition used by the national crime information center.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1990.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Bill (Formerly House Study Bill 524), removing certain limitations on the issuance of nonresident deer hunting licenses and wild turkey hunting licenses and on the use of license revenues.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 15, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 255, a bill for an act relating to the priority of advances under line-of-credit mortgages.

Fiscal Note is not required.

Recommended **Do Pass** January 15, 1990.

COMMITTEE ON WAYS AND MEANS

Senate File 280, a bill for an act relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5007** January 15, 1990.

AMENDMENTS FILED

H—5007	S.F.	280	Committee on Ways and Means
H—5008	H.F.	2062	Doderer of Johnson Kremer of Buchanan Shoning of Woodbury Brammer of Linn Bisignano of Polk

On motion by Arnould of Scott, the House adjourned at 9:12 a.m., until 9:00 a.m., Wednesday, January 17, 1990.

JOURNAL OF THE HOUSE

Tenth Calendar Day — Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 17, 1990

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

Prayer was offered by the Honorable Pat Harper, state representative from Black Hawk County.

The Journal of Tuesday, January 16, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk on request of Hammond of Story; Kistler of Jefferson on request of Hester of Pottawattamie.

INTRODUCTION OF BILLS

House File 2103, by committee on judiciary and law enforcement, a bill for an act relating to missing person reports to law enforcement agencies by amending the definition of missing person to conform with a definition used by the national crime information center.

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

House File 2104, by committee on human resources, a bill for an act requiring the Iowa department of public health to enter the name of the father on the certificate of birth upon a determination of paternity by a court of competent jurisdiction.

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

House File 2105, by committee on human resources, a bill for an act providing for access to certain vital statistics records which are at least seventy-five years old.

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

House File 2106, by Black, a bill for an act relating to the prohibition of the manufacture, offering for sale, selling, or use of polystyrene packaging products or food service items, and providing a penalty.

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

House File 2107, by Rosenberg, Hammond, Hatch, Doderer, Dvorsky, Neuhauser, Harper, Teaford and Shoultz, a bill for an act relating to notice requirements concerning meetings of the state board of regents.

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

House File 2108, by Trent, a bill for an act authorizing the issuance of free, three-day hunting or fishing licenses to certain guests from foreign nations.

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

House File 2109, by Teaford, a bill for an act relating to computer data storage of records of a criminal justice agency after acquittal or dismissal of charges.

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

House File 2110, by Shearer, Hansen of Woodbury and McKinney, a bill for an act relating to the taxation of marijuana and controlled substances and providing penalties.

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

House File 2111, by Beaman, a bill for an act authorizing the board of supervisors to expend secondary road funds on county conservation parkways.

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

House File 2112, by Trent, a bill for an act relating to the transmission of unsolicited advertising by facsimile, and providing a criminal penalty and a civil remedy.

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

House File 2113, by committee on human resources, a bill for an act requiring name change petitioners to attach certified copies of birth certificates for each person seeking a name change to the name change petition.

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

House File 2114, by committee on natural resources and outdoor recreation, a bill for an act removing certain limitations on the issu-

ance of nonresident deer hunting licenses and wild turkey hunting licenses and on the use of license revenues and providing an effective date.

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

House File 2115, by Pellett and Harbor, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates.

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

House File 2116, by Trent, a bill for an act relating to the jurisdiction of small claims court over executions of personal property, including garnishments, and providing for the Act's applicability.

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

House File 2117, by Trent, a bill for an act increasing the penalty for a person convicted of driving without a valid motor vehicle or chauffeur's license if the person has three or more such convictions within a five-year period.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 15, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2060, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of state income tax and providing a retroactive applicability date.

JOHN F. DWYER, Secretary

HOUSE FILE 320 WITHDRAWN

Adams of Hamilton asked and received unanimous consent to withdraw House File 320 from further consideration by the House.

On motion by Arnould of Scott, the House was recessed at 9:17 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2118, by committee on transportation, a bill for an act authorizing persons to obtain copies of their own accident reports filed with the state department of transportation.

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

House File 2119, by committee on transportation, a bill for an act relating to violations involving disobedience of the warning lamps, signal lamps, and stop arms of school buses.

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

House File 2120, by committee on agriculture, a bill for an act to repeal a Code chapter relating to the organization, support, and functions of poultry associations.

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 609 State Government

Relating to the Iowa public employees' retirement system by classifying all employees of the department of corrections and of judicial district departments of correctional services as employed in a protection occupation and providing properly related matters.

H.S.B. 610 Education

Requesting the Legislative Council to appoint an interim study committee to study merged area accreditation needs.

H.S.B. 611 Education

Requesting the Legislative Council to appoint an interim study committee to study possible area education agency reorganization and accreditation.

H.S.B. 612 Local Government

Relating to the collection of real estate, real property, and mobile home taxes, providing penalties, and continuing an appropriation.

H.S.B. 613 State Government

Relating to costs associated with the Iowa management training revolving fund.

H.S.B. 614 Transportation

Establishing a minimum allocation from the public transit assistance fund for elderly transportation programs.

SUBCOMMITTEE ASSIGNMENTS

House File 2066

Education: Cohoon, Chair; Nielsen and Siegrist.

House File 2071

Natural Resources and Outdoor Recreation: Diemer, Chair; Gruhn and Lykam.

House File 2072

Education: Ollie, Chair; Daggett, Iverson, Shoultz and Wise.

House File 2079

Education: Neuhauser, Chair; Lageschulte, Shearer, Shoultz and Siegrist.

House File 2086

Small Business and Commerce: Hibbard, Chair; Chapman and Kremer.

House File 2087

Education: Wise, Chair; Adams and Corbett.

House File 2092

Small Business and Commerce: Dvorsky, Chair; Metcalf and Sherzan.

House File 2101

State Government: Blanshan, Chair; Carpenter and Hammond.

House File 2102

State Government: Blanshan, Chair; Poncy and Shoning.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 540

State Government: Pavich, Chair; Halvorson of Webster and Renken.

House Study Bill 541

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

House Study Bill 548

Small Business and Commerce: Jesse, Chair; Holveck and Shoning.

House Study Bill 550

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

House Study Bill 551

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

House Study Bill 552

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

House Study Bill 562

Small Business and Commerce: Shultz, Chair; Hansen of Woodbury and Trent.

House Study Bill 563

Small Business and Commerce: Groninga, Chair; Brammer and Halvorson of Clayton.

House Study Bill 569

State Government: Pavich, Chair; Buhr and Garman.

House Study Bill 570

State Government: Pavich, Chair; Buhr and Garman.

House Study Bill 571

State Government: Buhr, Chair; Beatty and Lundby.

House Study Bill 572

State Government: Halvorson of Webster, Chair; Knapp and Renken.

House Study Bill 573

Small Business and Commerce: Doderer, Chair; Groninga and Schnekloth.

House Study Bill 574

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 575

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 576

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

House Study Bill 577

Labor and Industrial Relations: Ollie, Chair; Halvorson of Webster, Kremer, Plasier and Wise.

House Study Bill 578

State Government: Blanshan, Chair; Connors and Tyrrell.

House Study Bill 585

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 586

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 588

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

House Study Bill 589

State Government: Knapp, Chair; Pavich and Renken.

House Study Bill 590

State Government: Knapp, Chair; Poncy and Spenner.

House Study Bill 591

State Government: Poncy, Chair; Buhr and Carpenter.

House Study Bill 592

State Government: Knapp, Chair; Pavich and Tyrrell.

House Study Bill 593

State Government: Knapp, Chair; Poncy and Renken.

House Study Bill 599

State Government: Poncy, Chair; Knapp and Tyrrell.

House Study Bill 600

State Government: Beatty, Chair; Buhr and Lundby.

House Study Bill 601

State Government: Pavich, Chair; Halvorson of Webster and Hanson of Delaware.

House Study Bill 602

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House Study Bill 603

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

House Study Bill 604

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 605

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 606

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 609

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 556), to repeal a Code chapter relating to the organization, support, and functions of poultry associations.

Fiscal Note is not required.

Recommended **Do Pass** January 16, 1990.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 385, a bill for an act relating to the scope of negotiations for purposes of public employment collective bargaining.

Fiscal Note is not required.

Recommended **Do Pass** January 16, 1990.

COMMITTEE ON STATE GOVERNMENT

House File 2009, a bill for an act relating to elections, providing that an eligible elector residing in a precinct may register to vote at the polling place on election day, and increasing the penalty for improper voting.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 5011** January 16, 1990

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 419), a bill for an act relating to the time period for the service of a uniform traffic citation for violations involving disobedience of the warning lamps, signal lamps, and stop arms of school buses.

Fiscal Note is not required.

Recommended **Do Pass** January 16, 1990.

Committee Bill (Formerly House Study Bill 537), authorizing persons to obtain copies of their own accident reports filed with the state department of transportation.

Fiscal Note is not required.

Recommended **Do Pass** January 16, 1990.

AMENDMENTS FILED

H—5009	H.F.	2062	Garman of Story
H—5010	H.F.	209	Lundby of Linn
H—5011	H.F.	2009	Committee on State Government
H—5012	H.F.	209	Lundby of Linn
H—5013	H.F.	209	Lundby of Linn Bisignano of Polk
H—5014	S.F.	280	Groninga of Cerro Gordo
H—5015	H.F.	481	Peters of Woodbury

On motion by Arnould of Scott, the House adjourned at 1:05 p.m., until 9:00 a.m., Thursday, January 18, 1990.

JOURNAL OF THE HOUSE

Eleventh Calendar Day — Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 18, 1990

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

Prayer was offered by the Honorable Roger Halvorson, state representative from Clayton County.

The Journal of Wednesday, January 17, 1990 was approved.

INTRODUCTION OF BILLS

House File 2121, by Hanson of Delaware, a bill for an act relating to the sale of bait by licensed bait dealers and increasing license fees and providing an effective date.

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

House File 2122, by Harbor, a bill for an act allowing a person to purchase insurance through the Iowa comprehensive health association even if the person has coverage under another insurance plan.

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

House File 2123, by Svoboda, a bill for an act relating to the establishment of a state hazardous waste incinerator, and providing for an appropriation.

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

House File 2124, by Bisignano and Connors, a bill for an act relating to the charge for the use of an automobile by a public officer or employee other than a state officer or employee.

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

House File 2125, by Beaman and Hermann, a bill for an act relating to special motor vehicle registration plates for recipients of the purple heart medal.

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

House File 2126, by Clark, a bill for an act relating to the non-bailable nature of sex offenses.

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

House File 2127, by Rosenberg, a bill for an act relating to the salaries of juvenile court officers and staff.

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

House File 2128, by Rosenberg, a bill for an act relating to the waste volume reduction and recycling duties of cities and counties, and increasing the solid waste tonnage fee.

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

House File 2129, by Hermann, Schnekloth and Tyrrell, a bill for an act repealing the minimum wage law and providing an effective date.

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

House File 2130, by Buhr and Lundby, a bill for an act relating to the mediation of disputes between dentists and patients by the board of dental examiners.

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

SENATE MESSAGE CONSIDERED

Senate File 2060, by committee on ways and means, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of state income tax and providing a retroactive applicability date.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 17, 1990 insisted on its amendment to Senate File 149, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties, and the members of the conference committee, on the part of the Senate are: The Senator from Scott, Senator Deluhery, Chair; the Senator from Story, Senator Bruner; the

Senator from Linn, Senator Horn; the Senator from Hardin, Senator Taylor; and the Senator from Black Hawk, Senator Corning.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED
(Senate File 149)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 149: Harper of Black Hawk, Chair; Adams of Hamilton, Kistler of Jefferson, Lageschulte of Bremer and Shoultz of Black Hawk.

HOUSE FILE 211 WITHDRAWN

Hammond of Story asked and received unanimous consent to withdraw House File 211 from further consideration by the House.

HOUSE FILE 264 WITHDRAWN

Pavich of Pottawattamie asked and received unanimous consent to withdraw House File 264 from further consideration by the House.

HOUSE FILE 768 WITHDRAWN

Arnould of Scott asked and received unanimous consent to withdraw House File 768 from further consideration by the House.

CONFERENCE COMMITTEE REPORT FILED

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

JOSEPH O'HERN
Chief Clerk of the House

Senate File 199, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes.

ON THE PART OF THE HOUSE:

JANE TEAFORD, Chair
FLORENCE BUHR
DOROTHY F. CARPENTER
JOHNNIE HAMMOND
ROBERT KISTLER

ON THE PART OF THE SENATE:

JEAN LLOYD-JONES, Chair
BEVERLY HANNON
JIM LIND
LARRY MURPHY
MAGGIE TINSMAN

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 615 Agriculture

To urge the Congress of the United States, the President of the United

States, and the United States Secretary of Agriculture, to enact and implement legislation to ensure that the United States is the world's preeminent supplier of grains.

H.S.B. 616 Agriculture

Relating to enforcement of pesticide laws by providing for civil penalties and civil actions against violators.

H.S.B. 617 Education

To permit the inspection of school buses on more than an annual basis.

H.S.B. 618 Small Business and Commerce

Suspending for a limited period of time the enforcement of state banking laws, including branch banking restrictions, to the extent such law may conflict or interfere with the administration of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and providing an effective date.

H.S.B. 619 Labor and Industrial Relations

Relating to the determination of whether a person's employment is deemed to be employment for purposes of the Iowa employment security law, and providing for the applicability of the Act.

H.S.B. 620 Judiciary and Law Enforcement

Relating to violations of civil rights involving physical, emotional, or financial harm, providing for the collection and dissemination of information relating to such violations, providing for recovery of reasonable attorney fees, and providing penalties.

H.S.B. 621 Judiciary and Law Enforcement

Relating to unfair or discriminatory credit practices by including familial status as an improper basis for differential treatment in relation to a consumer credit transaction, an extension of credit by a state chartered financial institution, or the offer of credit life or health and accident insurance.

H.S.B. 622 Judiciary and Law Enforcement

To provide that investigators and certain other representatives of the board of nursing have the powers and status of peace officers.

H.S.B. 623 Human Resources

Relating to juvenile justice by establishing certain dispositional requirements concerning the state juvenile institutions and their administration, and providing effective dates.

SUBCOMMITTEE ASSIGNMENTS

House File 277 (Reassigned)

Energy and Environmental Protection: Hatch, Chair; McKean, Nielsen, Petersen of Muscatine and Rosenberg.

House File 673

Transportation: Black, Chair; De Groot and Koenigs.

House File 712

Energy and Environmental Protection: Osterberg, Chair; May and McKean.

House File 2003

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

House File 2037

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

House File 2070

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

House File 2075

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

House File 2090

Local Government: Peters, Chair; Connors and Diemer.

House File 2093

Local Government: Bisignano, Chair; Eddie and Spear.

House File 2095

Agriculture: Johnson, Chair; Eddie and May.

House File 2098

Local Government: Bisignano, Chair; Eddie and Spear.

House File 2099

Local Government: Fogarty, Chair; Banks, Eddie, Fuller and Shearer.

House File 2100

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 2106

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

House File 2115

Energy and Environmental Protection: Jesse, Chair; May and Trent.

House File 2117

Transportation: Renaud, Chair; Murphy and Schneklath.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 579

Economic Development: Jesse, Chair; Bennett, Lykam, Metcalf and Ollie.

House Study Bill 580

Economic Development: Swartz, Chair; Beaman, Dvorsky, Miller and Murphy.

House Study Bill 581

Economic Development: Jesse, Chair; Bennett, Lykam, Metcalf and Ollie.

House Study Bill 582

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House Study Bill 583

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House Study Bill 584

Agriculture: Gruhn, Chair; Banks, Fogarty, Hibbard and Pellett.

House Study Bill 594

Local Government: Fuller, Chair; Brown and Hester.

House Study Bill 595

Local Government: Fogarty, Chair; Iverson and Mertz.

House Study Bill 596

Local Government: Hatch, Chair; McKean and Peters.

House Study Bill 607

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House Study Bill 614

Transportation: Muhlbauer, Chair; Black and Spenner.

House Study Bill 615

Agriculture: Muhlbauer, Chair; Branstad and Svoboda.

House Study Bill 616

Agriculture: Johnson, Chair; De Groot and Schrader.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 436, a bill for an act relating to the foreclosure and sale of real property.

Fiscal Note is not required.

Recommended **Do Pass** January 17, 1990.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 520), authorizing the creation of a township general fund and the levy of a property tax, making corresponding amendments to the Code, and providing effective dates.

Fiscal Note is not required.

Committee Action: **Failed to Pass** January 17, 1990.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Bill (Formerly House Study Bill 539), providing a property tax exemption for wetlands.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 17, 1990.

AMENDMENTS FILED

H-5016	H.F.	2068	Ollie of Clinton Daggett of Adams Neuhauser of Johnson
H-5017	H.F.	209	Lundby of Linn
H-5018	H.F.	233	Halvorson of Clayton Harbor of Mills
H-5019	H.F.	2061	Plasier of Sioux

On motion by Arnould of Scott, the House adjourned at 9:21 a.m., until 9:00 a.m., Friday, January 19, 1990.

JOURNAL OF THE HOUSE

Twelfth Calendar Day — Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 19, 1990

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

Prayer was offered by the Honorable Horace Daggett, state representative from Adams County.

The Journal of Thursday, January 18, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterberg of Linn on request of McKean of Jones; Adams of Hamilton on request of Harper of Black Hawk; Connors of Polk on request of Halvorson of Webster; Swartz of Marshall on request of Sherzan of Polk.

INTRODUCTION OF BILLS

House File 2131, by Brown and Jesse, a bill for an act relating to housing cooperatives by authorizing the creation of local housing authorities to encourage and organize sweat equity housing cooperative associations with state financial assistance as available, and providing procedures and requirements.

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

House File 2132, by Schrader and Pavich, a bill for an act to change the effective date for programs for at-risk children and providing an effective date.

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

House File 2133, by Harbor and Royer, a bill for an act relating to the allocation of excursion boat wagering tax revenue to cities and counties.

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

House File 2134, by Buhr, a bill for an act to provide staffing and technical assistance for the Youth 2000 Coordinating Council and creating a fund.

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

House File 2135, by Rosenberg, a bill for an act relating to execution upon and assignment of benefits accrued pursuant to the Iowa public employees' retirement system for the payment of child support.

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

House File 2136, by Tyrrell, a bill for an act limiting the number of bills which may be introduced by a member of the general assembly.

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

House File 2137, by Rosenberg, Nielsen and Dvorsky, a bill for an act to require a business, as a condition of the receipt of state financial assistance for economic development purposes, to meet certain requirements relating to federal and state environmental protection laws and the disposal of solid and hazardous waste.

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

House File 2138, by Siegrist, a bill for an act relating to the manufacture of pull-tab gambling devices.

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

House File 2139, by Jesse, Brown and Hatch, a bill for an act relating to the establishment of an environmental imperilment trust fund, and establishing fees.

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

House File 2140, by Lundby, a bill for an act relating to the refund of unexpired portions of vehicle registration fees.

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

House File 2141, by Siegrist, a bill for an act relating to the conditions under which a school district employee with an extracurricular contract for interscholastic athletic sports may resign from the extracurricular contract.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 18, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2049, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty.

Also: That the Senate has on January 18, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2084, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 2061, a bill for an act relating to the establishment of formulas for the allocation of funds to the public health nursing program and the homemaker-home health aide program, was taken up for consideration.

Plasier of Sioux offered the following amendment H—5019 filed by him and moved its adoption:

H—5019

- 1 Amend House File 2061 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 135.11, subsection 15, Code
- 5 Supplement 1989, is amended to read as follows:
- 6 15. Administer the statewide public health nursing
- 7 and homemaker-home health aide programs by approving
- 8 grants of state funds to the local boards of health
- 9 and the county boards of supervisors and by providing
- 10 guidelines for the approval of the grants and
- 11 allocation of the state funds in accordance with the
- 12 allocation provisions prescribed by section 135.11B.
- 13 Sec. 2. NEW SECTION. 135.11B PUBLIC HEALTH
- 14 NURSING AND HOMEMAKER-HOME HEALTH AIDE SERVICES —
- 15 ALLOCATION PROVISIONS.
- 16 1. Funds appropriated for the public health
- 17 nursing program shall be used to maintain and expand
- 18 the existing public health nursing program for elderly
- 19 and low-income persons with the objective of
- 20 preventing or reducing inappropriate
- 21 institutionalization. The funds shall not be used for
- 22 any other purpose. As used in this paragraph,
- 23 "elderly person" means a person who is sixty years of
- 24 age or older and "low-income person" means a person
- 25 whose income and resources are below the guidelines
- 26 established by the department of public health.

27 One-fourth of the total amount to be allocated
28 shall be divided so that an equal amount is available
29 for use in each county in the state. Three-fourths of
30 the total amount to be allocated shall be divided so
31 that the share available for use in each county is
32 proportionate to the number of elderly and low-income
33 persons living in that county in relation to the total
34 number of elderly and low-income persons living in the
35 state.

36 In order to receive allocations under this section,
37 the local board of health having jurisdiction shall
38 prepare a proposal for the use of the allocated funds
39 available for that jurisdiction that will provide the
40 maximum benefits of expanded public health nursing
41 care to elderly and low-income persons in the
42 jurisdiction. After approval of the proposal by the
43 department, the department shall enter into a contract
44 with the local board of health. The local board of
45 health shall subcontract with a nonprofit nurses'
46 association, an independent nonprofit agency, or a
47 suitable local governmental body to use the allocated
48 funds to provide public health nursing care. Local
49 boards of health shall make an effort to prevent
50 duplication of services.

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1 If by July 30 of each fiscal year, the department
2 is unable to conclude contracts for use of the
3 allocated funds in a county, the department shall
4 consider the unused funds appropriated under this
5 paragraph an unallocated pool. If the unallocated
6 pool is fifty thousand dollars or more it shall be
7 reallocated to the counties in substantially the same
8 manner as the original allocations. The reallocated
9 funds are available for use in those counties during
10 the period beginning January 1 and ending June 30 of
11 each fiscal year. If the unallocated pool is less
12 than fifty thousand dollars, the department may
13 allocate it to counties with demonstrated special
14 needs for public health nursing.

15 The department shall maintain rules governing the
16 expenditure of funds appropriated by this subsection.
17 The rules require each local agency receiving funds to
18 establish and use a sliding fee scale for those
19 persons able to pay for all or a portion of the cost
20 of the care.

21 The department shall annually evaluate the success
22 of the public health nursing program. The evaluation
23 shall include the extent to which the program reduced
24 or prevented inappropriate institutionalization, the
25 extent to which the program increased the availability

26 of public health nursing care to elderly and low-
27 income persons, and the extent of public health
28 nursing care provided to elderly and low-income
29 persons. The department shall submit a report of each
30 annual evaluation to the governor and the general
31 assembly.

32 2. Funds appropriated for the homemaker-home
33 health aide program shall be used to provide
34 homemaker-home health aide services with emphasis on
35 services to elderly and persons below the poverty
36 level and children and adults in need of protective
37 services with the objective of preventing or reducing
38 inappropriate institutionalization. In addition, up
39 to fifteen percent of the funds appropriated for the
40 program may be used to provide chore services. The
41 funds shall not be used for any other purposes. As
42 used in this subsection:

43 a. "Chore services" means services provided to
44 individuals or families, who, due to absence,
45 incapacity, or illness, are unable to perform certain
46 home maintenance functions. The services include but
47 are not limited to yard work such as mowing lawns,
48 raking leaves, and shoveling walks; window and door
49 maintenance such as hanging screen windows and doors,
50 replacing window panes, and washing windows; and minor

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1 repairs to walls, floors, stairs, railings, and
2 handles. It also includes heavy house cleaning which
3 includes cleaning attics or basements to remove fire
4 hazards, moving heavy furniture, extensive wall
5 washing, floor care or painting, and trash removal.

6 b. "Elderly person" means a person who is sixty
7 years of age or older.

8 c. "Homemaker-home health aide services" means
9 services intended to enhance the capacity of household
10 members to attain or maintain the independence of the
11 household members and provided by trained and
12 supervised workers to individuals or families, who,
13 due to the absence, incapacity, or limitations of the
14 usual homemaker, are experiencing stress or crisis.
15 The services include but are not limited to essential
16 shopping, housekeeping, meal preparation, child care,
17 respite care, money management and consumer education,
18 family management, personal services, transportation
19 and providing information, assistance, and household
20 management.

21 d. "Low-income person" means a person whose income
22 and resources are below the guidelines established by
23 the department of public health.

24 e. "Protective services" means those homemaker-

25 home health aide services intended to stabilize a
26 child's or an adult's residential environment and
27 relationships with relatives, caretakers, and other
28 persons or household members in order to alleviate a
29 situation involving abuse or neglect or to otherwise
30 protect the child or adult from a threat of abuse or
31 neglect.

32 The amount appropriated for the program shall be
33 allocated for use in the counties of the state.
34 Fifteen percent of the amount shall be divided so that
35 an equal amount is available for use in each county in
36 the state. The following percentages of the remaining
37 amount shall be allocated to each county according to
38 that county's proportion of residents with the
39 following demographic characteristics: sixty percent
40 according to the number of elderly persons living in
41 the county; twenty percent according to the number of
42 persons below the poverty level living in the county;
43 and twenty percent according to the number of
44 substantiated cases of child abuse in the county
45 during the three most recent fiscal years for which
46 data is available.

47 In order to receive allocations under this
48 subsection, the county board of supervisors, after
49 consultation with the local boards of health, county
50 board of social welfare, area agency on aging advisory

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1 council, local office of the department of human
2 services, and other in-home health care provider
3 agencies in the jurisdiction, shall prepare a proposal
4 for the use of the allocated funds available for that
5 jurisdiction that will provide the maximum benefits of
6 homemaker-home health aide services to elderly and
7 low-income persons and children and adults in need of
8 protective services in the jurisdiction. The proposal
9 may provide that a maximum of fifteen percent of the
10 allocated funds will be used to provide chore
11 services. The proposal shall include a statement
12 assuring that children and adults in need of
13 protective services are given priority for homemaker-
14 home health aide services and that the appropriate
15 local agencies have participated in the planning for
16 the proposal. After approval of the proposal by the
17 department of public health, the department shall
18 enter into a contract with the county board of
19 supervisors or a governmental body designated by the
20 county board of supervisors. The county board of
21 supervisors or its designee shall subcontract with a
22 nonprofit nurses' association, an independent
23 nonprofit agency, the department of human services, or

24 a suitable local governmental body to use the
25 allocated funds to provide homemaker-home health aide
26 services and chore services providing that the
27 subcontract requires any service provided away from
28 the home to be documented in a report available for
29 review by the department, and that each homemaker-home
30 health aide subcontracting agency shall maintain the
31 direct service workers' time assigned to direct client
32 service at seventy percent or more of the workers'
33 paid time and that no more than thirty-five percent of
34 the total cost of the service be in the combined costs
35 for service administration and agency administration.
36 The subcontract shall require that each homemaker-home
37 health aide subcontracting agency shall pay the
38 employer's contribution of Social Security and provide
39 workers' compensation coverage for persons providing
40 direct homemaker-home health aide service and meet any
41 other applicable legal requirements of an
42 employer/employee relationship.
43 If by July 30 of each fiscal year, the department
44 of public health is unable to conclude contracts for
45 use of the allocated funds in a county, the department
46 shall consider the unused funds appropriated for the
47 program an unallocated pool. The department shall
48 also identify any allocated funds which the counties
49 do not anticipate spending during each fiscal year.
50 If the anticipated excess funds to any county are

Page 5

1 substantial, the department and the county may agree
2 to return those excess funds, if the funds are other
3 than program revenues, to the department, and if
4 returned, the department shall consider the returned
5 funds a part of the unallocated pool. The department
6 shall prior to February 15 of each fiscal year,
7 reallocate the funds in the unallocated pool among the
8 counties in which the department has concluded
9 contracts under this subsection. The department shall
10 also review the first ten months' expenditures for
11 each county in May of each year, to determine if any
12 counties have contracted funds which they do not
13 anticipate spending. If such funds are identified and
14 the county agrees to release the funds, the released
15 funds will be considered a new reallocation pool. The
16 department may, prior to June 1 of each year,
17 reallocate funds from this new reallocation pool to
18 those counties which have experienced a high
19 utilization of protective service hours for children
20 and dependent adults.
21 The department of public health shall maintain
22 rules governing the expenditure of funds appropriated

23 by this subsection. The rules require each local
 24 agency receiving funds to establish and use a sliding
 25 fee scale for those persons able to pay for all or a
 26 portion of the cost of the services and shall require
 27 the payments to be applied to the cost of the
 28 services. The department shall also maintain rules
 29 for standards regarding training, supervision,
 30 recordkeeping, appeals, program evaluation, cost
 31 analysis, and financial audits, and rules specifying
 32 reporting requirements.

33 The department of public health shall annually
 34 evaluate the success of the homemaker-home health aide
 35 program. The evaluation shall include a description
 36 of the program and its implementation, the extent of
 37 local participation, the extent to which the program
 38 reduced or prevented inappropriate institutionaliza-
 39 tion, the extent to which the program provided or
 40 increased the availability of homemaker-home health
 41 aide services to elderly and low-income persons and
 42 children and adults in need of protective services,
 43 any problems and recommendations concerning the
 44 program, and an analysis of the costs of services
 45 across the state. The department shall submit a
 46 report of the annual evaluation to the governor and
 47 the general assembly."

Roll call was requested by Bennett of Ida and Van Maanen of Mahaska.

On the question "Shall amendment H—5019 be adopted?"
 (H.F. 2061)

The ayes were, 47:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Halvorson, R. A.	Halvorson, R.N.	Hanson, D. R.
Harbor	Hermann	Hester	Hibbard
Iverson	Jesse	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Muhlbauer
Pellett	Petersen, D. F.	Plasier	Poney
Renken	Royer	Schnekloth	Shearer
Shoning	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 46:

Arnould	Beatty	Bisignano	Black
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Doderer	Dvorsky
Fey	Fuller	Groninga	Gruhn

Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Renaud	Rosenberg	Schrader
Shoultz	Spear	Svoboda	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 7:

Adams	Blanshan	Connors	Osterberg
Sherzan	Swartz	Tabor	

Amendment H—5019 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2061)

The ayes were, 93:

Arnould	Banks	Beaman	Bennett
Bisignano	Black	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spencer	Stueland	Svoboda	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Adams	Beatty	Blanshan	Connors
Osterberg	Swartz	Tabor	

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

House File 2068, a bill for an act providing technical changes to the financing of education programs of school districts, was taken up for consideration.

Ollie of Clinton offered the following amendment H—5016 filed by Ollie, et al., and moved its adoption:

H—5016

- 1 Amend House File 2068 as follows:
- 2 1. Page 6, by inserting after line 30 the
- 3 following:
- 4 "Sec. 100. 1989 Iowa Acts, chapter 135, section
- 5 127, is amended to read as follows:
- 6 SEC. 127. Notwithstanding the election
- 7 requirements of section 442.14, subsection 2, if the
- 8 board of directors of a school district held an
- 9 election prior to February 15, 1989, for approval to
- 10 raise an additional enrichment amount ~~for commencing~~
- 11 with the school year beginning July 1, 1990 1989, and
- 12 the proposition failed, the board may resubmit the a
- 13 proposition for approval to raise an additional
- 14 enrichment amount commencing with the school year
- 15 beginning July 1, 1990, at an election held not later
- 16 than July 1, 1989.
- 17 Sec. 101.
- 18 Section 100 of this Act, being deemed of immediate
- 19 importance, takes effect upon enactment and is
- 20 retroactively applicable to May 5, 1989."
- 21 2. Title page, line 2, by inserting after the
- 22 word "districts" the following: "and providing a
- 23 retroactive effective date".
- 24 3. By numbering and renumbering sections and
- 25 correcting internal references as necessary.

Amendment H—5016 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2068)

The ayes were, 93:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Adams	Blanshan	Connors	Hermann
Osterberg	Swartz	Tabor	

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

House File 209, a bill for an act relating to the limitations on smoking in public places, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease at 9:52 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 209 at 10:40 a.m., Speaker Avenson in the chair.

Hammond of Story offered the following amendment H—3309 filed by the committee on state government:

H-3309

1 Amend House File 209 as follows:

2 1. Page 1, line 4, by inserting after the word
3 "work" the following: "containing two hundred fifty
4 or more square feet of floor space".

5 2. Page 1, line 5, by inserting after the word
6 "restaurants" the following: "with a seating capacity
7 greater than twenty-five".

8 3. Page 1, line 5, by inserting after the word
9 "stores," the following: "lobbies and malls,".

10 4. Page 1, by striking lines 6 through 8 and
11 inserting the following: "offices containing three
12 hundred or more square feet of floor space, including
13 waiting rooms of three hundred or more square feet of
14 floor space, and other commercial establishments;".

15 5. Page 1, by striking lines 19 through 21 and
16 inserting the following: "the office may be visited
17 by nonsmokers, lobbies and malls which encompass floor
18 space of three hundred or less square feet, a room
19 used primarily as the residence of students or".

20 6. Page 2, by inserting after line 3 the
21 following:

22 "Section 98A.1, Code 1989, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 5. "Public address system" means
25 an apparatus including a microphone and loudspeakers
26 used for broadcasting to the public."

27 7. Page 2, by striking lines 10 through 20 and
28 inserting the following: "following new unnumbered
29 paragraph:

30 NEW UNNUMBERED PARAGRAPH. All public places
31 including retail shopping malls which have a public
32 address system shall announce regularly the measures
33 taken by the public place and what is expected of the
34 persons using the public place to comply with this
35 chapter."

Sherzan of Polk offered the following amendment H-5020, to the committee amendment H-3309, filed by him from the floor and moved its adoption:

H-5020

1 Amend the committee amendment H-3309 to House File
2 209 as follows:

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

5 "_____. Page 1, by inserting before line 1, the
6 following:

7 "Section 1. Section 98.36, subsection 6, Code
8 1989, is amended to read as follows:

9 6. a. Any sales of cigarettes made through a

10 cigarette vending machine are subject to rules and
 11 penalties relative to retail sales of cigarettes
 12 provided for in this division. No cigarettes shall be
 13 sold through any cigarette vending machine unless the
 14 cigarettes have been properly stamped or metered as
 15 provided by this division, and in case of violation of
 16 this provision, the permit of the dealer authorizing
 17 retail sales of cigarettes shall be canceled. Payment
 18 of the license fee as provided in section 98.13
 19 authorizes a cigarette vendor to sell cigarettes
 20 through vending machines, provided that the machines
 21 are located in places where the machines are ~~under the~~
 22 supervision in clear view of a person of legal age who
 23 is responsible for prevention of purchase by minors
 24 from the machines and the location where the machines
 25 are placed is covered by a local retail permit. This
 26 section does not require a retail licensee to buy a
 27 cigarette vendor's permit if the retail licensee is in
 28 fact the owner of the cigarette vending machines and
 29 the machines are operated in the location described in
 30 the retail permit.

31 b. As applicable to the sale of cigarettes to
 32 minors through vending machines, if a cigarette vendor
 33 or the retail licensee does not place a cigarette
 34 vending machine in clear view of a person of legal age
 35 who is responsible for prevention of purchase by
 36 minors from the machines, both the cigarette vendor
 37 and the retail licensee are in violation of this
 38 paragraph and are each subject to a civil penalty in
 39 the amount of five hundred dollars for a first
 40 offense. If a cigarette vendor or a retail licensee
 41 commits a subsequent violation of this paragraph, the
 42 cigarette vendor permit and the retail license of the
 43 cigarette vendor and the retail licensee shall be
 44 revoked."

45 2. Page 1, by inserting after line 35 the
 46 following:

47 "_____. Title page, line 1, by striking the words
 48 "in public places" and inserting the following: "
 49 and providing penalties".

Amendment H—5020 was adopted.

Bisignano of Polk offered the following amendment H—5022, to
 the committee amendment H—3309, filed by him and Hammond of
 Story from the floor and moved its adoption:

H—5022

1 Amend the Committee amendment, H—3309, to House
 2 File 209, as follows:

3 1. Page 1, by inserting before line 2, the fol-
 4 lowing:

- 5 "_____. Page 1, by striking lines 1 and 2 and in-
 6 serting the following:
 7 "Section 1. Section 98A.1, subsection 2, Code
 8 1989, is amended to read as follows:" "
 9 2. Page 1, by inserting after line 19, the fol-
 10 lowing:
 11 "_____. By striking page 1, line 28, through page
 12 2, line 3."
 13 3. Page 1, by striking lines 20 through 35, and
 14 inserting the following:
 15 "_____. Page 2, by striking lines 9 through 20."

Amendment H—5022 was adopted, placing out of order amend-
 ment H—3765, to the committee amendment H—3309, filed by Lundby
 of Linn on April 3, 1989.

Lundby of Linn asked and received unanimous consent to with-
 draw amendment H—3764, to the committee amendment H—3309,
 filed by her on April 3, 1989.

Lundby of Linn offered the following amendment H—3932, to the
 committee amendment H—3309, filed by her and moved its adoption:

H—3932

- 1 Amend the amendment, H—3309, to House File 209 as
 2 follows:
 3 1. Page 1, by inserting after line 1, the
 4 following:
 5 "_____. Page 1, line 1, by inserting after the word
 6 "subsections" the following: "1,"
 7 "_____. Page 1, by inserting after line 2, the
 8 following:
 9 "1. "Smoking" means the carrying of or control
 10 over a lighted cigar, cigarette, pipe, or other
 11 lighted smoking equipment or the chewing of tobacco."
 12 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 39, nays 47.

Amendment H—3932 lost.

Groninga of Cerro Gordo in the chair at 10:58 a.m.

The following amendments, to the committee amendment
 H—3309, were withdrawn by unanimous consent:

- H—3405 filed by Bisignano of Polk on March 15, 1989.
 H—3772 filed by Lundby of Linn on April 3, 1989.
 H—3393 filed by Bisignano of Polk on March 15, 1989.
 H—3396 filed by Bisignano of Polk on March 15, 1989.

H-3404 filed by Bisignano of Polk on March 15, 1989.

H-3394 filed by Bisignano of Polk on March 15, 1989.

Bisignano of Polk offered the following amendment H-5023, to the committee amendment H-3309, filed by him from the floor and moved its adoption:

H-5023

- 1 Amend the amendment, H-3309, to House File 209, as
- 2 follows:
- 3 1. Page 1, line 7, by striking the words "twenty-
- 4 five" and inserting the following: "fifty".

Amendment H-5023 was adopted.

On motion by Hammond of Story, the committee amendment H-3309, as amended, was adopted, placing out of order amendment H-5010 filed by Lundby of Linn on January 17, 1990.

Lundby of Linn asked and received unanimous consent to withdraw amendment H-3924 filed by her on April 7, 1989.

Bisignano of Polk asked and received unanimous consent to withdraw the following amendments filed by him on March 15, 1989:

H-3391, H-3392, H-3395, H-3397, H-3398, H-3399, H-3400, H-3401, H-3402, H-3403 and H-3406.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H-3471 filed by her on March 20, 1989.

Lundby of Linn asked and received unanimous consent to withdraw amendments H-3766, H-3770 and H-3771 filed by her on April 3, 1989; and amendment H-5012 filed by her on January 17, 1990.

Lundby of Linn offered the following amendment H-5013 filed by her and Bisignano of Polk and moved its adoption:

H-5013

- 1 Amend House File 209 as follows:
- 2 1. Page 2, by inserting after line 20, the
- 3 following:
- 4 "Sec. _____. Section 98A.6, Code 1989, is amended by
- 5 adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Enforcement of this
- 7 chapter shall be implemented in an equitable manner
- 8 throughout the state."
- 9 2. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 47, nays 43.

Amendment H—5013 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page, for the remainder of the day, on request of Koenigs of Mitchell.

Lundby of Linn offered the following amendment H—5017 filed by her:

H—5017

- 1 Amend House File 209 as follows:
- 2 1. Page 2, by inserting after line 20, the
- 3 following:
- 4 "Sec. _____. Section 601A.6, subsection 1, Code
- 5 1989, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. e. Person to refuse to hire,
- 8 accept, register, classify, or refer for employment
- 9 any applicant for employment, or to discharge any
- 10 employee, or to otherwise discriminate in employment
- 11 against any applicant for employment or any employee
- 12 on the ground that the person is a smoker or
- 13 nonsmoker. However, this paragraph does not apply to
- 14 employees under a collective bargaining agreement
- 15 which prohibits the use of tobacco products during
- 16 nonworking hours."
- 17 2. By renumbering as necessary.

Hammond of Story rose on a point of order that amendment H—5017 was not germane.

The Speaker ruled the point well taken and amendment H—5017 not germane.

Lundby of Linn offered the following amendment H—3768 filed by her and moved its adoption:

H—3768

- 1 Amend House File 209 as follows:
- 2 1. Page 2, line 24, by striking the words "ten
- 3 fifty" and inserting the following: "ten".

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 43, nays 46.

Amendment H—3768 lost.

Lundby of Linn offered the following amendment H—3769 filed by her and moved its adoption:

H—3769

- 1 Amend House File 209 as follows:
- 2 1. Page 2, line 24, by striking the word "fifty"
- 3 and inserting the following: "twenty-five".

A non-record roll call was requested.

The ayes were 54, nays 32.

Amendment H—3769 was adopted.

Lundby of Linn offered the following amendment H—3767 filed by her and moved its adoption:

H—3767

- 1 Amend House File 209 as follows:
- 2 1. Page 2, by striking lines 30 and 31 and
- 3 inserting the following: "section 804.1. The
- 4 complainant shall pay the cost of any filing fee."

A non-record roll call was requested.

The ayes were 21, nays 48.

Amendment H—3767 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hibbard of Madison on request of Jesse of Jasper; Brown of Lucas on request of Beatty of Warren; Stueland of Clinton on request of Eddie of Buena Vista, all for the remainder of the day.

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

On the question "Shall the bill pass?" (H.F. 209)

The ayes were, 67:

Arnould	Avenson, Spkr.	Banks	Beatty
Bennett	Bisignano	Black	Brand
Carpenter	Chapman	Clark	Cphoon

Corbett	Daggett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lykam
May	McKean	McKinney	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pellett	Peterson, M. K.	Plasier
Renken	Rosenberg	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Teaford
Trent	Wise	Groninga	
		Presiding	

The nays were, 22:

Beaman	Brammer	Branstad	Buhr
De Groot	Eddie	Gruhn	Hansen, S. D.
Iverson	Jesse	Kremer	Lundby
Maulsby	Mertz	Pavich	Peters
Petersen, D. F.	Poncy	Renaud	Svoboda
Tyrrell	Van Maanen		

Absent or not voting, 11:

Adams	Blanshan	Brown	Connors
Hibbard	Miller	Osterberg	Royer
Stueland	Swartz	Tabor	

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

OBJECTION TO IMMEDIATE MESSAGE

Arnould of Scott asked for unanimous consent to immediately message House File 209 to the Senate.

Objection was raised.

MOTIONS TO RECONSIDER (House File 209)

I move to reconsider the vote by which House File 209 passed the House on January 19, 1990.

HAMMOND of Story

(House File 209)

I move to reconsider the vote by which House File 209 passed the House on January 19, 1990.

JAY of Appanoose

(House File 2061)

I move to reconsider the vote by which House File 2061 passed the House on January 19, 1990.

SCHRADER of Marion

PRESENTATION OF VISITOR

Hammond of Story presented to the House the Honorable Sue Mullins, former member of the House representing Kossuth County.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 624 State Government

Requiring licensed professional and occupational disciplinary hearings to be open to the public.

H.S.B. 625 Transportation

Relating to the attorney general's access to confidential motor vehicle accident reports.

H.S.B. 626 Transportation

Relating to bids for certain specialized highway or bridge construction projects.

H.S.B. 627 Energy and Environmental Protection

Relating to energy efficiency.

H.S.B. 628 Energy and Environmental Protection

Relating to pollution prevention and reduction.

H.S.B. 629 Education

Relating to the duties of the board of educational examiners, providing for alternative routes to licensing, and defining which persons are teachers for purposes of educational excellence programs.

H.S.B. 630 Human Resources

Relating to the authority of physician's assistants to prescribe and supply prescription drugs and controlled substances.

SUBCOMMITTEE ASSIGNMENTS

House File 2107

Education: Shoultz, Chair; Lageschulte, Neuhauser, Shearer and Siegrist.

House File 2123

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

House File 2128

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 617**

Education: Cohoon, Chair; Beaman and Nielsen.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 461), regulating the parking of motor vehicles on snow routes, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 18, 1990.

Committee Bill (Formerly House Study Bill 568), relating to reporting requirements for certain cities receiving road use tax funds.

Fiscal Note is not required.

Recommended **Do Pass** January 18, 1990.

AMENDMENTS FILED

H—5021	H.F.	2048	Hammond of Story Pavich of Pottawattamie
H—5024	H.F.	2062	Doderer of Johnson

On motion by Arnould of Scott, the House adjourned at 12:13 p.m., until 10:00 a.m., Monday, January 22, 1990.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day — Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 22, 1990

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

Prayer was offered by the Honorable Charles Poncy, state representative from Wapello County.

The Journal of Friday, January 19, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koenigs of Mitchell on request of Corbett of Linn; Svoboda of Tama, for the morning, on request of Peterson of Carroll; Royer of Page, until his arrival, on request of Banks of Plymouth.

INTRODUCTION OF BILLS

House File 2142, by committee on transportation, a bill for an act relating to reporting requirements for certain cities receiving road use tax funds.

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

House File 2143, by committee on transportation, a bill for an act regulating the parking of motor vehicles on snow routes, and providing a penalty.

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

House File 2144, by Clark, a bill for an act relating to certain controlled substance offenses by reclassifying certain substances and by prohibiting admission to bail.

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

House File 2145, by Svoboda, a bill for an act relating to the publication of the Code of Iowa.

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

House File 2146, by Groninga and Spear, a bill for an act relating to the sale of alcoholic beverages, by authorizing a class "B" wine permittee to sell wine to holders of liquor control licenses and wine

permits, and by authorizing liquor control licensees to purchase alcoholic beverages from other liquor control licensees and wine from wine permittees.

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

House File 2147, by Stueland, a bill for an act prohibiting the sale or use of the pesticide atrazine, making a penalty applicable, and providing an effective date.

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

House File 2148, by Banks, Tyrrell, Iverson and Hermann, a bill for an act establishing the crime of assault against a peace officer and providing a penalty.

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

SENATE MESSAGE CONSIDERED

Senate File 2049, by Hutchins, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2016, a bill for an act relating to the maximum age of amateur boxing participants and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2016)

The ayes were, 92:

Adams
Beatty

Arnould
Bennett

Banks
Bisignano

Beaman
Black

Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 1:

Doderer

Absent or not voting, 7:

Brown	Hatch	Jay	Koenigs
Royer	Stueland	Svoboda	

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

Senate File 255, a bill for an act relating to the priority of advances under line-of-credit mortgages, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 255)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Brown	Hatch	Jay	Koenigs
Royer	Stueland	Svoboda	

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

House File 2114, a bill for an act removing certain limitations on the issuance of nonresident deer hunting licenses and wild turkey hunting licenses and on the use of license revenues and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2114)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn

Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 3:

Doderer	Fuller	Neuhauser
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Absent or not voting, 8:

Beatty	Brown	Hatch	Jay
Koenigs	Royer	Stueland	Svoboda

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

House File 2105, a bill for an act providing for access to certain vital statistics records which are at least seventy-five years old, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2105)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler

Knapp	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Brown	Hatch	Jay	Koenigs
Royer	Stueland	Svoboda	

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

House File 2062, a bill for an act relating to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of newborn infant coverage for treatment, including routine well-baby care, under certain circumstances, was taken up for consideration.

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

The House resumed session and consideration of House File 2062 at 12:17 p.m., Connors of Polk in the chair.

Arnould of Scott asked and received unanimous consent that House File 2062 be deferred and that the bill retain its place on the calendar.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, January 19, 1990. Had I been present, I would have voted "aye" on House Files 209, 2061 and 2068.

OSTERBERG of Linn

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

- 1990-3 Cedar Rapids Gazette, Cedar Rapids — For its commitment to the future of Iowa through its promotion of agriculture by utilizing soybean ink, its recycling of newsprint, and its encouragement of readers to collect newspapers at control collection sites.
- 1990-4 Harley O. Keck, Sioux City — Celebrating his 91st birthday.
- 1990-5 John Pedersen, Ledyard — For receiving second place in the Ridge-till Non-Irrigated Class in the Iowa Corn Growers Association's yield contest.
- 1990-6 John Joffer, Inwood — For being named first place winner for the Irrigated Class in the Iowa division of the Iowa Corn Growers Association's corn yield contest.
- 1990-7 Lin Heiller, Melvin — For receiving both the National and Iowa First Place Award in the No-Till Non-Irrigated Class from the Iowa Corn Growers Association.
- 1990-8 Martha R. Heiller, Melvin — For receiving both the National and Iowa First Place Award in the Ridge-Till Non-Irrigated Class from the Iowa Corn Growers Association.
- 1990-9 Brian Jay Nelson, Le Mars — For receiving the Eagle Scout Award of the Boy Scouts of America.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 631 Agriculture

To increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers.

H.S.B. 632 Agriculture

Relating to the importation of bees and bee-related items, increasing certain fees, and providing penalties.

H.S.B. 633 Education

Relating to the in-school and young adult programs of the Iowa conservation corps and making an appropriation.

H.S.B. 634 Human Resources

Relating to persons with mental retardation, a developmental disability, or mental illness by providing an implementation schedule for rights of the persons, establishing a fund, and providing applicability provisions.

H.S.B. 635 Human Resources

Requiring certain information to be provided to adopting parents.

H.S.B. 636 State Government

Relating to state and local foster care review boards.

H.S.B. 637 Local Government

Relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws.

H.S.B. 638 Economic Development

Relating to the allotment of lottery revenues to the surplus account of the Iowa plan fund and making appropriations from the surplus account and providing an effective date.

H.S.B. 639 Economic Development

Relating to income taxation by providing a new jobs tax credit for small businesses and providing a retroactive applicability date.

H.S.B. 640 Economic Development

Relating to the deposit of lottery revenues into the general fund of the state and exempting lottery sales from the state sales, services, and use tax.

H.S.B. 641 Economic Development

Relating to income taxation by increasing the tax credit allowed for certain research activities and providing effective and applicability dates.

H.S.B. 642 Agriculture

Relating to the transfer of racing dogs and providing a penalty.

H.S.B. 643 Human Resources

Relating to the assignment of support rights for children receiving foster care services.

H.S.B. 644 Education

Relating to school instruction and attendance of children of compulsory school attendance age.

H.S.B. 645 Human Resources

Relating to the establishment of standards for the collection, processing, fractionation storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers.

SUBCOMMITTEE ASSIGNMENTS

House File 2108

Natural Resources and Outdoor Recreation: May, Chair; Fogarty and Royer.

House File 2121

Natural Resources and Outdoor Recreation: Lykam, Chair; Gruhn and Stueland.

House File 2122

Small Business and Commerce: Bisignano, Chair; Chapman and Halvorson of Clayton.

House File 2131

Small Business and Commerce: Hansen of Woodbury, Chair; Doderer, Holveck, Schneklloth and Trent.

House File 2133

Small Business and Commerce: Blanshan, Chair; Dvorsky and Halvorson of Clayton.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 618

Small Business and Commerce: Jesse, Chair; Doderer and Renken.

House Study Bill 623

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 630

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 697, a bill for an act relating to the use of nontransferable letters of credit as security for deposit or investment of public funds provided to a public officer from a depository institution.

Fiscal Note is not required.

Recommended **Do Pass** January 22, 1990.

COMMITTEE ON STATE GOVERNMENT

House File 2048, a bill for an act relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science

examiners, prohibiting the practice of marital and family therapy or mental health counseling without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, providing for a temporary waiver of certain licensing requirements, and providing other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5025** January 18, 1990.

AMENDMENTS FILED

H-5025	H.F.	2048	Committee on State Government
H-5026	H.F.	2040	Spear of Lee McKean of Jones
H-5027	H.F.	685	Hansen of Woodbury Schnekloth of Scott
H-5028	H.F.	2062	Halvorson of Clayton

On motion by Arnould of Scott, the House adjourned at 12:18 p.m., until 9:00 a.m., Tuesday, January 23, 1990.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day — Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 23, 1990

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

Prayer was offered by the Honorable Ruhl Maulsby, state representative from Calhoun County.

The Journal of Monday, January 22, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper, until his arrival, on request of May of Worth.

INTRODUCTION OF BILLS

House File 2149, by Rosenberg, a bill for an act relating to juvenile civil commitments, providing for notification and inclusion of a juvenile's parent or guardian in the proceedings, and for reimbursement of costs of care and treatment to counties by the department of human services.

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

House File 2150, by Rosenberg, a bill for an act relating to sales, services, and use taxes and providing a retroactive applicability date.

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

House File 2151, by Connors, a bill for an act relating to refunds and credits of vehicle registration fees.

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

House File 2152, by Spear, a bill for an act relating to the payment of fees for serving notice of the suspension or revocation of an operator's license.

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

House File 2153, by Rosenberg, a bill for an act relating to the fifteen-day report filed by an administrator or chief medical officer of a hospital or facility with the court after the commitment hearing in civil commitment proceedings.

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

House File 2154, by Hatch, Murphy, Carpenter, Hansen of Woodbury, Harper, Shoultz, Brammer, Buhr and Rosenberg, a bill for an act relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws.

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

House File 2155, by committee on natural resources and outdoor recreation, a bill for an act relating to the designation, inventory, and protection of wetland, providing a civil penalty for violations, and providing a property tax exemption for wetlands.

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

House File 2156, by committee on rules and administration, a bill for an act relating to membership of members and part-time employees of the general assembly in the state group insurance plan, and providing effective and retroactive applicability dates.

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

SENATE MESSAGE CONSIDERED

Senate File 2084, by committee on natural resources, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, January 19, 1990. Had I been present, I would have voted "aye" on House Files 209, 2061 and 2068.

ADAMS of Hamilton

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 646 State Government

Relating to the installation of fire extinguishing systems in open parking garages.

H.S.B. 647 Transportation

Relating to certificates of title for wrecked or salvage vehicles.

H.S.B. 648 Agriculture

Providing for acquisition of agricultural land for production of poultry products.

H.S.B. 649 State Government

Relating to the regulation of certain charitable organizations, providing for a fee, and providing a penalty.

H.S.B. 650 Small Business and Commerce

Authorizing expedited merit review for small issues under the state securities law and authorizing certain administrative relief from merit review for certain security issues satisfying minimum share price standards and other qualifications.

H.S.B. 651 Ways and Means

Relating to the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, and the agricultural land tax credit by increasing the amount of credit and reimbursement and providing effective dates.

H.S.B. 652 Ways and Means

Establishing a pastureland tax credit fund, providing a tax credit, making an appropriation, and providing effective and applicability dates.

H.S.B. 653 Ways and Means

Relating to the updating of references to the federal Internal Revenue Code and providing certain retroactive applicability dates.

H.S.B. 654 Ways and Means

Relating to taxes administered by the department of revenue and finance including technical corrections, payment and liability for certain sales and use taxes, income tax, franchise tax, inheritance tax, and providing for certain retroactive applicability and effective dates.

H.S.B. 655 Ways and Means

Relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of state income tax and providing a retroactive applicability date.

H.S.B. 656 Ways and Means

Relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of state individual income tax and providing a retroactive applicability date.

H.S.B. 657 Ways and Means

Relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of state income tax and providing a retroactive applicability date.

H.S.B. 658 Judiciary and Law Enforcement

Relating to the release of privileged information.

SUBCOMMITTEE ASSIGNMENTS

House File 613

Transportation: Spenner, Chair; Branstad and Pavich.

House File 2023

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and Plasier.

House File 2034

Judiciary and Law Enforcement: Siegrist, Chair; Poncey and Renaud.

House File 2039

Judiciary and Law Enforcement: Siegrist, Chair; Poncey and Renaud.

House File 2042

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House File 2043

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House File 2064

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and Plasier.

House File 2065

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and Plasier.

House File 2067

Judiciary and Law Enforcement: Siegrist, Chair; Chapman and Rosenberg.

House File 2073

Judiciary and Law Enforcement: Siegrist, Chair; Chapman and Rosenberg.

House File 2074

Judiciary and Law Enforcement: Siegrist, Chair; Poncey and Renaud.

House File 2084

Judiciary and Law Enforcement: Jay, Chair; Chapman and Clark.

House File 2085

Judiciary and Law Enforcement: Hibbard, Chair; Beatty and Trent.

House File 2089

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

House File 2094

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

House File 2109

Judiciary and Law Enforcement: Hibbard, Chair; Hansen of Woodbury and Kremer.

House File 2110

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

House File 2111

Local Government: Royer, Chair; Brown and Mertz.

House File 2112

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Chapman and Hibbard.

House File 2116

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House File 2124

State Government: Connors, Chair; Garman and Pavich.

House File 2125

Transportation: Muhlbauer, Chair; Beaman and Koenigs.

House File 2130

State Government: Poncy, Chair; Beatty and Tyrrell.

House File 2132

Education: Neuhauser, Chair; Brand, Haverland, Lageschulte and Siegrist.

House File 2134

Education: Brand, Chair; Corbett and Nielsen.

House File 2135

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House File 2136

State Government: Blanshan, Chair; Carpenter and Doderer.

House File 2138

State Government: Pavich, Chair; Connors and Shoning.

House File 2141

Education: Nielsen, Chair; Cohoon and Siegrist.

House File 2144

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

House File 2145

State Government: Buhr, Chair; Beatty and Lundby.

House File 2146

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

House File 2148

Judiciary and Law Enforcement: Siegrist, Chair; Poncey and Renaud.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 612**

Local Government: Fogarty, Chair; McKean, Muhlbauer, Renken and Shearer.

House Study Bill 620

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Brammer and Shoning.

House Study Bill 621

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Brammer and Shoning.

House Study Bill 622

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

House Study Bill 624

State Government: Blanshan, Chair; Hammond and Spenner.

House Study Bill 625

Transportation: Renaud, Chair; Harbor and Shearer.

House Study Bill 626

Transportation: Brown, Chair; De Groot and Murphy.

House Study Bill 629

Education: Harper, Chair; Kistler and Shultz.

House Study Bill 631

Agriculture: Fogarty, Chair; Koenigs and Petersen of Muscatine.

House Study Bill 632

Agriculture: Gruhn, Chair; Fogarty and Pellett.

House Study Bill 633

Education: Shoultz, Chair; Cohoon and Kistler.

House Study Bill 636

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

House Study Bill 637

Local Government: Hatch, Chair; Hester and Spear.

House Study Bill 642

Agriculture: Schrader, Chair; Banks and McKinney.

House Study Bill 646

State Government: Connors, Chair; Renaud and Tyrrell.

House Study Bill 647

Transportation: Koenigs, Chair; Branstad and Muhlbauer.

House Study Bill 649

State Government: Peterson of Carroll, Chair; Blanshan and Carpenter.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 594), adding marijuana to the list of secondary noxious weeds.

Fiscal Note is not required.

Recommended **Do Pass** January 22, 1990.

COMMITTEE ON RULES AND ADMINISTRATION

Committee Bill (Formerly House Study Bill 597), relating to membership of members and part-time employees of the general assembly in the state group insurance plan.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 22, 1990.

COMMITTEE ON STATE GOVERNMENT

House File 2050, a bill for an act relating to the selling of goods or services by an official or employee of a regulatory agency.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 1990.

RESOLUTION FILED

HCR 102, by Maulsby, a concurrent resolution requesting the Legislative Council to establish an interim study committee for the purpose of studying property tax relief through a moneys and credits tax.

Referred to committee on **ways and means**.

AMENDMENTS FILED

H—5029	H.F. 2031	Daggett of Adams
H—5030	H.F. 2062	Halvorson of Clayton

On motion by Arnould of Scott, the House adjourned at 9:12 a.m., until 9:00 a.m., Wednesday, January 24, 1990.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day — Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 24, 1990

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

Prayer was offered by the Honorable Mark Shearer, state representative from Louisa County.

The Journal of Tuesday, January 23, 1990 was approved.

INTRODUCTION OF BILLS

House File 2157, by Tyrrell, a bill for an act relating to the dates for limitations of actions on title to real property.

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

House File 2158, by Schrader, a bill for an act relating to choice of care provided under workers' compensation medical benefits.

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

House File 2159, by Wise, a bill for an act relating to commencement of academic terms of school corporations located within the boundaries of the same area education agency.

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

House File 2160, by Rosenberg and Peterson of Carroll, a bill for an act relating to mandatory domestic abuse arrests and providing guidelines concerning a primary physical aggressor.

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

House File 2161, by Fogarty, a bill for an act relating to increasing the penalty for failure to file a release and satisfaction when a judgment is paid in full.

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

House File 2162, by Murphy, a bill for an act relating to the payment of private water supply well testing fees.

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

House File 2163, by Spear, a bill for an act relating to the establishment of fire lanes and providing a penalty.

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

House File 2164, by Hansen of Woodbury, a bill for an act relating to the payment of costs associated with an appeal of a compensation commission's award of damages in a condemnation proceeding.

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

On motion by Arnould of Scott, the House was recessed at 9:16 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2165, by committee on transportation, a bill for an act relating to indemnification for odometer fraud from a motor vehicle dealer's surety bond and increasing the amount of the bond.

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

House File 2166, by committee on local government, a bill for an act adding marijuana to the list of secondary noxious weeds.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2104, a bill for an act requiring the Iowa department of public health to enter the name of the father on the certificate of birth upon a determination of paternity by a court of competent jurisdiction, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2104)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, none.

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

The House stood at ease at 3:53 p.m., until the fall of the gavel.

The House resumed session at 4:40 p.m., Speaker Avenson in the chair.

SENATE AMENDMENT CONSIDERED

House Refused to Concur

Hansen of Woodbury called up for consideration **House File 685**, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, subject to certain procedures and conditions, subjecting a bank acquired by a regional bank holding company to

community reinvestment standards and disclosures as a condition of the deposit of public funds or the approval of actions of the bank by the superintendent, and other properly related matters, and making penalties applicable and providing penalties, amended by the Senate amendment H—4466 as follows:

H—4466

1 Amend House File 685, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 13, by inserting after line 7, the
4 following:

5 “_____. Loans to or equity investments in small
6 businesses, made or originated by a small business
7 investment company in which the bank has purchased
8 shares or holds an equity interest, provided that
9 either or both of the following conditions are
10 satisfied:

11 a. The small business investment company has
12 invested at least fifty percent of its investments in
13 Iowa small businesses.

14 b. The small business investment company has
15 invested at least seventy-five percent of its
16 investments in small businesses located in Iowa or one
17 or more contiguous states.”

18 2. Page 13, by inserting after line 20 the
19 following:

20 “_____. Loans for investment in a small business
21 investment corporation, the Iowa business development
22 finance corporation, or a similar entity designed to
23 enhance small business development.”

24 3. Page 13, by inserting after line 26, the
25 following:

26 “Sec. _____. NEW SECTION. 524.1858A ACQUIRED
27 BANK’S BOARD OF DIRECTORS.

28 As a continuing condition of an acquisition,
29 pursuant to this division, of a bank or bank holding
30 company within the state, the acquired bank’s board of
31 directors shall have and shall maintain three persons
32 meeting the following minimum requirements as voting
33 members of the board of directors:

34 1. One of the members of the board shall be an
35 agricultural producer eligible for assistance from the
36 agricultural development authority pursuant to section
37 175.13A.

38 2. One of the members of the board shall be a
39 businessperson engaged in a small business as defined
40 in section 220.1, subsection 28.

41 3. One of the members shall be eligible for the
42 Iowa finance authority’s residential mortgage interest
43 reduction program.”

44 4. Page 13, by inserting after line 26, the
45 following:
46 "Sec. _____. NEW SECTION. 524.1858B MOST FAVORED
47 PRACTICES.
48 As a continuing condition of an acquisition of an
49 Iowa bank or bank holding company pursuant to this
50 division, the regional bank holding company shall

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1 require that its Iowa owned or controlled bank or
2 banks offer the most favorable services, rates, and
3 incentives offered by any other bank owned or
4 controlled by the regional bank holding company, to
5 the extent that such services, rates, or incentives
6 are not otherwise prohibited by Iowa law."
7 5. Page 13, line 30, by inserting before the word
8 "are" the following: ", requiring that the state in
9 which a regional bank holding company is located would
10 allow a bank holding company located in Iowa to
11 acquire a bank or banks located in that state before a
12 regional bank holding company located in that state
13 may make an acquisition pursuant to section 524.1852".

14 6. Page 14, by striking lines 12 through 16 and
15 inserting the following:
16 "3. "Financial institution" means a bank as
17 defined in chapter 524. However, if any court or
18 regulatory agency of this state or of the United
19 States determines in any action or proceeding that a
20 provision of sections 12 through 18 of this Act is
21 unconstitutional or otherwise unenforceable for any
22 reason against any financial institution so defined,
23 "financial institution" shall mean a bank acquired
24 pursuant to sections 524.1851 through 524.1858 or an
25 Iowa bank owned by a bank holding company with its
26 principal place of business within the state which
27 acquires ownership or control of a bank located in
28 another state."

29 7. By striking page 19, line 32, through page 21,
30 line 12, and inserting the following:
31 "Sec. _____. ADVISORY COUNCIL. An advisory council
32 is established to review the effectiveness and
33 enforceability of the provisions of this Act. The
34 advisory council shall be composed of five persons.
35 Three members shall be appointed by the legislative
36 council and two members shall be appointed by the
37 superintendent of banking. Vacancies shall be filled
38 by the appointing authority which appointed the person
39 who has or is to vacate the council.

40 1. The members appointed by the legislative
41 council shall meet the following requirements:
42 a. Two of the members shall be an agricultural

43 producer eligible for assistance from the agricultural
44 development authority pursuant to section 175.13A.

45 b. Two of the members shall be a business person
46 engaged in a small business as defined in section
47 220.1, subsection 28.

48 c. One of the members shall be eligible for the
49 Iowa finance authority's residential mortgage interest
50 reduction program pursuant to section 220.81.

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1 2. The members appointed by the superintendent of
2 banking shall meet the following requirements:

3 a. One of the members shall be employed by a bank
4 which is not owned in whole or in part by a bank
5 holding company.

6 b. One of the members shall be employed by a bank
7 owned by a bank holding company or employed by a bank
8 holding company.

9 For the purposes of this section, a bank holding
10 company means a bank holding company as defined in
11 section 524.1801.

12 The advisory council shall monitor and review the
13 implementation of this Act and the effectiveness and
14 enforceability of this Act. The advisory council
15 shall from time to time, but not less than quarterly,
16 recommend to the superintendent of banking the
17 adoption of appropriate rules to maximize the
18 effectiveness and enforceability of this Act. The
19 advisory council shall from time to time, but not less
20 than quarterly, recommend to the superintendent of
21 banking any appropriate legislation as may be
22 necessary to maximize the effectiveness and
23 enforceability of this Act. The advisory council
24 shall submit its final recommendations to the
25 superintendent of banking not later than January 1,
26 1991. The banking division of the department of
27 commerce shall provide staff support and assistance to
28 the advisory council."

29 8. By renumbering, relettering, or redesignating
30 and correcting internal references as necessary.

The following amendments, to the Senate amendment H—4466,
were withdrawn by unanimous consent:

H—5027 filed by Hansen of Woodbury and Schnekloth of Scott
on January 22, 1990.

H—4480 filed by Blanshan of Greene on May 6, 1989.

H—4469 filed by Blanshan of Greene on May 5, 1989.

Spear of Lee offered the following amendment H—4482, to the
Senate amendment H—4466, filed by him and moved its adoption:

H-4482

- 1 Amend the amendment, H-4466, to House File 685, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 2, line 34, by striking the word "five"
 5 and inserting the following: "seven".
 6 2. Page 2, line 35, by striking the word "Three"
 7 and inserting the following: "Five".

Amendment H-4482 was adopted.

On motion by Hansen of Woodbury, the House refused to concur in the Senate amendment H-4466, as amended.

IMMEDIATE MESSAGE
 (House File 685)

Arnould of Scott asked and received unanimous consent that House File 685 be immediately messaged to the Senate.

Regular Calendar

House File 2001, a bill for an act relating to elections by revising provisions governing voting booth requirements, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2001)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp

Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, none.

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

House File 2119, a bill for an act relating to violations involving disobedience of the warning lamps, signal lamps, and stop arms of school buses, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2119)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer

Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Jay

Absent or not voting, none.

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

The House resumed consideration of **House File 2062**, a bill for an act relating to group accident and sickness insurance, group non-profit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of newborn infant coverage for treatment, including routine well-baby care, under certain circumstances, previously deferred and retained on the calendar.

The following amendments were withdrawn by unanimous consent:

H—5003 filed by Doderer of Johnson on January 15, 1990.

H—5005 and H—5006 filed by Halvorson of Clayton on January 15, 1990.

H—5009 filed by Garman of Story on January 17, 1990.

Doderer of Johnson offered the following amendment H—5024 filed by her:

H—5024

- 1 Amend House File 2062 as follows:
- 2 1. Page 1, by striking lines 1 through 27, and
- 3 inserting the following:
- 4 "Section 1. Section 514C.1, subsection 3, Code
- 5 1989, is amended by striking the subsection and
- 6 inserting in lieu thereof the following:
- 7 3. a. If payment of a specific premium,
- 8 subscription fee, or other charge is required to
- 9 continue coverage for a newly born child, the policy,
- 10 contract, or plan may require either or both of the
- 11 following:
- 12 (1) Notification of birth of a newly born child
- 13 within thirty-one days after the date of birth.
- 14 (2) Payment of the required premium, fee, or
- 15 charge to the insurer, nonprofit hospital or medical
- 16 service corporation, or health maintenance
- 17 organization as provided in this subsection.

18 b. Notice of the birth of a child may be provided
19 to a person required to provide supplemental coverage
20 pursuant to this section by either of the following:

21 (1) Submitting a claim for medical expenses
22 incurred by the mother or the child in connection with
23 the birth of the child.

24 (2) Written notice to the insurer, nonprofit
25 hospital or medical service corporation, or health
26 maintenance organization.

27 c. The insured, subscriber, or enrollee shall pay
28 the required premium, fee, or other charge within
29 thirty-one days after the date of notice from the
30 insurer, nonprofit hospital or medical service
31 corporation, or health maintenance organization, to
32 continue coverage for a newly born child.

33 d. The notice of payment due shall clearly state
34 that coverage for the newly born child shall continue
35 beyond thirty-one days from the date of the notice
36 only if payment is received within thirty-one days
37 from the date of the notice.

38 Sec. 2. Section 514C.1, Code 1989, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 4. For purposes of this section:

41 a. "Individual policy of accident and sickness
42 insurance" includes an individual plan of a health
43 maintenance organization provided pursuant to chapter
44 514B.

45 b. "Group policy of accident and sickness
46 insurance" includes a group plan of a health
47 maintenance organization provided pursuant to chapter
48 514B.

49 Sec. 3. NEW SECTION. 514C.1A MANDATORY GROUP
50 POLICY COVERAGE FOR WELL BABY MEDICAL CARE.

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1 1. A policy of group accident and sickness
2 insurance providing coverage issued pursuant to
3 chapter 509, a group nonprofit hospital or medical
4 service contract issued pursuant to chapter 514, or a
5 group plan of a health maintenance organization
6 provided pursuant to chapter 514B, which provides
7 coverage for a family member of any insured,
8 subscriber, or enrollee of the group, shall provide
9 coverage for well baby medical care from the moment of
10 birth of a child of an insured, subscriber, or
11 enrollee.

12 Benefits paid pursuant to this section shall be
13 subject to the same deductible and coinsurance factors
14 as other covered services.

15 2. Coverage for well baby medical care shall
16 continue for the period of time supplemental newborn

17 benefits are provided pursuant to section 514C.1, and
 18 for the period supplemental newborn benefits are
 19 continued pursuant to section 514C.1, subsection 3,
 20 but coverage for well baby medical care shall not be
 21 required beyond the age of six months.

22 3. As used in this section:

23 a. "Well baby medical care" means any reasonable
 24 and necessary medical or health care for a baby
 25 provided by a licensed physician or under a licensed
 26 physician's order or supervision, which is not on
 27 account of sickness, injury, or congenital defect.
 28 Well baby medical care includes, but is not limited to
 29 hospital care upon birth, medical history preparation,
 30 complete physical examination, developmental
 31 assessment, appropriate immunizations, and laboratory
 32 tests in keeping with prevailing medical standards.

33 b. "Licensed physician" means a licensed physician
 34 as defined in section 514C.3.

35 4. This section applies to policies, contracts, or
 36 plans delivered or issued for delivery in Iowa on or
 37 after July 1, 1990, and to existing policies,
 38 contracts, or plans on their next anniversary or
 39 renewal date, or upon expiration of the applicable
 40 collective bargaining contract, if any, whichever is
 41 later. This section does not apply to medicare
 42 supplemental policies."

Doderer of Johnson offered the following amendment H-5031,
 to amendment H-5024, filed by her from the floor and moved its
 adoption:

H-5031

1 Amend the amendment, H-5024, to House File 2062, as
 2 follows:

3 1. Page 1, line 33, by inserting before the word
 4 "The" the following: "A notice of payment due shall
 5 be sent by mail to the insured's, subscriber's, or
 6 enrollee's last known address."

Amendment H-5031 was adopted.

Halvorson of Clayton offered the following amendment H-5030,
 to amendment H-5024, filed by him:

H-5030

1 Amend the amendment, H-5024, to House File 2062 as
 2 follows:

3 1. Page 1, line 49, by inserting after the word
 4 "MANDATORY" the following: "OFFER OF".

5 2. Page 2, line 8, by inserting after the word
 6 "shall" the following: "offer to".

7 3. Page 2, by striking lines 15 through 21, and

8 inserting the following:

9 "2. An offer of coverage for well baby medical
10 care shall be extended to an insured, subscriber, or
11 enrollee who does not currently carry well baby
12 medical care coverage with the group policy, plan, or
13 contract in each of the following circumstances:

14 a. Upon the insured's, subscriber's, or enrollee's
15 initial enrollment.

16 b. Upon renewal of the policy, plan, or contract.

17 c. Upon submission of a claim for pregnancy-
18 related benefits.

19 d. Upon submission of a claim for medical expenses
20 incurred by the mother or the child in connection with
21 the birth of the child.

22 An offer of well baby medical care coverage
23 required by paragraph "c" or "d" shall be sent by mail
24 to the insured's, subscriber's, or enrollee's last
25 known address. The mailed notice shall clearly state
26 the additional premium, fee, or charge required for
27 well baby medical care, and the procedure for adding
28 well baby medical care coverage to the insured's,
29 subscriber's, or enrollee's existing coverage. A
30 person required to offer well baby medical care
31 coverage pursuant to this section shall permit an
32 insured, subscriber, or enrollee to add such coverage
33 upon demand, without individual underwriting, upon
34 payment of the required premium, fee, or other charge,
35 if any."

36 4. Page 2, by inserting after line 42, the
37 following:

38 "_____. Title page, line 3, by striking the word
39 "inclusion" and inserting the following: "an offer"."

Bisignano of Polk in the chair at 5:20 p.m.

Halvorson of Clayton moved the adoption of amendment H-5030,
to amendment H-5024.

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

On the question "Shall amendment H-5030, to amendment
H-5024, be adopted?" (H.F. 2062)

The ayes were, 42:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby

Maulsby	May	Metcalf	Miller
Neuhauser	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Siegrist
Spear	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Avenson, Spkr.	Beatty
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	McKean	McKinney	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Svoboda
Tabor	Teaford	Wise	Bisignano Presiding

Absent or not voting, 2:

Mertz Swartz

Amendment H—5030 lost.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5028, to amendment H—5024, filed by him on January 22, 1990.

Plasier of Sioux offered the following amendment H—5038, to amendment H—5024, filed by him and Trent of Muscatine from the floor:

H—5038

- 1 Amend the amendment, H—5024, to House File 2062, as
- 2 follows:
- 3 1. By striking page 1, line 4, through page 2,
- 4 line 42, and inserting the following:
- 5 "Section 1. NEW SECTION. 255B.1 STATE POLICY.
- 6 It is the policy of the state to provide well baby
- 7 medical care to all infants through the age of six
- 8 months who are residents of this state, at the
- 9 appropriate and necessary level, at a licensed
- 10 hospital or health care facility closest and most
- 11 available to the residence of the individual.
- 12 Sec. 2. NEW SECTION. 255B.2 WELL BABY MEDICAL
- 13 CARE PROGRAM.
- 14 A statewide well baby medical care program is

15 established for the purpose of providing well baby
16 medical care to all infants through the age of six
17 months resident in this state. Appropriations by the
18 general assembly for this chapter shall be allocated
19 for the well baby medical care fund within the Iowa
20 department of public health and shall be utilized for
21 the well baby medical care program as specified in
22 this chapter.

23 Sec. 3. NEW SECTION. 255B.3 ADMINISTRATION OF
24 PROGRAM.

25 The Iowa department of public health shall
26 administer the statewide well baby medical care
27 program. The department shall adopt administrative
28 rules to implement the program pursuant to chapter
29 17A. Administrative costs of the department shall not
30 exceed three percent of the annual funds appropriated
31 for the well baby medical care fund.

32 Sec. 4. NEW SECTION. 255B.4 MINIMUM ELIGIBILITY
33 STANDARDS.

34 The Iowa department of public health, in
35 collaboration with the department of human services
36 and the division of insurance of the department of
37 commerce, and in consultation with the Iowa state
38 association of counties, shall adopt rules, pursuant
39 to chapter 17A, establishing minimum standards for
40 eligibility for well baby medical care. The minimum
41 standards for eligibility shall provide eligibility
42 for all infants resident in this state through the age
43 of six months who are not provided well baby medical
44 care coverage under a policy of group accident and
45 sickness insurance issued pursuant to chapter 509, a
46 group nonprofit hospital or medical service contract
47 issued pursuant to chapter 514, or a group plan of a
48 health maintenance organization provided pursuant to
49 chapter 514B.

50 Sec. 5. NEW SECTION. 255B.5 APPLICATION AND

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1 CERTIFICATION FOR CARE.

2 The parent or guardian of an infant who is in need
3 of or who could benefit from well baby medical care,
4 the cost of which is payable from the well baby
5 medical care fund, may apply to the director of a
6 maternal health center, operated by the Iowa
7 department of public health, to have the cost of such
8 care paid from the fund. In counties not served by
9 such a center, the department shall contract with
10 another agency, institution, or organization to
11 receive and process applications for care. The Iowa
12 department of public health, with the department of
13 human services, shall jointly develop a standardized

14 application form and shall coordinate the
15 determination of eligibility for medical assistance
16 and the well baby medical care program.

17 Sec. 6. NEW SECTION. 255B.6 FREEDOM OF CHOICE OF
18 PROVIDER.

19 The parent or guardian of an infant certified for
20 well baby medical care under this chapter may choose
21 to receive the appropriate level of care at the
22 university of Iowa hospitals and clinics, at any other
23 licensed hospital or health care facility, or from a
24 licensed physician, or under the orders or supervision
25 of a licensed physician.

26 Sec. 7. NEW SECTION. 255B.7 REIMBURSABLE COSTS
27 OF CARE.

28 The well baby medical care costs of an infant
29 certified for such care under this chapter at a
30 licensed hospital or health care facility or from
31 licensed physicians as provided in section 255B.6
32 shall be paid by the Iowa department of public health
33 from the well baby medical care fund. However, a
34 physician who provides obstetrical or newborn care at
35 the University of Iowa hospitals and clinics to a
36 person certified for care under this chapter is not
37 entitled to receive any compensation for the provision
38 of such care in accordance with section 255.23.

39 Sec. 8. NEW SECTION. 255B.8 ALLOWABLE
40 REIMBURSEMENTS.

41 1. All providers of services to infants under this
42 chapter shall agree to accept as full payment the
43 reimbursements allowable under the medical assistance
44 program established pursuant to chapter 249A, adjusted
45 for intensity of care. The Iowa department of public
46 health shall reserve ten percent of the fund annually
47 for payment of the costs of care of an infant
48 certified for care under this chapter in excess of the
49 program's average reimbursements if the nature and
50 extent of the care justifies such additional

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1 reimbursement. The department shall adopt rules
2 pursuant to chapter 17A, establishing the requirements
3 for such additional reimbursement.

4 2. Allowable reimbursement or payments for infants
5 under the well baby medical care program shall at
6 minimum include well baby medical care from birth
7 through the age of six months. As used in this
8 chapter:

9 a. "Well baby medical care" means any reasonable
10 and necessary medical or health care provided by a
11 licensed physician or under a licensed physician's
12 order or supervision, which is not on account of

13 sickness, injury, or congenital defect.

14 b. "Licensed physician" means a licensed physician
15 as defined in section 514C.3.

16 Sec. 9. NEW SECTION. 255B.9 PROCEDURES FOR
17 PAYMENT.

18 The Iowa department of public health shall
19 establish procedures for payment for providers of
20 services to well baby medical care patients under this
21 chapter from the well baby medical care fund. All
22 billings from such providers shall be submitted
23 directly to the department. However, payment shall
24 not be made unless the application and certification
25 for care pursuant to section 255B.5 is performed.

26 Sec. 10. NEW SECTION. 255B.10 REVERSION OR
27 TRANSFER OF MONEYS IN THE WELL BABY MEDICAL CARE FUND.

28 Moneys encumbered prior to June 30 of a fiscal year
29 for an infant to be delivered in the next fiscal year
30 shall not revert from the well baby medical care fund
31 to the general fund of the state. Moneys allocated to
32 the well baby medical care fund shall not be
33 transferred nor voluntarily reverted from the fund
34 within a given fiscal year.

35 Sec. 11. NEW SECTION. 255B.11 FUNDS — REVERSION
36 OF UNENCUMBERED BALANCE.

37 Notwithstanding section 8.33 or any other provision
38 of law, any unencumbered balance remaining in the well
39 baby medical care fund on June 30 of each year shall
40 be used for the payment of warrants issued pursuant to
41 section 255.25." "

42 2. Title page, by striking lines 3 through 5, and
43 inserting the following: "health maintenance corpora-
44 tions, by providing for reimbursement of well baby
45 medical care expenses through the age of six months
46 for any infant resident in this state not covered for
47 such well baby medical care expenses through such a
48 group policy, contract, or plan."

Brammer of Linn rose on a point of order that amendment
H—5038 was not germane.

The Speaker ruled the point well taken and amendment H—5038
not germane.

Doderer of Johnson moved the adoption of amendment H—5024,
as amended.

A non-record roll call was requested.

The ayes were 62, nays 25.

Amendment H—5024, as amended, was adopted.

The following amendments were withdrawn by unanimous consent:

H—5004 filed by Halvorson of Clayton on January 15, 1990.

H—5008 filed by Doderer, et al., on January 16, 1990.

Speaker Avenson in the chair at 6:19 p.m.

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

On the question "Shall the bill pass?" (H.F. 2062)

The ayes were, 57:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Clark	Cohoon
Connors	Doderer	Dvorsky	Fey
Fuller	Garman	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Koenigs	Kremer
Lageschulte	Lykam	McKean	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Svoboda	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 42:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Groninga	Gruhn	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Knapp	Lundby	Maulsby
May	Mertz	Metcalf	Miller
Pellet	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoultz	Siegrist
Spear	Spenner	Swartz	Trent
Tyrrell	Van Maanen		

Absent or not voting, 1:

Stueland

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

IMMEDIATE MESSAGE
(House File 2062)

Arnould of Scott asked and received unanimous consent that House File 2062 be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on the morning of January 22, 1990. Had I been present, I would have voted "aye" on House Files: 2016, 2105 and 2114; and Senate File 255.

BROWN of Lucas

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 659 Transportation

Relating to the distribution of secondary road fund and farm-to-market road fund moneys.

H.S.B. 660 Local Government

Relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way.

H.S.B. 661 Transportation

Relating to parking fines, handicapped parking spaces, and the improper use of handicapped identification devices.

H.S.B. 662 Energy and Environmental Protection

Relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee.

H.S.B. 663 Labor and Industrial Relations

Relating to the fee charged by an employment agency for the procurement of a position of employment.

SUBCOMMITTEE ASSIGNMENTS

House File 2076

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

House File 2082

Ways and Means: Brand, Chair; De Groot and Fey.

House File 2088

Ways and Means: Wise, Chair; Metcalf, Murphy, Rosenberg and Schnekloth.

House File 2096

Ways and Means: Daggett, Chair; Fey and Wise.

House File 2129

Labor and Industrial Relations: Sherzan, Chair; Diemer and Jochum.

House File 2150

Ways and Means: Teaford, Chair; Brand and Petersen of Muscatine.

House File 2153

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House File 2155

Ways and Means: Osterberg, Chair; Bennett and Rosenberg.

Senate File 2049

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

Senate File 2060

Ways and Means: Tabor, Chair; Doderer and Schneklath.

Senate File 2084

Natural Resources and Outdoor Recreation: Schrader, Chair; Johnson and McKean.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 619

Labor and Industrial Relations: Wise, Chair; Halvorson of Webster and Kistler.

House Study Bill 634

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House Study Bill 635

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 643

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 645

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 651

Ways and Means: Tabor, Chair; Groninga, Metcalf, Schneklath and Wise.

House Study Bill 652

Ways and Means: Osterberg, Chair; Metcalf and Petersen of Muscatine.

House Study Bill 653

Ways and Means: Wise, Chair; Daggett, Murphy, Renken and Teaford.

House Study Bill 654

Ways and Means: Rosenberg, Chair; Hanson of Delaware and Osterberg.

House Study Bill 655

Ways and Means: Tabor, Chair; Doderer and Schnekloth.

House Study Bill 656

Ways and Means: Tabor, Chair; Doderer and Schnekloth.

House Study Bill 657

Ways and Means: Tabor, Chair; Doderer and Schnekloth.

COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 598), relating to indemnification for odometer fraud from a motor vehicle dealer's surety bond.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 23, 1990.

AMENDMENTS FILED

H—5032	H.F.	2009	Tyrrell of Iowa
H—5033	S.F.	385	Tyrrell of Iowa
			Hermann of Scott
			Kremer of Buchanan
			Miller of Cherokee
H—5035	H.F.	2118	Murphy of Dubuque
H—5036	H.F.	2048	Hanson of Delaware
H—5037	S.F.	280	Groninga of Cerro Gordo
			Doderer of Johnson
H—5039	H.F.	2009	Wise of Lee

On motion by Arnould of Scott, the House adjourned at 6:30 p.m., until 9:00 a.m., Thursday, January 25, 1990.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day — Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 25, 1990

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

Prayer was offered by the Honorable Andy McKean, state representative from Jones County.

The Journal of Wednesday, January 24, 1990 was approved.

INTRODUCTION OF BILLS

House File 2167, by Trent, a bill for an act relating to the jurisdiction of the small claims court and the effect of a small claim judgment on a subsequent enforcement action relating to certain liens.

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

House File 2168, by Poncy, a bill for an act relating to abandoned wells and making penalties applicable.

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

House File 2169, by Wise, a bill for an act establishing a minimum contract year for full-time licensed teachers in grades kindergarten through twelve.

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

House File 2170, by Gruhn and Osterberg, a bill for an act relating to the prohibition of the use of certain pesticides, and making a penalty applicable.

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

House File 2171, by Metcalf, a bill for an act relating to the taxation of marijuana and controlled substances and providing penalties.

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

House File 2172, by Connors, a bill for an act relating to the liability of a volunteer sports program coach or manager, physician, or sports official.

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

House File 2173, by Schnekloth, a bill for an act relating to refunds and credits of vehicle registration fees.

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

House File 2174, by Plasier, a bill for an act requiring licensed professional and occupational disciplinary hearings to be open to the public.

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

House File 2175, by De Groot, a bill for an act relating to the unlawful disinterment of human remains and providing a penalty.

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

House File 2176, by Schrader, a bill for an act relating to and making appropriations from the energy conservation trust.

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

The House stood at ease at 9:17 a.m., until the fall of the gavel.

The House resumed session at 9:27 a.m., Speaker Avenson in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 25, 1990, insisted on its amendment to House File 685, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, subject to certain procedures and conditions, subjecting a bank acquired by a regional bank holding company to community reinvestment standards and disclosures as a condition of the deposit of public funds or the approval of actions of the bank by the superintendent, and other properly related matters, and making penalties applicable and providing penalties, and the members of the conference committee on the part of the Senate are: The Senator from Pottawattamie, Senator Gronstal, Chair; the Senator from Polk, Senator Palmer; the Senator from Polk, Senator Kinley; the Senator from Montgomery, Senator Hultman; the Senator from Muscatine, Senator Rife.

JOHN F. DWYER, Secretary

CONFERENCE COMMITTEE APPOINTED
(House File 685)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 685: Hansen of Woodbury, Chair; Halvorson of Clayton, Hatch of Polk, Renken of Grundy and Sherzan of Polk.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 19, 1990 and is on file in the office of the Chief Clerk:

January 18, 1990

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 60 claims of a general nature that were denied by the State Appeal Board during March, 1989 through January, 1990.

Index attached shows number of claim, name and address of claimant and the amount requested in claim.

Sincerely,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

DENIED GENERAL CLAIMS BY STATE APPEAL BOARD
SUBMITTED TO THE 73RD GENERAL ASSEMBLY - 1989
(March '89 - January '90)

<u>Claim</u>	<u>Claimant/City, State</u> <u>Type</u>	<u>Amount</u> <u>Requested</u>
G880876	Linn County Cedar Rapids, IA Outdated Invoice	\$1,081.86
G880985	Mainstream Living, Inc. Ames, IA Outdated Invoice	295.50

<u>Claim</u>	<u>Claimant/City, State Type</u>	<u>Amount Requested</u>
G890081	Woodcraft Architectural Millwork Des Moines, IA Outdated Invoice	\$751.00
G890137	Jones Eye Clinic Attn: Charles E. Jones Sioux City, IA License Fee	367.00
G890242	Neva Van Peursem Orange City, IA License Fee	52.00
G890279	Nebraska Leasing Services, Inc. Omaha, NE Outdated Invoice	
G890305	Ottumwa Regional Health Center Ottumwa, IA Outdated Invoice	152.25
G890306	Mid-Continent Bottlers, Inc. Des Moines, IA License Fee	375.00
G890307	Kiefer Built, Inc. Kanawha, IA License Fee	590.00
G890309	Hardin County Recorder Eldora, IA Misc. Refunds	7.50
G890344	Kenneth Ruben Heimgartner Spencer, IA License Fee	48.75
G890346	Families, Inc. West Branch, IA Outdated Invoice	359.34
G890350	Families, Inc. West Branch, IA Outdated Invoice	299.45
G890352	Families, Inc. West Branch, IA Outdated Invoice	174.45
G890356	Larry A. Witt Ankeny, IA License Fee	95.00
G890363	Duncan Farm Service Inc. Britt, IA License Fee	305.00
G890424	Burlington Northern Railroad - Lincoln Repair Track Lincoln, NE License Fee	544.55
G890426	Janet Lynn Rosenbeck Woodward, IA Payroll/Personnel	324.24
G890480	Chittenden & Eastman Company Burlington, IA Misc. Refunds	3,893.80

<u>Claim</u>	<u>Claimant/City, State Type</u>	<u>Amount Requested</u>
G890503	Iowa Medialink Iowa Falls, IA Outdated Invoice	\$118.00
G890516	Polk County Auditor Des Moines, IA Misc. Refunds	12.50
G890523	Dennis Dale Henneman Sidney, IA License Fee	65.00
G890524	Nelda M. Quigley Hiawatha, IA License Fee	45.00
G890539	Adair County Sheriff Greenfield, IA Outdated Invoice	12.52
G890544	Thomas G. Bergman Iowa City, IA License Fee	118.00
G890557	Burt L. Moad Council Bluffs, IA License Fee	60.00
G890568	Douglas Schueller Camanche, IA License Fee	35.00
G890573	Gary D. Willie, d/b/a Custom Craft Kitchens Elkader, IA License Fee	80.00
G890595	Garnavillo Mill, Inc. - Philip Brandt, President Garnavillo, IA License Fee	305.00
G890597	Marion Zemo Centerville, IA Misc. Refunds	291.52
G890598	Jerry L. Huss Lake View, IA Misc. Refunds	899.19
G890610	Universal Home Health Care, Inc. West Des Moines, IA Outdated Invoice	743.40
G890624	Robert Parker Glenwood, IA Outdated Expenses	48.64
G890629	Eastern Iowa Livestock Comm., Inc. Anamosa, IA License Fee	112.00
G890719	Mary L. Prim Des Moines, IA Payroll/Personnel	220.68

<u>Claim</u>	<u>Claimant/City, State Type</u>	<u>Amount Requested</u>
G890720	Con-Way Central Express Portland, OR License Fee	\$793.50
G890755	Cynthia Lynnet Griffith Maxwell, IA License Fee	59.80
G890782	Citizens Holding Company Sac City, IA License Fee	
G890788	Red Acres, Inc. Washington, IA Ag Land Tax	1,872.00
G890815	Dennis A. Garcia West Des Moines, IA Misc. Refunds	123.54
G890846	Farmland Life Insurance Co. Des Moines, IA Sales Use Tax	10,899.13
G890856	Sara Jane Hardy Des Moines, IA License Fee	
G890909	John L. Harder Cedar Rapids, IA Misc. Refunds	3,480.69
G890924	Cherry-Burrell Corporation Cedar Rapids, IA Misc. Refunds	58,447.89
G890931	Sharon Sorensen Arnolds Park, IA Misc. Refunds	80.00
G890944	M & W Gear Co. Des Moines, IA License Fee	101.00
G890994	George Young Panora, IA License Fee	38.00
G890995	Naeve Health Care Albert Lea, MN Outdated Invoice	1,540.00
G891007	Children's Square Children's Ctr. Council Bluffs, IA Outdated Invoice	577.98
G891010	Bethany Home, Inc. Moline, IL Outdated Invoice	309.75
G891022	Milo F. Manning Le Mars, IA License Fee	75.00

<u>Claim</u>	<u>Claimant/City, State Type</u>	<u>Amount Requested</u>
G891030	Gate City Steel Omaha, NE Misc. Refunds	\$170.66
G891045	Erhard & Geraldine Moeller Waverly, IA Misc. Refunds	14,529.55
G891060	Lisa Bauer Sioux City, IA License Fee	80.00
<u>Total:</u>		<u>\$106,061.63</u>

COMMUNICATION FROM THE DEPARTMENT OF MANAGEMENT

The following communication was received from the Department of Management on January 19, 1990 and is on file in the office of the Chief Clerk:

January 18, 1990

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

In accordance with Section 25A.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort claims, Highway Tort Claims and Settlements & Judgements (general torts and highway) paid during 1989 under Chapter 25A.

The attached report shows the claim number, claimant's name, a brief description of the claim, the amount requested and the amount approved.

Sincerely,
Patrick D. Cavanaugh
Director
Department of Management

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
T880147	Ellen Marie Gundrum Piece of metal lodged in eye due to no eye protection available.	\$195.00	\$195.00
T880220	Joseph R. Kersey Hand injured when it came in contact with a table saw that did not have a safety guard.	100,000.00	500.00

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
T880248	Rick E. Speck Facial burn caused by U of I Hospital & Clinics staff while undergoing a jaw refracture.	\$25,000.00	\$2,287.92
T880296	Adolfo Enrico Milani Injured when a metal folding chair collapsed while attending a class at ISU.	13,000.00	500.00
T880358	Eric Milan Ganes Bicycle accident which occurred due to the lack of a clearly marked sign.	3,151.72	150.00
T880390	Pamella Sue Sanders Vehicle damaged by paint overspray by DOT employees.	107.00	107.00
T880400	Darla C. Bartels Vehicle damaged by parking gate arm.	125.84	125.84
T880414	Mary C. Newkirk Vehicle damaged by parking gate arm.	140.30	140.30
T880429	Lloyd T. Allen Property damage to TV which occurred while incarcerated.	125.00	82.00
T880443	Ferne L. Rawson Snagged blouse on chair while on jury duty.	24.99	24.99
T880448	Federal Savings & Loan Ins. as receiver for Capitol Federal Savings Failure to pay interest which due according to a judgement.	773.07	773.07
T880463	Barbara Ellen Lacina Injury occurring from broken mirror at the U of I dorm.	15,000.00	2,000.00
T880471	State Farm as subrogee of Laura Dewaine Jackson DNR cart damaged claimant's vehicle.	186.87	186.87
T880503	Donald C. Wahl Claimant tripped and fell on sidewalk at fairgrounds.	0.00	2,500.00
T880510	Clifford Hull Shirt was damaged by laundry facil- ity at the Iowa Veterans Home.	25.00	25.00
T880517	Harold E. Parman Ruined shirt by leaning against wet paint at the Clarinda Treatment Unit.	15.00	12.99
T880520	Ronald B. Griswold Medical expenses for injury occurring at Eldora Training School.	459.00	459.00
T880524	Orville A. Hames Funds mistakenly withdrawn from claimant's business account.	100,000.00	130.04

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
T880542	Luke Martin, Jr. Property damage to TV by Iowa State Penitentiary staff.	\$50.00	\$15.00
T880549	Kelley Michell McKinney Shorts were damaged by Iowa Juvenile Home laundry facility.	22.00	10.00
T880550	Mary Jo Langhorne Damage to dress by waitress in Memorial Union dining room at the University of Iowa.	137.21	137.21
T880553	Laura E. Kriegel Slip and fall occurring in the cafeteria at the U of I Hospitals & Clinics.	100,000.00	2,505.20
T880558	Sean P. Meister Damage occurring from a water leak in claimant's dorm room.	559.50	237.50
T880559	Sean Meister Damage occurring from water leak in claimant's dorm room.	216.00	216.00
T880560	Sean Meister Damage occurring from water leak in claimant's dorm room.	3,800.03	1,546.50
T880561	William Edwin Cooper Damage to vehicle occurring from parking gate arm.	147.37	147.37
T880564	Valarie Jean Kerns Injury from tripping on uneven por- tion of walkway at fairgrounds.	0.00	6,500.00
T880567	Michael Etzel Incident occurring from invalid infor- mation which was mistakenly left on DOT's computer system.	2,000.00	500.00
T880578	Helen Ruiz Pants damaged by Iowa Veteran's Home laundry facility.	36.00	20.00
T880579	Pauline Whelan Ceramic elf knocked off TV by Veterans Home staff.	0.00	10.00
T880580	Marlin Dupler Property lost when sent to Veteran's Home laundry facility.	100.00	100.00
T880583	Mae S. Gray Clothing lost by Veterans Home.	6.00	6.00
T880587	Rexford Lee Smith Vehicle damaged by rock thrown from U of I mower.	224.39	224.39
T880588	William H. Greiner Vehicle damaged by card reader at parking lot by Wallace Building.	148.32	148.32

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
T880590	Bill Mishler Clothing ruined by sitting on newly painted bench at fairgrounds.	\$26.50	\$26.50
T880593	James Lee Davis Damages for improper information on DOT's driver records.	50,000.00	1,000.00
T880595	Yvonne M. Diller Vehicle damaged by metal stakes pro- truding from ground in the parking lot at DOT.	375.97	351.83
T880606	Bertha I. Harten Medical bills for slip and fall on the steps of the New Historical Building.	224.05	224.05
T880612	Virginia Huntington Vehicle damaged by parking lot gate arm.	193.70	193.70
T880613	Lela R. Pounder Received wrong eye glass prescription.	300.00	130.00
T880615	Allied Group Insurance as subrogee of Virgil Calkins Patient at Woodward Hospital damaged claimant's vehicle.	280.72	280.72
T880616	Jennifer Oakley Damage to vehicle from parking gate arm.	304.00	304.00
T880617	Robert L. Davis Collision between vehicle and state vehicle.	789.46	789.46
T890004	Craig Anthony Vermost Property damage due to a water leak in claimant's dorm room.	311.50	311.50
T890010	Kerry W. Cox Vehicle was towed due to misinforma- tion in DOT's records.	20.90	20.90
T890017	Donald Russell Snoberger Collision between vehicle and state vehicle.	594.84	594.84
T890021	Sheila Mae Schertz Jeans damaged by ICIW staff.	60.00	40.00
T890024	Dorothy R. Frank Tripped on mat at the University of Iowa.	4,011.38	4,887.88
T890038	Kenneth Johnson Pajamas were damaged at the Iowa Veterans Home laundry facility.	10.00	10.00
T890039	Kenneth Johnson Jeans were lost by the Veterans Home laundry facility.	15.00	15.00

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
T890047	John Lee Clausen Medical bills incurred from pallet dropping on claimant's foot.	\$94.00	\$94.00
T890048	Thomas Bang Tennis shoes damaged by Veterans Home laundry facility.	30.00	30.00
T890069	William B. Conner Glasses damaged when an offset door hit claimant's face.	140.00	162.50
T890082	Robert J. Wixom Property damage lost by Men's Reformatory staff.	98.98	50.00
T890083	Lawrence Peter Feldstein Property damage due to a broken faucet on a bathtub.	6,467.00	6,467.00
T890093	Otto Richard Groenewald, Jr. Tore jacket on a broken clamp at the Veterans Home.	80.00	80.00
T890096	Cathy S. Manning Coat torn on sharp edge of wheel- chair at the Veterans Home.	102.96	102.96
T890100	Alan Lance Andersen Medical bills incurred from fall due to a chair collapsing at ISU.	1,288.00	500.00
T890102	Anthony A. Anderson Medical expenses incurred from step- ping into a hole at the U of I.	36.00	36.00
T890104	Michael Morris Headphones damaged while in ISP's property room.	55.48	49.97
T890105	Ethel Barnhart Medical expenses incurred from trip- ping over a tree root at the fair- grounds.	Undetermined	500.00
T890106	Kristen Wierda Collision between vehicle and state vehicle.	1,000.00	869.12
T890108	Coastal Mart, Inc. Light pole damaged by state vehicle.	\$493.48	\$493.48
T890118	Diane Shirley Tire was punctured by faulty con- crete parking bumper in the parking lot at the U of I.	56.85	56.85
T890119	Lyle & Ruth Sturtz, Parents of Jennalee Sturtz Sexual abuse by other Woodward Hospital patient.	1,000,000.00	50,000.00
T890122	Robert P. Bartholomew Truck was damaged by another state employee while conducting state business.	209.32	209.32

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
T890125	Laura E. Ziperstein Claimant was pushed into bleachers injuring her knee.	\$158.50	\$158.50
T890142	Margie Brower Medical expenses incurred when claimant tripped on a walkway at ISU.	329.00	329.00
T890153	Lois Kamberling Boat damaged when dock collapsed.	250.00	209.04
T890159	Orville Wayne Neville, Jr. Vehicle damaged by parking gate arm.	69.08	69.08
T890161	Edna Lindblom Candy dish broken by staff at Veteran's Home.	20.00	15.00
T890163	James A. Rose Hayrack being pushed by two U of I employees struck the claimant's vehicle.	108.26	108.26
T890166	Dawn A. Jones Fair security misplaced claimant's property.	34.34	34.34
T890168	John J. Buenting Vehicle damaged by parking gate arm.	61.15	61.15
T890171	Timothy Lawren Maynie Medical expenses incurred when claimant slipped and fell on an icy sidewalk at the U of I.	345.22	345.22
T890181	F & M Body Shop Vehicle damaged by ice falling from IPTV transmitting station.	296.25	296.25
T890182	Danny P. Gathercole Personal injury resulting from failure to recall an arrest warrant.	10,000.00	1,000.00
T890186	Leroy J. Cleppe Medical bills resulting from a fall on ice in the U of I Hospitals and Clinics parking ramp.	41.46	41.46
T890187	Donald Mark Hennen Replacement of TV remote which was caught in bedding when it was taken to laundry.	55.00	55.00
T890195	William Lee Mauseth Pants ruined by Veterans Home laundry.	11.00	11.00
T890201	Elmer Arthur Bettis Bicycle destroyed by a forklift which removed rack which bike was chained to.	170.00	170.00

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
T890203	Richard Alexander Medical bills incurred when claimant's dogs ate rat poison at a rented cabin in a state park.	\$35.00	\$35.00
T890217	Charlotte Stellmach Medical expenses incurred when claimant tripped on uneven sidewalk at the fairgrounds.	804.70	1,000.00
T890225	David R. Hebrank Property purchased at a DNR auction was removed before the claimant had a chance to transport it.	266.50	266.50
T890233	Florence F. Andersen Vehicle damaged by parking gate arm.	334.63	334.63
T890237	Alfred Watson Medical expenses incurred when a rock broke loose from a stairway and struck claimant's leg.	300.00	300.00
T890239	Amy E. Prochnow Vehicle damaged by a parking gate arm.	408.00	408.00
T890242	Leroy A. Nysten Vehicle damaged by a piece of rerod protruding out of concrete curb.	403.18	403.18
T890245	Roger K. Ferris Vehicle damaged by a rock thrown from a DNR mower.	296.60	296.60
T890246	Charlotte May Myers Antenna on vehicle broken off by parking arm gate.	40.41	40.41
T890258	"Sue" Syriella Smith Medical expenses incurred when claimant fell down steps in capitol.	259.00	259.00
T890264	Mary Olander Clothing torn on sharp edge of chair during an IMTS class.	30.00	30.00
T890266	Terry Schertz Earphones were damaged when in property room at ISP.	102.50	2.50
T890270	Eunes Kisky Clock was broken by staff at the Veterans Home.	32.00	7.00
T890271	James L. Wood, Jr. U of I sign was blown into claimant's vehicle.	166.04	166.04
T890277	Roger Lee West Shooting on claimant's property resulted in damage to mattress.	925.00	242.84

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
T890280	Pat Kerr Slacks damaged in the laundry facility at Veterans Home.	\$39.52	\$25.90
T890281	Clyde Lisk Electric razor damaged by Veterans Home staff.	59.95	59.95
T890283	Al Schlemmer Motor home appliances were damaged at state campground by excessive amount of voltage in outlets.	207.24	207.24
T890285	Bituminous Casualty Corp. as sub-rogee of Paul Niemann Construction. Negligence of DOT issuing an over-size permit for transporting an excavator.	2,937.66	2,937.66
T890287	Mount Vernon School District Collision between vehicle and DNR mower.	194.16	194.16
T890292	Robert J. Ribbens Vehicle damaged by parking gate arm.	223.60	223.60
T890299	Alvin Madsen Medical expenses incurred when U of I elevator shut on claimant's hand.	77.25	77.25
T890305	Burnell H. Jordahl Damage to vehicle when a bale of hay fell off National Guard tractor-trailer.	1,917.26	1,917.26
T890306	Sal L. Bass Clothing lost by Independence Mental Health Institute's laundry facility.	52.00	30.00
T890308	Joy M. Kennedy Vehicle damaged by parking gate arm.	152.00	152.00
T890309	Tina M. Leathers, by her father Mike Leathers Medical bills incurred when claimant stepped on broken glass while in a state park restroom.	320.70	320.70
T890316	Paul J. Kohns State patient damaged claimant's vehicle.	51.52	51.52
T890327	Lovetia Leatherwood Vehicle damaged by object thrown from a U of I mower.	241.20	167.45
T890330	Richard W. Spence Earphones lost in property room at the Iowa State Penitentiary.	42.57	41.37
T890337	Gene Gwinn Tree limb damaged vehicle at the state fairgrounds.	1,163.76	1,163.76

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
T890365	Pekin Insurance as subrogee of Miles Zalisko Damage occurred to camper by state employee.	\$355.14	\$355.14
T890376	Teri Loftus, by her father Daniel Loftus Medical expenses incurred when claimant slipped and fell at the fair- grounds.	85.80	85.80
T890383	Nancy Tinkle, mother of Joshua Landon Medical expenses incurred when claimant fell off playground equip- ment at a state park.	0.00	415.13
T890390	Richard Hayes, executor of the estate of Dennis Hasapopoulos Medical malpractice for a vertical banded gastroplasty and cholecystec- tomy at U of I Hospitals and Clinics.	Undetermined	13,000.00
T890392	Duane Clinton Davis Medical expenses incurred from twisted ankle at fairgrounds.	160.55	160.55
T890396	Julie A. Fell Vehicle damaged by debris thrown from a U of I mower.	267.56	140.16
T890410	Stanley Herber Will by Mabel C. Will Radio cassette recorder lost by Wood- ward Hospital staff.	49.95	49.95
T890417	IMT Insurance as subrogee of Rickie Timm Vehicle damaged by debris from ISU truck.	627.95	627.95
T890434	Betty Ketchum Vehicle damaged by parking gate arm.	264.44	191.64
T890440	Marinda Tuttle Collision between vehicle and state vehicle.	1,063.71	1,063.71
T890467	Beth Rake Collision between vehicle and state vehicle.	309.87	309.87
T890477	Mark Alan Greimann Collision between vehicle and state vehicle.	500.00	457.67
Total:		\$1,461,163.88	\$122,527.48

CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED
BY STATE APPEAL BOARD - 1989

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
H870167	Lorrayne Stephenson Collision between state vehicle and claimant's vehicle.	\$ 19,420.44	\$ 6,500.00
H880157	Zurich-American Insurance Co. as Subrogee of Milwaukee Biscuit Co. Collision between state vehicle and claimant's vehicle.	3,713.86	2,750.00
H880225	General Casualty Co. as Subrogee of Kenneth W. Rashid Vehicle damaged by rock thrown by a DOT mower.	1,516.60	1,516.60
H880286	Laverne Johnson Collision of a state vehicle with the claimant's vehicle.	1,820.36	2,370.96
H880288	Paul M. Taylor Claimant injured ankle when stepping in a hole.	75,000.00	1,500.00
H880294	Garnet E. Bloomquist Vehicle damaged by rock thrown by DOT mower.	160.00	171.16
H880301	David French, Jr. Vehicle damaged by debris falling from a bridge.	295.77	295.77
H880307	Ruth E. Lounsebury Trees and brush damaged by DOT	5,000.00	1,000.00
H880314	Kay Louise Rodriguez Vehicle damaged by rock thrown by DOT mower.	90.00	90.00
H890001	Nigel M. Abbott Vehicle was sprayed with sand by DOT vehicle.	367.90	260.45
H890002	Norman L. Grimes Vehicle was sprayed with sand by a DOT vehicle.	365.10	182.52
H890005	American Family Insurance Group as Subrogee of John Schultz Vehicle collided with a DOT vehicle.	1,157.09	892.67
H890006	Don I. Hamilton Vehicle damaged by a rock thrown by a DOT vehicle.	196.80	108.12
H890008	Patsy Jane Burkhalter Vehicle damaged by rocks and sand thrown by a DOT vehicle.	928.40	891.04
H890009	Mark. R. Jacobsen Vehicle damaged by sand thrown by a DOT vehicle.	178.61	178.61

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
H890012	Committee to Elect Virgil Corey DOT destroyed 3 plywood political signs belonging to the claimant.	\$79.76	\$79.76
H890013	Thomas Ray George Vehicle damaged by sand thrown by a DOT vehicle.	1,044.24	1,044.24
H890014	Charles H. Foster Vehicle was damaged by sand thrown by a DOT vehicle.	203.49	203.49
H890018	Kevin Edward Tapken Vehicle was damaged by sand thrown from a DOT vehicle.	168.61	165.24
H890019	Terry Lee Pisarik Vehicle was damaged by sand which was thrown from a DOT vehicle.	211.47	211.47
H890020	State Farm as Subrogee of Lyle & Patricia Martin Collision between vehicle and a DOT truck.	725.11	725.11
H890029	Elmer E. Denker Overhead electric wires damaged by DOT dump truck.	170.04	170.04
H890030	Kelly Ann Schoening Vehicle damaged by sand thrown from a DOT vehicle.	160.54	141.64
H890031	Sharon A. Hazelrigg Vehicle was damaged by a rock thrown from a DOT mower.	155.88	139.00
H890032	Aratex Services Attn: Rodney F. Sitzmann Vehicle damaged by a rock thrown from a DOT mower.	471.50	471.50
H890034	Kenneth Lloyd Hill Vehicle damaged by sand thrown from a DOT truck.	218.00	217.28
H890038	Marvin L. Poppens Vehicle damaged by a DOT snowplow.	135.82	135.82
H890039	Thomas O. and James S. Voss Field tile lines were damaged by the DOT.	2,935.50	2,935.50
H890041	Employers Mutual Co. as Subrogee of Joann Rauk, Attn: John Stark Vehicle spattered by a tar mixture from a DOT truck.	180.24	180.24
H890042	Donald E. Gerdes Vehicle damaged by sand from a DOT truck.	293.15	293.15

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
H890043	Iowa-Illinois Gas & Electric Gas regulator damaged by a DOT vehicle.	\$348.35	\$348.35
H890044	Elaine Feller Vehicle damaged by sand thrown from a DOT truck.	233.37	233.37
H890047	Vendors Unlimited Vehicle damaged by a DOT snowplow.	400.45	400.45
H890048	Jeanette A. Bauer Spruce tree damaged by a DOT sur- vey crew.	70.00	95.00
H890051	Ray J. List Vehicle damaged by a DOT snowplow.	4,306.21	3,826.44
H890052	William H. Arnold Vehicle damaged by a rock thrown from a DOT mower.	200.18	200.18
H890053	US West Communications Underground cable damaged by DOT crew.	280.34	280.34
H890056	Jerry Foster Vehicle damaged by rocks thrown by a DOT truck.	287.00	287.00
H890057	Charles Eugene Monaghan Vehicle damaged by sand thrown from a DOT truck.	175.05	175.05
H890058	Susan K. Hockmuth Vehicle damaged by sand thrown from a DOT truck.	458.90	458.90
H890059	Dennis G. Walton Vehicle damaged by sand thrown from a DOT truck.	290.22	269.42
H890060	Kenneth Eugene Frederickson Collision of vehicle with a DOT truck.	283.36	283.36
H890061	State Farm as Subrogee of Lynette Andrew Vehicle damaged by rocks thrown from a DOT truck.	316.08	316.08
H890063	State Farm Mutual Automobile as Subrogee of Free Methodist Church Vehicle damaged by a DOT truck.	Undetermined	3,790.03
H890064	William J. Crawford Vehicle damaged by a DOT snowplow.	372.05	372.05
H890065	Ross Dean Holland Vehicle damaged by a salt/sand mix- ture thrown from a DOT truck.	1,081.29	1,072.42

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
H890066	Brian Scott Mailbox damaged by DOT snowplow.	\$63.00	\$55.88
H890067	Philip Gregory Waldorf Vehicle damaged when DOT vehicle backed into him.	102.30	102.30
H890068	Floyd Eugene Buttrey Tar damage to vehicle.	10.00	10.00
H890069	Free Methodist Church Collision between vehicle and DOT vehicle.		564.47
H890070	Matthew Joseph McDonnell Vehicle was damaged by DOT snowplow.	1,045.38	1,045.38
H890071	Loren P. Rupprecht Mailbox damaged by DOT snowplow.	25.00	25.00
H890073	Paul Edwin Regnier Vehicle damaged by sand thrown from DOT truck.	340.39	340.39
H890074	Douglas L. Schinker Vehicle damaged by sand which was thrown from DOT truck.	238.33	238.33
H890075	Mary Martha Hernandez Vehicle damaged by sand from DOT truck.	238.78	209.44
H890076	Carol Ann Ashburn Vehicle damaged by limestone which was thrown from a DOT vehicle.	359.41	359.41
H890078	Leonard C. Komers Vehicle damaged by sand from a DOT vehicle.	335.72	203.32
H890080	City of Ute Fire hydrant damaged by a DOT vehicle.	1,370.15	1,370.15
H890081	Leon Loftsgard Collision of vehicle with a DOT vehicle.	1,227.83	1,125.00
H890082	Gwen Riffel Collision of vehicle with DOT vehicle.	483.80	483.80
H890083	Federal Mailing Systems, Inc. Collision between vehicle and DOT vehicle.	380.82	380.82
H890084	Debra Sue Oliver Collision between vehicle and DOT vehicle.	372.32	266.24
H890085	Rick Lee Wren Vehicle damaged by rock thrown from DOT vehicle.	279.51	243.36

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
H890086	James A. Oakley Vehicle damaged by sand which was thrown from DOT truck.	\$158.15	\$158.15
H890087	David L. Beastron Vehicle damaged by sand, snow and gravel being thrown by a DOT snowplow.	140.00	140.00
H890088	Dorothy Mae Ehltz Vehicle damaged by sand thrown from DOT vehicle.	234.02	234.02
H890089	Steven Ray Branson Vehicle damaged by sand thrown from DOT truck.	Undetermined	45.24
H890091	Joseph G. Strang Vehicle damaged by sand thrown by DOT snowplow.	195.68	180.33
H890092	Delzell Motor Co. Collision between vehicle and DOT vehicle.	2,635.00	2,634.20
H890093	Raymond Lee Brenizer Vehicle damaged by sand thrown by DOT snowplow.	237.74	237.74
H890096	Western Lime & Cement Co. Collision between vehicle and DOT snowplow.	336.58	336.58
H890097	Karen Ann Morris Collision between vehicle and DOT sanding truck.	1,640.18	1,640.18
H890101	Ronald Holm Collision between vehicle and DOT vehicle.	777.71	777.71
H890102	David M. Tinklenberg Vehicle damaged by gravel thrown by DOT snowplow.	713.77	565.43
H890104	Gary Alan Sloan Vehicle damaged by a delineator post.	515.54	515.54
H890105	William Ward Gibbs Vehicle damaged by rocks thrown by a jackhammer.	245.03	245.03
H890110	Robert L. Roling Collision between vehicle and snowplow.	1,001.04	1,001.04
H890112	Monty Rae Hupke Vehicle ran over a leaf spring which fell from a DOT truck.	171.04	171.04
H890113	Yellow Freight System, Inc. DOT snowplow damaged claimant's vehicle.	480.92	480.92

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
H890115	Grinnell Mutual Reinsurance Co. as Subrogee of Edwin and Lavauhn Waltermate DOT snowplow sideswiped claimant's vehicle.	\$651.86	\$651.86
H890116	L. E. Myers Co. DOT snowplow sideswiped claimant's vehicle.	1,182.71	1,182.71
H890119	Century Life of America Collision between vehicle and DOT vehicle.	1,003.69	1,003.69
H890122	Colleen Lee Molskow Vehicle ran over a metal object which ruptured the gas line.	27.24	27.24
H890124	Yale H. Jarvis DOT destroyed two plywood political signs.	43.00	30.00
H890126	American Family Insurance as Subrogee of Marion Howe Collision between vehicle and DOT snowplow.	809.27	809.27
H890127	Van Buren Telephone Co., Inc. Telephone cable was cut by DOT employees.	138.40	138.40
H890130	Kevin E. Bolin Vehicle damaged by sand thrown from a DOT truck.	165.00	171.60
H890135	Kevin J. Murphy Vehicle damaged by ice thrown from DOT snowblower.	221.93	221.93
H890137	State Farm as Subrogee of Bernard Sorofman Collision between vehicle and DOT truck.	794.00	794.00
H890140	Allied Group Insurance as Subrogee of Richard & Dorothy Carter Collision between vehicle and DOT truck.	1,298.92	974.19
H890143	General Casualty Company of Wisconsin as Subrogee of Lloyd Klever Collision between vehicle and DOT truck.	795.65	398.00
H890144	Marvin C. Crull Vehicle damaged by rock thrown from DOT mower.	13.21	13.21
H890146	Holly Ann Jepsen Vehicle damaged by rocks thrown from a DOT truck.	209.38	209.38

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
H890147	Hartford Insurance as Subrogee of Federal Mailing System Collision between vehicle and DOT truck.	\$2,003.02	\$2,003.02
H890154	Joan Marie Van Horn Collision between vehicle and DOT vehicle.	405.16	405.16
H890157	Keith Samuel Murphy Vehicle damaged by driving over a survey spike.	156.07	100.00
H890158	James Delno Taylor Vehicle damaged by a DOT mower.	166.68	166.68
H890159	Faye Annette Munchoff Vehicle damaged by sand thrown from DOT truck.	257.59	257.59
H890160	Lawrence L. Jack, Jr. Vehicle damaged by rock thrown from a DOT truck.	41.34	41.34
H890161	Jana E. Small Vehicle damaged by rocks thrown from DOT mower.	249.41	249.41
H890162	Marilynn Kay Van Zanten Collision between vehicle and DOT vehicle.	350.00	350.00
H890164	Edwin J. Copper Vehicle damaged by rocks thrown from a DOT mower.	231.50	231.50
H890166	Lewis E. McDowell Vehicle damaged by rock thrown from a DOT mower.	105.36	105.26
H890167	Richard Edward Ericson Vehicle damaged by rock thrown from a DOT sidewalk edger.	152.77	115.60
H890171	Ronald A. Maifeld Vehicle sprayed with white paint which was used for the edgeline of US 30.	220.00	220.00
H890173	Phyllis Jongberg Collision between vehicle and DOT vehicle.	1,908.62	1,908.62
H890176	Charles R. Demry Damage to a drain tile.	75.00	75.00
H890181	US West Communications, Attn: Claims Supervisor Ray Fenton Telephone cable was damaged by DOT employees.	633.19	633.19
H890183	Robert Lee Fleming Collision between vehicle and DOT mower.	2,352.21	2,352.21

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
H890184	Elaine Rae McCurry Vehicle damaged by rocks thrown from a DOT edger.	\$232.15	\$232.15
H890186	John C. Henderson Vehicle damaged by wire thrown from a DOT mower.	74.40	74.40
H890188	Lawrence Klocke Vehicle damaged by rocks thrown from a DOT mower.	261.80	235.46
H890189	Joseph Cloyde Williams Collision between vehicle and DOT vehicle.	1,969.96	1,969.96
H890190	Elston Narland Mailbox damaged by DOT mower.	15.55	15.55
H890191	Robert D. Eisenberg Vehicle damaged by rock thrown from DOT mower.	238.47	238.47
H890193	John E. Horch Faulty installation of a traffic counter hose caused damage to vehicle's tire.	151.50	91.79
H890194	Thomas Marvin Argetsinger Vehicle damaged by rock thrown from a DOT truck.	300.28	364.86
H890195	John Holmes Publishing Co. Vehicle damaged by rocks thrown from a DOT mower.	544.39	544.39
H890197	Brommer Truck Line, Inc. Vehicle damaged by rocks thrown from DOT truck.	205.72	205.72
H890199	Gary S. Mayo Vehicle's tire damaged when it became entangled with the traffic counter hose.	73.12	73.12
H890206	Roland W. Choquette, Sr. Vehicle damaged by rocks thrown from DOT mower.	115.68	115.68
H890208	Prudential Property & Casualty Insurance Co., as Subrogee of Robert Marquis Collision between vehicle and DOT truck.	1,240.29	1,240.29
H890209	Sr. Rosemary Vaske Vehicle damaged by driving through wet paint on road.	27.04	27.04
H890212	Tall Corn Motel, Inc. Building damaged by DOT truck.	127.50	127.50
H890219	Bill Victor Vehicle was damaged by rocks thrown from DOT weed trimmer.	154.99	154.99

<u>Claim</u>	<u>Claimant Description</u>	<u>Amount</u>	<u>Recommends</u>
H890228	Ken Marten Klauer Vehicle damaged by rocks thrown from DOT mower.	\$135.00	\$115.36
H890230	Denison Municipal Utilities Transformer base and luminaire damaged by DOT vehicle.	220.09	220.09
H890231	Norma Silvia Keukelaar Vehicle damaged by rocks thrown from DOT mower.	198.79	105.12
H890243	Shelter Insurance Company as Subrogee of James Miller II Vehicle damaged by rocks thrown from DOT vehicle.	222.35	222.35
H890262	Martin Telfer Collision between vehicle and DOT vehicle.	1,068.42	1,068.42
H890273	John O. Misner Vehicle damaged by rocks thrown from DOT mower.	198.89	206.85
H890276	Holly Kay Thompson Vehicle damaged by rocks thrown by mower.	292.43	292.43
H890289	Brenda K. Kammer Vehicle damaged by a piece of steel which was thrown by a DOT mower.	427.88	432.40
TOTAL:		\$167,981.14	\$78,830.71

**CHAPTER 25A — GENERAL TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL — 1989**

<u>Former Claim No.</u>	<u>Name of Claimant Type of Claim</u>	<u>Amount of Claim</u>	<u>Amount Settled</u>
T 2437 71	Keith Clites, As Conservator of Timothy Clites and Lawrence Marcucci, Attorney (Settlement)	\$ 500,000.00	\$103,500.00
T 2672 71 & T 2673 71	United Pacific Life Insurance Co. (Settlement)	1,800,000.00	132,156.00
T 2674 71 thru T 2677 71	United Pacific Life (Settlement)	200,000.00	500.00
T 87 0104	Thelma R. Brinkman, Gene R. Brinkman & Bruce Braley (Settlement)	312.44	7,784.27
T 2229 71	Michael D. O'Donnell, Administrator of Estate of Rita O'Donnell, Deceased (Settlement)	350,000.00	130,000.00
T 87 0358	Peggy L. Warren, Philip Warren and Jacob Peters (Settlement)	50,000.00	14,000.00

<u>Former Claim No.</u>	<u>Name of Claimant Type of Claim</u>	<u>Amount of Claim</u>	<u>Amount Settled</u>
T 86 0429	Ronald F. Johnson, Kay Radke and B. V. Northup (Settlement)	\$3,388.95	\$2,000.00
TE 2672 71 thru TE 2677 71	David and Marnee Lolley and James Hayes (Settlement)	4,400,000.00	14,779.00
T 86 0162	Marie & Donald Walters and James Hoffman (Settlement)	600,000.00	2,500.00
T 86 0503	Lloyd Wolf (Settlement)	2,500.00	1,000.00
T 89 0062	Julie & Brett Brekke & Marie Condon (Settlement)	200,000.00	4,000.00
T 86 0359	Barbara L. Post & Brick, Seckington Firm (Settlement)	50,000.00	12,000.00
T 86 0358	James Althaus & Luis Herrera (Settlement)	54,250.00	11,000.00
T 85 0364 thru 0368	Timothy & Terry Lasswell & Michael Warner & Arthur Buzzell (Settlement)	1,550,000.00	65,000.00
T 85 0014	Margaret Prochaska & Steven Engelhardt (Settlement)	250,000.00	64,500.00
T 86 0157	Kim D. Schmehr & Dan McGrevey (Settlement)	3,181.90	500.00
T 85 0363	Edward & Cindy McIntosh Parents of Justin McIntosh & Robert Kohorst (Settlement)	25,000.00	2,000.00
T 86 0480	Terry Heady & Attorneys White & Johnson, PC (Settlement)	2,000,000.00	212,000.00
T 87 0165 and T 87 0166	Randy Linderman (Settlement)	25,000.00	500.00
T 87 0273	O'Brien County Clerk of Court (Settlement)	30,000.00	200.00
T 85 0333	Margie Higgins Lew Eells & Ben Blackstock Attorneys for Margie Higgins (Settlement)	3,000,000.00	50,000.00 137,177.50
T 87 0072	Julianne Ford & David Wright (Settlement)	Undetermined	75,000.00
T 88 0044 thru T 88 0055	Jeff Carter, et al. (Settlement)	6,000,000.00	12,500.00
T 885 70	Harland Pomeroy & Tom Riley Law Firm (Settlement)	Undetermined	500,000.00

<u>Former Claim No.</u>	<u>Name of Claimant Type of Claim</u>	<u>Amount of Claim</u>	<u>Amount Settled</u>
T 86 0200 0696/97	US Fidelity & Guaranty Co., Henkel Construction & Attorneys McDonald, Stonebraker and Cepican, PC (Settlement)	\$10,722.40 998.16	\$5,000.00
T 1182 70 thru T 1187 70	Guaranty Bank & Trust as Conservator for MH, DH & PT and Gary Shea, Attorney (Settlement)	9,000,000.00	3,000.00
T 86 0487 thru T 86 0492	Joan & Jerry Stilwell, Ind. and on Behalf of Jill Stilwell & Marcucci, Wiggins & Anderson (Settlement)	Undetermined	61,250.00
T 1126 70	George & Julia DeVries, Guardians of Renee DeVries & Attorney Stuart Lefstein (Settlement)	3,500,000.00	225,000.00
T 87 0450	King Block, Sr. & Attorney Russell Hansen (Settlement)	22,977.00	2,200.00
T 85 0816	Ruth Ann Willis & Attorney David Simpson (Settlement)	500,000.00	200,000.00
T 87 0267	Lori Reynolds/Goldsmith & Attorneys White & Johnson (Settlement)	300,000.00	30,000.00
T 87 0365	Elizabeth Bailey, Exec. of Estate of James Bailey & Attorney Edward Gallagher (Settlement)	300,000.00	45,000.00
T 87 0446	Larry Cochran & Attorney John Nolan (Settlement)	273,000.00	225,000.00
T 87 0281	Julie Callahan & Attorney John Becker (Settlement)	50,000.00	11,000.00

**CHAPTER 25A -- HIGHWAY TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL -- 1989**

<u>Former Claim No.</u>	<u>Name of Claimant Type of Claim</u>	<u>Amount of Claim</u>	<u>Amount Settled</u>
H 87 0050	Eldon Reed & Thomas Isaac, Atty. (Settlement)	\$ 4,300.00	\$ 1,725.00
H 86 0106 and H 86 0107	Sandra Coffman, Rick Coffman and Attorneys David Hester and Thomas Walter (Settlement)	50,000.00	1,000.00
H 87 0169	Russell Harms and Eldon Winkel, Attorney (Settlement)	4,399.00	3,500.00

<u>Former Claim No.</u>	<u>Name of Claimant Type of Claim</u>	<u>Amount of Claim</u>	<u>Amount Settled</u>
H 86 0008	Sac County Clerk of Court (Settlement)	\$400,000.00	\$120.00
H 87 0002		250,000.00	
H 87 0004		250,000.00	
H 87 0239	United Pacific Insurance Co. Randy Dunkel, Exec. of Estate of Sharon Dunkel, & Thomas Staack, Attorney (Settlement)	750,000.00	89,999.81 85,000.19
H 85 0185	Richard Mock & John Marley, Exec. of Estate of Catherine & Thomas Marley (Settlement)	36,692.16	28,500.00
H 87 0300	Henry Toebees, & Redge Berg (Settlement)	Undetermined	50,000.00
H 85 0282	Mary Ortner, Administrator of Estate of Dona Ortner & Bruce Becker and Joseph Heidenriech, Attorneys (Settlement)	250,000.00	5,000.00
H 86 0079	Darius Shiraazi and William Meardon U of I Hospitals/Clinics (Settlement)	451,000.00	1,000.00 11,000.00
H 85 0092	Charles Capper & Capper Ford (Settlement)	Undetermined	3,000.00
H 553 71 and H 554 71	Ronald Feltes & James Powers, Attorney (Settlement)	400,000.00	17,500.00

On motion by Arnould of Scott, the House was recessed at 9:28 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 2001, by committee on small business and commerce, a joint resolution suspending for a limited period of time the enforcement of state banking laws, including branch banking restrictions, to the extent such law may conflict or interfere with the administration of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and providing an effective date.

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

House File 2177, by committee on human resources, a bill for an act relating to the operation of state hospital-schools under the control of the department of human services by authorizing the offering of goods and services to the public as part of client training programs and by deleting the requirement of maintaining daily records of time worked by institutional staff.

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

House File 2178, by committee on human resources, a bill for an act relating to state and local substitute medical decision-making boards.

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

CONSIDERATION OF BILLS Regular Calendar

House File 2113, a bill for an act requiring name change petitioners to attach certified copies of birth certificates for each person seeking a name change to the name change petition, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2113)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Tabor

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

Senate File 385, a bill for an act relating to the scope of negotiations for purposes of public employment collective bargaining, with report of committee recommending passage was taken up for consideration.

Tyrrell of Iowa offered the following amendment H—5033 filed by Tyrrell, et al., and moved its adoption:

H—5033

- 1 Amend Senate File 385, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 11, by inserting before the word
- 4 "matters" the following: "and".
- 5 2. Page 1, line 12, by striking the words "and
- 6 other matters" and inserting the following: "and
- 7 other matters if".
- 8 3. Page 1, line 20, by inserting after the word
- 9 "notice." the following: "The public employer may
- 10 retain a portion of the dues checkoff in an amount
- 11 sufficient to pay for the employer's costs of
- 12 administering the dues checkoff."

A non-record roll call was requested.

The ayes were 26, nays 57.

Amendment H—5033 lost.

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

On the question "Shall the bill pass?" (S.F. 385)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.

Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Lykam	McKinney
Mertz	Murphy	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Svoboda	Swartz
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 43:

Banks	Beaman	Bennett	Blanshan
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Fuller	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Iverson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
Metcalf	Miller	Muhlbauer	Neuhauser
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

Absent or not voting, 2:

Hermann Tabor

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

House File 2118, a bill for an act authorizing persons to obtain copies of their own accident reports filed with the state department of transportation, was taken up for consideration.

Murphy of Dubuque offered the following amendment H—5035 filed by him and moved its adoption:

H—5035

- 1 Amend House File 2118 as follows:
- 2 1. Page 1, by inserting after line 16, the
- 3 following:
- 4 "Sec. _____. Section 321.271, unnumbered paragraph
- 5 2, Code 1989, is amended to read as follows:
- 6 All written reports filed by a law enforcement
- 7 officer as required under section 321.266 shall be
- 8 made available to any party to an accident, the
- 9 party's insurance company or its agent, ~~or~~ the party's
- 10 attorney, or the attorney general, on written request
- 11 to the department and the payment of a fee of four
- 12 dollars for each copy. If a copy of an investigating
- 13 officer's report of a motor vehicle accident filed

14 with the department is retained by the law enforcement
 15 agency of the officer who filed the report, a copy
 16 shall be made available to any party to the accident,
 17 the party's insurance company or its agent, or the
 18 party's attorney, or the attorney general, on written
 19 request and the payment of a fee. The attorney
 20 general shall not be required by the department or the
 21 law enforcement agency to pay a fee for a copy of a
 22 report filed by a law enforcement or investigating
 23 officer."

24 2. Title page, by striking lines 1 and 2 and
 25 inserting the following: "An Act relating to vehicle
 26 accident reports."

Amendment H—5035 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2118)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Hatch Hermann Swartz Tabor

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

House File 2103, a bill for an act relating to missing person reports to law enforcement agencies by amending the definition of missing person to conform with a definition used by the national crime information center, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2103)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Hermann

Swartz

Tabor

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

MOTION TO RECONSIDER LOST
(House File 209)

Hammond of Story called up for consideration the motion to reconsider House File 209, filed on January 19, 1990, and moved to reconsider the vote by which House File 209, a bill for an act relating to the limitations on smoking in public places, passed the House and was placed on its last reading on January 19, 1990.

A non-record roll call was requested.

The ayes were 8, nays 66.

The motion lost, placing out of order the motion to reconsider filed by Jay of Appanoose on January 19, 1990.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 664 Human Resources

Requiring riders of motorcycles and motorized bicycles to wear protective headgear and making penalties applicable.

H.S.B. 665 Human Resources

Relating to the issuance of motorized bicycle licenses.

H.S.B. 666 Natural Resources and Outdoor Recreation

Relating to an endorsement by the General Assembly for full federal funding for fish and wildlife mitigation on the Missouri River.

H.S.B. 667 Judiciary and Law Enforcement

Relating to the surcharge for dishonored instruments.

H.S.B. 668 Energy and Environmental Protection

Relating to the establishment of permanent household hazardous waste collection programs.

H.S.B. 669 Labor and Industrial Relations

Relating to access to personal employment files by public and private employees.

H.S.B. 670 Small Business and Commerce

Requiring allocation of pregnancy-related health expenses equally among female and male policyholders, subscribers, or enrollees of individual third-party payor medical expense contracts.

H.S.B. 671 Education

Relating to area education agencies and providing effective dates.

H.S.B. 672 Human Resources

Relating to health care facilities and providing a penalty.

H.S.B. 673 Human Resources

Relating to juvenile justice by amending Code provisions regarding department of human services records, children in need of assistance, the child abuse information registry, and adoption.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 608**

Economic Development: Lykam, Chair; Bennett, Metcalf, Neuhauser and Svoboda.

House Study Bill 638

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House Study Bill 639

Economic Development: Cohoon, Chair; Corbett, Dvorsky, Groninga and Metcalf.

House Study Bill 640

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House Study Bill 641

Economic Development: Jesse, Chair; Bennett, Lykam, Metcalf and Ollie.

House Study Bill 658

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 532), relating to the operation of institutions under the control of the department of human services by authorizing the offering of goods and services to the public as part of client training programs and by deleting the requirement of maintaining daily records of time worked by institutional staff.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 24, 1990.

Committee Bill (Formerly House Study Bill 585), relating to state and local surrogate medical decision-making boards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 24, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Joint Resolution (Formerly House Study Bill 618), suspending for a limited period of time the enforcement of state banking laws, including branch banking restrictions, to the extent such law may conflict or interfere with the administration of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 1990.

AMENDMENT FILED

H—5040

H.F. 2156

Chapman of Linn

On motion by Arnould of Scott, the House adjourned at 2:08 p.m., until 9:00 a.m., Friday, January 26, 1990.

JOURNAL OF THE HOUSE

Nineteenth Calendar Day — Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 26, 1990

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

Prayer was offered by the Honorable Tom Swartz, state representative from Marshall County.

The Journal of Thursday, January 25, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque on request of Halvorson of Clayton; Peterson of Carroll on request of McKinney of Dallas.

INTRODUCTION OF BILLS

House File 2179, by Halvorson of Clayton and Harbor, a bill for an act relating to certain tort actions by limiting the maximum liability for noneconomic damages and by modifying the statute of limitations for certain medical malpractice actions.

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

House File 2180, by Kistler, a bill for an act relating to minimum sentences for certain controlled substance offenses committed in the vicinity of schools and public parks.

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

House File 2181, by Hatch and May, a bill for an act providing for the establishment of community commonwealths to foster economic development and provide for joint services, facilities, and revenue sharing by various governmental units, permitting tax-base sharing, and appropriating state funds to community commonwealths utilizing tax-base sharing.

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

House File 2182, by Maulsby, McKean, Daggett, Schnekloth, Miller, Trent, Bennett, Hermann, Branstad, Garman, Royer, Corbett, Kremer, Iverson, Harbor, De Groot, Van Maanen, Tyrrell, Plasier, Shoning, Beaman, Lageschulte, Clark, Banks, Hanson of Delaware and Renken, a bill for an act relating to the admissibility of testimony by a peace officer concerning the administering of a preliminary breath test for purposes of determining the presence of alcohol in a motor vehicle operator in violation of chapter 321J.

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

House File 2183, by Spear, Garman, Lundby, Miller, Muhlbauer and Connors, a bill for an act relating to permitting the extension of the authority of the office of the public defender into additional areas of the state.

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

House File 2184, by Wise, a bill for an act relating to and providing a temporary property tax exemption for certain increased valuation of historic property, providing a phase-in of increased valuation, and providing an applicability date.

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

House File 2185, by Lykam, a bill for an act to allow for special registration plates for qualified organizations.

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

House File 2186, by Beaman, Daggett, Garman, Osterberg and Johnson, a bill for an act relating to the reporting of a hazardous condition involving a hazardous substance to the department of natural resources, to the local law enforcement agency, and to operators of affected public or private water supply systems.

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

House File 2187, by Daggett, a bill for an act allowing an employer to conduct random drug testing of employees in sensitive positions.

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

House File 2188, by Fey, a bill for an act relating to the issuance of alcoholic beverage licenses and permits for certain licensed premises and prescribing fees.

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

House File 2189, by Kremer, a bill for an act relating to the issuance of general permits for environmental quality control purposes by the department of natural resources, and subjecting violators to existing penalties.

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

House File 2190, by Hermann, a bill for an act relating to the consent to an abortion by a parent or legal guardian of a minor pregnant woman.

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

House File 2191, by Banks, a bill for an act relating to penalties on the filing of certain tax returns and deposit forms and on the payment of certain taxes, and providing an effective and applicability date.

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

House File 2192, by Garman, a bill for an act relating to prohibiting a person who is guilty of a violation of operating a motor vehicle while under the influence of alcohol or a drug from being issued a temporary restricted license.

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

House File 2193, by Renken, a bill for an act providing a venture capital tax credit and providing effective and applicability dates.

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

House File 2194, by Stueland, a bill for an act relating to operation of a motor vehicle while under the influence of alcohol or a drug and providing for minimum periods of license revocation and for minimum terms of confinement on consecutive days.

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

House File 2195, by Lundby, a bill for an act requiring the registration of an architect who completes a practical training program in certain circumstances.

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

House File 2196, by Schrader and Muhlbauer, a bill for an act relating to real property by establishing a real property inspection report.

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

House File 2197, by De Groot, a bill for an act relating to reporting ingredients of pesticides, making penalties applicable, and providing penalties.

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

House File 2198, by committee on education, a bill for an act to permit the inspection of school buses on more than an annual basis.

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

CONSIDERATION OF BILLS

Regular Calendar

Senate File 280, a bill for an act relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions, with report of committee recommending amendment and passage was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—5007 filed by the committee on ways and means:

H—5007

- 1 Amend Senate File 280 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 427.1, Code Supplement 1989,
- 6 is amended by adding the following new subsection:
- 7 NEW SUBSECTION. 41. SPECIAL PROPERTY EXEMPTION.
- 8 Shell buildings built or in the process of being built
- 9 by community development organizations for speculative
- 10 purposes or the portion of the value added to
- 11 buildings being reconstructed or renovated by
- 12 community development organizations in order to become
- 13 speculative shell buildings. The exemption shall be
- 14 allowed only pursuant to ordinance of a city council

15 or board of supervisors and shall be effective for the
16 assessment year in which the building is first
17 assessed for property taxation or the assessment year
18 in which the reconstruction or renovation first adds
19 value and all subsequent years until the property is
20 leased or sold or for a specific time period stated in
21 the ordinance or until the exemption is terminated by
22 ordinance of the city council or board of supervisors
23 which approved the exemption. If the shell building
24 or any portion of the shell building is leased or
25 sold, the portion of the shell building which is
26 leased or sold shall not be entitled to an exemption
27 under this subsection for subsequent years. An
28 application shall be filed pursuant to section 427B.4
29 for each project for which an exemption is claimed.
30 Upon the sale of the shell building, the shell
31 building shall be considered new construction for
32 purposes of section 427B.1 if used for purposes set
33 forth in section 427B.1.

34 For purposes of this subsection the following
35 definitions apply:

36 a. (1) "Community development organization" means
37 an organization, which meets the membership
38 requirements of subparagraph (2), formed within a city
39 or county or multicommunity group for one or more of
40 the following purposes:

41 (a) To promote, stimulate, develop, and advance
42 the business prosperity and economic welfare of the
43 community, area, or region and its citizens.

44 (b) To encourage and assist the location of new
45 business and industry.

46 (2) For purposes of this definition, a community
47 development organization must have at least fifteen
48 members with representation from the following:

49 (a) A representative from government at the level
50 or levels corresponding to the community development

Page 2

1 organization's area of operation.

2 (b) A representative from a private sector lending
3 institution.

4 (c) A representative of a community organization
5 in the area.

6 (d) A representative of business in the area.

7 (e) A representative of private citizens in the
8 community, area, or region.

9 (3) To rehabilitate and assist existing business
10 and industry.

11 (4) To stimulate and assist in the expansion of
12 business activity.

13 b. "New construction" means new buildings or
 14 structures and includes new buildings or structures
 15 which are constructed as additions to existing
 16 buildings or structures. "New construction" also
 17 includes reconstruction or renovation of an existing
 18 building or structure which constitutes complete
 19 replacement of an existing building or structure or
 20 refitting of an existing building or structure, if the
 21 reconstruction or renovation of the existing building
 22 or structure is required due to economic obsolescence,
 23 if the reconstruction or renovation is necessary to
 24 implement recognized industry standards for the
 25 manufacturing or processing of products, and the
 26 reconstruction or renovation is required in order to
 27 competitively manufacture or process products or for
 28 community development organizations to market a
 29 building or structure as a speculative shell building,
 30 which determination must receive prior approval from
 31 the city council of the city or county board of
 32 supervisors of the county.

33 c. "Speculative shell building" means a building
 34 or structure owned and erected or reconstructed by a
 35 community development organization without a tenant or
 36 buyer for the purpose of attracting an employer or
 37 user which will complete the building to the
 38 employer's or user's specification for manufacturing,
 39 processing, or warehousing the employer's or user's
 40 product line."

Groninga of Cerro Gordo offered the following amendment
 H-5037, to the committee amendment H-5007, filed by him and
 Doderer of Johnson and moved its adoption:

H-5037

- 1 Amend the amendment, H-5007, to Senate File 280, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 8 and inserting the
- 5 following: "New construction of shell buildings".
- 6 2. Page 1, line 13, by inserting after the word
- 7 "exemption" the following: "or partial exemption".
- 8 3. Page 1, by inserting after line 45, the
- 9 following:
- 10 "(c) To rehabilitate and assist existing business
- 11 and industry.
- 12 (d) To stimulate and assist in the expansion of
- 13 business activity."
- 14 4. Page 2, by striking lines 9 through 12.
- 15 5. Page 2, line 34, by striking the word
- 16 "erected" and inserting the following: "constructed".

Amendment H—5037 was adopted, placing out of order amendment H—5014 filed by Groninga of Cerro Gordo on January 17, 1990.

On motion by Groninga of Cerro Gordo, the committee amendment H—5007, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 280)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Plasier
Poney	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Haverland	Hibbard	Jochum	Peterson, M. K.
Tabor			

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

House File 2120, a bill for an act to repeal a Code chapter relating to the organization, support, and functions of poultry associations, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2120)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brandstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hester
Holveck	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear.	Spenner
Stueland	Svoboda	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Doderer	Haverland	Hermann	Hibbard
Jochum	Peterson, M. K.	Swartz	Tabor

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

House File 2009, a bill for an act relating to elections, providing that an eligible elector residing in a precinct may register to vote at the polling place on election day, and increasing the penalty for improper voting, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Webster offered the following amendment H—5011 filed by the committee on state government:

H—5011

1 Amend House File 2009 as follows:

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

4 "Section 1. Section 47.4, subsection 1, paragraph
5 e, Code 1989, is amended by striking the paragraph and
6 inserting in lieu thereof the following:

7 e. To qualify to vote in an election, an eligible
8 elector shall meet both of the following requirements:

9 (1) Be registered pursuant to chapter 48.

10 (2) Subject to the provisions of subsection 2 and
11 section 48.7, subsection 1, paragraph "b", the
12 eligible elector shall have been a resident of the
13 county in which the election is held for ten days
14 immediately preceding the election.

15 Sec. _____. Section 48.3, Code 1989, is amended to
16 read as follows:

17 48.3 REGISTRATION FORM MAIL REGISTRATION —
18 ELECTION DAY REGISTRATION — VERIFICATION.

19 1. As an alternative to the method of registration
20 prescribed by section 48.2, a person entitled to
21 register under that section may cause delivery of a
22 completed voter registration form to the commissioner
23 of registration in the person's county of residence.
24 A registration form or the envelope containing one or
25 more registration forms for the use of individual
26 registrants must be postmarked or otherwise delivered
27 by the fifteenth day prior to an election or the
28 registration will not take effect for that election.
29 A separate registration form shall be signed by each
30 individual registrant.

31 2. Within five working days after receiving a
32 registration pursuant to subsection 1, the
33 commissioner shall send the registrant a receipt of
34 the registration by first class mail marked "do not
35 forward".

36 3. Within ten working days after receiving
37 election day registrations pursuant to section 48.19,
38 the commissioner shall send registration receipts as
39 provided in subsection 2 to a random sampling of the
40 persons so registered. The random sampling shall be
41 determined in accordance with rules adopted by the
42 state commissioner. As soon as practicable after the
43 election, the commissioner shall send registration
44 receipts as provided in subsection 2 to all other
45 persons registered on election day.

46 4. If the a registration receipt sent pursuant to
47 subsection 2 is returned by the postal service the

48 commissioner shall treat the registration as
 49 prescribed by section 48.31, subsection 6.
 50 5. If a registration receipt sent pursuant to

Page 2

1 subsection 3 is returned by the postal service the
 2 commissioner shall treat the registration as
 3 prescribed by section 48.31, subsection 6, and shall
 4 attempt to determine the reason for the return. If
 5 the commissioner does not receive or obtain
 6 satisfactory proof of the person's eligibility to
 7 vote, the commissioner shall immediately notify the
 8 state commissioner and the county attorney.
 9 6. An improperly addressed or delivered
 10 registration form shall be forwarded to the
 11 appropriate county commissioner of registration within
 12 two working days after it is received by any other
 13 official."
 14 2. Page 2, by inserting after line 13 the
 15 following:
 16 "6. A registration made under this section is
 17 subject to verification as provided in section 48.3."
 18 3. Title page, line 3, by inserting after the
 19 word "day," the following: "providing verification
 20 procedures, providing a durational residency
 21 requirement for voting."
 22 4. By numbering and renumbering as necessary.

Tyrrell of Iowa offered the following amendment H—5032, to the committee amendment H—5011, filed by him and moved its adoption:

H—5032

1 Amend the amendment, H—5011, to House File 2009, as
 2 follows:
 3 1. Page 1, line 12, by inserting after the word
 4 "a" the following: "living".

Amendment H—5032 lost.

Halvorson of Webster moved the adoption of the committee amendment H—5011.

A non-record roll call was requested.

The ayes were 43, nays 18.

The committee amendment H—5011 was adopted.

Wise of Lee offered the following amendment H—5039 filed by him and moved its adoption:

H—5039

- 1 Amend House File 2009 as follows:
- 2 1. Page 2, by striking lines 18 through 20 and
- 3 inserting the following: "section 48.19 shall be
- 4 allowed to cast a ballot in the manner prescribed by
- 5 section 49.81."

Amendment H—5039 lost.

Beatty of Warren in the chair at 10:46 a.m.

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

On the question "Shall the bill pass?" (H.F. 2009)

The ayes were, 53:

Adams	Arnould	Avenson, Spkr.	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Corbett	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jesse
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Svoboda	Swartz	Teaford	Wise
Beatty			
Presiding			

The nays were, 42:

Banks	Beaman	Bennett	Bisignano
Branstad	Carpenter	Clark	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Muhlbauer	Pellett	Petersen, D. F.	Renken
Royer	Schnekloth	Shoning	Siegrist
Spear	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 5:

Hibbard	Jochum	Peterson, M. K.	Plasier
Tabor			

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

Speaker Avenson in the chair at 11:51 a.m.

IMMEDIATE MESSAGE
(House File 2009)

Arnould of Scott asked and received unanimous consent that House File 2009 be immediately messaged to the Senate.

House File 2156, a bill for an act relating to membership of members and part-time employees of the general assembly in the state group insurance plan, and providing effective and retroactive applicability dates, was taken up for consideration.

Chapman of Linn offered the following amendment H—5040 filed by her:

H—5040

- 1 Amend House File 2156 as follows:
- 2 1. Page 2, by striking lines 12 through 14.

Metcalf of Polk offered the following amendment H—5042, to amendment H—5040, filed by her from the floor and moved its adoption:

H—5042

- 1 Amend amendment H—5040 to House File 2156 as
- 2 follows:
- 3 1. Page 1, by striking line 2 and inserting
- 4 the following:
- 5 "Page 2, by striking lines 12 through 14 and
- 6 inserting the following:
- 7 "b. The part-time employee shall pay the total
- 8 premium and administrative costs for the plan
- 9 selected through payroll deduction." "

Amendment H—5042 was adopted.

On motion by Chapman of Linn, amendment H—5040, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2156)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Iverson	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Poney	Renaud	Renken
Royer	Schnekloth	Schrader	Shearer
Shoning	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 11:

Doderer	Halvorson, R. N.	Hatch	Hibbard
Jochum	Peterson, M. K.	Plasier	Rosenberg
Sherzan	Shultz	Tabor	

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

INTRODUCTION OF BILLS

House File 2199, by committee on agriculture, a bill for an act relating to agricultural drainage wells and providing an effective date.

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

House File 2200, by committee on transportation, a bill for an act relating to refunds and credits issued on the unexpired portions of vehicle registration fees.

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

House File 2201, by committee on labor and industrial relations, a bill for an act relating to the disclosure of the names of all subcontractors by bidders on a state procurement contract.

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

SPONSOR ADDED
(House File 2172)

Harbor of Mills requested to be added as a sponsor of House File 2172.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B 674 Human Resources

Relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees.

H.S.B. 675 Transportation

Relating to arbitration agreements between manufacturers, distributors, or importers of motor vehicles and motor vehicle dealers.

H.S.B. 676 Labor and Industrial Relations

Relating to the minimum amount of wages required in an individual's base period to be eligible for unemployment compensation benefits.

H.S.B. 677 Labor and Industrial Relations

Relating to public employment relations by expanding the scope of negotiations for collective bargaining and by providing for binding arbitration for certain employees.

H.S.B. 678 Small Business and Commerce

Relating to the rental of motor vehicles for a period of four months or less from a location in this state, and authorizing civil and criminal penalties and remedies.

H.S.B. 679 Transportation

Relating to aircraft registration and special certificate fees.

SUBCOMMITTEE ASSIGNMENTS

House File 2137

Energy and Environmental Protection: Nielsen, Chair; Dvorsky and McKean.

House File 2139

Energy and Environmental Protection: Jesse, Chair; Johnson, Lundby, Rosenberg and Trent.

House File 2147

Agriculture: Johnson, Chair; May, Petersen of Muscatine, Schrader and Stueland.

House File 2154

Local Government: Hatch, Chair; Hester and Spear.

House File 2158

Labor and Industrial Relations: Sherzan, Chair; Miller and Peters.

House File 2159

Education: Haverland, Chair; Maulsby and Spear.

House File 2162

Energy and Environmental Protection: May, Chair; Garman and Schrader.

House File 2164

Local Government: Peters, Chair; Brown and Iverson.

House File 2168

Energy and Environmental Protection: May, Chair; Garman and Schrader.

House File 2176

Energy and Environmental Protection: Schrader, Chair; Hanson of Delaware and Rosenberg.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 567**

Agriculture: Gruhn, Chair; De Groot and May.

House Study Bill 627

Energy and Environmental Protection: Johnson, Chair; McKean and Rosenberg.

House Study Bill 628

Energy and Environmental Protection: Schrader, Chair; May and Siegrist.

House Study Bill 648

Agriculture: Svoboda, Chair; Eddie and Fuller.

House Study Bill 659

Transportation: Koenigs, Chair; Branstad, De Groot, Muhlbauer and Murphy.

House Study Bill 660

Local Government: Muhlbauer, Chair; Diemer and Mertz.

House Study Bill 661

Transportation: Gruhn, Chair; Fey, Pellett, Schneklath and Shearer.

House Study Bill 662

Energy and Environmental Protection: Holveck, Chair; Adams and McKean.

House Study Bill 663

Labor and Industrial Relations: Peters, Chair; Brammer and Kremer.

House Study Bill 668

Energy and Environmental Protection: Osterberg, Chair; Hanson of Delaware and Nielsen.

House Study Bill 669

Labor and Industrial Relations: Lykam, Chair; Connors and Plasier.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 555), relating to agricultural drainage wells and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1990.

COMMITTEE ON EDUCATION

House File 2132, a bill for an act to change the effective date for programs for at-risk children and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1990.

Committee Bill (Formerly House Study Bill 617), to permit the inspection of school buses on more than an annual basis.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 25, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2084, a bill for an act relating to access to and egress from a health facility and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1990.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 553), relating to the disclosure of the names of all subcontractors by bidders on a state procurement contract.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 25, 1990.

COMMITTEE ON LOCAL GOVERNMENT

House File 2057, a bill for an act relating to prohibited interests in public contracts.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5044** January 25, 1990.

COMMITTEE ON TRANSPORTATION

House File 673, a bill for an act allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5043** January 25, 1990.

Committee Bill (Formerly House File 208), relating to refunds and credits issued on the unexpired portions of vehicle registration fees.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 25, 1990.

AMENDMENTS FILED

H—5041	H.F.	2084	Halvorson of Clayton Harbor of Mills
H—5043	H.F.	673	Committee on Transportation
H—5044	H.F.	2057	Committee on Local Government

On motion by Arnould of Scott, the House adjourned at 11:57 a.m., until 10:00 a.m., Monday, January 29, 1990.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day — Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 29, 1990

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

Prayer was offered by the Honorable John Connors, state representative from Polk County.

The Journal of Friday, January 26, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, until her arrival, on request of Garman of Story; Fey of Scott and Hammond of Story on request of Peterson of Carroll; Teaford of Black Hawk, until her arrival, on request of Harper of Black Hawk.

INTRODUCTION OF BILLS

House File 2202, by Van Maanen, a bill for an act requiring certain information to be provided to adopting parents.

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

House File 2203, by Eddie, Beaman, Iverson, Maulsby, Spenner, Petersen of Muscatine, Miller, Hermann, Pellett and Stueland, a bill for an act relating to benefits under the public safety peace officers' retirement system and city police officers and fire fighters retirement systems, and providing for the applicability of the Act.

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

House File 2204, by Branstad, a bill for an act relating to the real-otment of the moneys in the Iowa plan fund and providing an effective date.

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

House File 2205, by Beaman and Siegrist, a bill for an act providing a disabled veteran tax credit to certain taxpayers and providing an applicability date.

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

House File 2206, by Shoning, Hermann, Iverson, Carpenter, Petersen of Muscatine, Branstad, Beaman, Lageschulte, Spenner, Eddie, McKean, Daggett, Trent, Miller, Kistler, Hester, Kremer, Pellett, Stueland, Schnekloth, Renken, Halvorson of Clayton, Siegrist, Maulsby, Bennett, De Groot, Van Maanen, Tyrrell, Corbett, Banks, Garman, Hanson of Delaware, Lundby, Royer and Harbor, a bill for an act relating to the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, and the agricultural land tax credit by increasing the amount of credit and reimbursement and providing effective dates.

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

House File 2207, by Hibbard, a bill for an act relating to taxation of certain pension income by allowing a refund of income tax paid and providing effective and retroactive applicability dates.

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

House File 2208, by Buhr, a bill for an act relating to windshields and windows of motor vehicles and making penalties applicable.

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

House File 2209, by Iverson, a bill for an act relating to certain property and debt losses and the computation of net income for state taxation purposes and providing a retroactive applicability date.

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

House File 2210, by Petersen of Muscatine, Kremer and Garman, a bill for an act relating to substances which may be used as a precursor in the illegal production of controlled substances and providing penalties.

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

House File 2211, by McKean, De Groot, Tyrrell, Siegrist and Petersen of Muscatine, a bill for an act relating to the violation of operating a motor vehicle while under the influence of an alcoholic beverage by reducing the per se alcohol concentration level.

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

House File 2212, by Pavich, Royer and Peters, a bill for an act delaying the repeal of the Iowa boundary commission and providing an effective date.

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

CONSIDERATION OF BILLS
Regular Calendar

House File 2142, a bill for an act relating to reporting requirements for certain cities receiving road use tax funds, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2142)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Clark	Fey	Hammond	Jay
Jochum	Lundby	Shoultz	Teaford

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

House File 2143, a bill for an act regulating the parking of motor vehicles on snow routes, and providing a penalty, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2143)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Clark	Fey	Hammond	Jay
Jochum	Lundby	Teaford	

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

House File 2166, a bill for an act adding marijuana to the list of secondary noxious weeds, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2166)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellet
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Clark	Connors	Fey	Hammond
Hermann	Jay	Jochum	Lundby
Teaford			

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

On motion by Arnould of Scott, the House was recessed at 9:34 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

**REFERRED TO COMMITTEE ON TRANSPORTATION
(House File 2198)**

The Speaker announced that House File 2198, presently on the **regular calendar**, was referred to the committee on **transportation**.

CONFERENCE COMMITTEE REPORT FILED

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

JOSEPH O'HERN
Chief Clerk of the House

House File 685, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, subject to certain procedures and conditions, subjecting a bank acquired by a regional bank holding company to community reinvestment standards and disclosures as a condition of the deposit of public funds or the approval of actions of the bank by the superintendent, and other properly related matters, and making penalties applicable and providing penalties.

ON THE PART OF THE HOUSE:

STEVEN D. HANSEN, Chair
JACK HATCH
GARY SHERZAN

ON THE PART OF THE SENATE:

MICHAEL E. GRONSTAL, Chair
WILLIAM D. PALMER
GEORGE R. KINLEY
CALVIN O. HULTMAN
JACK RIFE

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, January 26, 1990. Had I been present, I would have voted "aye" on House Files 2009, 2120, 2156 and Senate File 280.

PETERSON of Carroll

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

- | | |
|---------|----------------------------------------------------------------------------------------------------------------------------|
| 1990-10 | Eagles Food Stores, Dubuque — Recognition for their contribution to the community through the Apples for Students Program. |
| 1990-11 | Eric Dickinson, Oskaloosa — Recognition for having received the Boy Scouts of America Eagle Scout Award. |

- 1990-12 Cy-Ride Bus System, Ames — Award from the United States Department of Transportation in 1989.
- 1990-13 Patrick McCarty, Sheldon — Recognition for becoming an Iowa "Master Pork Producer".
- 1990-14 Ron McCarty, Sheldon — Recognition for becoming an Iowa "Master Pork Producer".
- 1990-15 Todd Herpst, Storm Lake — Received the honor of being elevated to the rank of Eagle Scout in the Boy Scouts of America.
- 1990-16 Josh Mead, Storm Lake — Received the honor of being elevated to the rank of Eagle Scout in the Boy Scouts of America.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 680 State Government

Relating to the department of human rights.

H.S.B. 681 Agriculture

Providing for disposal of dead animals at sanitary landfills, and providing an effective date.

H.S.B. 682 Local Government

Relating to the annexation or incorporation of territory under the control of a lake association.

H.S.B. 683 Local Government

Establishing a rabies information computer database by the Iowa department of public health, establishing a fund, requiring the receipt of information, and providing for the transfer of moneys.

H.S.B. 684 Small Business and Commerce

Authorizing expedited merit review for small issues under the state securities law.

H.S.B. 685 Small Business and Commerce

Relating to fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, and authorizing civil penalties.

H.S.B. 686 Small Business and Commerce

To establish a liability fund and advisory organization for individual employers which self-insure for workers' compensation liability.

H.S.B. 687 Small Business and Commerce

Altering certain exemptions in connection with the registration of

securities, altering bonding requirements for securities broker-dealers, and repealing the limitation on the dollar amount of intrastate issues registered by qualification.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 664

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 665

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 672

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 673

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 674

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

House File 512, a bill for an act relating to the payment of a support obligation out of garnisheed funds.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1990.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 682, a bill for an act to prohibit the willful obstruction or interference with a person who is lawfully hunting, fishing, trapping, or shooting, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5050** January 29, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 81, a bill for an act relating to consumer transactions involving the performance of repairs or service upon a motor vehicle, and imposing penalties.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1990.

Committee Bill (Formerly House Study Bill 548), relating to the regulation of banks to conform to changes in federal law contained in the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1990.

AMENDMENTS FILED

H-5045	H.F.	2148	Spear of Lee
H-5046	H.F.	2057	Spear of Lee
H-5047	H.F.	2165	Koenigs of Mitchell
H-5048	H.F.	147	Bisignano of Polk
H-5049	H.F.	2050	Jay of Appanoose
			Carpenter of Polk
H-5050	H.F.	682	Committee on
			Natural Resources and
			Outdoor Recreation

On motion by Arnould of Scott, the House adjourned at 2:35 p.m., until 9:00 a.m., Tuesday, January 30, 1990.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day — Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 30, 1990

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

Prayer was offered by the Honorable William H. Harbor, state representative from Mills County.

The Journal of Monday, January 29, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk, until her arrival, on request of Van Maanen of Mahaska.

INTRODUCTION OF BILLS

House File 2213, by committee on small business and commerce, a bill for an act relating to the regulation of banks to conform to changes in federal law contained in the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

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

House File 2214, by Harbor, Halvorson of Clayton and Kremer, a bill for an act relating to the deposit of lottery revenues into the general fund of the state and exempting lottery sales from the state sales, services, and use tax.

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

House File 2215, by Siegrist, Harbor, Pavich, Pellett, Royer and Hester, a bill for an act relating to the sale of alcoholic beverages at a racetrack enclosure offering pari-mutuel wagering.

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

House File 2216, by Fogarty, a bill for an act requiring restitution of persons convicted of interfering with a traffic device, sign, or signal.

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

House File 2217, by Van Maanen, a bill for an act relating to juvenile justice by amending Code provisions regarding department

of human services records, children in need of assistance, the child abuse information registry, and adoption.

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

House File 2218, by Gruhn, a bill for an act relating to the appointment of patient advocates in proceedings for involuntary hospitalization of the mentally ill.

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

House File 2219, by Spenner, Metcalf, Kremer, Branstad, Daggett, Iverson, Hester, Harbor, Tyrrell, Bennett, Renken, Shoning, Eddie and Beaman, a bill for an act relating to income taxation by increasing the tax credit allowed for certain research activities and providing effective and applicability dates.

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

House File 2220, by Stueland, a bill for an act relating to pollution prevention and reduction.

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

House File 2221, by Trent, a bill for an act relating to the removal of a physical abuser from a child's home and the standards for transfer of legal custody and for placement of a child in need of assistance.

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

House File 2222, by Renken, a bill for an act authorizing expedited merit review for small issues under the state securities law and authorizing certain administrative relief from merit review for certain security issues satisfying minimum share price standards and other qualifications.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 29, 1990, adopted the conference committee report and passed:

Senate File 199, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes.

Also: That the Senate has on January 29, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2153, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates.

JOHN F. DWYER, Secretary

PRESENTATION OF MDA STATE POSTER CHILD

Connors of Polk presented to the House Chris Weeks from Des Moines, 1990 State Poster Child for the Muscular Dystrophy Association.

Chris, who was accompanied by his parents Mike and Debbie and Ann Pross, Patient Service Coordinator for the MDA, is twelve years old and a sixth grade student at Meredith Middle School. He especially enjoys reading, art, speech and drama, playing Nintendo and listening to rock music.

The House rose and expressed its welcome.

On motion by Arnould of Scott, the House was recessed at 9:18 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

ASSIGNMENT OF SEATS IN PRESS GALLERY

The following named persons are accredited members of the press, TV and radio stations and are entitled to seats in the following galleries:

WEST PRESS GALLERY

The Gazette	Ken Sullivan, John Kirsch, Rod Boshart
Lee News Bureau	Scott R. Grau, Dave Braga
Iowa Newspaper Association	Harrison Weber
Waterloo Courier	Eric Woolson
United Press International	John Peterson, Brett Chase, Bryan Loop
Des Moines Register	David Yepsen, Tom Fogarty, Jon Roos, Charles Bullard, Carol Rose, Dennis R. Nyerson, Richard Doak, Bill Leonard, Rox Laird, Linda Lantor
Associated Press	Mike Glover, David Speer, Charles Neibergall, John Gaps, Jeff Davis, Tom Seevy, Roger Burdette

EAST PRESS GALLERY

KCCI TV	Chris Lidstad, Jill Kelley, Michelle Parker, Tom Torpy, Glen Bierman, Steve Karlin, Geoff Greenwood, Mike Sims
Iowa Legislative News Services	Jo Von Stein, Julia Magnani, Kathi Marts-Foster
WHO RADIO NEWS	Kevin Teale, Al Setka, Bob Quinn, Chuck Shockley
Dubuque Telegraph Herald	Steven C. Webber
Iowa Radio Network	C. Ross Martin, Brian Weber
KRNT/Q 102 Radio	Julie Johnston, Mick Trier, Dale Woolery, Jim Geison, Vern Beachy, Mike Whitsell
WOI-TV	Rick Fuller, Elaine Duvall, John Grosvenor
WOI RADIO (and balcony)	Layne Solheim, Susan Wheter, Joyce Russell

GENERAL ASSIGNMENT

The following named persons are accredited members of the press and entitled access to the House chamber:

KASI/KCCQ	Rich Fellingham, Tom McDonnell
Radio Iowa (& west balcony)	O. Kay Henderson, Bob Rasmus, Todd Kimm, Dennis Sutterer
Sioux City Journal	Dave Dreeszen
Iowa State Daily	Jennifer Gates, Holli Hartman, Jeff Sharp, David G. Young
AFSCME	Larry Scarpino
The Hawk Eye	R. M. Parker
Jefferson Bee & Herald	Rick Morain
The Prayer & Action News Letter	Dorothy Leach, Dave Leach

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 688 Labor and Industrial Relations

Relating to unfair representation of a public employee by a bargaining representative in an employment dispute and providing a penalty.

H.S.B. 689 State Government

Relating to the date of publication of the report of state employee salaries.

H.S.B. 690 Human Resources

Relating to the eligibility of certain children for medical assistance and of certain persons for transitional medical coverage comparable to medical assistance.

H.S.B. 691 Human Resources

Restricting the conditions under which a third-party payor of medical benefits may limit coverage for prescription drugs.

H.S.B. 692 Transportation

Relating to jurisdictional transfers of roads to cities and counties.

SUBCOMMITTEE ASSIGNMENTS**House File 2174**

State Government: Blanshan, Chair; Carpenter and Hammond.

House File 2186

Energy and Environmental Protection: Adams, Chair; Banks and May.

House File 2188

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

House File 2189

Energy and Environmental Protection: Adams, Chair; Holveck and Siegrist.

House File 2195

State Government: Knapp, Chair; Poncey and Spenner.

House File 2198

Transportation: Cohoon, Chair; Beaman and Gruhn.

House File 2203

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

House File 2212

State Government: Pavich, Chair; Knapp and Shoning.

House File 2216

Transportation: Fogarty, Chair; Brown and Harbor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 613**

State Government: Pavich, Chair; Beatty and Garman.

House Study Bill 675

Transportation: Renaud, Chair; Pavich and Schnekloth.

House Study Bill 679

Transportation: Shearer, Chair; Cohoon and Royer.

House Study Bill 680

State Government: Carpenter, Chair; Buhr and Spenner.

House Study Bill 682

Local Government: Fogarty, Chair; McKean and Muhlbauer.

House Study Bill 683

Local Government: Shearer, Chair; Hester and Spear.

AMENDMENT FILED

H—5051 H.F. 682 Gruhn of Dickinson

On motion by Arnould of Scott, the House adjourned at 1:17 p.m., until 9:00 a.m., Wednesday, January 31, 1990.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day — Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 31, 1990

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

Prayer was offered by the Honorable Jane Teaford, state representative from Black Hawk County.

The Journal of Tuesday, January 30, 1990 was approved.

INTRODUCTION OF BILLS

House File 2223, by Maulsby, a bill for an act restricting the authority of state departments and agencies to commit the state to pay debt instruments.

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

House File 2224, by Corbett, Petersen of Muscatine, Hermann and Maulsby, a bill for an act relating to school instruction and attendance of children of compulsory school attendance age.

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

House File 2225, by Corbett, Banks, Lundby, Renken, Hanson of Delaware, Metcalf, Diemer, Tyrrell, Kremer, Lageschulte, Pellett, Stueland, Eddie, McKean, Iverson, Shoning, Siegrist, Trent, Hermann and Maulsby, a bill for an act relating to the establishment of permanent household hazardous waste collection programs.

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

House File 2226, by Hester, a bill for an act requiring an analysis of federal requirements applicable to health care facilities.

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

House File 2227, by Banks and Corbett, a bill for an act providing a discount to a retailer for collection of retail sales tax.

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

House File 2228, by Wise, a bill for an act relating to the issuance of motorized bicycle licenses.

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

House File 2229, by Muhlbauer, a bill for an act relating to the payment of retirement benefits under the Iowa public employees' retirement system for certain persons who remain in service after the age of sixty-five years, and providing for the applicability of the Act.

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

House File 2230, by Tyrrell, a bill for an act to require practitioners at regents' universities and area community colleges to possess a higher education license and providing effective dates.

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

House File 2231, by Siegrist, Kremer, McKean, Miller, Shoning, Hester, Corbett, Banks, Tyrrell, Beaman, Daggett, Harbor, Iverson, Kistler and Royer, a bill for an act relating to energy efficiency.

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

House File 2232, by Metcalf, Tyrrell, Iverson, Corbett, Shoning, Carpenter, Beaman, Diemer, Kistler, Hester, Renken, Siegrist and Daggett, a bill for an act relating to criminal street gangs and providing penalties.

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

SENATE MESSAGE CONSIDERED

Senate File 2153, by committee on appropriations, a bill for an act relating to and making a commitment to the environment, agriculture, and natural resources by making appropriations from Iowa lottery revenues and providing for an income tax credit for establishing permanent grass and buffer zones including erosion control structures, and providing effective and applicability dates.

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

QUORUM CALL

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

On motion by Arnould of Scott, the House was recessed at 9:22 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2233, by committee on state government, a bill for an act relating to the installation of fire extinguishing systems in open parking garages.

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

House File 2234, by committee on state government, a bill for an act relating to state and local foster care review boards.

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

House File 2235, by committee on state government, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards.

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

On motion by Arnould of Scott, the House was recessed at 12:28 p.m., until 3:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILL

House File 2236, by committee on agriculture, a bill for an act to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date.

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

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 685)

Arnould of Scott called up for consideration the report of the conference committee on House File 685 as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 685

To the Speaker of the House of Representatives and the President of the Senate:

We the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 685, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, subject to certain procedures and conditions, subjecting a bank acquired by a regional bank holding company to community reinvestment standards and disclosures as a condition of the deposit of public funds or the approval of actions of the bank by the superintendent, and other properly related matters, and making penalties applicable and providing penalties, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4466.

2. That House File 685, as amended, passed and reprinted by the House is amended as follows:

1. Page 1, by striking lines 1 through 11.

2. Page 1, by inserting before line 12 the following:

"Sec. ____ . Section 453.6A, Code 1989, is amended to read as follows:

453.6A ELIGIBILITY FOR STATE PUBLIC FUNDS — PROCEDURES.

1. Public funds of the state shall not be deposited in a financial institution which does not demonstrate a commitment to serve the needs of the local community in which it is chartered to do business, including the needs of neighborhoods, rural areas, and small businesses in communities served by the financial institution. These needs include credit services as well as deposit services.

2. In addition to establishing a minimum interest rate for public funds pursuant to section 453.6, the committee composed of the superintendent of banking, the auditor of state or a designee and the treasurer of state shall develop a list of financial institutions eligible to accept state public funds. The committee shall require that a financial institution seeking to qualify for the list shall annually provide the committee a written statement that the financial institution has a commitment to community reinvestment consistent with the safe and sound operation of a financial institution. The committee shall accept a certified copy of the annual community reinvestment report filed by the financial institution pursuant to the federal Community Reinvestment Act, 12 U.S.C. § 2901 et seq., in satisfaction of the written statement requirement under this subsection. To qualify for the list a financial institution must demonstrate a continuing commitment to meet the credit needs of the local community in which it is chartered.

3. The committee shall develop procedures to ensure that the financial institution's statement is available and accessible for examination by citizens. The committee may require a financial institution to provide public notice inviting the public to submit comments to the financial institution regarding its community lending activities. Each financial institution shall maintain a file open to public inspection which contains the five most recent annual community reinvestment disclosure statements, public

comments received on its community investment activities, and the financial institution's response to those comments. The committee shall adopt procedures for both of the following:

a. To receive information relating to a financial institution's commitment to community reinvestment.

b. To receive challenges from any person to a financial institution's continued eligibility to receive state public funds.

4. At least once a year the committee shall review any challenges that have been filed pursuant to subsection 3. The committee may hold a public hearing to consider the challenge. In considering a challenge, the committee shall review documents filed with federal regulatory authorities pursuant to the Community Reinvestment Act, 12 U.S.C. 2901 et seq. and regulations adopted pursuant to the Act, as amended to January 1, 1984 1990. In addition, consistent with the confidentiality of financial institution records the committee shall consider other factors including, but not limited to, the following:

a. Activities conducted to determine the credit needs of the community.

b. Marketing and special credit-related programs to make citizens in the community aware of the credit services offered.

c. A description of how services actually provided satisfied the needs described under paragraph "a".

d. Practices intended to discourage application for types of credit set forth in the Community Reinvestment Act statement.

d e. Geographic distribution of credit extensions, credit applications and credit denials.

e f. Evidence of prohibited discriminatory or other illegal credit practices.

f g. Participation in local community and rural development and redevelopment projects, and in state and federal business and economic development programs. The committee may specify by rule which programs must be included in the annual statement.

g h. Origination or purchase of residential mortgage loans, housing rehabilitation loans, home improvement loans and business or farm loans within the community.

h i. Ability to meet various community credit needs based on financial condition, size, legal impediments, and local economic conditions.

5. a. A person who believes a bank, savings and loan association, or savings bank has failed to meet its community reinvestment responsibility may file a complaint with the committee detailing the basis for that belief.

b. If any committee member, in the member's discretion, finds that the complaint has merit, the member may order the bank, savings and loan association, or savings bank alleged to have failed to meet its community reinvestment responsibility to attend and participate in a meeting with the complainant. The committee member may specify who, at minimum, shall represent the financial institution at the meeting. At the meeting, or at any other time, the financial institution may, but is not required to, enter into an agreement with a complainant to correct alleged failings.

c. A majority of the committee may order a bank, savings and loan association, or savings bank, against which a complaint has been filed pursuant to this subsection, to disclose such additional information relating to community reinvestment as required by the order of the majority of the committee.

d. This subsection does not preempt any other remedies available under statutory or common law available to the committee, the superintendent of banking, or aggrieved persons to cure violations of this section or chapter 524, or rules adopted pursuant to this section or chapter 524. The committee may conduct a public hearing as provided in subsection 4 based upon the same complaint. An order finding merit in a complaint and ordering a meeting is not an election of remedies.

Sec. _____. Section 524.1802, Code 1989, is amended to read as follows:

524.1802 LIMITATION.

1. A bank holding company shall not directly or indirectly acquire ownership or control of more than twenty-five percent of the voting shares of a bank, savings and loan association, or savings bank, or the power to control in any manner the election of a majority of the directors of a bank, savings and loan association, or savings bank if upon the acquisition the banks, savings and loan associations, and savings banks so owned or controlled by the bank holding company would have, in the aggregate, more than ten percent of the total time and demand deposits of all banks, savings and loan associations, and savings banks in this state, as determined by the superintendent on the basis of the most recent reports of the banks, savings and loan associations, and savings banks in the state to their supervisory authorities which are available at the time of the acquisition.

2. A bank holding company shall not directly or indirectly acquire ownership or control of more than twenty-five percent of the voting shares of a savings and loan association or savings bank, or the power to control in any manner the election of a majority of the directors of a savings and loan association or savings bank, if upon the acquisition the associations so owned or controlled by the bank holding company would have, in the aggregate, more than ten percent of the total time and demand deposits of all associations and savings banks in this state, as determined by the superintendent on the basis of the most recent reports of the associations in the state to their supervisory authorities which are available at the time of the acquisition. A bank holding company shall not acquire a bank or bank holding company pursuant to section 524.1805 or 524.1852 if, following that acquisition, those state and national banks located in this state in which out-of-state bank holding companies directly or indirectly control more than twenty-five percent of the voting shares or the power to control in any manner the election of the majority of directors would have, in the aggregate, more than thirty-five percent of the sum of the total time and demand deposits of all state and national banks located in this state plus the total time and demand deposits of all offices located in this state of savings and loan associations and savings banks, whether chartered under the law of this or another state or under federal law, as determined by the superintendent on the basis of the most recent reports of those financial institutions to their supervisory authorities."

3. Page 1, by inserting after line 14, the following:

"_____. "Acquire", except in section 524.1802, subsection 1, means to directly or indirectly acquire twenty-five percent or more of the voting securities or other

capital stock of, or power to control in any manner the election of a majority of the directors of, one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state."

4. Page 1, line 18, by striking the figure "1989" and inserting the following: "1990".

5. Page 1, line 25, by striking the figure "1989" and inserting the following: "1990".

6. Page 1, line 35, by striking the figure "1989" and inserting the following: "1990".

7. Page 2, line 2, by inserting after the word "region" the following: "other than a bank holding company authorized to make an acquisition by section 524.1805".

8. Page 2, line 8, by striking the figure "1989." and inserting the following: "1990. A bank holding company that is itself directly or indirectly owned or controlled by one or more bank holding companies is located in that state in which the ultimate parent bank holding company is located."

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

"_____. "Troubled bank" means a bank which has been closed by a regulatory authority or which the superintendent reasonably believes will be closed by a regulatory authority in the immediate future."

10. Page 2, by striking lines 10 through 21, and inserting the following:

"1. A regional bank holding company may directly or indirectly acquire an interest in the voting securities or other capital stock of, or power to control in any manner the election of any of the directors of, one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state.

2. Notwithstanding subsection 1, a regional bank holding company shall not directly or indirectly acquire twenty-five percent or more of the voting securities or other capital stock of, or power to control in any manner the election of a majority of the directors of, one or more banks conducting a banking business in this state or one or more bank holding companies located in this state or controlling one or more banks conducting a banking business in this state without the prior approval of the superintendent and compliance with the application procedures and acquisition conditions, limitations, and requirements of this division."

11. By striking page 2, line 22 through page 3, line 1.

12. Page 3, by striking lines 3 through 6, and inserting the following:

"A regional bank holding company which desires to make an acquisition subject to section 524.1852, subsection 2, shall file an application with the superintendent".

13. Page 3, line 7, by striking the word "five" and inserting the following: "ten".

14. Page 3, by striking lines 10 through 14, and inserting the following: "as necessary or appropriate. The application shall be available for public examination upon request, except an application to acquire only a troubled bank shall not be disclosed or made available for public examination, nor shall the existence of such an application be acknowledged prior to the approval of the acquisition. The applicant shall furnish to the".

15. Page 3, by striking lines 23 and 24 and inserting the following: "company proposed to be acquired in accordance with Iowa and federal community reinvestment requirements including, where".

16. Page 4, lines 11 and 12, by striking the words "Community Reinvestment Acts" and inserting the following: "community reinvestment requirements".

17. Page 4, by striking lines 26 through 33, and inserting the following:

"3. Capital investment, loan, and dividend policies proposed by the applicant for the bank or the subsidiary banks of the bank holding company proposed to be acquired, including a discussion of the range of consumer and business services which are proposed to be offered and proposals to meet the credit needs of individuals, small businesses, and agricultural borrowers in the communities served by them."

18. Page 5, line 19, by striking the word "ten" and inserting the following: "thirty".

19. Page 5, line 31, by inserting after the word "and" the following: ", unless the application is solely to acquire a troubled bank,".

20. Page 5, line 34, by striking the word "conduct" and inserting the following: "commence".

21. Page 6, by striking lines 5 through 10, and inserting the following:

"4. The superintendent shall approve or disapprove an application within one hundred eighty days after the filing of the complete application. The time period shall be extended upon request of the applicant."

22. Page 7, lines 28 and 29, by striking the words and figures "Federal Community Reinvestment Act of 1977" and inserting the following: "federal Community Reinvestment Act".

23. Page 7, by inserting after line 33, the following:

"() The geographic distribution of the bank's demand deposits and time deposits, and the geographic distribution of areas with better than average deposit to loan ratios."

24. Page 8, line 22, by striking the words "a domestic" and inserting the following: "an Iowa".

25. Page 8, line 25, by striking the word "domestic" and inserting the following: "Iowa".

26. Page 9, by striking lines 4 through 7, and inserting the following: "acquired."

27. Page 9, by inserting before line 8, the following:

"_____. If an acquisition involves solely a troubled bank, the superintendent may waive or modify one or more limitations or conditions of this division if the superintendent determines in the superintendent's discretion that any or all of the following conditions exist:

a. The troubled bank cannot be sold unless a specific limitation or condition is modified or waived.

b. Modification or waiver of a specific limitation or condition will substantially increase the sale price received to the benefit of depositors or creditors other than shareholders.

c. Modification or waiver of a specific limitation or condition will substantially prevent the sale to prevent further loss of capital."

28. Page 9, line 21, by striking the word "domestic" and inserting the following: "Iowa".

29. Page 9, line 22, by striking the word "domestic" and inserting the following: "Iowa".

30. By striking page 9, line 30 through page 10, line 3, and inserting the following:
"_____. A bank or a bank holding company acquired pursuant to this division is subject to this chapter, and all its limitations, including but not limited to, sections 524.1802, 524.1803, 524.1806, and 524.1807."

31. Page 10, by inserting before line 4, the following:

"_____. A regional bank holding company shall not acquire a bank or bank holding company under this division unless each of the existing bank subsidiaries of the regional bank holding company has sufficient capital to satisfy capital requirements in effect for that bank as established by the primary regulatory authority for that bank. A change in capital requirements that takes effect during the consideration of an application under this division shall be deemed in effect for purposes of this subsection."

32. Page 10, lines 4 through 6, by striking the words ", other than a bank holding company authorized to make an acquisition by section 524.1805,".

33. Page 10, line 16, by inserting after the word "bank" the following: "or bank holding company".

34. Page 10, line 18, by striking the words "five or more years" and inserting the following: "the requisite period".

35. Page 10, by striking lines 20 through 27, and inserting the following:

"a. The bank or bank holding company is a new bank or new bank holding company, as applicable, as a result of a consolidation of entities each of which had been in existence and continuously operated for the requisite period before the consolidation.

b. The bank or bank holding company was organized solely for the purpose of facilitating the acquisition of another bank or bank holding company that had been in existence and continuously operated for the requisite period before the acquisition."

36. Page 10, by striking lines 31 through 35, and inserting the following: "This section does not apply to an acquisition by a regional bank holding company solely of a troubled bank."

37. Page 11, line 4, by striking the word and figures "July 1, 1989" and inserting the following: "January 1, 1991".

38. Page 11, line 9, by striking the word and figures "July 1, 1989" and inserting the following: "January 1, 1991".

39. Page 11, line 26, by inserting after the word "been" the following: "substantially or repeatedly".

40. Page 11, line 28, by striking the word "both" and inserting the following: "more".

41. By striking page 11, line 31, through page 12, line 5, and inserting the following:

"_____. Forfeit the performance bond which the acquiring bank holding company posted at the time of acquisition. A bank holding company which acquires a bank or bank holding company pursuant to this division shall post a performance bond as a condition of acquisition in an amount and form determined by the superintendent, but not to exceed two hundred fifty thousand dollars and a term of five years from the date of acquisition."

42. Page 12, lines 13 and 14, by striking the words ", other than a bank holding company authorized to make an acquisition by section 524.1805,".

43. Page 12, lines 31 and 32, by striking the words ", other than a bank holding company authorized to make an acquisition by section 524.1805,".

44. Page 13, by inserting after line 7, the following:

"_____. Loans to or equity investments in small businesses, made or originated by a small business investment company in which the bank has purchased shares or holds an equity interest, provided that either or both of the following conditions are satisfied:

a. The small business investment company has invested at least fifty percent of its investments in Iowa small businesses.

b. The small business investment company has invested at least seventy-five percent of its investments in small businesses located in Iowa or one or more contiguous states."

45. Page 13, by inserting after line 20, the following:

"_____. Loans for investment in a small business investment corporation, the Iowa business development finance corporation, or a similar entity designed to enhance small business development."

46. Page 13, by striking lines 21 through 26.

47. By striking page 13, line 27, through page 14, line 2, and inserting the following:

"Sec. _____. NEW SECTION. 524.1860 ANNUAL REPORT.

The superintendent shall review the effects of this division each year, and shall file a written report of that review with the senate committee on commerce and the house of representatives committee on small business and commerce of the Iowa general assembly on or before January 31 of the following year. The report shall at minimum include all of the following:

1. A description of each acquisition under this division during the year.
2. The cumulative number of acquisitions under this division since its enactment, with subtotals for direct bank acquisitions and for bank holding company acquisitions.
3. The percentage of aggregate demand and time deposits of all financial institutions deposited in state and national banks located in this state in which out-of-state bank holding companies own or control an interest, directly or indirectly.
4. A description of each formal or informal remedial or enforcement action taken by the superintendent during the year in connection with this division. The description shall include the bank or bank holding company involved, the nature of the acts or omissions, and the outcome of the remedial or enforcement action.

5. A description of any litigation in which the superintendent or the state became a party during the year in connection with this division.

6. A description of any decision by a regulatory authority of the federal government, this state, or another state, or of a court during the year in connection with this division, and the effects, if any, of that decision upon the administration or enforcement of this division.

7. Any recommended amendments relating to this division.

8. Other information the superintendent deems pertinent.

Sec. _____. NEW SECTION. 524.1861 CHANGE OF LOCATION — DIVESTMENT.

A regional bank holding company or a bank holding company located outside of the midwestern region, other than a bank holding company authorized to acquire an Iowa bank or bank holding company pursuant to section 524.1805, shall divest itself of its interest in a state or national bank located in this state if any of the following occur:

1. The bank holding company is located outside of the midwestern region and acquires a bank located in this state.

2. The bank holding company is located outside of the midwestern region and acquires a bank holding company that directly or indirectly owns or controls a bank located in this state.

3. The regional bank holding company ceases to be located in the midwestern region while directly or indirectly owning or controlling a bank located in this state.

4. The regional bank holding company ceases to be located in the midwestern region while directly or indirectly owning or controlling a bank holding company that directly or indirectly owns or controls a bank located in this state.

The superintendent may prosecute any action or proceeding necessary to compel compliance with this section.

Sec. _____. NEW SECTION. 524.1862 INSURANCE SALES.

1. Insurance activities in Iowa of an out-of-state bank holding company and its subsidiaries are subject to regulation, including but not limited to regulation under title 20, in the same manner and to the same extent as are the insurance activities of an Iowa bank holding company and its subsidiaries.

2. An authorization for a bank chartered in this state, to engage in activities regulated under title 20, if any, does not grant the bank the ability or right to engage in such activities outside of this state."

48. By striking page 14, line 3 through page 19, line 31.

49. By striking page 19, line 32, through page 21, line 12, and inserting the following:

"Sec. _____. ADVISORY COUNCIL.

An advisory council is established to review the effectiveness and enforceability of the provisions of this division. The advisory council shall be composed of seven persons. Five members shall be appointed by the legislative council and two members shall be appointed by the superintendent of banking. Vacancies shall be filled by the appointing authority which appointed the person who has or is to vacate the council.

1. The members appointed by the legislative council shall meet the following requirements:

a. Two of the members shall be agricultural producers eligible for assistance from the agricultural development authority pursuant to section 175.13A.

b. Two of the members shall be businesspersons engaged in a small business as defined in section 220.1, subsection 28.

c. One of the members shall be eligible for the Iowa finance authority's residential mortgage interest reduction program pursuant to section 220.81.

2. The members appointed by the superintendent of banking shall meet the following requirements:

a. One of the members shall be employed by a bank which is not owned in whole or in part by a bank holding company.

b. One of the members shall be employed by a bank owned by a bank holding company or employed by a bank holding company.

For the purposes of this section, a bank holding company means a bank holding company as defined in section 524.1801.

The advisory council shall monitor and review the implementation of this Act and the effectiveness and enforceability of this Act. The advisory council shall meet as often as deemed necessary and shall from time to time, but not less than quarterly, recommend to the superintendent of banking the adoption of appropriate rules to maximize the effectiveness and enforceability of this Act. Members of the advisory committee shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid from appropriations for those purposes to the superintendent of banking, and are subject to the budget requirements of chapter 8. Each member of the council may also be eligible to receive compensation as provided in section 7E.6. The advisory council shall from time to time, but not less than quarterly, recommend to the superintendent of banking any appropriate legislation as may be necessary to maximize the effectiveness and enforceability of this Act. The advisory council shall submit its final recommendations to the superintendent of banking not later than January 1, 1992. The banking division of the department of commerce shall provide staff support and assistance to the advisory council."

50. Page 21, by inserting before line 13, the following:

"Sec. ____ . SEVERABILITY.

1. If it is ultimately determined that any provision of this Act other than section 524.1852, or the application of any provision other than section 524.1852, to any person or circumstance, is invalid, the remainder of the Act and the application of the Act shall not be affected by the determination of invalidity to persons or circumstances other than those to which it is held invalid.

2. It is the express intention of the Iowa general assembly to permit interstate banking on a regional basis. Therefore, if section 524.1852 is determined by a final nonappealable order of an Iowa or federal court of competent jurisdiction to be invalid as applied or unconstitutional, this Act shall be null and void and of no further force and effect from the effective date of the final determination.

3. If before the effective date of a final determination described in subsection 2, a bank holding company directly or indirectly acquires an interest in or control of a bank located in Iowa under this Act, the bank holding company may maintain the interest acquired and may expand its holdings within the state except as otherwise limited by this chapter."

51. Page 21, by inserting after line 18, the following:

"Sec. _____ .

This Act takes effect January 1, 1991."

52. Title page, by striking lines 1 through 10, and inserting the following: "An act relating to banking and other depository institutions by establishing the procedures, terms, and conditions for the acquisition by an out-of-state regional bank holding company of an interest in a bank located in Iowa or in a bank holding company owning one or more banks located in Iowa, and imposing community reinvestment disclosure requirements, establishing certain enforcement procedures, making penalties applicable, providing penalties, and providing an effective date."

53. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

STEVEN D. HANSEN, Chair
JACK HATCH
GARY SHERZAN

ON THE PART OF THE SENATE:

MICHAEL E. GRONSTAL, Chair
WILLIAM D. PALMER
GEORGE R. KINLEY
CALVIN O. HULTMAN
JACK RIFE

The House stood at ease at 3:43 p.m., until the fall of the gavel.

The House resumed session and consideration of the Conference Committee Report to House File 685 at 4:01 p.m., Speaker Avenson in the chair.

QUORUM CALL

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

Tyrrell of Iowa rose on a point of order that the conference committee report was not germane pursuant to Joint Rule 13.3.

The Speaker ruled the point not well taken and the conference committee report in order.

Hansen of Woodbury moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 49, nays 41.

The motion prevailed and the conference committee report was adopted.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 685)

The ayes were, 54:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Diemer
Fey	Fogarty	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hermann	Jay	Jesse
Jochum	Lundby	Lykam	McKinney
Metcalf	Muhlbauer	Murphy	Nielsen
Ollie	Pavich	Peters	Poncy
Renaud	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spenner
Stueland	Swartz	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 45:

Banks	Bennett	Blanshan	Brand
Branstad	Daggett	De Groot	Doderer
Dvorsky	Eddie	Fuller	Garman
Gruhn	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Hibbard	Holveck	Iverson
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Maulsby	May
McKean	Mertz	Miller	Neuhauser
Osterberg	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Renken	Rosenberg	Shearer
Spear	Svoboda	Tabor	Tyrrell
Van Maanen			

Absent or not voting, 1:

Royer

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

IMMEDIATE MESSAGE
(House File 685)

Arnould of Scott asked and received unanimous consent that House File 685 be immediately messaged to the Senate.

SPONSOR WITHDRAWN
(House File 2215)

Pellett of Cass requested to be withdrawn as a sponsor of House File 2215.

COMMUNICATION RECEIVED

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

DEPARTMENT OF MANAGEMENT

The Targeted Small Business Task Force Report, pursuant to Chapter 315, 1989 Acts of the Seventy-third General Assembly.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 693 Local Government

Relating to conflicts of interest in county contracts benefiting a member of a board of supervisors.

H.S.B. 694 Local Government

Relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a retail sales tax and the certification of a property tax levy, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

H.S.B. 695 Transportation

Relating to parking fines, handicapped parking spaces, and handicapped identification devices.

H.S.B. 696 State Government

Relating to weighing and measuring devices, and establishing fees.

H.S.B. 697 Small Business and Commerce

Relating to the regulation of insurers, insurance, and annuity contracts.

H.S.B. 698 Small Business and Commerce

Authorizing the conversion of a mutual property and casualty insurance company into a stock company, subject to certain conditions and procedural requirements.

H.S.B. 699 Natural Resources and Outdoor Recreation

Relating to the operation of a watercraft by a person who is intoxicated and providing penalties.

H.S.B. 700 State Government

Establishing a state fair challenge grant foundation.

H.S.B. 701 Education

Relating to losses in a district's certified enrollment as a result of open enrollment.

H.S.B. 702 Education

Relating to moneys appropriated for the educational excellence program.

H.S.B. 703 State Government

Relating to licensure to practice veterinary medicine without an examination.

H.S.B. 704 Transportation

Setting minimum liability coverage limits for certain passenger motor carriers and making a penalty applicable.

H.S.B. 705 Agriculture

Relating to permanent soil and water conservation practices.

SUBCOMMITTEE ASSIGNMENTS**House File 2126**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

House File 2127

Judiciary and Law Enforcement: Siegrist, Chair; Poncey and Renaud.

House File 2149

Judiciary and Law Enforcement: McKinney, Chair; Hansen of Woodbury and Kremer.

House File 2157

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House File 2160

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poncy.

House File 2161

Judiciary and Law Enforcement: Trent, Chair; Beatty and Chapman.

House File 2169

Education: Spear, Chair; Corbett and Tabor.

House File 2170

Agriculture: Muhlbauer, Chair; Branstad and McKinney.

House File 2171

Ways and Means: Holveck, Chair; Petersen of Muscatine and Rosenberg.

House File 2172

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

House File 2175

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

House File 2179

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

House File 2183

Judiciary and Law Enforcement: Hibbard, Chair; Kremer and Peterson of Carroll.

House File 2184

Ways and Means: Wise, Chair; Chapman and Schnekloth.

House File 2190

Judiciary and Law Enforcement: Siegrist, Chair; Chapman and Rosenberg.

House File 2191

Ways and Means: Rosenberg, Chair; Hanson of Delaware and Osterberg.

House File 2202

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House File 2204

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 2205

Ways and Means: Teaford, Chair; De Groot and Fey.

House File 2206

Ways and Means: Tabor, Chair; Groninga, Metcalf, Schneklath and Wise.

House File 2207

Ways and Means: Tabor, Chair; Doderer and Schneklath.

House File 2209

Ways and Means: May, Chair; Bennett and Wise.

House File 2214

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

House File 2219

Economic Development: Jesse, Chair; Bennett, Lykam, Metcalf and Ollie.

House File 2220

Energy and Environmental Protection: Schrader, Chair; May and Siegrist.

House File 2221

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and Plasier.

House Concurrent Resolution 102

Ways and Means: Tabor, Chair; Schneklath and Wise.

Senate File 2153

Economic Development: Swartz, Chair; Bennett, Brand, Corbett and Groninga.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 650

Small Business and Commerce: Holveck, Chair; Jesse and Renken.

House Study Bill 676

Labor and Industrial Relations: Ollie, Chair; Connors and Hester.

House Study Bill 677

Labor and Industrial Relations: Ollie, Chair; Diemer and Harper.

House Study Bill 681

Agriculture: May, Chair; McKinney and Pellett.

House Study Bill 684

Small Business and Commerce: Holveck, Chair; Jesse and Renken.

House Study Bill 685

Small Business and Commerce: Brammer, Chair; Doderer and Metcalf.

House Study Bill 686

Small Business and Commerce: Sherzan, Chair; Blanshan and Kremer.

House Study Bill 687

Small Business and Commerce: Holveck, Chair; Jesse and Renken.

House Study Bill 688

Labor and Industrial Relations: Bisignano, Chair; Kistler and Lykam.

House Study Bill 690

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 691

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 697

Small Business and Commerce: Brammer, Chair; Doderer and Renken.

House Study Bill 698

Small Business and Commerce: Groninga, Chair; Brammer and Metcalf.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 631), to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 30, 1990.

Committee Bill (Formerly House Study Bill 632), relating to the importation of bees and bee-related items, increasing certain fees, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 30, 1990.

COMMITTEE ON STATE GOVERNMENT

House File 2056, a bill for an act relating to boxing and wrestling matches by imposing certain admission fees and requiring the proceeds from the fees collected to be used to promote amateur boxing in this state.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5054** January 30, 1990.

House File 2124, a bill for an act relating to the charge for the use of an automobile by a public officer or employee other than a state officer or employee.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1990.

Committee Bill (Formerly House Study Bill 550), relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1990.

Committee Resolution (Formerly House Study Bill 571), a concurrent resolution recognizing the twenty-fifth anniversary of the Iowa Civil Rights Commission.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1990.

Committee Bill (Formerly House Study Bill 636), relating to state and local foster care review boards.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1990.

Committee Bill (Formerly House Study Bill 646), relating to the installation of fire extinguishing systems in open parking garages.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1990.

RESOLUTION FILED

HCR 103, by committee on state government, a concurrent resolution recognizing the twenty-fifth anniversary of the Iowa Civil Rights Commission.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5052	H.F.	673	Schnekloth of Scott Lageschulte of Bremer
H—5053	H.F.	2048	Murphy of Dubuque
H—5054	H.F.	2056	Committee on State Government
H—5055	H.F.	2057	Spear of Lee
H—5056	H.F.	682	Osterberg of Linn

H—5057	H.F. 682	Osterberg of Linn
H—5058	H.F. 2050	Carpenter of Polk
		Kremer of Buchanan
H—5059	H.F. 2057	Spear of Lee
H—5060	H.F. 2048	Spear of Lee
H—5061	H.F. 2048	Spear of Lee
H—5062	H.F. 2165	Muhlbauer of Crawford
H—5063	H.F. 2048	Buhr of Polk
H—5064	H.F. 2048	Buhr of Polk

On motion by Arnould of Scott, the House adjourned at 5:21 p.m., until 9:00 a.m., Thursday, February 1, 1990.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day — Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 1, 1990

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

Prayer was offered by the Honorable Jane Svoboda, state representative from Tama County.

The Journal of Wednesday, January 31, 1990 was approved.

INTRODUCTION OF BILLS

House File 2237, by Holveck, a bill for an act to prohibit the conversion of campaign funds of a candidate or candidate's committee to funds for personal use and providing a penalty.

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

House File 2238, by Rosenberg, a bill for an act eliminating the requirement of zero balancing of automatic adjustments in the rates and charges of public utility service.

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

House File 2239, by Harbor, a bill for an act providing an income tax credit for construction of terraces on certain agricultural land.

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

House File 2240, by Carpenter and Spenner, a bill for an act relating to juvenile justice by establishing certain dispositional requirements concerning the state juvenile institutions and their administration, and providing effective dates.

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

House File 2241, by Beatty and Schrader, a bill for an act relating to school lunch and breakfast programs and making appropriations.

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

House File 2242, by Hansen of Woodbury, a bill for an act allowing certain fees to be charged in connection with consumer loans.

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

House File 2243, by Chapman, a bill for an act relating to laboratory instruction for approved driver education courses.

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

House File 2244, by Maulsby, a bill for an act relating to the payment of the cost of autopsies.

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

House File 2245, by Eddie, Shoning, Iverson, Hester, Tyrrell, Branstad and Beaman, a bill for an act relating to the establishment of standards for the collection, processing, fractionation storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers.

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

House File 2246, by Teaford, Harper and Shoultz, a bill for an act relating to random jury selection, the use of alternate source lists for jury selection, and geographic representation on the master list.

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

House File 2247, by Garman, Hester and Hermann, a bill for an act relating to operation of a motor vehicle while under the influence of alcohol or a drug and providing for minimum periods of license revocation and for minimum terms of confinement on consecutive days.

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

House File 2248, by Trent, Hermann, Tyrrell, Spenner, Daggett, Diemer, Shoning, Bennett, Beaman, Miller, Iverson and Renken, a bill for an act relating to denial of bail for persons convicted of controlled substance felonies.

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

House File 2249, by Maulsby and Tyrrell, a bill for an act making a capital appropriation to the department of corrections for institutional and community-based expansions.

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

On motion by Arnould of Scott, the House was recessed at 9:13 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

House File 2250, by committee on agriculture, a bill for an act relating to the importation of bees and bee-related items, increasing certain fees, and providing penalties.

Read first time and placed on the calendar.

House File 2251, by committee on natural resources and outdoor recreation, a bill for an act relating to sales and use tax by exempting certain vessels from sales tax and providing for collection of use tax on those vessels.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2048, a bill for an act relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the practice of marital and family therapy or mental health counseling without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, providing for a temporary waiver of certain licensing requirements, and providing other properly related matters, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—5025 filed by the committee on state government:

H—5025

- 1 Amend House File 2048 as follows:
- 2 1. Page 2, line 13, by striking the word "three"
- 3 and inserting the following: "four".
- 4 2. Page 4, by striking lines 18 and 19 and
- 5 inserting the following: "experience or its
- 6 equivalent as approved by the board."
- 7 3. Page 4, by striking lines 30 and 31 and
- 8 inserting the following: "experience or its
- 9 equivalent as approved by the board."
- 10 4. Page 5, by striking line 18, and inserting the

11 following: "that profession. The chairperson shall
12 appoint two".

13 5. Page 5, by striking line 29, and inserting the
14 following: "within its jurisdiction."

15 6. Page 5, by striking lines 30 through 32.

16 7. By striking page 7, line 35 through page 8,
17 line 22, and inserting the following:

18 "Sec. 12. EXAMINATION EXTENSION PERIOD.

19 1. Notwithstanding section 154D.2, subsection 1,
20 paragraph "c", an applicant who, by July 1, 1990,
21 meets the requirements specified in section 154D.2,
22 subsection 1, paragraphs "a" and "b", shall receive a
23 license to practice marital and family therapy if the
24 applicant passes an examination administered by the
25 board of behavioral science by July 1, 1994.

26 2. Notwithstanding section 154D.2, subsection 2,
27 paragraph "c", an applicant who, by July 1, 1990,
28 meets the requirements specified in section 154D.2,
29 subsection 2, paragraphs "a" and "b", shall receive a
30 license to practice mental health counseling if the
31 applicant passes an examination administered by the
32 board of behavioral science by July 1, 1994."

Halvorson of Webster offered the following amendment H—5073,
to the committee amendment H—5025, filed by him from the floor
and moved its adoption:

H—5073

1 Amend amendment, H—5025, to House File 2048 as
2 follows:

3 1. Page 1, line 3, by striking the word "four"
4 and inserting the following: "seven".

A non-record roll call was requested.

The ayes were 48, nays 42.

Amendment H—5073 was adopted.

Murphy of Dubuque offered the following amendment H—5053,
to the committee amendment H—5025, filed by him and moved its
adoption:

H—5053

1 Amend amendment, H—5025, to House File 2048 as
2 follows:

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

5 "_____. Page 4, line 17, by striking the word
6 "professional" and inserting the following:
7 "clinical"."

- 8 2. Page 1, line 6, by inserting after the word
- 9 "board" the following: "in consultation with the
- 10 mental health and retardation commission".
- 11 3. Page 1, by striking lines 7 through 9 and
- 12 inserting the following:
- 13 "_____. Page 4, by striking lines 29 through 31 and
- 14 inserting the following:
- 15 "b. Has at least two years of clinical experience,
- 16 supervised by a licensee, in assessing mental health
- 17 needs and problems and in providing appropriate mental
- 18 health services as approved by the board of behavioral
- 19 science examiners in consultation with the mental
- 20 health and mental retardation commission." "
- 21 4. Page 1, line 25, by inserting after the word
- 22 "science" the following: "in consultation with the
- 23 mental health and mental retardation commission".
- 24 5. Page 1, line 32, by inserting after the word
- 25 "science" the following: "in consultation with the
- 26 mental health and mental retardation commission".
- 27 6. By renumbering as necessary.

Amendment H—5053 was adopted.

On motion by Teaford of Black Hawk, the committee amendment H—5025, as amended, was adopted.

Schrader of Marion in the chair at 1:34 p.m.

Hanson of Delaware offered the following amendment H—5036 filed by him and moved its adoption:

H—5036

- 1 Amend House File 2048 as follows:
- 2 1. Page 3, by striking line 31, and inserting the
- 3 following: "therapeutic".

Amendment H—5036 was adopted.

Buhr of Polk offered the following amendment H—5063 filed by her and moved its adoption:

H—5063

- 1 Amend House File 2048 as follows:
- 2 1. Page 3, line 33, by inserting after the word
- 3 "families" the following: "after appropriate
- 4 evaluation and diagnosis performed by a certified
- 5 health service provider in psychology as defined in
- 6 section 154B.7 or a psychiatrist".
- 7 2. Page 4, line 8, by inserting after the word
- 8 "health" the following: "after appropriate evaluation
- 9 and diagnosis performed by a certified health service
- 10 provider in psychology as defined in section 154B.7 or
- 11 a psychiatrist".

A non-record roll call was requested.

The ayes were 35, nays 41.

Amendment H—5063 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Trent of Muscatine on request of Van Maanen of Mahaska and Kistler of Jefferson on request of Hester of Pottawattamie, both for the remainder of the day.

Spear of Lee asked and received unanimous consent to defer action on amendment H—5060.

Hammond of Story offered the following amendment H—5021 filed by her and Pavich of Pottawattamie and moved its adoption:

H—5021

- 1 Amend House File 2048 as follows:
- 2 1. Page 6, by striking line 23 and inserting the
- 3 following: "minister of the gospel or priest of any
- 4 denomination religious or spiritual advisor shall
- 5 not".

Amendment H—5021 lost.

Spear of Lee offered the following amendment H—5061 filed by him:

H—5061

- 1 Amend House File 2048 as follows:
- 2 1. Page 7, by inserting after line 34 the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 709.15 SEXUAL
- 5 EXPLOITATION BY A COUNSELOR OR THERAPIST.
- 6 1. As used in this section:
- 7 a. "Counselor or therapist" means a physician,
- 8 psychotherapist, psychologist, nurse, social worker,
- 9 marital and family therapist, mental health counselor,
- 10 chemical dependency counselor, member of the clergy,
- 11 or other person whether or not licensed by the state,
- 12 who renders or purports to render psychotherapy,
- 13 counseling, or other assessment or treatment involving
- 14 any mental illness, symptom, or condition or emotional
- 15 illness, symptom, or condition.
- 16 b. "Former patient or former client" means a
- 17 person who received psychotherapy, counseling, marital
- 18 and family therapy, or other assessment or treatment
- 19 involving any mental illness, symptom, or condition or
- 20 emotional illness, symptom, or condition from a

21 counselor or therapist within two years of the
22 violation or who after two years from the termination
23 of treatment remains emotionally dependent on the
24 counselor or therapist.

25 c. "Patient or client" means any person who
26 receives psychotherapy, counseling, marital and family
27 therapy, or other assessment or treatment concerning
28 any mental illness, symptom, or condition or emotional
29 illness, symptom, or condition from a counselor or
30 therapist.

31 d. "Sexual exploitation" means any sexual contact
32 by a counselor or therapist with a patient or client
33 or former patient or former client for the purpose of
34 arousing or satisfying the sexual desires of a
35 counselor or therapist or the patient, client, former
36 patient, or former client, which shall include but is
37 not limited to kissing; touching of the inner thigh,
38 breast, groin, buttock, anus, pubes, or genitals or
39 the touching of the clothing covering the inner thigh,
40 breast, groin, buttock, anus, pubes, or genitals, a
41 sex act as defined in section 702.17; or verbal
42 suggestions of sexual involvement.

43 e. "Emotionally dependent" means impaired in the
44 ability to withhold consent to a sexual act by the
45 counselor or therapist, based upon the nature of the
46 former patient's or former client's emotional
47 condition and the nature of the assessment or
48 treatment provided by the counselor or therapist,
49 which impairment is known or should be known to the
50 counselor or therapist.

Page 2

1 2. It is unlawful for a counselor or therapist to
2 engage in conduct which constitutes sexual
3 exploitation as defined in subsection 1, with or
4 without the consent of the patient or client or former
5 patient or former client.

6 3. A person who violates this section commits a
7 class "D" felony, except that any person who violates
8 this section by conduct defined as a sex act under
9 section 702.17 commits a class "C" felony."

10 2. By renumbering as necessary.

Teaford of Black Hawk rose on a point of order that amendment H—5061 was not germane.

The Speaker ruled the point well taken and amendment H—5061 not germane.

Buhr of Polk asked and received unanimous consent to withdraw amendment H—5064 filed by her on January 31, 1990.

Spear of Lee offered the following amendment H—5060, previously deferred, filed by him:

H—5060

1 Amend House File 2048 as follows:

2 1. Page 6, by inserting after line 16, the
3 following:

4 "Sec. _____. NEW SECTION. 154D.5 SEXUAL CONDUCT
5 WITH CLIENT.

6 The license of a marriage and family therapist or a
7 mental health counselor shall be revoked if the board
8 finds that the licensee engaged in sexual activity or
9 genital contact with a client while acting or
10 purporting to act within the licensee's scope of
11 practice, whether or not the client consented to the
12 sexual activity or genital contact.

13 The revocation shall be in addition to any other
14 penalties provided by law."

15 2. By renumbering as necessary.

Spear of Lee offered the following amendment H—5070, to amend H—5060, filed by him from the floor:

H—5070

1 Amend the amendment, H—5060, to House File 2048 as
2 follows:

3 1. Page 1, by inserting after line 14 the
4 following:

5 "_____. Page 7, by inserting after line 34 the
6 following:

7 "Sec. _____. NEW SECTION. 709.15 SEXUAL
8 EXPLOITATION BY A COUNSELOR OR THERAPIST.

9 1. As used in this section:

10 a. "Client" means any person who receives mental
11 health counseling or marital and family therapy from a
12 counselor or therapist.

13 b. "Counselor or therapist" means a licensed
14 mental health counselor or licensed marital and family
15 therapist as defined in section 154D.1.

16 c. "Emotionally dependent" means impaired in the
17 ability to withhold consent to a sexual act by the
18 counselor or therapist, based upon the nature of the
19 former client's emotional condition and the nature of
20 the assessment or treatment provided by the counselor
21 or therapist, which impairment is known or should be
22 known to the counselor or therapist.

23 d. "Former client" means a person who received
24 mental health counseling or marital and family therapy
25 from a counselor or therapist within two years of the
26 violation or who after two years from the termination
27 of treatment remains emotionally dependent on the

28 counselor or therapist.

29 e. "Sexual exploitation" means any sexual contact
30 by a counselor or therapist with a client or former
31 client for the purpose of arousing or satisfying the
32 sexual desires of a counselor or therapist or the
33 client or former client, which shall include but is
34 not limited to kissing; touching of the inner thigh,
35 breast, groin, buttock, anus, pubes, or genitals or
36 the touching of the clothing covering the inner thigh,
37 breast, groin, buttock, anus, pubes, or genitals, a
38 sex act as defined in section 702.17; or verbal
39 suggestions of sexual involvement.

40 2. It is unlawful for a counselor or therapist to
41 engage in conduct which constitutes sexual
42 exploitation as defined in subsection 1, with or
43 without the consent of the client or former client.

44 3. A person who violates this section commits a
45 class "D" felony, except that any person who violates
46 this section by conduct defined as a sex act under
47 section 702.17 commits a class "C" felony."

48 2. By renumbering as necessary.

Teaford of Black Hawk rose on a point of order that amendment H—5070 was not germane.

The Speaker ruled the point well taken and amendment H—5070 not germane.

Arnould of Scott asked and received unanimous consent that House File 2048 be deferred and that the bill retain its place on the calendar.

(Amendment H—5060 pending).

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 706 Agriculture

Relating to mediation assistance, by expanding the responsibilities of the farm mediation service, granting additional authority to the farm mediation service, extending the date of repeal for certain provisions, and providing an effective date.

H.S.B. 707 Transportation

Relating to private farm railway crossings.

H.S.B. 708 State Government

Relating to the commission and division of the department of human rights designated for Spanish-speaking people.

H.S.B. 709 State Government

Relating to access to official meetings open to the public by persons with disabilities.

H.S.B. 710 Human Resources

Relating to retroactive modifications of support orders.

H.S.B. 711 Human Resources

Relating to child support payments by providing for immediate withholding of an obligor's income and providing a penalty.

H.S.B. 712 Human Resources

Providing authority under certain conditions for the release of information by the child support recovery unit to certain persons and to other units of the department of human services.

H.S.B. 713 Agriculture

Regulating seed production, by providing for permits, financial requirements, and making penalties applicable.

H.S.B. 714 Agriculture

Relating to grain management, by providing for the regulation of grain dealers and grain warehouse operators, providing for the indemnification of grain depositors and sellers, and providing for penalties.

H.S.B. 715 Energy and Environmental Protection

Relating to surface water quality protection.

H.S.B. 716 Small Business and Commerce

Relating to the sale of funeral services and merchandise.

SUBCOMMITTEE ASSIGNMENTS**House File 2167**

Judiciary and Law Enforcement: Trent, Chair; Beatty and Chapman.

House File 2180

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2182

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2192

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2194

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2210

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2211

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2215

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

House File 2225

Energy and Environmental Protection: Osterberg, Chair; Hanson of Delaware and Nielsen.

House File 2229

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

House File 2231

Energy and Environmental Protection: Johnson, Chair; McKean and Rosenberg.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 689

State Government: Pavich, Chair; Buhr and Garman.

House Study Bill 693

Local Government: Mertz, Chair; Iverson and Peters.

House Study Bill 694

Local Government: Bisignano, Chair; Brown and Renken.

House Study Bill 696

State Government: Renken, Chair; Pavich and Spinner.

House Study Bill 700

State Government: Connors, Chair; Pavich and Tyrrell.

House Study Bill 703

State Government: Poncy, Chair; Beatty, Knapp and Tyrrell.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House File 2017), relating to the reallocation of the moneys in the surplus account of the Iowa plan fund and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House Study Bill 504), relating to discovery in a civil action involving sexual abuse, sexual assault, or sexual harassment and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 1990.

Committee Bill (Formerly House Study Bill 515), relating to the definition of public accommodation under the civil rights law.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 1990.

COMMITTEE ON LOCAL GOVERNMENT

House File 2154, a bill for an act relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5069** January 31, 1990.

Senate File 138, a bill for an act to change the name of the county board of supervisors to the board of county commissioners.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5068** January 31, 1990.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Committee Bill (Formerly House Study Bill 507), relating to sales and use tax by exempting certain vessels from sales tax and providing for collection of use tax on those vessels.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 1990.

AMENDMENTS FILED

H-5065	H.F.	2101	Hermann of Scott
H-5066	H.F.	512	Kistler of Jefferson
H-5068	S.F.	138	Committee on Local Government
H-5069	H.F.	2154	Committee on Local Government
H-5071	H.F.	2048	Spear of Lee
H-5072	H.F.	2076	Ollie of Clinton
H-5074	H.F.	2048	Brammer of Linn

On motion by Arnould of Scott, the House adjourned at 2:34 p.m., until 9:00 a.m., Friday, February 2, 1990.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day — Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 2, 1990

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

Prayer was offered by the Honorable Emil Pavich, state representative from Pottawattamie County.

The Journal of Thursday, February 1, 1990 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2002, by Tyrrell, a joint resolution proposing an amendment to the Constitution of the State of Iowa providing for the right of a citizen to keep and bear arms.

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

House File 2252, by Muhlbauer, Pellett, Svoboda, Harbor, Fogarty, Stueland, Daggett, Maulsby, Mertz, Gruhn, Eddie, Fuller and Royer, a bill for an act regulating roadside information, establishing certain fees, and providing an effective date.

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

House File 2253, by Banks, Spenner, Trent, Branstad and Corbett, a bill for an act prohibiting the entry of deferred judgments and sentences and suspended sentences for controlled substance offenders.

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

House File 2254, by Garman, Siegrist, Banks, Petersen of Muscatine, Tyrrell, Maulsby, McKean, Kremer, Corbett, Pellett, Shoning, Metcalf, Miller, Royer, Bennett and Clark, a bill for an act relating to the operation of motor vehicles by persons under age twenty-one, enacting provisions governing implied consent to chemical testing and the use of a test result as a basis for a license revocation, providing penalties, and providing for other properly related matters.

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

House File 2255, by Iverson and Daggett, a bill for an act to permit sharing of librarians between primary and secondary schools.

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

House File 2256, by Jesse, a bill for an act authorizing an additional tax levy and the creation of a reserve account by a benefited fire district.

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

House File 2257, by Petersen of Muscatine, Tyrrell, Bennett, Branstad, Schneklath, Renken, Banks, Maulsby, Siegrist, Eddie, Stueland, Pellett, De Groot, McKean and Hanson of Delaware, a bill for an act relating to surface water quality protection.

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

House File 2258, by Hermann, a bill for an act relating to recorded and live performances by requiring certain warning labels, by prohibiting certain performances before minors, by allowing certain civil actions, and by providing penalties.

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

House File 2259, by Neuhauser, a bill for an act permitting physical plants owned by the institutions under the control of the state board of regents to be integrated into the state's electrical grid, permitting the physical plants to buy and sell electrical power, or other utility services, in the wholesale energy market under certain conditions, and exempting such sales from certain restrictions on governmental economic activity.

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

House File 2260, by Kremer, a bill for an act relating to the burial of domesticated animal carcasses on agricultural land, making penalties applicable, and providing an effective date.

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

House File 2261, by Garman and Banks, a bill for an act relating to posting of health warnings by retailers of alcoholic beverages and subjecting violators to an existing penalty.

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

House File 2262, by Garman, a bill for an act allowing payment to a director of a county or district fair or agricultural society.

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

House File 2263, by Teaford, a bill for an act relating to landlord and tenant relations.

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

House File 2264, by Hansen of Woodbury and Harbor, a bill for an act relating to solicitations for charitable contributions.

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

House File 2265, by Tyrrell, a bill for an act relating to the establishment of a county board of medical examiners' liability insurance fund.

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

House File 2266, by Mertz, a bill for an act regulating business relationships between suppliers and dealers of certain equipment and providing dates of applicability.

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

House File 2267, by committee on judiciary and law enforcement, a bill for an act relating to the definition of public accommodation, making corrections, and removing inconsistencies under the civil rights law.

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

House File 2268, by committee on judiciary and law enforcement, a bill for an act relating to discovery and the statute of limitations in a civil action involving sexual abuse, sexual assault, or sexual harassment and providing for the Act's applicability.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 1, 1990, adopted the conference committee report and passed House File 685, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state regional bank holding company, subject to certain procedures and conditions, subjecting a bank acquired by a regional bank holding company

to community reinvestment standards and disclosures as a condition of the deposit of public funds or the approval of actions of the bank by the superintendent, and other properly related matters, and making penalties applicable and providing penalties.

Also: That the Senate has on February 1, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2114, a bill for an act removing certain limitations on the issuance of nonresident deer hunting licenses and wild turkey hunting licenses and on the use of license revenues and providing an effective date.

JOHN F. DWYER, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn on request of Garman of Story.

CONSIDERATION OF BILLS Regular Calendar

House File 2165, a bill for an act relating to indemnification for odometer fraud from a motor vehicle dealer's surety bond and increasing the amount of the bond, was taken up for consideration.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—5047 filed by him on January 29, 1990.

Muhlbauer of Crawford offered the following amendment H—5062 filed by him and moved its adoption:

H—5062

- 1 Amend House File 2165 as follows:
- 2 1. Page 1, line 10, by striking the word "fifty"
- 3 and inserting the following: "thirty-five".

Amendment H—5062 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2165)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman

Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Brown Corbett Jay

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

The House resumed consideration of **House File 2048**, a bill for an act relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the practice of marital and family therapy or mental health counseling without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, providing for a temporary waiver of certain licensing requirements, and providing other properly related matters, and amendment H—5060, found on page 266 of the House Journal, deferred and retained on the calendar.

On motion by Spear of Lee, amendment H—5060 was adopted.

Brammer of Linn offered the following amendment H—5074 filed by him and moved its adoption:

H—5074

- 1 Amend House File 2048 as follows:
- 2 1. Page 6, by striking line 23 and inserting the
- 3 following: "~~minister of the gospel or priest of any~~
- 4 ~~denomination~~ member of the clergy shall not".

Amendment H—5074 was adopted.

Teaford of Black Hawk asked and received unanimous consent to consider amendment H—5061, previously ruled not germane, found on pages 264 and 265 of the House Journal.

On motion by Spear of Lee, amendment H—5061 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5071 filed by him on February 1, 1990.

The following amendment H—5078 filed by Spear of Lee from the floor was adopted by unanimous consent:

H—5078

- 1 Amend House File 2048 as follows:
- 2 1. Title page, line 7, by inserting after the
- 3 word "applicable," the following: "imposing penalties
- 4 for sexual exploitation by a counselor or therapist,".

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

On the question "Shall the bill pass?" (H.F. 2048)

The ayes were, 58:

Adams	Arnould	Bisignano	Blanshan
Brammer	Brand	Branstad	Brown
Clark	Cohoon	Connors	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Jochum
Johnson	Kistler	Lageschulte	Lundby
Lykam	May	McKinney	Miller
Murphy	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Teaford	Trent	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 38:

Banks	Beaman	Beatty	Bennett
Black	Buhr	Carpenter	Chapman
Daggett	De Groot	Eddie	Garner
Groninga	Gruhn	Hanson, D. R.	Hermann
Iverson	Jesse	Knapp	Koenigs
Kremer	Maulsby	McKean	Mertz

Metcalf	Neuhauser	Osterberg	Pellett
Petersen, D. F.	Plasier	Poncy	Renken
Royer	Schnekloth	Svoboda	Swartz
Tabor	Van Maanen		

Absent or not voting, 4:

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford, for the remainder of the day, on request of Halvorson of Webster.

SENATE AMENDMENT CONSIDERED

Brammer of Linn called up for consideration **House File 2114**, a bill for an act removing certain limitations on the issuance of nonresident deer hunting licenses and wild turkey hunting licenses and on the use of license revenues and providing an effective date, amended by the Senate amendment H—5075 as follows:

H—5075

- 1 Amend House File 2114 as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 8 and
- 4 inserting the following: "wildlife habitat stamp.
- 5 The commission shall annually limit to five hundred
- 6 licenses the number of nonresidents allowed to have
- 7 wild turkey hunting licenses for the year 1989 and
- 8 establish application procedures. For subsequent
- 9 years, the The number".
- 10 2. Page 1, by striking lines 27 through 29 and
- 11 inserting the following: "The commission shall
- 12 annually limit to one thousand licenses the number of
- 13 nonresidents allowed to have deer hunting licenses for
- 14 the year 1989 and establish application procedures.
- 15 For".
- 16 3. Page 2, by inserting after line 7 the
- 17 following:
- 18 "Sec. _____. NEW SECTION. 110.30 USE OF
- 19 NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE FEES.
- 20 The revenue received from the nonresident deer and
- 21 wild turkey hunting license fees shall be used to
- 22 employ and maintain as many additional full-time
- 23 conservation officers as can be employed with the
- 24 revenues received.

- 25 Sec. _____. CONSERVATION OFFICERS.
 26 Notwithstanding the limitation on full-time
 27 equivalent positions in 1989 Iowa Acts, chapter 311,
 28 section 6, the department shall use the revenues
 29 received from the nonresident deer and wild turkey
 30 hunting license fees pursuant to 1989 Iowa Acts,
 31 chapter 237, to employ as many new full-time
 32 conservation officers as can be employed with the
 33 revenues received. The new officers shall be employed
 34 as soon as possible after the effective date of this
 35 Act."
 36 4. By renumbering as necessary.

Black of Jasper offered the following amendment H—5077, to the Senate amendment H—5075, filed by him from the floor and moved its adoption:

H—5077

- 1 Amend the Senate amendment, H—5075, to House File
- 2 2114, as passed by the House, as follows:
- 3 1. Page 1, line 5, by striking the word "five"
- 4 and inserting the following: "five six".
- 5 2. Page 1, line 12, by inserting after the word
- 6 "thousand" the following: "two hundred".

Amendment H—5077 was adopted.

On motion by Black of Jasper, the House concurred in the Senate amendment H—5075, as amended.

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

On the question "Shall the bill pass?" (H.F. 2114)

The ayes were, 93:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby

Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 2:

Neuhauser Royer

Absent or not voting, 5:

Beaman Corbett Hibbard Jay
Muhlbauer

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

Regular Calendar

House File 2178, a bill for an act relating to state and local substitute medical decision-making boards, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2178)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz

Metcalf	Miller	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

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

House File 2057, a bill for an act relating to prohibited interests in public contracts, with report of committee recommending amendment and passage was taken up for consideration.

Royer of Page offered the following amendment H—5044 filed by the committee on local government:

H—5044

- 1 Amend House File 2057 as follows:
- 2 1. Page 1, lines 5 and 6, by striking the words
- 3 "but less than ~~ten~~ fifteen thousand" and inserting the
- 4 following: "~~but less than ten thousand~~".

Spear of Lee offered the following amendment H—5059, to the committee amendment H—5044, filed by him and moved its adoption:

H—5059

- 1 Amend amendment, H—5044, to House File 2057 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 4 and
- 4 inserting the following:
- 5 "_____. Page 1, by striking lines 4 through 6 and
- 6 inserting the following: "the purchase of goods or
- 7 services by a city having a population of more than
- 8 two thousand five hundred but less than ten thousand,
- 9 which benefit a city officer or".
- 10 _____. Page 1, lines 8 and 9, by striking the words
- 11 "one thousand" and inserting the following: "one two
- 12 thousand five hundred".
- 13 _____. Page 1, by inserting after line 9 the
- 14 following:
- 15 "Sec. _____. Section 362.5, subsection 11, Code
- 16 1989, is amended by striking the subsection." "

Amendment H—5059 was adopted.

On motion by Royer of Page, the committee amendment H—5044, as amended, was adopted.

Spear of Lee offered the following amendment H—5046 filed by him:

H—5046

- 1 Amend House File 2057 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. NEW SECTION. 279.7A INTEREST IN
- 5 PUBLIC CONTRACTS PROHIBITED — EXCEPTION.
- 6 A board of directors of a school corporation shall
- 7 not have an interest, direct or indirect, in a
- 8 contract for the purchase of goods, including
- 9 materials and profits, and the performance of services
- 10 for the director's school corporation. A contract
- 11 entered into in violation of this section is void.
- 12 This section does not apply to contracts for the
- 13 purchase of goods or services, which benefit a
- 14 director, if the benefit to the director does not
- 15 exceed one thousand dollars in a fiscal year."
- 16 2. By numbering and renumbering as necessary.

Spear of Lee offered the following amendment H—5055, to amend-
ment H—5046, filed by him and moved its adoption:

H—5055

- 1 Amend amendment, H—5046, to House File 2057 as
- 2 follows:
- 3 1. Page 1; line 15, by striking the words "one
- 4 thousand" and inserting the following: "two thousand
- 5 five hundred".

Amendment H—5055 was adopted.

On motion by Spear of Lee, amendment H—5046, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2057)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Corbett	Jay	Muhlbauer	Petersen, D. F.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:26 a.m., until the fall of the gavel.

The House resumed session at 11:10 a.m., Connors of Polk in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 2, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2016, a bill for an act relating to the maximum age of amateur boxing participants and providing an effective date.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILLS

House File 2269, by committee on economic development, a bill for an act relating to the reallocation of the moneys in the surplus account of the Iowa plan fund and providing an effective date.

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

House File 2270, by committee on state government, a bill for an act relating to the department of human rights.

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

House File 2271, by committee on education, a bill for an act relating to phase III performance-based pay plans.

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

House File 2272, by committee on transportation, a bill for an act relating to the distribution of secondary road fund and farm-to-market road fund moneys.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2132, a bill for an act to change the effective date for programs for at-risk children and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2132)

The ayes were, 87:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Daggett	De Groot	Diemer	Doderer
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader

Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 13:

Arnould	Avenson, Spkr.	Blanshan	Corbett
Dvorsky	Fey	Halvorson, R. A.	Jay
Knapp	Muhlbauer	Osterberg	Sherzan
Swartz			

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

House File 2199, a bill for an act relating to agricultural drainage wells and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2199)

The ayes were, 85:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Daggett	De Groot	Diemer	Doderer
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 15:

Arnould	Avenson, Spkr.	Blanshan	Corbett
Dvorsky	Fey	Halvorson, R. A.	Jay
Knapp	Muhlbauer	Osterberg	Peters
Schnekloth	Sherzan	Swartz	

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

House File 512, a bill for an act relating to the payment of a support obligation out of garnisheed funds, with report of committee recommending passage was taken up for consideration.

Kistler of Jefferson offered the following amendment H—5066 filed by him and moved its adoption:

H—5066

- 1 Amend House File 512 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "fees" the following: "related to the issuance of the
- 4 specific garnishment".

Amendment H—5066 was adopted.

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

On the question "Shall the bill pass?" (H.F. 512)

The ayes were, 87:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Daggett	De Groot	Diemer	Doderer
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shoning	Shoultz	Siegrist

Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors Presiding	

The nays were, none.

Absent or not voting, 13:

Arnould	Avenson, Spkr.	Blanshan	Corbett
Dvorsky	Halvorson, R. A.	Jay	Knapp
Muhlbauer	Murphy	Osterberg	Sherzan
Swartz			

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

House File 2213, a bill for an act relating to the regulation of banks to conform to changes in federal law contained in the Financial Institutions Reform, Recovery and Enforcement Act of 1989, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2213)

The ayes were, 87:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Daggett	De Groot	Diemer	Doderer
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors Presiding	

The nays were, none.

Absent or not voting, 13:

Arnould	Avenson, Spkr.	Blanshan	Corbett
Dvorsky	Halvorson, R. A.	Jay	Knapp
Muhlbauer	Murphy	Osterberg	Sherzan
Swartz			

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

CONFERENCE COMMITTEE REPORT FILED

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

JOSEPH O'HERN
Chief Clerk of the House

House File 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters.

ON THE PART OF THE HOUSE:

THOMAS H. FEY, Chair
BETTY JEAN CLARK
JOHNIE HAMMOND
MARK A. HAVERLAND
LEE J. PLASIER

ON THE PART OF THE SENATE:

JOHN P. KIBBIE, Chair
WILLIAM W. DIELEMAN
JULIA GENTLEMAN
BEVERLY A. HANNON
RAY TAYLOR

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 2, 1990, he approved and transmitted to the Secretary of State the following bill:

Senate File 255, an act relating to the priority of advances under line-of-credit mortgages.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

A status report on the activities of the Health Care Expansion Task Force, pursuant to Chapter 304, 1989 Acts of the Seventy-third General Assembly.

TREASURER OF STATE

The Annual Report on the Linked Investments for Tomorrow Program for Horticulture and Alternative Crops and Targeted Small Businesses, pursuant to Chapter 12.38, Code of Iowa.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 717 Transportation**

Relating to minimum liability limits for motor carriers and related procedures.

H.S.B. 718 Judiciary and Law Enforcement

Relating to nonsubstantive Code and Act corrections.

H.S.B. 719 Judiciary and Law Enforcement

Relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

H.S.B. 720 State Government

Relating to the posting of signs by holders of liquor control licenses, retail wine permits, and retail beer permits regarding the effects of alcohol on a pregnant woman.

H.S.B. 721 Education

Establishing a professional development program for faculty at merged area schools.

H.S.B. 722 State Government

Relating to political campaigns, providing limitations on certain contributions, restricting the use of campaign funds, providing additional disclosure requirements, increasing the income tax checkoff for political parties, providing a political contribution tax credit, providing certain prohibitions, providing that the candidate for lieutenant governor is not considered a separate candidate for campaign finance purposes, providing penalties, and providing a retroactive applicability date.

SUBCOMMITTEE ASSIGNMENTS**House File 2224**

Education: Harper, Chair; Adams and Kistler.

House File 2230

Education: Harper, Chair; Kistler and Shultz.

House File 2232

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

House File 2241

Education: Adams, Chair; Brand and Maulsby.

House File 2246

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House File 2247

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2248

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 667**

Judiciary and Law Enforcement: Poney, Chair; Knapp and Kremer.

House Study Bill 671

Education: Haverland, Chair; Adams, Beaman, Daggett and Shearer.

House Study Bill 692

Transportation: Fogarty, Chair; Beaman and Black.

House Study Bill 695

Transportation: Gruhn, Chair; Fey, Pellett, Schneklath and Shearer.

House Study Bill 701

Education: Ollie, Chair; Daggett, Iverson, Shultz and Wise.

House Study Bill 704

Transportation: Koenigs, Chair; Pavich and Royer.

House Study Bill 718

Judiciary and Law Enforcement: Jay, Chair; McKinney and Trent.

House Study Bill 719

Judiciary and Law Enforcement: Jay, Chair; McKinney and Trent.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Resolution (Formerly House Study Bill 615), a concurrent resolution to urge the Congress of the United States, the President of the United States, and the United States Secretary of Agriculture, to enact and implement legislation to ensure that the United States is the world's preeminent supplier of grains.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1990.

COMMITTEE ON EDUCATION

House File 2141, a bill for an act relating to the conditions under which a school district employee with an extracurricular contract for interscholastic athletic sports may resign from the extracurricular contract.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1990.

House File 2159, a bill for an act relating to commencement of academic terms of school corporations located within the boundaries of the same area education agency.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 1, 1990.

Committee Bill (Formerly House File 2087), relating to phase III performance-based pay plans.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1990.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 561), relating to the establishment of an Iowa energy stamp program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1990.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 676), relating to the minimum amount of wages required in an individual's base period to be eligible for unemployment compensation benefits.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1990.

COMMITTEE ON STATE GOVERNMENT

House File 2212, a bill for an act delaying the repeal of the Iowa boundary commission and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1990.

Committee Bill (Formerly House Study Bill 680), relating to the department of human rights.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1990.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 659), relating to the distribution of secondary road fund and farm-to-market road fund moneys.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1990.

RESOLUTION FILED

HCR 104, by committee on agriculture, a concurrent resolution to urge the Congress of the United States, the President of the United States, and the United States Secretary of Agriculture, to enact and implement legislation to ensure that the United States is the world's pre-eminent supplier of grains.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5076	H.F.	673	Black of Jasper
H-5079	H.F.	682	Neuhauser of Johnson
H-5080	H.F.	2056	Pavich of Pottawattamie Connors of Polk

On motion by Chapman of Linn, the House adjourned at 11:35 a.m., until 10:00 a.m., Monday, February 5, 1990.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day — Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 5, 1990

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

Prayer was offered by the Honorable Janet Adams, state representative from Hamilton County.

The Journal of Friday, February 2, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cohoon of Des Moines on request of Wise of Lee; Trent of Muscatine on request of Petersen of Muscatine; Daggett of Adams, until his arrival, on request of Maulsby of Calhoun; Johnson of Winneshiek, until his arrival, on request of Rosenberg of Story.

INTRODUCTION OF BILLS

House File 2273, by Metcalf, a bill for an act relating to the fee for reinstatement of a motor vehicle license after suspension or revocation under chapter 321J.

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

House File 2274, by Maulsby, a bill for an act requiring reimbursement of certain transportation costs for health care facility residents eligible for medical assistance.

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

House File 2275, by Fogarty, a bill for an act relating to the costs of care at a state mental health institute.

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

House File 2276, by Pavich and Lundby, a bill for an act relating to the game of bingo.

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

House File 2277, by Iverson and Daggett, a bill for an act to remove the prohibition against superintendents employed by a school or school district from also serving as a principal.

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

House File 2278, by Siegrist, a bill for an act suspending motor vehicle license privileges of a person age eighteen or under for illegally possessing alcohol.

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

House File 2279, by Lykam, a bill for an act permitting the department of natural resources to accept credit cards for payment of certain fees and other permitted purposes.

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

House File 2280, by Neuhauser, a bill for an act relating to the receipt of assistance under certain economic development programs and providing civil and criminal penalties for certain violations.

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

House File 2281, by Svoboda and Shearer, a bill for an act relating to grain-based fuel technology, establishing a center for grain-based fuel technology, and requiring state agencies to purchase vehicles which operate on grain-based fuel.

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

House File 2282, by Svoboda, a bill for an act establishing an advisory committee to conduct a survey of cost control and management practices in state government.

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

House File 2283, by De Groot, a bill for an act prohibiting the sale of certain alcoholic liquor.

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

House File 2284, by Eddie, a bill for an act prohibiting a food service establishment from adding a gratuity or tip to a customer's bill, and making a penalty applicable.

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

House File 2285, by Svoboda, a bill for an act establishing the Iowa prize foundation and making an appropriation.

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

House File 2286, by Hanson of Delaware, a bill for an act relating to the conduct of business by licensed fur dealers.

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

House File 2287, by Ollie, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business.

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

House File 2288, by Harper, a bill for an act relating to provision of services to persons with mental illness, mental retardation, and developmental disabilities.

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

House File 2289, by Johnson, a bill for an act relating to the regulation of the burning, mowing, or spraying of roadsides.

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

House File 2290, by Garman and Banks, a bill for an act relating to the penalty for the sale of alcoholic beverages to persons under legal age.

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

House File 2291, by Jay, a bill for an act requiring the acceptance of facsimile or other electronically transmitted documents as originals if filed with state departments and agencies.

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

House File 2292, by Chapman, a bill for an act relating to the procedure for distribution of payments made upon a judgment or settlement of a third-party claim brought by a recipient of medical assistance.

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

House File 2293, by Svoboda, a bill for an act providing for responsibilities by state agencies for the promotion, marketing, and exporting of agricultural products.

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

House File 2294, by committee on energy and environmental protection, a bill for an act relating to the establishment of an Iowa affordable heating program.

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

IMMEDIATE MESSAGE
(House File 2114)

Arnould of Scott asked and received unanimous consent that House File 2114 be immediately messaged to the Senate.

CONSIDERATION OF BILLS
Regular Calendar

House File 673, a bill for an act allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways, with report of committee recommending amendment and passage was taken up for consideration.

Black of Jasper offered the following amendment H—5043 filed by the committee on transportation and moved its adoption:

H—5043

- 1 Amend House File 673 as follows:
- 2 1. Page 1, line 1, by striking the figure
- 3 "111A.12" and inserting the figure "111A.13".

The committee amendment H—5043 was adopted.

Schneklath of Scott offered the following amendment H—5052 filed by him and Lageschulte of Bremer:

H—5052

- 1 Amend House File 673 as follows:
- 2 1. Page 1, line 7, by inserting after the figure
- 3 "309.93A." the following: "However, the county con-
- 4 servation board shall reimburse any moneys received in
- 5 a fiscal year from the county's allotment of secondary
- 6 road funds to the county board of supervisors in the
- 7 following fiscal year and the moneys shall be credited
- 8 to the county's secondary road fund."

Black of Jasper offered the following amendment H—5076, to amendment H—5052, filed by him and moved its adoption:

H-5076

- 1 Amend amendment H-5052 to House File 673 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "shall"
- 4 and inserting the following: "shall, if requested by
- 5 the county board of supervisors,".

Amendment H-5076 was adopted.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H-5052, as amended.

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

On the question "Shall the bill pass?" (H.F. 673)

The ayes were, 79:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Clark	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jesse	Jochum	Knapp	Koenigs
Kremer	Lundby	Lykam	May
McKean	McKinney	Mertz	Miller
Muhlbauer	Murphy	Neuhausser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 14:

Banks	Bennett	Branstad	Garman
Hanson, D. R.	Hermann	Iverson	Lageschulte
Maulsby	Metcalf	Pellett	Petersen, D. F.
Renken	Schnekloth		

Absent or not voting, 7:

Chapman	Cohoon	Daggett	Jay
Johnson	Kistler	Trent	

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

House File 2233, a bill for an act relating to the installation of fire extinguishing systems in open parking garages, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2233)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Kistler	Knapp	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Chapman	Cohoon	Daggett	Jay
Johnson	Koenigs	Trent	

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

House File 2177, a bill for an act relating to the operation of state hospital-schools under the control of the department of human services by authorizing the offering of goods and services to the public as part of client training programs and by deleting the requirement of maintaining daily records of time worked by institutional staff, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2177)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Chapman	Cohoon	Daggett	Jay
Johnson	Plasier	Trent	

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holveck of Polk, until his return, on request of Hammond of Story.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 199)

Teaford of Black Hawk called up for consideration the report of

the conference committee on Senate File 199 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 199

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 199, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes, respectfully make the following report:

1. That the House recedes from its amendment, S-3836.

2. That Senate File 199, as amended, passed, and reprinted by the Senate, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 237A.1, subsection 7, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

"Child day care" means the care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of ~~two hours or more~~ and less than twenty-four hours per day per child on a regular basis in a place other than the child's home, but does not include care, supervision, or guidance of a child by any of the following:

Sec. 2. Section 237A.1, subsection 8, Code Supplement 1989, is amended to read as follows:

8. "Child care center" or "center" means a facility providing child day care for seven or more children, except when the facility is registered as a family day care home or group day care home.

Sec. 3. Section 237A.1, subsection 9, paragraph a, Code Supplement 1989, is amended to read as follows:

a. "Family day care home" means a facility person or program which provides child day care to less than seven children at any one time or to less than twelve children at any one time as authorized by section 237A.3, subsection 1.

Sec. 4. Section 237A.2, unnumbered paragraph 4, Code 1989, is amended to read as follows:

A facility program which is not a child care center by reason of the definition of child day care in section 237A.1, subsection 7, but which provides care, supervision or guidance to a child may be issued a license if the facility program complies with all the provisions of this chapter.

Sec. 5. Section 237A.3, subsection 1, Code 1989, is amended to read as follows:

1. A person who operates or establishes a family day care home may apply to the department for registration under this chapter. The department shall issue a certificate of registration upon receipt of a statement from the family day care home that

the home complies with rules adopted by the department. The registration certificate shall be posted in a conspicuous place in the family day care home, shall state the name of the registrant, the number of individuals who may be received for care at any one time and the address of the home, and shall include a check list of registration compliances. No greater number of children than is authorized by the certificate shall be kept in the family day care home at any one time. However, a registered or unregistered family day care home may provide care for more than six but less than twelve children at any one time for a period of less than two hours, but shall not do so unless the home does not provide care at any one time for more than six children who are not attending school full time on a regular basis. In determining the number of children cared for at any one time in a registered or unregistered family day care home, if the person who operates or establishes the home is a child's parent, guardian, relative, or custodian and the child is not attending school full time on a regular basis, the child shall be considered to be receiving child day care from the person and shall be counted as one of the children cared for in the home. The registration process may be repeated on an annual basis. A facility child day care provider or program which is not a family day care home by reason of the definition of child day care in section 237A.1, subsection 7, but which provides care, supervision or guidance to a child may be issued a certificate of registration under this chapter."

2. Title page, line 2, by striking the word "group" and inserting the following: "family".

ON THE PART OF THE HOUSE:

JANE TEAFORD, Chair
 FLORENCE BUHR
 DOROTHY F. CARPENTER
 JOHNNIE HAMMOND
 ROBERT KISTLER

ON THE PART OF THE SENATE:

JEAN LLOYD-JONES, Chair
 BEVERLY HANNON
 JIM LIND
 LARRY MURPHY
 MAGGIE TINSMAN

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (S.F. 199)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Iverson	Jesse	Jochum

Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Cohoon	Daggett	Fey	Holveck
Jay	Johnson	Lykam	Sherzan
Trent			

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

Regular Calendar

House File 2236, a bill for an act to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2236)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Iverson	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam

Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Teaford	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Cohoon	Daggett	Holveck	Jay
Johnson	Sherzan	Swartz	Tabor
Trent			

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

House File 2235, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2235)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Iverson	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters

Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Cohoon	Daggett	Holveck	Jay
Johnson	Sherzan	Swartz	Tabor
Teaford	Trent		

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

The House stood at ease at 11:03 a.m., until the fall of the gavel.

The House resumed session at 11:51 a.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 5, 1990, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2114, a bill for an act removing certain limitations on the issuance of nonresident deer hunting licenses and wild turkey hunting licenses and on the use of license revenues and providing an effective date.

Also: That the Senate has on February 5, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2002, a joint resolution suspending for a limited period of time the enforcement of state banking laws, including branch banking restrictions, to the extent such law may conflict or interfere with the administration of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and providing an effective date.

JOHN F. DWYER, Secretary

MOTION TO RECONSIDER (House File 2235)

I move to reconsider the vote by which House File 2235 passed the House on February 5, 1990.

HAMMOND of Story

**SPONSORS ADDED
(House File 2258)**

Branstad of Winnebago requested to be added as a sponsor of House File 2258.

(House File 2258)

Hester of Pottawattamie requested to be added as a sponsor of House File 2258.

(House File 2258)

Schnekloth of Scott requested to be added as a sponsor of House File 2258.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday morning, February 2, 1990. Had I been present, I would have voted "aye" on House File 2165.

BROWN of Lucas

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 5th day of February, 1990: House File 685.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

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

DEPARTMENT OF PERSONNEL

An analysis of the public pension systems within the state, pursuant to Chapter 315.16, 1989 Acts of the Seventy-third General Assembly.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

1990-17

Donald P. Rowen, Des Moines — For his outstanding service from November 1978 through January 1990, as legislative

representative for the Iowa Federation of Labor, AFL-CIO, and for his years of distinguished community leadership.

- 1990-18 Army Specialist Thomas Hageman, Hampton — Served with the 82nd Airborne division during the United States' military activity in Panama, was injured in two separate incidents and awarded the Purple Heart, earned the award of Combat Infantry Badge, and for his parachute drop was awarded a gold star.
- 1990-19 Mason Schwarz, Storm Lake — Received the honor of being elevated to the rank of Eagle Scout in the Boy Scouts of America.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 723 Natural Resources and Outdoor Recreation

Relating to civil damages for illegal taking of certain animals.

H.S.B. 724 Local Government

Relating to the acquisition and possession of firearms, increasing penalties for certain offenses, and providing an effective date.

H.S.B. 725 Local Government

Relating to the percentage of certificate of title fees and penalties retained by a county.

H.S.B. 726 Economic Development

Relating to infrastructure bond program — revolving fund.

SUBCOMMITTEE ASSIGNMENTS

House File 138 (Reassigned)

Local Government: Shearer, Chair; Banks, Muhlbauer, Renken and Spear.

House File 2217

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House File 2218

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House File 2226

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House File 2238

Energy and Environmental Protection: Osterberg, Chair; McKean and Rosenberg.

House File 2240

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House File 2244

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House File 2245

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House File 2265

Local Government: Haverland, Chair; McKean and Shearer.

House File 2289

Local Government: Black, Chair; Diemer and Muhlbauer.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 670

Small Business and Commerce: Doderer, Chair; Bisignano and Shoning.

House Study Bill 705

Agriculture: Pellett, Chair; Johnson and May.

House Study Bill 706

Agriculture: Osterberg, Chair; Bennett and Svoboda.

House Study Bill 710

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 711

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 712

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 715

Energy and Environmental Protection: Johnson, Chair; Banks, McKean, Neuhauser, Osterberg, Petersen of Muscatine and Schrader.

House Study Bill 716

Small Business and Commerce: Doderer, Chair; Garman and Holveck.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House Study Bill 718), relating to nonsubstantive Code and Act corrections.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1990.

Committee Bill (Formerly House Study Bill 719), relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly House Study Bill 685), relating to fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, and authorizing civil penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 1990.

AMENDMENTS FILED

H—5081	S.F.	81	Bisignano of Polk Knapp of Dubuque
H—5082	H.F.	2270	Carpenter of Polk

On motion by Arnould of Scott, the House adjourned at 12:05 p.m., until 9:00 a.m., Tuesday, February 6, 1990.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day — Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 6, 1990

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

Prayer was offered by the Reverend John Cain, pastor of St. Mary's Catholic Church, Dows City.

The Journal of Monday, February 5, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux, for February 6 and 7, 1990, on request of De Groot of Lyon; Harbor of Mills on request of Halvorson of Clayton.

PETITION FILED

The following petition was received and placed on file:

By Shoning of Woodbury, from seventy constituents of the third district opposing House File 2084, an act relating to access to and egress from a health facility.

INTRODUCTION OF BILLS

House File 2295, by Kistler, a bill for an act relating to area education agencies and providing effective dates.

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

House File 2296, by Stueland, a bill for an act relating to the regulation and operation of dams.

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

House File 2297, by Mertz, a bill for an act relating to bail release conditions.

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

House File 2298, by Svoboda and Lundby, a bill for an act relating to the acquisition of rights-of-way for highways.

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

House File 2299, by Harper, May, Teaford, Adams, Diemer, Shoultz, Gruhn and Fogarty, a bill for an act relating to the funding and scope of the Iowa waste reduction center for the safe and economic management of solid waste and hazardous substances.

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

House File 2300, by Branstad, a bill for an act relating to the provision of notice to the husband of a woman or to the expectant father prior to the performance of an abortion on the woman, and providing injunctive relief.

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

House File 2301, by Branstad, a bill for an act relating to the provision of grants for pregnancy-related services.

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

House File 2302, by Bennett, a bill for an act exempting certain computers from property taxation and providing an applicability date.

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

House File 2303, by Svoboda, a bill for an act relating to modifications required in construction or operation permits by the department of natural resources.

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

House File 2304, by Poncy, a bill for an act relating to notice requirements for sales under execution.

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

House File 2305, by Hibbard, a bill for an act eliminating certain filings requirements of a sheriff in an action for condemnation of property.

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

House File 2306, by Lundby, a bill for an act to permit all pupils to ride school buses if space is available and regular routes are maintained.

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

House File 2307, by Peterson of Carroll, a bill for an act relating to the concurrent holding of the offices of city council member and fire chief of the volunteer fire department.

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

CONSIDERATION OF BILLS
Regular Calendar

Senate File 81, a bill for an act relating to consumer transactions involving the performance of repairs or service upon a motor vehicle, and imposing penalties, with report of committee recommending passage was taken up for consideration.

Bisignano of Polk offered the following amendment H—5081 filed by him and Knapp of Dubuque and moved its adoption:

H—5081

- 1 Amend Senate File 81, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 22, the
- 4 following:
- 5 "Sec. _____. NEW SECTION. 537B.4 AFTERMARKET
- 6 PARTS.
- 7 1. As used in this section:
- 8 a. "Aftermarket crash part" means a replacement
- 9 for any of the nonmechanical sheet metal or plastic
- 10 parts which generally constitute the exterior of a
- 11 motor vehicle, including inner and outer panels, which
- 12 replacement is not manufactured or marketed by the
- 13 original equipment manufacturer of the motor vehicle.
- 14 Aftermarket crash part does not include replacement
- 15 glass for the windows, windshield, or backlight of the
- 16 motor vehicle.
- 17 b. "Motor vehicle" means a motor vehicle as
- 18 defined in section 321.1.
- 19 c. "Repair facility" means a motor vehicle dealer,
- 20 garage, body shop, or other person, which undertakes
- 21 the repair or replacement of those parts of a motor
- 22 vehicle that generally constitute the exterior of a
- 23 motor vehicle for a fee.
- 24 2. A repair facility shall not use aftermarket
- 25 crash parts in the repair of a customer's motor
- 26 vehicle without disclosing the proposed use of such
- 27 parts in the estimate of repairs given to the customer
- 28 prior to the repair of the motor vehicle. The
- 29 estimate shall be in writing and shall clearly
- 30 identify each part proposed to be used which is an
- 31 aftermarket crash part. The following information
- 32 shall appear in ten point type, or larger, on or

33 attached to the estimate:

34 "This estimate has been prepared based on the use
35 of aftermarket crash parts supplied by a source other
36 than the manufacturer of your motor vehicle. Any
37 warranties applicable to these replacement parts are
38 provided by the manufacturer or distributor of these
39 parts rather than the manufacturer of your vehicle."

40 3. An aftermarket crash part supplied for use in
41 this state after January 1, 1991, shall have affixed
42 or inscribed upon the part the logo or name of its
43 manufacturer. A repair facility installing an
44 aftermarket crash part on a motor vehicle shall
45 install the part so that the manufacturer's logo or
46 name is visible upon inspection after installation
47 whenever practicable.

48 4. It is a deceptive act or practice for a repair
49 facility or manufacturer or distributor of aftermarket
50 crash parts to fail to comply with the requirements of

Page 2

1 this section."

2 2. Page 4, line 33, by striking the word
3 "paragraph" and inserting the following:
4 "paragraphs".

5 3. Page 5, by inserting after line 1, the
6 following:

7 "NEW PARAGRAPH. 1. It is an unlawful practice for
8 a repair facility or manufacturer or distributor of
9 aftermarket crash parts, as defined in section 537B.4,
10 to commit a deceptive act or practice under chapter
11 537B."

12 4. By renumbering as necessary.

Amendment H—5081 was adopted.

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

On the question "Shall the bill pass?" (S.F. 81)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Haverland

Hermann	Hester	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 3:

Branstad	Koenigs	Schnekloth
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Absent or not voting, 8:

Brown	Doderer	Harbor	Hatch
Hibbard	Plasier	Sherzan	Swartz

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

House File 2056, a bill for an act relating to boxing and wrestling matches by imposing certain admission fees and requiring the proceeds from the fees collected to be used to promote amateur boxing in this state, with report of committee recommending amendment and passage was taken up for consideration.

Pavich of Pottawattamie offered the following amendment H—5054 filed by the committee on state government and moved its adoption:

H—5054

- 1 Amend House File 2056 as follows:
- 2 1. Page 1, by inserting after line 21 the
- 3 following:
- 4 "4. An advisory board composed of three members of
- 5 the golden gloves association of America, incorporated
- 6 — Iowa branch, appointed by the association, and three
- 7 members of the United States of America amateur boxing
- 8 federation — Iowa branch, appointed by the
- 9 federation, shall advise the state commissioner of
- 10 athletics regarding the awarding of grants pursuant to
- 11 subsection 2."

The committee amendment H—5054 was adopted.

Pavich of Pottawattamie offered the following amendment H—5080 filed by him and Connors of Polk and moved its adoption:

H—5080

- 1 Amend House File 2056 as follows:
- 2 1. Page 1, by inserting after line 12, the
- 3 following:
- 4 "A person who promotes boxing or wrestling, or the
- 5 person's representative, who charges an admission fee
- 6 for viewing of a closed-circuit boxing or wrestling
- 7 match in this state, shall pay to the state
- 8 commissioner of athletics for deposit in a special
- 9 fund in the state treasury a fee of fifty cents for
- 10 each ticket sold for admission to a closed-circuit
- 11 viewing of a boxing or wrestling match. The moneys
- 12 and any interest earned on the moneys are appropriated
- 13 to the department of employment services to be used by
- 14 the state commissioner of athletics as provided in
- 15 subsection 2."

Amendment H—5080 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2056)

The ayes were, 83:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Cphoon	Connors
Corbett	Daggett	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harper	Haverland
Hermann	Hester	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 8:

Branstad	Clark	De Groot	Halvorson, R. N.
Hammond	Iverson	McKean	Teaford

Absent or not voting, 9:

Chapman	Doderer	Harbor	Hatch
Hibbard	Jesse	Plasier	Sherzan
Swartz			

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

Connors of Polk in the chair at 9:30 a.m.

Senate File 138, a bill for an act to change the name of the county board of supervisors to the board of county commissioners, with report of committee recommending amendment and passage was taken up for consideration.

Fuller of Hardin offered the following amendment H—5068 filed by the committee on local government and moved its adoption:

H—5068

- 1 Amend Senate File 138, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 14, the
- 4 following:
- 5 "Sec. _____. EFFECTIVE DATE. This Act takes effect
- 6 January 1, 1991."
- 7 2. Title page, line 2, by inserting after the
- 8 word "commissioners" the following: ", and providing
- 9 an effective date".

The committee amendment H—5068 was adopted.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 138)

The ayes were, 59:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Chapman	Cohoon	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hanson, D. R.
Harper	Hatch	Haverland	Hester

Holveck	Iverson	Jay	Jochum
Knapp	Koenigs	Lageschulte	Maulsby
May	McKinney	Mertz	Muhlbauer
Murphy	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoultz	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Van Maanen	Connors	
		Presiding	

The nays were, 38:

Banks	Beaman	Bennett	Blanshan
Branstad	Buhr	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Doderer	Garman	Halvorson, R. A.	Hansen, S. D.
Hermann	Hibbard	Jesse	Johnson
Kistler	Kremer	Lundby	Lykam
McKean	Metcalf	Miller	Neuhauser
Osterberg	Pellett	Petersen, D. F.	Schneklath
Shoning	Siegrist	Stueland	Trent
Tyrrell	Wise		

Absent or not voting, 3:

Avenson, Spkr. Harbor Plasier

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

RULE 48 SUSPENDED

Arnould of Scott asked for unanimous consent to suspend Rule 48 on House Study Bills 718 and 719.

Objection was raised.

Arnould of Scott moved to suspend Rule 48 (relating to final committee action on a study bill) on House Study Bills 718 and 719.

A non-record roll call was requested.

The ayes were 57, nays 34.

The motion prevailed and Rule 48 was suspended.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 178)

Fey of Scott called up for consideration the report of the conference committee on House File 178 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 178

To the Speaker of the House of Representatives and the President of the Senate:

We the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters, respectfully submit the following report:

1. That the House recedes from its amendment, S-4078.

2. That the Senate recedes from its amendment, H-4174.

3. That House File 178, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, line 7, by inserting after the word "agreements" the following: ", and are subject to approval by the department of human services".

2. Page 6, by inserting after line 34, the following:

"Sec. _____. Section 135C.14, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The department shall, in accordance with chapter 17A, and with the approval of the state board of health adopt and enforce rules setting minimum standards for health care facilities. In so doing, the department, with the approval of the state board of health, may adopt by reference, with or without amendment, nationally recognized standards and rules, which shall be specified by title and edition, date of publication, or similar information. The rules and standards required by this section shall be formulated in consultation with the director of human services or the director's designee and with affected industry, professional, and consumer groups affected thereby, and shall be designed to further the accomplishment of the purposes of this chapter and shall relate to:"

3. Page 8, line 35, by striking the word "shall" and inserting the following: "may".

4. Page 16, line 31, by inserting after the word "Code" the following: "Supplement".

5. Page 18, by inserting after line 10 the following:

"Sec. _____. Section 237A.8, Code 1989, is amended to read as follows:

237A.8 SUSPENSION AND REVOCATION.

The administrator, after notice and opportunity for an evidentiary hearing before the department of inspections and appeals, may suspend or revoke a license or certificate of registration issued under this chapter if the person to whom a license or certificate is issued violates a provision of this chapter or if the person makes false reports regarding the operation of the child day care facility to the administrator or a designee of the administrator. The administrator shall notify the parent, guardian, or legal custodian of each child for whom the person provides child day care, if the license or certificate of registration is suspended or revoked or if there has been a substantiated child abuse case against an employee, owner, or operator of the child day care facility."

6. Page 18, by inserting after line 34 the following:

"Sec. _____. Section 239.7, Code 1989, is amended to read as follows:

239.7 APPEAL – JUDICIAL REVIEW.

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if ~~any~~ an award of assistance is modified, suspended, or canceled under ~~any~~ a provision of this chapter, the applicant or recipient may appeal to the department of human services which shall request the department of inspections and appeals to conduct a hearing. ~~The department shall give the appellant reasonable notice and opportunity for a fair hearing before the director or the director's designee. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of human services.~~ Judicial review of the result of such hearing actions of the department of human services may be sought in accordance with the terms of the Iowa administrative procedure Act chapter 17A. Upon receipt of the a notice of the filing of a petition for judicial review, the department of human services shall furnish the petitioner with a copy of any papers filed in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

Sec. _____. Section 249.5, Code 1989, is amended to read as follows:

249.5 JUDICIAL REVIEW.

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if ~~any~~ an award of assistance is modified, suspended, or canceled under ~~any~~ a provision of this chapter, the applicant or recipient may appeal to the department of human services, which shall give the appellant reasonable notice and opportunity for a fair hearing before the director or the director's designee request the department of inspections and appeals to conduct a hearing. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of human services. Judicial review of the actions of the ~~commission~~ department of human services may be sought in accordance with the terms of the Iowa administrative procedure Act chapter 17A. Upon receipt of the petition for judicial review, the department of human services shall furnish the petitioner with a copy of any papers filed by the petitioner in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision."

7. Page 19, line 8, by inserting after the word "audits" the following: "to ensure compliance with federal and state single state agency requirements".

8. Page 19, by inserting after line 8 the following:

"Sec. _____. Section 249A.4, subsection 10, Code Supplement 1989, is amended to read as follows:

10. Shall provide for ~~granting an opportunity for a fair hearing before the director of human services or the director's authorized representative~~ department of inspections and appeals to any an individual whose claim for medical assistance under this chapter is denied or is not acted upon with reasonable promptness. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of human services.

Sec. _____. Section 249A.4, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

Judicial review of the actions decisions of the director or department of human services may be sought in accordance with the terms of the Iowa administrative procedure Act chapter 17A. In the event If a petition for judicial review is filed, the director or the director's authorized representative department of human services shall furnish the petitioner with a copy of the application and all supporting papers, a transcript of the testimony taken at the hearing, if any, and a copy of its decision."

9. Page 19, line 17, by inserting after the word "audits" the following: "to ensure compliance with federal and state single state agency requirements".

10. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

THOMAS H. FEY, Chair
BETTY JEAN CLARK
JOHNNIE HAMMOND
MARK A. HAVERLAND
LEE J. PLASIER

ON THE PART OF THE SENATE:

JOHN P. KIBBIE, Chair
WILLIAM W. DIELEMAN
JULIA GENTLEMAN
BEVERLY A. HANNON
RAY TAYLOR

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 178)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda

Swartz
Tyrrell

Tabor
Van Maanen

Teaford
Wise

Trent
Connors
Presiding

The nays were, none.

Absent or not voting, 4:

Brammer

Groninga

Harbor

Plasier

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

INTRODUCTION OF BILL

House File 2308, by committee on human resources, a bill for an act relating to freestanding hospice facilities.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday morning, February 5, 1990. Had I been present, I would have voted "aye" on House Files 673, 2177, 2233, 2235, 2236 and Senate File 199.

DAGGETT of Adams

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 727 Human Resources

Providing certain exceptions to child foster care licensing requirements.

H.S.B. 728 Ways and Means

Providing an additional individual income tax credit for individuals who are deaf and providing for retroactive application.

H.S.B. 729 Ways and Means

Providing a disabled veteran tax credit to certain taxpayers and providing an applicability date.

H.S.B. 730 Judiciary and Law Enforcement

Relating to procedures for the delivery of persons to the Iowa medical and classification center.

H.S.B. 731 Judiciary and Law Enforcement

Relating to the security classification of the correctional facilities for men at Rockwell City and Mount Pleasant.

H.S.B. 732 Judiciary and Law Enforcement

Relating to money provided to an inmate upon discharge, parole, placement on work release, or placement in a community-based correctional program.

H.S.B. 733 Agriculture

Placing a moratorium on the sale of dairy products containing ingredients to increase milk production, and providing penalties, the repeal of a section, and an effective date.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2002

State Government: Blanshan, Chair; Doderer and Hanson of Delaware.

House File 396 (Reassigned)

Economic Development: Jesse, Chair; Corbett, Halvorson of Webster, Lykam and Metcalf.

House File 2053

Education: Neuhauser, Chair; Brand, Haverland, Lageschulte and Siegrist.

House File 2181

Economic Development: Swartz, Chair; Beaman, Dvorsky, Miller and Murphy.

House File 2193

Economic Development: Jesse, Chair; Corbett, Halvorson of Webster, Lykam and Metcalf.

House File 2197

Agriculture: Johnson, Chair; Bennett and Koenigs.

House File 2237

State Government: Teaford, Chair; Blanshan, Carpenter, Halvorson of Webster and Hanson of Delaware.

House File 2252

Transportation: Muhlbauer, Chair; Gruhn and Pellett.

House File 2253

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2254

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2255

Education: Wise, Chair; Corbett and Ollie.

House File 2258

Judiciary and Law Enforcement: Siegrist, Chair; Poney and Renaud.

House File 2260

Agriculture: May, Chair; Branstad and Fogarty.

House File 2261

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

House File 2262

Agriculture: McKinney, Chair; Banks and Fogarty.

House File 2263

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Hansen of Woodbury and Shoning.

House File 2264

State Government: Peterson of Carroll, Chair; Blanshan and Carpenter.

House File 2266

Agriculture: Fuller, Chair; Eddie and Mertz.

House File 2276

State Government: Pavich, Chair; Garman and Lundby.

House File 2277

Education: Wise, Chair; Corbett and Ollie.

House File 2278

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2280

Economic Development: Neuhauser, Chair; Corbett and Svoboda.

House File 2281

Agriculture: Fogarty, Chair; Gruhn and Pellett.

House File 2282

State Government: Halvorson of Webster, Chair; Hammond and Hanson of Delaware.

House File 2283

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

House File 2285

State Government: Halvorson of Webster, Chair; Hammond and Hanson of Delaware.

House File 2290

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

House File 2291

Judiciary and Law Enforcement: Trent, Chair; Hansen of Woodbury and McKinney.

House File 2292

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House File 2293

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

House File 2295

Education: Haverland, Chair; Adams, Beaman, Daggett and Shearer.

House File 2306

Education: Cohoon, Chair; Beaman and Tabor.

Senate File 57 (Reassigned)

Natural Resources and Outdoor Recreation: Fogarty, Chair; Koenigs and Royer.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 564

Agriculture: Hibbard, Chair; De Groot and Koenigs.

House Study Bill 699

Natural Resources and Outdoor Recreation: Schrader, Chair; Lykam and Maulsby.

House Study Bill 707

Transportation: Black, Chair; Branstad and Cohoon.

House Study Bill 708

State Government: Buhr, Chair; Beatty and Carpenter.

House Study Bill 709

State Government: Buhr, Chair; Beatty and Carpenter.

House Study Bill 713

Agriculture: Schrader, Chair; Mertz and Stueland.

House Study Bill 714

Agriculture: Koenigs, Chair; May and Petersen of Muscatine.

House Study Bill 717

Transportation: Koenigs, Chair; Harbor and Murphy.

House Study Bill 720

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

House Study Bill 721

Education: Shoultz, Chair; Lageschulte, Neuhauser, Shearer and Siegrist.

House Study Bill 722

State Government: Teaford, Chair; Blanshan, Carpenter, Halvorson of Webster and Hanson of Delaware.

House Study Bill 726

Economic Development: Dvorsky, Chair; Beaman, Miller, Murphy and Swartz.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 575), relating to licensure of freestanding hospice facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 649, a bill for an act allowing a person to obtain an independent chemical test of alcohol concentration in relation to an allegation of operating a motor vehicle while intoxicated, providing for submission of the independent test results at an administrative hearing, and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 1990.

Committee Bill (Formerly House Study Bill 542), relating to schedule II controlled substances.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 1990.

COMMITTEE ON LOCAL GOVERNMENT

House File 2035, a bill for an act relating to the establishment, operation, and dissolution of a benefited ambulance district and providing for a property tax levy.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H**—5085 February 5, 1990.

Pursuant to Rule 31.7, House File 2035 was referred to the committee on ways and means.

Committee Bill (Formerly House File 147), relating to the regulation of firearms by a political subdivision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 1990.

Committee Bill (Formerly House Study Bill 510), relating to the duties of the county recorder by imposing a fee for recording and indexing certain instruments, and by providing for the issuance of certain transcripts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 1990.

Committee Bill (Formerly House Study Bill 557), relating to disposition of instruments filed with the county recorder, and providing for the applicability of certain instruments.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 1990.

Committee Bill (Formerly House Study Bill 595), relating to property tax by providing for monthly payments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 1990.

Committee Bill (Formerly House Study Bill 682), relating to the annexation or incorporation of territory under the control of a lake association.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 1990.

COMMITTEE ON STATE GOVERNMENT

House File 2130, a bill for an act relating to the mediation of disputes between dentists and patients by the board of dental examiners.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H**—5091 February 6, 1990.

Committee Bill (Formerly House Study Bill 601), relating to elections and election procedures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 1990.

Committee Bill (Formerly House Study Bill 613), relating to costs associated with the Iowa management training revolving fund.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 1990.

RESOLUTION FILED

HCR 105, by De Groot, a concurrent resolution to urge the Congress of the United States, the President of the United States, the United States Secretary of Agriculture, and the Federal Crop Insurance Corporation to continue support of federal crop insurance.

Referred to committee on **agriculture**.

AMENDMENTS FILED

H—5083	H.F.	2294	Hatch of Polk
H—5084	H.C.R.	104	Muhlbauer of Crawford
H—5085	H.F.	2035	Committee on Local Government
H—5086	H.F.	2271	Shearer of Louisa
H—5087	H.F.	2258	Hermann of Scott
H—5088	H.F.	2271	Groninga of Cerro Gordo
H—5089	H.F.	2015	Wise of Lee
H—5090	H.F.	2235	Hammond of Story
H—5091	H.F.	2130	Committee on State Government
H—5092	H.F.	2250	Petersen of Muscatine
H—5093	H.F.	2141	Schrader of Marion
H—5094	H.F.	2271	Maulsby of Calhoun
H—5095	H.F.	2124	Connors of Polk Bisignano of Polk Hanson of Delaware

On motion by Arnould of Scott, the House adjourned at 10:00 a.m., until 9:00 a.m., Wednesday, February 7, 1990.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day – Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 7, 1990

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Reverend Ellis Nebb, pastor of the Owasa Methodist Church, Owasa.

The Journal of Tuesday, February 6, 1990 was approved.

INTRODUCTION OF BILLS

House File 2309, by committee on judiciary and law enforcement, a bill for an act relating to schedule II controlled substances.

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

House File 2310, by Spear, a bill for an act relating to the use of police service dogs for detecting drugs in certain vehicles.

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

House File 2311, by Shearer and Jay, a bill for an act relating to the commitment and treatment of chronic substance abusers.

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

House File 2312, by committee on judiciary and law enforcement, a bill for an act relating to nonsubstantive Code and Act corrections.

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

House File 2313, by committee on judiciary and law enforcement, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

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

House File 2314, by committee on local government, a bill for an act relating to property tax by providing for monthly or quarterly payments and providing an applicability date.

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

House File 2315, by Corbett, a bill for an act providing a disabled veteran tax credit to certain taxpayers and providing an applicability date.

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

House File 2316, by Maulsby, a bill for an act relating to the late payments of state aid to political subdivisions of the state.

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

House File 2317, by McKinney, a bill for an act relating to the certification of trainers of service dogs, and providing a penalty.

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

House File 2318, by Hibbard, a bill for an act relating to the penalty for possession of a controlled substance.

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

House File 2319, by Eddie, Miller, Maulsby, Plasier, Stueland, Pellett and Spenner, a bill for an act prohibiting the sale of cigarettes in vending machines.

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

House File 2320, by committee on small business and commerce, a bill for an act relating to fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, and authorizing civil penalties.

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

House File 2321, by committee on local government, a bill for an act relating to the acquisition and possession of firearms, increasing penalties for certain offenses, and providing an effective date.

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

House File 2322, by committee on local government, a bill for an act relating to the duties of the county recorder by imposing a fee for recording and indexing certain instruments, and by providing for the issuance of certain transcripts.

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

House File 2323, by committee on local government, a bill for an act relating to the annexation or incorporation of territory under the control of a lake association.

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

House File 2324, by committee on local government, a bill for an act relating to disposition of instruments filed with the county recorder, and providing for the applicability of certain instruments.

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

House File 2325, by Hibbard, a bill for an act to improve the enforcement of permanent soil conservation practice requirements, by providing for the filing of certain documents and allowing certain actions to convert land to nonagricultural use.

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

House File 2326, by Black, a bill for an act relating to the use, possession, delivery, manufacture, or advertisement of objects commonly used in connection with an illegal use of a controlled substance and providing penalties.

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

House File 2327, by Osterberg, Fey, Brown, Dvorsky and Jesse, a bill for an act relating to the local approval of the siting of sanitary disposal projects.

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

SENATE MESSAGE CONSIDERED

Senate Joint Resolution 2002, by committee on commerce, a joint resolution suspending for a limited period of time the enforcement of state banking laws, including branch banking restrictions, to the extent such law may conflict or interfere with the administration of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and providing an effective date.

Read first time and **passed on file**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 2, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 252, a bill for an act relating to leave for a chief deputy sheriff, second deputy sheriff, or other officer or employee subject to civil service who becomes a candidate for elective office.

Also: That the Senate has on February 5, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2120, a bill for an act to repeal a Code chapter relating to the organization, support, and functions of poultry associations.

Also: That the Senate has on February 2, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2018, a bill for an act relating to the membership of the public safety commission of a unified law enforcement district.

Also: That the Senate has on February 5, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2139, a bill for an act relating to the appeal process for certain post-conviction procedures.

Also: That the Senate has on February 5, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2186, a bill for an act relating to the receipt of assistance under certain economic development programs and providing civil penalties for certain violations.

JOHN F. DWYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of February, 1990: House Files 2016 and 2114.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 734 Human Resources

Relating to criminal and child abuse record checks concerning facilities providing care to children.

H.S.B. 735 Judiciary and Law Enforcement

Relating to notarial officers and notarial acts and providing effective and applicability dates.

H.S.B. 736 Judiciary and Law Enforcement

Relating to the uniform management of institutional funds Act.

H.S.B. 737 Judiciary and Law Enforcement

Relating to the crime victim reparation and victim assistance programs, specifying that the crime victim reparation program may be included in a restitution plan, establishing a priority for payment in a restitution plan, relieving the clerk of the supreme court of victim notification requirements on appeals and transferring those duties to the department of justice, providing confidentiality requirements concerning victims and witnesses with certain exceptions, permitting victims of simple misdemeanors to participate in the crime victim reparation program, and permitting certain victims of crimes committed outside of this state to participate in the crime victim reparation program.

H.S.B. 738 Judiciary and Law Enforcement

Proposing an amendment to the Constitution of the State of Iowa providing a right to privacy.

H.S.B. 739 Judiciary and Law Enforcement

Relating to the requirements for establishing a power of attorney authorized to make decisions.

H.S.B. 740 Judiciary and Law Enforcement

Relating to joint and several liability under comparative fault.

H.S.B. 741 Judiciary and Law Enforcement

Relating to the deductibility of liabilities for state inheritance tax purposes.

H.S.B. 742 Judiciary and Law Enforcement

Relating to the computation of net income regarding certain property transactions and providing a retroactive applicability date.

H.S.B. 743 Judiciary and Law Enforcement

Relating to a tax assessment dispute and providing an effective date.

H.S.B. 744 Judiciary and Law Enforcement

Relating to the cost of detention or confinement in the county jail for violation of a city ordinance.

H.S.B. 745 Judiciary and Law Enforcement

Relating to the ability of one spouse to relinquish inchoate dower rights and homestead rights as an attorney in fact for the other spouse.

H.S.B. 746 Judiciary and Law Enforcement

Relating to workers' compensation by permitting the receipt of benefits by certain employees injured outside of this state and by imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits.

H.S.B. 747 Judiciary and Law Enforcement

Relating to voluntary petitions for conservatorships and their required contents.

H.S.B. 748 Judiciary and Law Enforcement

Relating to establishing title where a surviving spouse is a joint tenant of real estate with a deceased spouse.

H.S.B. 749 Judiciary and Law Enforcement

Relating to state administrative rules, providing for style and form and for the assignment of identification numbers, specifying official citations, providing a pilot project for the separate publication of certain rules, and making an appropriation.

H.S.B. 750 Judiciary and Law Enforcement

Relating to the expansion of the court of appeals and allowing the court of appeals additional law clerks and the same expenses authorized for supreme court justices.

H.S.B. 751 Small Business and Commerce

Requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims.

H.S.B. 752 Human Resources

Relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees.

H.S.B. 753 Local Government

Relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, and by requiring an election under similar conditions as required for general purpose bonds.

H.S.B. 754 Agriculture

Relating to contracts for the care and feeding of livestock, and providing an effective date.

H.S.B. 755 Small Business and Commerce

Relating to the cancellation or nonrenewal of certain kinds of property and casualty insurance.

H.S.B. 756 State Government

Relating to the manufacture, distribution, and possession of gambling devices.

H.S.B. 757 State Government

Relating to the selection and approval of simultaneously telecast pari-mutuel races.

H.S.B. 758 Education

Relating to the employment of personnel under sharing agreements between school districts.

H.S.B. 759 Education

Relating to open enrollment of students attending public schools.

H.S.B. 760 Human Resources

Designating an operator or employee of a child day care resource and referral agency as a mandatory reporter of child abuse.

H.S.B. 761 Human Resources

Relating to medical support for children receiving child support and certain dependents.

H.S.B. 762 Human Resources

Relating to modification of child support orders.

H.S.B. 763 State Government

Relating to the creation of a gamblers assistance program and the establishment of a gamblers assistance advisory committee.

H.S.B. 764 State Government

Relating to state chartered legal entities, especially nonprofit corporations and cooperative associations, by altering requirements and

procedure for filing corporate documents in the office of the secretary of state and by requiring corporations organized under or subject to Iowa Code chapter 504 to convert to chapter 504A within a certain period of time.

H.S.B. 765 State Government

Relating to dental prosthesis identification.

H.S.B. 766 Judiciary and Law Enforcement

Relating to municipal infractions, addressing jurisdiction to hear such matters, and increasing civil penalties.

H.S.B. 767 Economic Development

Relating to and making appropriations for housing assistance.

H.S.B. 768 Agriculture

Relating to anaerobic lagoons, making penalties applicable, and providing an effective date.

H.S.B. 769 Agriculture

Relating to research and investigation of global environmental changes, the acquisition and conservation of adequate public water supplies, and making appropriations.

H.S.B. 770 Transportation

Relating to special instruction permits for certain physically disabled drivers.

H.S.B. 771 State Government

Relating to the historic resource development program.

SUBCOMMITTEE ASSIGNMENTS

House File 2223

Appropriations: Hansen of Woodbury, Chair; Carpenter and Hatch.

House File 2227

Ways and Means: Doderer, Chair; Fey and Metcalf.

House File 2239

Ways and Means: Osterberg, Chair; Hanson of Delaware and Teaford.

House File 2249

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

House File 2251

Ways and Means: Tabor, Chair; Chapman and Daggett.

House File 2256

Ways and Means: Groninga, Chair; Metcalf and Osterberg.

House File 2257

Energy and Environmental Protection: Johnson, Chair; Banks, McKean, Neuhauser, Osterberg, Petersen of Muscatine and Schrader.

House File 2259

Energy and Environmental Protection: Neuhauser, Chair; McKean and Osterberg.

House File 2269

Appropriations: Poncy, Chair; Harbor and Swartz.

House File 2287

Labor and Industrial Relations: Ollie, Chair; Harper and Tyrrell.

House File 2299

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

House File 2302

Ways and Means: Brand, Chair; Daggett and May.

House File 2304

Local Government: Spear, Chair; McKean and Mertz.

House File 2305

Local Government: Peters, Chair; Brown and Iverson.

House File 2307

Local Government: Eddie, Chair; Connors and Spear.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 725

Local Government: Fuller, Chair; Banks and Connors.

House Study Bill 728

Ways and Means: Murphy, Chair; Groninga and Petersen of Muscatine.

House Study Bill 729

Ways and Means: Chapman, Chair; Holveck and Renken.

House Study Bill 751

Small Business and Commerce: Dvorsky, Chair; Hibbard and Kremer.

House Study Bill 755

Small Business and Commerce: Shoning, Chair; Brammer and Hibbard.

House Study Bill 767

Economic Development: Brand, Chair; Branstad, Cohoon, Miller and Neuhauser.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 681), providing for disposal of dead animals at sanitary landfills, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 1990.

Committee Bill (Formerly House Study Bill 705), relating to permanent soil and water conservation practices.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 1990.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 663), relating to the fee charged by an employment agency for the procurement of a position of employment.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 1990.

COMMITTEE ON TRANSPORTATION

House File 2198, a bill for an act to permit the inspection of school buses on more than an annual basis.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 1990.

Committee Bill (Formerly House File 2125), relating to special motor vehicle registration plates for recipients of the purple heart medal.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 1990.

Committee Bill (Formerly House Study Bill 692), relating to jurisdictional transfers of roads to cities and counties.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 1990.

RESOLUTION FILED

HR 102, by Jochum, Murphy, Knapp and Tabor, a resolution relating to the sesquicentennial of Loras College.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5096	H.F. 2271	Shoultz of Black Hawk
H-5097	H.F. 2321	Bisignano of Polk
H-5098	H.F. 2321	Spear of Lee
H-5099	H.F. 252	Senate Amendment
H-5100	H.F. 2270	Buhr of Polk
		Carpenter of Polk
H-5101	H.F. 236	Spear of Lee
H-5102	H.F. 2321	Spear of Lee
H-5103	H.F. 2141	Siegrist of Pottawattamie
		Nielsen of Linn
		Schrader of Marion
H-5104	H.F. 2268	Trent of Muscatine

On motion by Arnould of Scott, the House adjourned at 9:52 a.m., until 9:00 a.m., Thursday, February 8, 1990.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day — Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 8, 1990

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Right Reverend James Barta, Loras College, Dubuque.

The Journal of Wednesday, February 7, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams, until his arrival, and Plasier of Sioux, on request of Van Maanen of Mahaska; Halvorson of Clayton on request of Harbor of Mills.

INTRODUCTION OF BILLS

House File 2328, by Adams, a bill for an act relating to licensure of clinical laboratories, and providing an effective date.

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

House File 2329, by committee on state government, a bill for an act relating to elections and election procedures.

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

House File 2330, by Branstad, a bill for an act establishing a state fair challenge grant foundation.

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

House File 2331, by Sherzan and Bisignano, a bill for an act relating to establishment of a consolidated county-wide government in certain counties.

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

House File 2332, by Siegrist, a bill for an act to create a doctoral teaching assistant stipend program.

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

House File 2333, by Murphy, a bill for an act relating to the commission of alcohol-related offenses by juveniles.

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

House File 2334, by Carpenter, a bill for an act relating to the purchase and possession of weapons, and enhanced criminal penalties for certain offenses involving weapons and providing an effective date.

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

House File 2335, by Connors, a bill for an act prohibiting the transfer of certain animals to institutions engaged in scientific investigation or experimentation, making penalties applicable, and providing an effective date.

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

House File 2336, by Mertz, a bill for an act relating to liability for the costs to support a mentally ill person.

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

House File 2337, by Metcalf, a bill for an act authorizing the sale of title insurance in the state.

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

House File 2338, by committee on transportation, a bill for an act relating to special motor vehicle registration plates for recipients of the purple heart medal.

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

House File 2339, by committee on state government, a bill for an act relating to costs associated with the Iowa management training revolving fund.

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

House File 2340, by committee on agriculture, a bill for an act providing for disposal of dead sheep or poultry, and providing an effective date.

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

House File 2341, by Chapman, a bill for an act relating to airport zoning regulations by allowing conformance with federal aviation regulations.

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

House File 2342, by committee on transportation, a bill for an act relating to jurisdictional transfers of roads to cities and counties.

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

House File 2343, by committee on labor and industrial relations, a bill for an act relating to the fee charged by an employment agency for the procurement of a position of employment.

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

House File 2344, by committee on agriculture, a bill for an act relating to permanent soil and water conservation practices.

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

House File 2345, by Petersen of Muscatine and Fogarty, a bill for an act relating to feedlots.

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

House File 2346, by committee on labor and industrial relations, a bill for an act relating to the minimum amount of wages required in an individual's base period to be eligible for unemployment compensation benefits.

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

SENATE MESSAGES CONSIDERED

Senate File 2018, by Vande Hoef, a bill for an act relating to the membership of the public safety commission of a unified law enforcement district.

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

Senate File 2139, by committee on judiciary, a bill for an act relating to the appeal process for certain postconviction procedures.

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

Senate File 2186, by committee on small business and economic development, a bill for an act relating to the receipt of assistance under certain economic development programs and providing civil penalties for certain violations.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 6, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2142, a bill for an act relating to reporting requirements for certain cities receiving road use tax funds.

Also: That the Senate has on February 6, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2048, a bill for an act to prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties.

Also: That the Senate has on February 6, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2150, a bill for an act relating to procedures for the delivery of persons to the Iowa medical and classification center.

Also: That the Senate has on February 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2212, a bill for an act relating to and making supplemental appropriations or decreasing appropriations to the department of human services, Iowa department of public health, state board of regents, department of general services, department of inspections and appeals, department of employment services, department of commerce, state department of transportation, department of corrections, department of public safety, department of justice, judicial department, department of elder affairs, department of agriculture and land stewardship, department of natural resources, department of cultural affairs, department of education, and college aid commission for the remainder of the fiscal year ending June 30, 1990, and providing an effective date.

Also: That the Senate has on February 6, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 111, a concurrent resolution to urge the Congress of the United States, the President of the United States, and the United States Secretary of Agriculture, to enact and implement legislation to ensure that the United States is the world's preeminent supplier of grains.

JOHN F. DWYER, Secretary

HOUSE FILE 2111 WITHDRAWN

Beaman of Clarke asked and received unanimous consent to withdraw House File 2111 from further consideration by the House.

ADOPTION OF HOUSE RESOLUTION 102

Jochum of Dubuque asked and received unanimous consent to suspend Rule 25 for the immediate consideration of House Resolution 102, relating to the sesquicentennial of Loras College, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Regular Calendar

House File 2212, a bill for an act delaying the repeal of the Iowa boundary commission and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2212)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Royer	Schneklath
Schrader	Shoning	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 13:

Avenson, Spkr.	Chapman	Cphoon	Daggett
Halvorson, R. A.	Hatch	Hermann	Muhlbauer
Plasier	Rosenberg	Shearer	Sherzan
Shoultz			

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

House File 2268, a bill for an act relating to discovery and the statute of limitations in a civil action involving sexual abuse, sexual assault, or sexual harassment and providing for the Act's applicability, was taken up for consideration.

Trent of Muscatine offered the following amendment H—5104 filed by him and moved its adoption:

H—5104

- 1 Amend House File 2268 as follows:
- 2 1. Page 1, line 21, by striking the figure
- 3 "709.15" and inserting the following: "614.8A".

Amendment H—5104 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2268)

The ayes were, 88:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groning	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Royer
Schnekloth	Schrader	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 12:

Avenson, Spkr.	Chapman	Cphoon	Daggett
Halvorson, R. A.	Hermann	Muhlbauer	Plasier
Rosenberg	Shearer	Sherzan	Shoultz

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

REFERRED TO COMMITTEE ON WAYS AND MEANS

House File 2250, a bill for an act relating to the importation of bees and bee-related items, increasing certain fees, and providing penalties, was taken up for consideration.

Petersen of Muscatine offered the following amendment H—5092 filed by him and moved its adoption:

H—5092

- 1 Amend House File 2250 as follows:
- 2 1. Page 4, by inserting after line 3, the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 160.17 RESIDENT COLONY
- 5 FEE.
- 6 Each colony located in Iowa shall annually be
- 7 assessed a fifty cent fee, unless the colony has been
- 8 assessed an entry fee under section 160.16 for that
- 9 year. The fee shall be collected by the state
- 10 apiarist and shall be used to administer this
- 11 chapter."

A non-record roll call was requested.

The ayes were 32, nays 47.

Amendment H—5092 lost.

Schneklath of Scott rose on a point of order and invoked Rule 32 to refer House File 2250 to the committee on ways and means.

The Speaker ruled the point well taken and House File 2250 referred to the committee on ways and means.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 772 Economic Development

Establishing an entrepreneurship conference, and making an appropriation.

H.S.B. 773 Natural Resources and Outdoor Recreation

To provide for the approval of the form of hunting, fishing, and fur harvester licenses.

H.S.B. 774 Small Business and Commerce

Relating to the transfer of oil, gas, and mineral interests in agricultural land used for farming.

H.S.B. 775 Energy and Environmental Protection

Relating to the regulation of heavy metal content in packaging and packaging components, and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS

House File 2274

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House File 2275

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House File 2279

Natural Resources and Outdoor Recreation: Lykam, Chair; Eddie and May.

House File 2286

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

House File 2288

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House File 2296

Natural Resources and Outdoor Recreation: Stueland, Chair; Osterberg and Tabor.

House File 2297

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

House File 2298

Transportation: Cohoon, Chair; De Groot and Murphy.

House File 2300

Judiciary and Law Enforcement: Siegrist, Chair; Poney and Renaud.

House File 2301

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House File 2303

Natural Resources and Outdoor Recreation: Diemer, Chair; Black and Schrader.

House File 2310

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2311

Judiciary and Law Enforcement: Hibbard, Chair; Peterson of Carroll and Trent.

House File 2317

State Government: Poney, Chair; Knapp and Spenner.

House File 2318

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2326

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House Concurrent Resolution 105

Agriculture: Mertz, Chair; Banks and Koenigs.

Senate File 2186

Economic Development: Neuhauser, Chair; Corbett and Svoboda.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 723**

Natural Resources and Outdoor Recreation: Lykam, Chair; Black and Diemer.

House Study Bill 727

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 730

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

House Study Bill 731

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

House Study Bill 732

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

House Study Bill 733

Agriculture: Osterberg, Chair; Bennett, De Groot, Muhlbauer and Schrader.

House Study Bill 734

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 735

Judiciary and Law Enforcement: Poney, Chair; Kremer and Renaud.

House Study Bill 736

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Harbor and Sherzan.

House Study Bill 737

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poney.

House Study Bill 738

Judiciary and Law Enforcement: Jay, Chair; Brammer and Siegrist.

House Study Bill 739

Judiciary and Law Enforcement: McKinney, Chair; Hansen of Woodbury and Kremer.

House Study Bill 740

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

House Study Bill 741

Judiciary and Law Enforcement: Trent, Chair; Hibbard and Peterson of Carroll.

House Study Bill 742

Judiciary and Law Enforcement: Trent, Chair; Hibbard and Peterson of Carroll.

House Study Bill 743

Judiciary and Law Enforcement: Kremer, Chair; Hibbard and Sherzan.

House Study Bill 745

Judiciary and Law Enforcement: McKinney, Chair; Halvorson of Clayton and Trent.

House Study Bill 747

Judiciary and Law Enforcement: McKinney, Chair; Hansen of Woodbury and Kremer.

House Study Bill 748

Judiciary and Law Enforcement: McKinney, Chair; Halvorson of Clayton and Trent.

House Study Bill 749

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House Study Bill 750

Judiciary and Law Enforcement: Jay, Chair; Peterson of Carroll and Trent.

House Study Bill 754

Agriculture: Hibbard, Chair; Petersen of Muscatine and Svoboda.

House Study Bill 756

State Government: Pavich, Chair; Connors and Shoning.

House Study Bill 757

State Government: Blanshan, Chair; Carpenter and Connors.

House Study Bill 758

Education: Cohoon, Chair; Brand and Maulsby.

House Study Bill 759

Education: Ollie, Chair; Daggett, Iverson, Shultz and Wise.

House Study Bill 763

State Government: Buhr, Chair; Lundby and Pavich.

House Study Bill 764

State Government: Lundby, Chair; Beatty and Pavich.

House Study Bill 766

Judiciary and Law Enforcement: McKinney, Chair; Hibbard and Shoning.

House Study Bill 768

Agriculture: Schrader, Chair; Bennett and McKinney.

House Study Bill 769

Agriculture: Fogarty, Chair; Schrader and Stueland.

House Study Bill 770

Transportation: Shearer, Chair; Fey and Harbor.

House Study Bill 771

State Government: Beatty, Chair; Buhr and Garman.

House Study Bill 772

Economic Development: Jesse, Chair; Bennett, Lykam, Metcalf and Ollie.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

House File 2280, a bill for an act relating to the receipt of assistance under certain economic development programs and providing civil and criminal penalties for certain violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5110** February 7, 1990.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 603), requiring the department of human services to adopt administrative rules which apply administrative penalties to certain health care facilities reimbursed under the medical assistance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1990.

Committee Bill (Formerly House Study Bill 606), relating to child day care and the state child and dependent care tax credit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1990.

Committee Bill (Formerly House Study Bill 665), relating to the issuance of motorized bicycle licenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2109, a bill for an act relating to computer data storage of records of a criminal justice agency after acquittal or dismissal of charges.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1990.

Committee Bill (Formerly House Files 2043 and 2135), relating to execution upon and assignment of benefits accrued pursuant to certain governmental retirement systems for the payment of child and spousal support.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1990.

Committee Bill (Formerly House File 2085), providing for awarding a reasonable attorney's fee in an action for a quitclaim deed.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1990.

Committee Bill (Formerly House File 2112), relating to the transmission of unsolicited advertising by facsimile, and providing a criminal penalty and a civil remedy.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1990.

Committee Bill (Formerly House File 2161), relating to increasing the penalty for failure to file a release and satisfaction when a judgment is paid in full.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1990.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 693), relating to conflicts of interest in county contracts benefiting a member of a board of supervisors.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1990.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate File 2084, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5113** February 7, 1990.

Committee Bill (Formerly House Study Bill 723), relating to civil damages for illegal taking of certain animals.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 332, a bill for an act relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5105** February 7, 1990.

Pursuant to Rule 31.7, Senate File 332 was referred to the committee on ways and means.

Committee Bill (Formerly House File 2196), relating to real property by establishing a real property inspection report.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1990.

Committee Bill (Formerly House Study Bill 549), relating to indemnification of art exhibitors by the Iowa arts council.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1990.

Committee Bill (Formerly House Study Bill 698), authorizing the conversion of a mutual property and casualty insurance company into a stock company, subject to certain conditions and procedural requirements.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1990.

COMMITTEE ON STATE GOVERNMENT

House File 2188, a bill for an act relating to the issuance of alcoholic beverage licenses and permits for certain licensed premises and prescribing fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5115** February 8, 1990.

House File 2215, a bill for an act relating to the sale of alcoholic beverages at a racetrack enclosure offering pari-mutuel wagering.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5114** February 8, 1990.

Committee Resolution (Formerly House Study Bill 569), to welcome and encourage diverse cultures and diverse languages in business, government, and private affairs in Iowa.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1990.

Committee Bill (Formerly House Study Bill 570), relating to the right to bring a civil rights action after administrative closure.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1990.

Committee Bill (Formerly House Study Bill 700), establishing a state fair challenge grant foundation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1990.

RESOLUTIONS FILED

HCR 106, by Fey, a concurrent resolution designating March 1990 as Iowa Women's History Month.

Laid over under **Rule 25**.

SCR 111, by committee on agriculture, a concurrent resolution to urge the Congress of the United States, the President of the United States, and the United States Secretary of Agriculture, to enact and implement legislation to ensure that the United States is the world's pre-eminent supplier of grains.

Referred to committee on **agriculture**.

AMENDMENTS FILED

H—5105	S.F.	332	Committee on Small Business and Commerce
H—5106	H.F.	2142	Senate Amendment
H—5107	H.F.	2271	Bennett of Ida
H—5108	H.F.	2321	Spear of Lee
H—5109	H.F.	2271	Wise of Lee
H—5110	H.F.	2280	Committee on Economic Development
H—5111	H.F.	2321	Spear of Lee

H—5113	S.F.	2084	Committee on Natural Resources and Outdoor Recreation
H—5114	H.F.	2215	Committee on State Government
H—5115	H.F.	2188	Committee on State Government
H—5116	H.F.	2294	McKean of Jones
H—5117	H.F.	2141	Iverson of Wright
H—5118	H.F.	2122	Bisignano of Polk
H—5119	H.F.	2321	Harbor of Mills Banks of Plymouth Spear of Lee
H—5120	H.F.	2206	Shoning of Woodbury Branstad of Winnebago Tyrrell of Iowa Maulsby of Calhoun McKean of Jones Garman of Story
			Renken of Grundy Schnekloth of Scott Hermann of Scott Iverson of Wright

On motion by Arnould of Scott, the House adjourned at 9:44 a.m., until 9:00 a.m., Friday, February 9, 1990.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day — Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 9, 1990

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

Prayer was offered by the Honorable Bill Brand, state representative from Benton County.

The Journal of Thursday, February 8, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux, Branstad of Winnebago and Maulsby of Calhoun, until his arrival, on request of Van Maanen of Mahaska; Siegrist of Pottawattamie, until his arrival, on request of Groninga of Cerro Gordo; Peterson of Carroll on request of Fey of Scott.

INTRODUCTION OF BILLS

House File 2347, by Hanson of Delaware, Hermann, Tyrrell, Kremer, Garman, Royer, Maulsby, Pellett and Beaman, a bill for an act relating to the operation of a watercraft by a person who is intoxicated and providing penalties.

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

House File 2348, by Chapman, a bill for an act relating to court jurisdiction and interstate compact procedures regarding the termination of parental rights and adoptions.

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

House File 2349, by Hanson of Delaware, Tyrrell, Harbor, Renken, Petersen of Muscatine, McKean, Royer, Eddie, Branstad and Shoning, a bill for an act relating to administration and benefits for the Iowa public employees' retirement system.

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

House File 2350, by Rosenberg and Hammond, a bill for an act relating to the establishment of a safety center at Iowa state university of science and technology and providing for funding.

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

House File 2351, by Lundby, a bill for an act relating to auction sales of classic vehicles and providing a penalty.

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

House File 2352, by Carpenter, Daggett, Diemer, McKean, Shoning, Beaman, Iverson, Garman, Kremer, Hermann, Hester, Maulsby, Plasier, Kistler, Banks, Renken, Pellett, De Groot, Schneklath, Royer, Eddie, Tyrrell and Spenner, a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, and by requiring an election under the same conditions as required for general purpose bonds.

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

House File 2353, by Adams, Muhlbauer and Mertz, a bill for an act relating to county and state liability for the costs of medical assistance provided to recipients residing in intermediate care facilities for the mentally retarded.

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

House File 2354, by committee on local government, a bill for an act relating to conflicts of interest in county contracts benefiting a member of a board of supervisors.

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

House File 2355, by committee on natural resources and outdoor recreation, a bill for an act relating to civil damages for illegal taking of certain animals.

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

House File 2356, by Doderer, a bill for an act relating to the reproductive toxicity of alcoholic beverages, and providing a penalty.

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

House File 2357, by Adams, a bill for an act relating to the applicability of school district reorganization incentives and providing a retroactive applicability date.

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

House File 2358, by Fey, a bill for an act relating to county supervisor representation plans, and enacting transitional provisions.

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

House File 2359, by Hibbard, a bill for an act creating the Iowa crafts commission and the Iowa crafts program.

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

House File 2360, by Hibbard, a bill for an act relating to the financing of rural water district projects from general obligation bonds of certain counties.

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

House File 2361, by Holveck, a bill for an act authorizing a private cause of action under the consumer fraud law.

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

House File 2362, by Schneklath, a bill for an act making an appropriation to the department of public safety for additional alcoholic beverage control enforcement.

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

SENATE MESSAGES CONSIDERED

Senate File 2048, by Scott, a bill for an act to prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties.

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

Senate File 2150, by committee on local government, a bill for an act relating to procedures for the delivery of persons to the Iowa medical and classification center.

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

Senate File 2212, by committee on appropriations, a bill for an act relating to and making supplemental appropriations or decreasing appropriations to the department of human services, Iowa department of public health, state board of regents, department of general services, department of inspections and appeals, department of employment services, department of commerce, state department of transportation, department of corrections, department of public safety, department of justice, judicial department, department of elder affairs, department of agriculture and land stewardship, department of

natural resources, department of cultural affairs, department of education, and college aid commission for the remainder of the fiscal year ending June 30, 1990, and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 8, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2156, a bill for an act relating to membership of members and part-time employees of the general assembly in the state group insurance plan, and providing effective and retroactive applicability dates.

Also: That the Senate has on February 7, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the House is asked:

Senate File 280, a bill for an act relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions.

Also: That the Senate has on February 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2094, a bill for an act providing rulemaking authority to the auditor of state to establish a fee schedule for certain services.

Also: That the Senate has on February 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2115, a bill for an act relating to state income taxation by exempting certain bonds and notes issued by the agricultural development authority and providing a retroactive applicability date.

Also: That the Senate has on February 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2164, a bill for an act relating to the date of publication and distribution of the report of state employee salaries.

Also: That the Senate has on February 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2165, a bill for an act abolishing the duty of the treasurer of state to approve increases in the maximum deposit limit of a local government in a depository financial institution.

JOHN F. DWYER, Secretary

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

The House resumed session at 11:07 a.m., Doderer of Johnson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the day and February 13, 1990, on request of Van Maanen of Mahaska.

INTRODUCTION OF BILLS

House File 2363, by Adams and Holveck, a bill for an act relating to state reimbursement to counties for local inpatient mental health care and treatment.

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

House File 2364, by committee on judiciary and law enforcement, a bill for an act relating to increasing the penalty for failure to file a release and satisfaction when a judgment is paid in full.

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

House File 2365, by committee on judiciary and law enforcement, a bill for an act relating to facsimiles, the filing of certain public records by facsimile, the transmission of unsolicited advertising by facsimile, and providing a criminal penalty and a civil remedy.

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

House File 2366, by committee on judiciary and law enforcement, a bill for an act relating to execution upon and assignment of benefits accrued pursuant to certain governmental retirement systems for the payment of child and spousal support.

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

House File 2367, by committee on judiciary and law enforcement, a bill for an act providing for awarding a reasonable attorney's fee in an action for a quitclaim deed.

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

House File 2368, by committee on human resources, a bill for an act requiring the department of human services to adopt administrative rules which apply a civil penalty to certain health care facilities reimbursed under the medical assistance program.

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

House File 2369, by committee on small business and commerce, a bill for an act relating to real property by establishing a real property inspection report.

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

House File 2370, by committee on small business and commerce, a bill for an act relating to indemnification of art exhibitors by the Iowa arts council.

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

House File 2371, by committee on appropriations, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

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

House File 2372, by Siegrist, a bill for an act relating to anabolic steroids, and providing a criminal penalty concerning the distribution of anabolic steroids to minors.

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

House File 2373, by Gruhn, a bill for an act making an appropriation for the Iowa civil air patrol.

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

House File 2374, by Jay, a bill for an act requiring registration of certain horse-drawn vehicles.

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

House File 2375, by Jesse and Brown, a bill for an act establishing an Iowa rural community main street program and fund.

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

House File 2376, by Muhlbauer, a bill for an act relating to public funds for nonprofit providers of transportation services to the handicapped or elderly.

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

House File 2377, by Schrader, a bill for an act adopting the model state commodity Code as recommended by the North American securities administrators association, regulating the commodities markets

and participants, authorizing the securities bureau of the insurance division to administer the chapter, requiring licensing of commodity broker-dealers and sales representatives, authorizing civil remedies, sanctions, penalties, and imposing criminal penalties.

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

House File 2378, by Shearer, a bill for an act altering the statutory monetary limitation on the local option E911 emergency telephone service surcharge and providing related procedures and conditions.

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

House File 2379, by committee on human resources, a bill for an act relating to the issuance of motorized bicycle licenses and to motorized bicycle safety flags.

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

House File 2380, by committee on human resources, a bill for an act relating to child day care and the state child and dependent care tax credit and providing a retroactive applicability date.

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

House File 2381, by committee on small business and commerce, a bill for an act authorizing the conversion of a mutual property and casualty insurance company into a stock company, subject to certain conditions and procedural requirements.

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

House File 2382, by committee on economic development, a bill for an act relating to and making appropriations for housing assistance.

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

House File 2383, by committee on transportation, a bill for an act relating to parking fines, handicapped parking spaces, and handicapped identification devices.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lundby of Linn, for the remainder of the day, on request of Corbett of Linn.

CONSIDERATION OF BILLS
Regular Calendar

House File 2308, a bill for an act relating to freestanding hospice facilities, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2308)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spanner	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Doderer			
Presiding			

The nays were, none.

Absent or not voting, 7:

Branstad	Hermann	Lundby	Peterson, M. K.
Plasier	Stueland	Swartz	

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

SPECIAL PRESENTATION

Miller of Cherokee presented to the House the Honorable Charles Grassley, United States Senator representing Iowa, and former member of the Iowa House of Representatives and United States House of Representatives.

The House rose and expressed its welcome.

House File 2294, a bill for an act relating to the establishment of an Iowa affordable heating program, was taken up for consideration.

Hatch of Polk offered the following amendment H—5083 filed by him and moved its adoption:

H—5083

- 1 Amend House File 2294 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "in" the following: "annual".
- 4 2. Page 3, by striking lines 23 through 25, and
- 5 inserting the following: "annual level payment plan
- 6 after all forms of assistance are credited. A monthly
- 7 level payment shall be established. However, each
- 8 level payment shall not be less than a monthly minimum
- 9 as established by division rule."
- 10 3. Page 3, line 30, by striking the word
- 11 "minimum".
- 12 4. Page 4, line 3, by striking the word
- 13 "minimum".

Amendment H—5083 was adopted.

McKean of Jones offered the following amendment H—5116 filed by him and moved its adoption:

H—5116

- 1 Amend House File 2294 as follows:
- 2 1. Page 1, by inserting after line 34, the
- 3 following:
- 4 "f. Participate in counseling, provided by the
- 5 administering agency, regarding energy efficiency."

Amendment H—5116 was adopted.

Halvorson of Clayton rose on a point of order and invoked Rule 32 to refer House File 2294 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 32 not in order.

Speaker Avenson in the chair at 11:58 a.m.

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

On the question "Shall the bill pass?" (H.F. 2294)

The ayes were, 80:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lykam
May	McKean	McKinney	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Poncy
Renaud	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker Avenson

The nays were, 12:

Carpenter	Diemer	Eddie	Halvorson, R. A.
Harbor	Kremer	Maulsby	Metcalf
Miller	Pellett	Renken	Van Maanen

Absent or not voting, 8:

Branstad	Hermann	Lundby	Mertz
Murphy	Peterson, M. K.	Plasier	Stueland

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 9, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2057, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, February 8, 1990. Had I been present, I would have voted "aye" on House Files 2212 and 2268.

DAGGETT of Adams

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 8, 1990, he approved and transmitted to the Secretary of State the following bill:

House File 685, an act relating to banking and other depository institutions by establishing the procedures, terms, and conditions for the acquisition by an out-of-state regional bank holding company of an interest in a bank located in Iowa or in a bank holding company owning one or more banks located in Iowa, and imposing community reinvestment disclosure requirements, establishing certain enforcement procedures, making penalties applicable, providing penalties, and providing an effective date.

Also: On February 9, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2016, an act relating to the maximum age of amateur boxing participants and providing an effective date.

House File 2114, an act removing certain limitations on the issuance of nonresident deer hunting licenses and wild turkey hunting licenses and on the use of license revenues and providing an effective date.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

February 8, 1990

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

Dear Madam President:

Senate File 385, an act relating to the scope of negotiations for purposes of public employment collective bargaining, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 385 amends the Iowa Public Employment Relations Act by adding the words "matters of discipline and dismissal" to the list of mandatory subjects of bargaining in Section 20.9 of the Code of Iowa. I am very concerned about the need to maintain a balance between the rights of public employers and employees under collective bargaining and I am not inclined to tip that balance in favor of either employee or employer.

During the period since 1974, when the Iowa Public Employment Relations Act was created, the issues which are mandatory subjects of bargaining have been broadened by a number of decisions by the courts and by the Public Employment Relations Board. For example, a decision by the Iowa Supreme Court effectively expanded the scope of negotiations to include evaluation criteria as a mandatory subject of bargaining. Public employers have asserted that the balance has already been tipped in favor of public employees by these decisions, especially in view of the use of binding arbitration as the method for ultimately resolving disputes under Chapter 20.

Senate File 385 fails to address a possible conflict which may arise between the provisions of a contract relating to discipline and dismissal and the statutory termination procedures for certificated school employees under Chapter 279 of the Code. In the absence of provisions which would clarify this conflict, it is conceivable that employers and employees in schools would be faced with the burden of following both procedures. If both procedures were used and produced conflicting results, the final outcome of a termination would be unclear. This concern also applies to employees who are protected by civil service procedures under Chapter 400.

Matters of discipline and dismissal continue to be permissive subjects of bargaining which can be brought to the bargaining table by either the employer or employee organization. For example, the contract between the state of Iowa and its public employees currently includes procedures relating to discipline and dismissal. Public employers and employees will continue to mutually agree to include such procedures in their bargaining agreements.

The Public Employment Relations Act has served the citizens of Iowa well, and has provided for the smooth functioning of government at the state and local levels. In recent years, public employers and employees have begun to explore new avenues of collaboration outside of the formal bargaining process to discuss issues of mutual concern. This has been particularly true in the education community under Phase III of the Educational Excellence Act. Joint labor-management committees facilitated by the Public Employment Relations Board can also serve to promote cooperative activities among public employers and organizations which represent public employees.

In summary, any future changes to the Iowa Public Employment Relations Act should incorporate provisions which address the concerns of both public employers and public employees, should maintain a balance between employer and employee rights, and should not jeopardize future opportunities for employers and employees to work together outside of the bargaining process for the improvement of education and other important public services.

For the above reasons, I hereby respectfully disapprove Senate File 385.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

Shultz of Black Hawk presented to the House Foreign Exchange students from Argentina, Nadia Turkenkopf and Leonardo Pedano.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 776 State Government

Relating to licensure and discipline of certain practice professionals and providing a penalty.

H.S.B. 777 State Government

Relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements.

H.S.B. 778 Local Government

Relating to the establishment, maintenance, and operation of storm water drainage systems and the payment of rates or charges.

H.S.B. 779 Transportation

Relating to motor vehicle odometer requirements.

H.S.B. 780 Human Resources

Relating to administrative procedures for the establishment, determination, and collection of certain spousal support debts.

SUBCOMMITTEE ASSIGNMENTS

House File 2035

Ways and Means: Wise, Chair; Schnekloth and Teaford.

House File 2250

Ways and Means: Osterberg, Chair; Murphy and Petersen of Muscatine.

House File 2315

Ways and Means: Teaford, Chair; Chapman, De Groot, Fey and Renken.

House File 2316

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

House File 2327

Energy and Environmental Protection: Jesse, Chair; McKean and Osterberg.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 753

Local Government: Shearer, Chair; Muhlbauer and Royer.

House Study Bill 775

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Jesse, May and Siegrist.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 584), relating to agricultural health and safety and providing appropriations to the state board of regents and the Iowa department of public health.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1990.

Committee Bill (Formerly House Study Bill 706), relating to mediation assistance, by expanding the responsibilities of the farm mediation service, granting additional authority to the farm mediation service, extending the date of repeal for certain provisions, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1990.

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1990.

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House Study Bill 767), relating to and making appropriations for housing assistance.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1990.

COMMITTEE ON EDUCATION

House File 2107, a bill for an act relating to notice requirements concerning meetings of the state board of regents.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5122** February 8, 1990.

House File 2241, a bill for an act relating to school lunch and breakfast programs and making appropriations.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5121** February 8, 1990.

Pursuant to Rule 31.7, House File 2241 was referred to the committee on appropriations.

Committee Bill (Formerly House Study Bill 523), relating to student financial aid programs administered by the college aid commission.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1990.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 277), relating to the establishment of a state environmental policy and requiring certain activities by governmental units regarding the state environmental policy and its implementation.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 8, 1990.

Committee Bill (Formerly House File 2186), relating to the reporting of a hazardous condition involving a hazardous substance to the department of natural resources, to the local law enforcement agency, and to operators of affected public or private water supply systems.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1990.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 669), relating to access to personal employment files by public and private employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1990.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 2117), increasing the penalty for a person convicted of driving without a valid motor vehicle or chauffeur's license if the person has three or more such convictions within a five-year period.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1990.

Committee Bill (Formerly House File 2252), regulating roadside information, establishing certain fees, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1990.

Committee Bill (Formerly House Study Bill 695), relating to parking fines, handicapped parking spaces, and handicapped identification devices.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1990.

Committee Bill (Formerly House Study Bill 717), relating to minimum liability limits for motor carriers and related procedures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1990.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2155), relating to the designation, inventory, and protection of wetland, providing a civil penalty for violations, and providing a property tax exemption for wetlands.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1990.

AMENDMENTS FILED

H-5121	H.F. 2241	Committee on Education
H-5122	H.F. 2107	Committee on Education
H-5123	H.F. 2156	Senate Amendment
H-5124	H.F. 2270	Carpenter of Polk
H-5125	H.F. 2321	Rosenberg of Story
		Jay of Appanoose
H-5126	H.F. 2200	Cphoon of Des Moines
H-5127	H.F. 2321	Bisignano of Polk
H-5128	H.F. 2271	Wise of Lee

On motion by Arnould of Scott, the House adjourned at 12:16 p.m., until 10:00 a.m., Tuesday, February 13, 1990.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day — Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 13, 1990

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

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

The Journal of Friday, February 9, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of Van Maanen of Mahaska.

INTRODUCTION OF BILLS

House Joint Resolution 2003, by Buhr, a joint resolution proposing the establishment of a state office of disability prevention activities and requiring certain state agencies to perform various activities and to submit a report relating to coordination of disability prevention programs.

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

House File 2384, by committee on state government, a bill for an act establishing a state fair challenge grant foundation.

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

House File 2385, by Gruhn, a bill for an act relating to personal watercraft, prohibiting the operation of personal watercraft under some circumstances, and establishing a penalty.

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

House File 2386, by Rosenberg, a bill for an act relating to the financing of water treatment plant and waste water treatment plant projects.

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

House File 2387, by Schnekloth, Renken, Branstad, Stueland, Eddie, Van Maanen, Clark, Garman, Kremer, Iverson, Hermann,

Miller, Maulsby, Trent, Carpenter, Banks, Hanson of Delaware, Daggett, Bennett, Hester, Kistler, Shoning, Spenner, De Groot, Tyrrell, Diemer, Lundby, Royer, Harbor, Siegrist, Pellett, Petersen of Muscatine, Beaman, Metcalf, Corbett and Lageschulte, a bill for an act relating to the foundation property tax and providing an effective date.

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

House File 2388, by Diemer, a bill for an act increasing the income tax standard deduction and providing a retroactive applicability date.

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

House File 2389, by Spenner, a bill for an act relating to the state mental health institute and the correctional facility at Mount Pleasant and making an appropriation.

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

House File 2390, by committee on state government, a bill for an act relating to the right to bring a civil rights action after administrative closure.

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

House File 2391, by committee on transportation, a bill for an act increasing the penalty for a person convicted of driving without a valid motor vehicle or chauffeur's license if the person has three or more such convictions within a five-year period.

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

House File 2392, by Hibbard and Jay, a bill for an act relating to evaluation and court-ordered treatment for certain persons arrested for operating a motor vehicle while under the influence.

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

House File 2393, by committee on transportation, a bill for an act relating to minimum liability limits for motor carriers and related procedures.

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

House File 2394, by committee on agriculture, a bill for an act relating to agricultural health and safety and providing appropriations to the state board of regents.

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

House File 2395, by Fogarty, Mertz, Petersen of Muscatine, Bennett, Van Maanen, Trent, Tyrrell, De Groot, Banks, Maulsby, Branstad, Stueland, Beaman, Iverson, Eddie, Garman, Lageschulte, Harbor, Daggett, Schneklath, McKean, Kremer, Spenner, Hermann, Royer, Kistler, Renken, Hanson of Delaware, Muhlbauer, May, Gruhn, Hibbard, Brown, Brand, Koenigs, Pellett, Svododa, Shearer, Hester, Clark, Halvorson of Clayton and Black, a bill for an act relating to property tax by limiting the supplemental levy for certain mental health services, creating a mental health levy fund and making an appropriation, increasing the homestead tax credit and the agricultural land tax credit, and providing certain applicability dates.

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

House File 2396, by Iverson, Clark and May, a bill for an act relating to the cost of providing physical facilities for the district court.

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

House File 2397, by Peterson of Carroll, a bill for an act relating to the district court, providing for the establishment of a family court, eliminating juvenile court referees, providing for additional district judges due to the elimination of juvenile court referees, expanding the jurisdiction of the district associate court, providing for mediation of child custody and visitation matters, and providing an effective date.

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

House File 2398, by Peterson of Carroll and Muhlbauer, a bill for an act relating to equipment standards for school buses.

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

House File 2399, by committee on transportation, a bill for an act regulating roadside information, establishing certain fees, and providing an effective date.

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

House File 2400, by Pavich, a bill for an act relating to the membership of the state board of regents, adding a tenth member to the board to represent the interests of the Iowa braille and sight-saving school and the state school for the deaf.

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

House File 2401, by committee on energy and environmental protection, a bill for an act relating to the reporting of a hazardous condition involving a hazardous substance to the department of natural resources, to the local law enforcement agency, and to operators of affected public or private water supply systems.

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

House File 2402, by Shoning, a bill for an act relating to creation of a durable power of attorney for health care.

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

House File 2403, by Metcalf, Carpenter, Hanson of Delaware, Kistler, Trent, Garman, Hester, Iverson and Corbett, a bill for an act relating to political campaigns, providing limitations on certain contributions, restricting the use of campaign funds, providing additional disclosure requirements, increasing the income tax checkoff for political parties, providing a political contribution tax credit, providing certain prohibitions, providing that the candidate for lieutenant governor is not considered a separate candidate for campaign finance purposes, providing penalties, and providing a retroactive applicability date.

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

House File 2404, by committee on agriculture, a bill for an act relating to mediation assistance, by expanding the responsibilities of the farm mediation service, granting additional authority to the farm mediation service, increasing certain fees, extending the date of repeal for certain provisions, and providing an effective date.

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

House File 2405, by committee on labor and industrial relations, a bill for an act relating to access to personnel employment files by public and private employees.

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

House File 2406, by committee on education, a bill for an act relating to student financial aid programs administered by the college aid commission.

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

SENATE MESSAGES CONSIDERED

Senate File 2057, by Kinley, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast.

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

Senate File 2094, by committee on state government, a bill for an act providing rulemaking authority to the auditor of state to establish a fee schedule for certain services.

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

Senate File 2115, by committee on ways and means, a bill for an act relating to state income taxation by exempting certain bonds and notes issued by the agricultural development authority and providing a retroactive applicability date.

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

Senate File 2164, by committee on state government, a bill for an act relating to the date of publication and distribution of the report of state employee salaries.

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

Senate File 2165, by committee on state government, a bill for an act abolishing the duty of the treasurer of state to approve increases in the maximum deposit limit of a local government in a depository financial institution.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 8, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2001, a bill for an act relating to elections by revising provisions governing voting booth requirements.

Also: That the Senate has on February 9, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2068, a bill for an act providing technical changes to the financing of education programs of school districts and providing a retroactive effective date.

Also: That the Senate has on February 9, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2113, a bill for an act requiring name change petitioners to attach certified copies of birth certificates for each person seeking a name change to the name change petition.

Also: That the Senate has on February 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2078, a bill for an act regulating certain pesticide dealers, by modifying licensure fees and certain reporting requirements.

Also: That the Senate has on February 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2097, a bill for an act relating to the mediation of disputes between dentists and patients by the board of dental examiners.

Also: That the Senate has on February 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2137, a bill for an act providing for the disposal of forfeited weapons.

Also: That the Senate has on February 9, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2158, a bill for an act permitting the shared ownership, operation, or cooperative use of publicly owned petroleum storage facilities by more than one public agency or political subdivision.

Also: That the Senate has on February 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2163, a bill for an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date.

Also: That the Senate has on February 9, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2181, a bill for an act altering the penalty for late payment of the solid waste tonnage fee.

Also: That the Senate has on February 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2210, a bill for an act relating to student teaching in accredited school districts or private schools.

Also: That the Senate has on February 9, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2213, a bill for an act relating to the appointment of administrative law judges for the board of educational examiners for certain administrative hearings.

JOHN F. DWYER, Secretary

REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on rules and administration submits the following to be employed in the indicated position, and at the indicated classification, grade and step, and the change in the classification of the indicated employee to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Administrative Assistant to Leader I	Bruce G. Brandt	27-4 to 27-5	P-FT	02-02-90

TEAFORD of Black Hawk, Chair

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

1990-20	Wayne D. Rand, Council Bluffs — Being named to "The Executive Educator 100", a list of the top 100 school executives for 1989.
1990-21	Barbara L. Licklider, Council Bluffs — Being named to "The Executive Educator 100", a list of the top 100 school executives for 1989.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 781 Local Government

Relating to the membership of the city development board.

H.S.B. 782 Transportation

Relating to liens against publicly owned real property and providing for the applicability of the Act.

H.S.B. 783 Local Government

Altering the statutory monetary limitation on the local option E911 emergency telephone service surcharge, authorizing the Iowa finance authority to issue bonds and notes secured by certain designated sources to finance E911 service nonrecurring and recurring expenses, providing related procedures and conditions, and providing an effective date.

H.S.B. 784 Local Government

Relating to the recording of documents for business corporations.

H.S.B. 785 Labor and Industrial Relations

Relating to remedial relief for public employment relations violations and to unfair representation by a bargaining representative of a public employee.

SUBCOMMITTEE ASSIGNMENTS**House File 2333**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2334

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

House File 2336

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House File 2348

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and Plasier.

House File 2353

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House File 2356

Human Resources: Fey, Chair; Carpenter, Hammond, Halverland, Hester, Nielsen and Plasier.

House File 2361

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House File 2372

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

House File 2377

Small Business and Commerce: Jesse, Chair; Dvorsky and Trent.

House File 2392

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, McKinney, Renaud and Trent.

House File 2396

Judiciary and Law Enforcement: Siegrist, Chair; Poncy and Renaud.

House File 2397

Judiciary and Law Enforcement: Jay, Chair; Peterson of Carroll and Plasier.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 666

Natural Resources and Outdoor Recreation: McKean, Chair; Johnson and Osterberg.

House Study Bill 752

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 760

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 761

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 762

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 773

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

House Study Bill 774

Small Business and Commerce: Hibbard, Chair; Halvorson of Clayton and Jesse.

House Study Bill 780

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 2269, a bill for an act relating to the reallocation of the moneys in the surplus account of the Iowa plan fund and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** February 8, 1990.

Committee Bill, 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 for the imposition of a tax.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1990.

RESOLUTION FILED

HCR 107, by committee on state government, a concurrent resolution to welcome and encourage diverse cultures and diverse languages in business, government, and private affairs in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5129	H.F.	2309	Plasier of Sioux
H—5130	H.F.	2068	Senate Amendment
H—5131	H.F.	2383	Peters of Woodbury
H—5132	H.F.	2383	Murphy of Dubuque Brown of Lucas
H—5133	H.F.	2383	Murphy of Dubuque Brown of Lucas
H—5134	H.F.	2383	Murphy of Dubuque Brown of Lucas
H—5135	H.F.	2383	Brown of Lucas Shearer of Louisa
H—5136	H.F.	2329	Spenner of Henry
H—5137	H.F.	2383	Brown of Lucas Shearer of Louisa
H—5138	H.F.	2329	Spear of Lee
H—5139	H.F.	2383	Brown of Lucas Shearer of Louisa Murphy of Dubuque

On motion by Arnould of Scott, the House adjourned at 10:22 a.m., until 9:00 a.m., Wednesday, February 14, 1990.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day — Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 14, 1990

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

Prayer was offered by the Honorable Dennis Cohoon, state representative from Des Moines County.

The Journal of Tuesday, February 13, 1990 was approved.

INTRODUCTION OF BILLS

House File 2407, by committee on ways and means, a bill for an act relating to the designation, inventory, and protection of wetlands, providing a civil penalty for violations, and providing a property tax exemption for wetlands.

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

House File 2408, by Murphy, Jochum and Rosenberg, a bill for an act relating to the establishment of a homeless relief coordination pilot project.

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

House File 2409, by Schrader, a bill for an act regulating dealers of liquefied petroleum gas.

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

House File 2410, by Plasier, a bill for an act providing certain refunds of sales, services, and use tax for charitable institutions.

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

House File 2411, by Brown and Jesse, a bill for an act regulating detasseling of corn and providing penalties.

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

House File 2412, by Ollie, Stueland, Beatty, Johnson, Rosenberg, Eddie, Trent, Plasier and Osterberg, a bill for an act providing for

the enactment of municipal infractions relating to the environment and providing penalties.

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

House File 2413, by Plasier and Tyrrell, a bill for an act relating to the posting of signs by holders of liquor control licenses, retail wine permits, and retail beer permits regarding the effects of alcohol on a pregnant woman.

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

House File 2414, by Holveck, a bill for an act relating to working restrictions for resident physicians, and providing a penalty.

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

House File 2415, by Mertz and Kistler, a bill for an act relating to educational expenses for children at the state mental health institutes administered by the department of human services.

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

House File 2416, by administrative rules review committee, a bill for an act relating to corporal punishment.

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

House File 2417, by committee on energy and environmental protection, a bill for an act relating to the establishment of a state environmental policy and establishing certain requirements relating to the state environmental policy and its implementation.

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

House File 2418, by committee on appropriations, 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.

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

SENATE MESSAGES CONSIDERED

Senate File 2078, by committee on agriculture, a bill for an act regulating certain pesticide dealers, by modifying licensure fees and certain reporting requirements.

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

Senate File 2097, by Horn and Rife, a bill for an act relating to the mediation of disputes between dentists and patients by the board of dental examiners.

Read first time and **passed on file**.

Senate File 2137, by committee on judiciary, a bill for an act providing for the disposal of forfeited weapons.

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

Senate File 2158, by Gettings, a bill for an act permitting the shared ownership, operation, or cooperative use of publicly owned petroleum storage facilities by more than one public agency or political subdivision.

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

Senate File 2163, by committee on state government, a bill for an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date.

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

Senate File 2181, by committee on environment and energy utilities, a bill for an act altering the penalty for late payment of the solid waste tonnage fee.

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

Senate File 2210, by committee on education, a bill for an act relating to student teaching in accredited school districts or private schools.

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

Senate File 2213, by committee on education, a bill for an act relating to the appointment of administrative law judges for the board of educational examiners for certain administrative hearings.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn on request of Adams of Hamilton.

PRESENTATION OF FFA PRESIDENT

Clark of Cerro Gordo presented to the House Larry Geertz from Charles City, president of the Iowa Future Farmers of America. Larry who is a junior at Iowa State University was accompanied by FFA member Tina Smith of Humboldt.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS Regular Calendar

House File 2321, a bill for an act relating to the acquisition and possession of firearms, increasing penalties for certain offenses, and providing an effective date, was taken up for consideration.

Banks of Plymouth offered the following amendment H—5119 filed by him and Spear of Lee and moved its adoption:

H—5119

1 Amend House File 2321 as follows:

2 1. Page 1, by inserting after line 23 the
3 following:

4 "A person who commits an assault as defined in
5 section 708.1 against a peace officer who is in the
6 performance of the peace officer's duties, an employee
7 of the Iowa department of corrections who is in the
8 performance of the employee's duties, or an employee
9 of a judicial district department of correctional
10 services who is in the performance of the employee's
11 duties, is guilty of a class "D" felony."

Amendment H—5119 was adopted.

Action on amendment H—5125 was temporarily deferred.

Bisignano of Polk offered the following amendment H—5097 filed by him and moved its adoption:

H—5097

1 Amend House File 2321 as follows:

2 1. Page 2, line 12, by striking the word
3 "Commencing" and inserting the following: "Upon
4 notification that criminal history data is available
5 but not later than".

6 2. Page 3, by striking lines 22 through 25 and
7 inserting the following: "description and colored
8 photograph of the cardholder, or other identification
9 as specified by rule of the department of public
10 safety. Upon notification that criminal history data
11 is available but not later than July 1, 1991, the
12 sheriff shall conduct a".

Amendment H—5097 was adopted.

Spear of Lee offered the following amendment H—5111 filed by him and moved its adoption:

H—5111

- 1 Amend House File 2321 as follows:
- 2 1. Page 2, by inserting after line 17, the
- 3 following:
- 4 "Sec. _____. Section 724.15, subsection 1, paragraph
- 5 f, Code 1989, is amended to read as follows:
- 6 f. The person has never been adjudged mentally
- 7 defective incompetent."

Amendment H—5111 was adopted.

Spear of Lee offered the following amendment H—5108 filed by him and moved its adoption:

H—5108

- 1 Amend House File 2321 as follows:
- 2 1. Page 2, line 19, by striking the word
- 3 "paragraphs" and inserting the following:
- 4 "paragraph".
- 5 2. Page 2, by striking lines 22 through 27.

A non-record roll call was requested.

The ayes were 23, nays 42.

Amendment H—5108 lost.

Spear of Lee offered the following amendment H—5102 filed by him and moved its adoption:

H—5102

- 1 Amend House File 2321 as follows:
- 2 1. Page 4, line 12, by inserting after the word
- 3 "lock." the following: "The key for the locked box or
- 4 container or trigger lock shall be kept in a location
- 5 where it is unlikely that a minor under the age of
- 6 fourteen years will gain access to it."

A non-record roll call was requested.

The ayes were 13, nays 38.

Amendment H—5102 lost.

Spear of Lee offered the following amendment H—5098 filed by him and moved its adoption:

H—5098

- 1 Amend House File 2321 as follows:
- 2 1. Page 4, by striking lines 22 and 23.

Amendment H—5098 lost.

Bigignano of Polk offered the following amendment H—5127 filed by him and moved its adoption:

H—5127

- 1 Amend House File 2321 as follows:
- 2 1. Page 4, by striking lines 3 through 23 and
- 3 inserting the following:
- 4 “NEW SUBSECTION. 7. ACCESS TO LOADED FIREARMS BY
- 5 CHILDREN RESTRICTED — PENALTY. It shall be unlawful
- 6 for any person to store or leave a loaded firearm
- 7 which is not secured by a trigger lock mechanism,
- 8 placed in a securely locked box or container, or
- 9 placed in some other location which a reasonable
- 10 person would believe to be secure from a minor under
- 11 the age of fourteen years, if such person knows or has
- 12 reason to believe that a minor under the age of
- 13 fourteen years is likely to gain access to the firearm
- 14 without the lawful permission of the minor’s parent,
- 15 guardian, or person having charge of the minor, the
- 16 minor lawfully gains access to the firearm without the
- 17 consent of the minor’s parent, guardian, or person
- 18 having charge of the minor, and the minor exhibits the
- 19 firearm in a public place in any manner, or uses the
- 20 firearm unlawfully to cause injury or death to a
- 21 person. This subsection does not apply if the minor
- 22 obtains the firearm as a result of an unlawful entry
- 23 by any person. A violation of this section is
- 24 punishable as a serious misdemeanor.”

Amendment H—5127 was adopted.

Jay of Appanoose offered the following amendment H—5125, previously deferred, filed by Rosenberg of Story and him and moved its adoption:

H—5125

- 1 Amend House File 2321 as follows:
- 2 1. Page 1, by striking lines 1 through 29.
- 3 2. Renumber as necessary.

A non-record roll call was requested.

The ayes were 35, nays 19.

Amendment H—5125 was adopted, placing out of order amendment H—5119 previously adopted, found on page 382 of the House Journal.

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

On the question "Shall the bill pass?" (H.F. 2321)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schnekloth	Rechader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Brammer Haverland Rosenberg

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

INTRODUCTION OF BILLS

House File 2419, by committee on human resources, a bill for an act requiring riders of motorcycles and motorized bicycles to wear protective headgear and making penalties applicable.

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

House File 2420, by Peterson of Carroll, a bill for an act relating to the power of cities to grant licenses.

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

House File 2421, by committee on human resources, a bill for an act providing authority under certain conditions for the release of information by the child support recovery unit to certain persons and to other units of the department of human services.

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

House File 2422, by committee on human resources, a bill for an act relating to retroactive modifications of support orders.

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

House File 2423, by committee on judiciary and law enforcement, a bill for an act relating to establishing title where a surviving spouse is a joint tenant of real estate with a deceased spouse.

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

House File 2424, by committee on small business and commerce, a bill for an act relating to the cancellation or nonrenewal of certain kinds of property and casualty insurance.

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

House File 2425, by committee on judiciary and law enforcement, a bill for an act relating to voluntary petitions for conservatorships and their required contents.

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

RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee agenda, for the committee on ways and means to consider House File 2184 at their February 14 meeting.

COMMUNICATION RECEIVED

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

A communication from seventeen fourth and fifth grade students from Waterloo, thanking the Legislature for the recreational and educational grant for an after school club. By Harper of Black Hawk.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, February 9, 1990. Had I been present, I would have voted "aye" on House Files 2294 and 2308.

PETERSON of Carroll

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 786 Natural Resources and Outdoor Recreation**

Relating to free hunting and fishing licenses for military personnel.

H.S.B. 787 Judiciary and Law Enforcement

Relating to the protection of trade secrets and providing remedies.

H.S.B. 788 Judiciary and Law Enforcement

Making certain legal settlements with public bodies a matter of public record.

H.S.B. 789 Judiciary and Law Enforcement

Relating to the judgment and care of a fiduciary in making investment decisions.

H.S.B. 790 Judiciary and Law Enforcement

Relating to court costs to the city for certain dismissals of parking violations.

H.S.B. 791 Judiciary and Law Enforcement

Establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other related matters, and providing an effective date.

H.S.B. 792 Judiciary and Law Enforcement

Relating to the jurisdiction of the juvenile court to hear matters involving possession of alcohol by juveniles.

H.S.B. 793 Judiciary and Law Enforcement

Relating to a child custody and visitation mediation pilot program and making an appropriation.

H.S.B. 794 Judiciary and Law Enforcement

Relating to the administration of small estates.

H.S.B. 795 Judiciary and Law Enforcement

Relating to the establishment of the division of criminal justice planning and providing an effective date.

H.S.B. 796 Education

Extending the waiver provisions relating to educational standards for guidance programs and media services for one additional year.

H.S.B. 797 Education

Relating to education and training regarding adoption and parenting skills.

H.S.B. 798 Judiciary and Law Enforcement

Relating to an assault without intent to inflict serious injury which results in a serious injury.

H.S.B. 799 Judiciary and Law Enforcement

Relating to the notification or testing of persons receiving health or correctional services regarding the human immunodeficiency virus.

H.S.B. 800 Judiciary and Law Enforcement

Relating to the disposition of seizable and forfeitable property, by modifying provisions relating to seizable property and seizure of vehicles, by providing for classes of forfeitable property, amending the burden of proof at forfeiture proceedings, providing for conditions of forfeiture, establishing certain affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date and an effective date.

H.S.B. 801 Judiciary and Law Enforcement

Relating to the distribution, transportation, storage, and acts or activities involving the use of an incendiary or explosive device or material, establishing permits, licenses, and fees, and providing penalties.

H.S.B. 802 Small Business and Commerce

Relating to the qualifications and conditions of office of the superintendent of banking.

H.S.B. 803 Small Business and Commerce

Requiring the commissioner of insurance to adopt certain rules to regulate the insurance rating practices for small groups of life and accident or health insureds.

H.S.B. 804 Economic Development

Relating to the establishment of the Iowa arts and culture challenge grant foundation and foundation fund.

H.S.B. 805 Human Resources

Relating to the medical and surgical treatment of indigent persons who are providing migratory labor and their families.

H.S.B. 806 Human Resources

Relating to health maintenance organizations.

H.S.B. 807 Human Resources

Relating to the ability of a mentally disabled person to obtain a marriage license.

H.S.B. 808 Human Resources

Relating to termination of parental rights over a child who has been abused by a parent and over the child's siblings.

H.S.B. 809 Human Resources

Requiring contributions to a housing trust fund if new construction or renovation displaces low-income housing units, congregate living facilities, or homeless shelter beds.

H.S.B. 810 Natural Resources and Outdoor Recreation

Relating to removing land dedicated as wetlands and prairies from classification and assessment within drainage districts.

H.S.B. 811 Economic Development

Providing a venture capital income tax credit and providing a retroactive applicability date.

H.S.B. 812 Energy and Environmental Protection

To encourage cost containment in relation to contracts compensable, in whole or in part, from the comprehensive petroleum underground storage tank fund, by providing certain authority to the administrator of the fund.

H.S.B. 813 Energy and Environmental Protection

Relating to the establishment of a retail sales tax on disposable diapers.

H.S.B. 814 Agriculture

Relating to mediation assistance, increasing certain fees, extending the date of repeal for certain provisions, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

House File 2241

Appropriations: Hansen of Woodbury, Chair; Hatch and Maulsby.

House File 2325

Agriculture: Schrader, Chair; Hibbard and Pellett.

House File 2331

Local Government: Bisignano, Chair; Connors and Hatch.

House File 2332

Education: Shoultz, Chair; Lageschulte, Neuhauser, Shearer and Siegrist.

House File 2341

Local Government: Peters, Chair; Diemer and Haverland.

House File 2345

Agriculture: May, Chair; Johnson and Petersen of Muscatine.

House File 2349

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

House File 2350

Education: Shoultz, Chair; Lageschulte, Neuhauser, Shearer and Siegrist.

House File 2352

Local Government: Shearer, Chair; Muhlbauer and Royer.

House File 2357

Education: Adams, Chair; Daggett and Ollie.

House File 2358

Local Government: Renken, Chair; Black and Spear.

House File 2360

Local Government: Muhlbauer, Chair; McKean and Mertz.

House File 2362

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

House File 2373

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

House File 2374

Transportation: Muhlbauer, Chair; De Groot and Koenigs.

House File 2378

Local Government: Fogarty, Chair; Banks, Eddie, Fuller and Shearer.

House File 2380

Ways and Means: Teaford, Chair; Daggett and Fey.

House File 2382

Appropriations: Swartz, Chair; Corbett and Peterson of Carroll.

House File 2386

Energy and Environmental Protection: Dvorsky, Chair; Lundby and May.

House File 2387

Ways and Means: Tabor, Chair; Doderer and Schnekloth.

House File 2388

Ways and Means: Osterberg, Chair; De Groot and Rosenberg.

House File 2389

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

House File 2394

Appropriations: McKinney, Chair; Stueland and Svoboda.

House File 2395

Ways and Means: Tabor, Chair; Doderer and Schnekloth.

House File 2400

Education: Shoultz, Chair; Lageschulte, Neuhauser, Shearer and Siegrist.

House File 2403

State Government: Teaford, Chair; Blanshan, Carpenter, Halvorson of Webster and Hanson of Delaware.

House File 2409

Energy and Environmental Protection: Schrader, Chair; May and McKean.

House File 2412

Energy and Environmental Protection: Adams, Chair; Holveck and Trent.

Senate File 332

Ways and Means: Doderer, Chair; Chapman and Schnekloth.

Senate File 2115

Ways and Means: Osterberg, Chair; Petersen of Muscatine and Schnekloth.

Senate File 2212

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

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 776**

State Government: Beatty, Chair; Poney and Tyrrell.

House Study Bill 777

State Government: Spenner, Chair; Blanshan and Buhr.

House Study Bill 778

Local Government: Brown, Chair; Diemer and Peters.

House Study Bill 779

Transportation: Muhlbauer, Chair; Beaman and Black.

House Study Bill 781

Local Government: Iverson, Chair; Brown and Mertz.

House Study Bill 782

Transportation: Jay, Chair; Brown and Royer.

House Study Bill 783

Local Government: Fogarty, Chair; Banks, Eddie, Fuller and Shearer.

House Study Bill 784

Local Government: Spear, Chair; Black and Hester.

House Study Bill 787

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Halvorson of Clayton and Hibbard.

House Study Bill 788

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House Study Bill 789

Judiciary and Law Enforcement: McKinney, Chair; Hansen of Woodbury and Kremer.

House Study Bill 790

Judiciary and Law Enforcement: Jay, Chair; Harbor and Hibbard.

House Study Bill 791

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and Plasier.

House Study Bill 792

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Poncey and Shoning.

House Study Bill 793

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Jay and Plasier.

House Study Bill 794

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

House Study Bill 795

Judiciary and Law Enforcement: Clark, Chair; Hibbard and Plasier.

House Study Bill 798

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

House Study Bill 799

Judiciary and Law Enforcement: Renaud, Chair; Plasier and Poncey.

House Study Bill 800

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Jay and Trent.

House Study Bill 801

Judiciary and Law Enforcement: Jay, Chair; Poncey and Siegrist.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

ADMINISTRATIVE RULES REVIEW COMMITTEE

Committee Bill, relating to corporal punishment.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 1990.

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 714), relating to grain management, by providing for the regulation of grain dealers and grain warehouse operators, providing for the indemnification of grain depositors and sellers, and providing for penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1990.

COMMITTEE ON ECONOMIC DEVELOPMENT

House File 2181, a bill for an act providing for the establishment of community commonwealths to foster economic development and provide for joint services, facilities, and revenue sharing by various governmental units, permitting tax-base sharing, and appropriating state funds to community commonwealths utilizing tax-base sharing.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5143** February 13, 1990.

Senate File 2186, a bill for an act relating to the receipt of assistance under certain economic development programs and providing civil penalties for certain violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5146** February 13, 1990.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 629), relating to the duties of the board of educational examiners, providing for alternative routes to licensing, and defining which persons are teachers for purposes of educational excellence programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1990.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2063), relating to the disclosure of certain mental health information to family members.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 574), relating to registration and deferrals of children on state and national adoption exchanges.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 664), requiring riders of motorcycles and motorized bicycles to wear protective headgear and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 691), restricting the conditions under which a third-party payor of medical benefits may limit coverage for prescription drugs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 710), relating to retroactive modifications of support orders.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 711), relating to child support payments by providing for immediate withholding of an obligor's income and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 712), providing authority under certain conditions for the release of information by the child support recovery unit to certain persons and to other units of the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2065, a bill for an act establishing a youthful drunk driver visitation program, authorizing the court to order certain offenders to participate in a program of visitation to specified emergency medical care facilities, chemical substance abuse treatment facilities, and morgues, and providing for immunity from civil liability for persons and entities involved in the program.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

House File 2160, a bill for an act relating to mandatory domestic abuse arrests and providing guidelines concerning a primary physical aggressor.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5141** February 13, 1990.

Committee Bill (Formerly House Study Bill 737), relating to the crime victim reparation and victim assistance programs, specifying that the crime victim reparation program may be included in a restitution plan, establishing a priority for payment in a restitution plan, relieving the clerk of the supreme court of victim notification requirements on appeals and transferring those duties to the department of justice, providing confidentiality requirements concerning victims and witnesses with certain exceptions, permitting victims of simple misdemeanors to participate in the crime victim reparation program, and permitting certain victims of crimes committed outside of this state to participate in the crime victim reparation program.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 739), relating to the requirements for establishing a power of attorney authorized to make decisions.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 747), relating to voluntary petitions for conservatorships and their required contents.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 748), relating to establishing title where a surviving spouse is a joint tenant of real estate with a deceased spouse.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 660), relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate File 57, a bill for an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5145** February 13, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 2131, a bill for an act relating to housing cooperatives by authorizing the creation of local housing authorities to encourage and organize sweat equity housing cooperative associations with state financial assistance as available, and providing procedures and requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5140** February 13, 1990.

Committee Bill (Formerly House File 563), relating to automobile liability insurance by regulating certain automobile insurance rates in connection with claims based upon uninsured, underinsured, or hit-and-run coverage.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

Committee Bill (Formerly House File 2122), allowing a person to purchase insurance through the Iowa comprehensive health association even if the person has coverage under another insurance plan.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 697), relating to the regulation of insurers, insurance, and annuity contracts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 755), relating to the cancellation or nonrenewal of certain kinds of property and casualty insurance.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 689), relating to the date of publication of the report of state employee salaries.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 696), relating to weighing and measuring devices, and establishing fees.

Fiscal Note is required.

Recommended **Do Pass** February 13, 1990.

Committee Bill (Formerly House Study Bill 756), relating to the manufacture, distribution, and possession of gambling devices.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1990.

AMENDMENTS FILED

H-5140	H.F.	2131	Committee on Small Business and Commerce
H-5141	H.F.	2160	Committee on Judiciary and Law Enforcement
H-5142	H.F.	2371	Haverland of Polk Jesse of Jasper
H-5143	H.F.	2181	Committee on Economic Development
H-5144	H.F.	2371	Royer of Page Harbor of Mills
H-5145	S.F.	57	Committee on Natural Resources and Outdoor Recreation
H-5146	S.F.	2186	Committee on Economic Development
H-5147	H.F.	2258	Hermann of Scott
H-5148	H.F.	2329	Metcalf of Polk
H-5149	H.F.	2381	Kremer of Buchanan
H-5150	H.F.	2320	Brammer of Linn
H-5151	H.F.	2215	Renaud of Polk

On motion by Arnould of Scott, the House adjourned at 10:12 a.m., until 9:00 a.m., Thursday, February 15, 1990.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day — Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 15, 1990

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

Prayer was offered by the Honorable Josephine Gruhn, state representative from Dickinson County.

The Journal of Wednesday, February 14, 1990 was approved.

PETITIONS FILED

The following petitions by Shearer of Louisa favoring a moratorium on construction of infectious medical waste incineration plants until federal and state regulations are in place were received and placed on file:

From 1,907 residents of Riverside and the counties of Washington, Johnson, Iowa, Louisa and Henry.

From 3,022 residents of Harlan and the counties of Shelby, Audubon, Crawford and Cass.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Neuhauser of Johnson on request of Adams of Hamilton; Hansen of Woodbury on request of Jay of Appanoose; Halvorson of Webster, until his arrival, on request of Murphy of Dubuque.

INTRODUCTION OF BILLS

House Joint Resolution 2004, by Schnekloth, Petersen of Muscatine, Stueland, Siegrist, Hermann and Tyrrell, a joint resolution requesting the proposal of an amendment to the Constitution of the United States to limit the terms of members of Congress.

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

House File 2426, by Corbett, Spear, Hermann and Murphy, a bill for an act relating to the abortion as a means of sex selection and providing for civil and criminal penalties.

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

House File 2427, by Ollie, a bill for an act relating to advertising by motor carriers of property.

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

House File 2428, by committee on human resources, a bill for an act relating to registration and deferrals of children on state and national adoption exchanges.

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

House File 2429, by committee on state government, a bill for an act relating to the date of publication of the report of state employee salaries.

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

House File 2430, by committee on human resources, a bill for an act relating to the disclosure of certain mental health information to family members.

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

House File 2431, by committee on small business and commerce, a bill for an act allowing a person to purchase insurance through the Iowa comprehensive health association even if the person has coverage under another insurance plan.

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

House File 2432, by committee on local government, a bill for an act relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way.

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

House File 2433, by Beatty, a bill for an act relating to certain unused leave benefits of state employees by providing for a leave pooling program and for the conversion of certain unused vacation benefits into credit for membership service under the Iowa public employees' retirement system or into a retirement annuity.

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

House File 2434, by Garman, a bill for an act relating to the procedure in an action for replevin.

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

House File 2435, by Corbett, a bill for an act relating to education and training regarding adoption and parenting skills.

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

House File 2436, by committee on human resources, a bill for an act restricting the conditions under which a third-party payor of medical benefits may limit coverage for prescription drugs.

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

House File 2437, by committee on human resources, a bill for an act relating to child support payments by providing for immediate withholding of an obligor's income and providing a penalty.

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

House File 2438, by committee on judiciary and law enforcement, a bill for an act relating to the crime victim reparation and victim assistance programs, specifying that the crime victim reparation program may be included in a restitution plan, establishing a priority for payment in a restitution plan, relieving the clerk of the supreme court of victim notification requirements on appeals and transferring those duties to the department of justice, providing confidentiality requirements concerning victims and witnesses with certain exceptions, permitting victims of simple misdemeanors to participate in the crime victim reparation program, and permitting certain victims of crimes committed outside of this state to participate in the crime victim reparation program.

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

House File 2439, by Holveck, a bill for an act relating to zoning regulations for homes for developmentally disabled persons.

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

House File 2440, by committee on education, a bill for an act relating to the duties of the board of educational examiners, providing for alternative routes to licensing, and defining which persons are teachers for purposes of educational excellence programs.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 12, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 730, a bill for an act relating to the adoption of rules by the real estate commission imposing certain requirements on real estate brokers and salespersons, and providing an effective date.

Also: That the Senate has on February 12, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2100, a bill for an act relating to fraternal benefit societies, imposing penalties, and providing an effective date.

Also: That the Senate has on February 12, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2156, a bill for an act giving federal law enforcement officials peace officer status in certain instances.

Also: That the Senate has on February 12, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2187, a bill for an act relating to workers' health, safety, and welfare, and effecting funding for the second injury fund.

Also: That the Senate has on February 12, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2198, a bill for an act relating to the sale of the United States flag in Iowa.

Also: That the Senate has on February 12, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2232, a bill for an act relating to indemnification of art exhibitors by the Iowa arts council.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 2141, a bill for an act relating to the conditions under which a school district employee with an extracurricular contract for interscholastic athletic sports may resign from the extracurricular contract, was taken up for consideration.

Iverson of Wright offered the following amendment H—5117 filed by him:

H—5117

- 1 Amend House File 2141 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 256.11A, subsection 2, Code
- 5 Supplement 1989, is amended to read as follows:
- 6 2. Schools and school districts are not required
- 7 to meet the requirement stated in the standards

8 adopted by the state board under section 256.17, Code
 9 Supplement 1987, that prohibits an individual who is
 10 employed or contracted as superintendent from also
 11 serving as a principal in that school or school
 12 district until July 1, 1990, except as otherwise
 13 provided in this subsection. Not later than January
 14 1, 1990, for the school year beginning July 1, 1990,
 15 the board of directors of a school district or
 16 authorities in charge of a nonpublic school, may file
 17 a written request with the department of education
 18 that the department waive the requirement for that
 19 district or school. The procedures specified in
 20 subsection 5 apply to the request."

21 2. Title page, line 1, by striking the words
 22 "under which" and inserting the following: "of".

23 3. Title page, by striking lines 2 and 3 and
 24 inserting the following: "employee contract."

25 4. By renumbering as necessary.

Ollie of Clinton rose on a point of order that amendment H—5117 was not germane.

The Speaker ruled the point well taken and amendment H—5117 not germane.

Daggett of Adams moved that the rules be suspended to consider amendment H—5117.

A non-record roll call was requested.

The ayes were 37, nays 45.

The motion to suspend the rules lost.

Schrader of Marion asked and received unanimous consent to withdraw amendment H—5093 filed by him on February 6, 1990.

Siegrist of Pottawattamie offered the following amendment H—5103 filed by him:

H—5103

1 Amend House File 2141 as follows:

2 1. By striking page 1, line 34 through page 2,
 3 line 11, and inserting the following:

4 "3. The board of directors of a school district
 5 may require an employee who has resigned from an
 6 extracurricular contract to accept, as a condition of
 7 employment under section 279.13, the extracurricular
 8 contract for the subsequent no longer than one
 9 additional school year if all the following conditions
 10 apply:

11 a. The employee has accepted a teaching contract

12 issued by the board pursuant to section 279.13 for the
13 subsequent school year.

14 b. The board of directors has made a good faith
15 effort to fill the coaching position with a licensed
16 or authorized replacement.

17 c. The position has not been filled by June 1 of
18 the year in which the employee resigned the
19 extracurricular contract."

20 2. Page 2, line 12, by striking the figures "4 3"
21 and inserting the following: "4".

22 3. Page 2, line 23, by striking the words "or has
23 resigned from".

24 4. Page 2, by striking lines 31 through 33.

25 5. Page 2, line 34, by striking the figures "5 4"
26 and inserting the following: "5".

27 6. Page 3, lines 2 and 3, by striking the word
28 and figure "or 4" and inserting the following: "or
29 4".

30 7. Page 3 by striking line 14 and inserting the
31 following:

32 "6. Subsections 3, 4, and 5 do not apply if the
33 terms".

34 8. Page 3, line 16, by striking the figures "7 6"
35 and inserting the following: "7".

36 9. Page 3, line 18, by striking the figures "8 7"
37 and inserting the following: "8".

38 10. Page 3, line 27, by striking the figures "9
39 8" and inserting the following: "9".

Arnould of Scott asked and received unanimous consent that House File 2141 be deferred and that the bill retain its place on the calendar.

(Amendment H—5103 pending.)

The House stood at ease at 9:50 a.m., until the fall of the gavel.

The House resumed session at 12:07 p.m., Chapman of Linn in the chair.

RULE 48 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 48 on Study Bills, which were not filed in the House Journal, to allow them to be considered by committees meeting today if agreed to by the respective chair and ranking member.

INTRODUCTION OF BILLS

House File 2441, by Adams, a bill for an act relating to the investigation of deaths of patients or outpatients of state mental health institutes.

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

House File 2442, by Shoultz, a bill for an act relating to waste reduction and recycling and establishing fees and taxes, and providing applicability dates.

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

House File 2443, by Teaford and Harper, a bill for an act relating to reciprocity provisions for licensing of nursing home administrators.

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

House File 2444, by Peters, a bill for an act relating to assessment of a fee upon renewal of motor vehicle registrations against a person liable for a delinquent support or maintenance payment.

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

House File 2445, by Haverland, Adamś, Chapman, Connors, Fey, Hammond, Harper, Jay, Neuhauser and Teaford, a bill for an act relating to family leave for state employees.

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

House File 2446, by Schnekloth, Petersen of Muscatine, Stueland, Pellett and Lageschulte, a bill for an act requiring payment of dividends or redemption of stock by cooperative associations.

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

House File 2447, by Jesse, a bill for an act relating to services provided by the public broadcasting division of the department of cultural affairs.

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

PRESENTATION OF VISITORS

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

Seven Business Law students from Dallas Center-Grimes Community High School, Dallas Center, accompanied by Judy Schneider. By McKinney of Dallas.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 815 Local Government**

Relating to the issuance of bonds under the hotel and motel tax and providing an effective date.

H.S.B. 816 State Government

Relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act.

H.S.B. 817 Labor and Industrial Relations

Relating to drug testing of employees or applicants for employment.

H.S.B. 818 Judiciary and Law Enforcement

Relating to the characterization of certain corporate shares as issued, but not outstanding, shares.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 2003**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House File 2363

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House File 2385

Natural Resources and Outdoor Recreation: Gruhn, Chair; Diemer and Schrader.

House File 2402

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House File 2414

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House File 2415

Education: Ollie, Chair; Daggett, Iverson, Shultz and Wise.

House File 2416

Education: Harper, Chair; Haverland and Maulsby.

House File 2426

Judiciary and Law Enforcement: Siegrist, Chair; Poncy and Renaud.

House File 2434

Judiciary and Law Enforcement: Siegrist, Chair; Poncy and Renaud.

Senate File 2048

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

Senate File 2210

Education: Harper, Chair; Kistler and Shoultz.

Senate File 2213

Education: Harper, Chair; Kistler and Shoultz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 786**

Natural Resources and Outdoor Recreation: Lykam, Chair; Fuller and Royer.

House Study Bill 796

Education: Ollie, Chair; Daggett, Iverson, Shoultz and Wise.

House Study Bill 797

Education: Neuhauser, Chair; Brand, Haverland, Lageschulte and Siegrist.

House Study Bill 805

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

House Study Bill 806

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House Study Bill 807

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

House Study Bill 808

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

House Study Bill 809

Human Resources: Buhr, Chair; Carpenter, Clark, Hammond and Peters.

House Study Bill 810

Natural Resources and Outdoor Recreation: Johnson, Chair; McKean and Osterberg.

House Study Bill 811

Economic Development: Jesse, Chair; Corbett, Halvorson of Webster, Lykam and Metcalf.

House Study Bill 812

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

House Study Bill 816

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 2170, a bill for an act relating to the prohibition of the use of certain pesticides, and making a penalty applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5152 February 13, 1990.

Senate File 390, a bill for an act relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5153 February 13, 1990.

Committee Bill (Formerly House Study Bill 754), relating to contracts for the care and feeding of livestock, and providing an effective date.

Fiscal Note is required.

Recommended Amend and Do Pass February 14, 1990.

COMMITTEE ON EDUCATION

House File 2357, a bill for an act relating to the applicability of school district reorganization incentives and providing a retroactive applicability date.

Fiscal Note is required.

Recommended Do Pass February 14, 1990.

Committee Bill (Formerly House File 370), to repeal provisions relating to the refund of tuition by certain institutions or other persons offering courses of instruction at the postsecondary level for profit.

Fiscal Note is not required.

Recommended Amend and Do Pass February 14, 1990.

Committee Resolution (Formerly House Study Bill 611), requesting the Legislative Council to appoint an interim study committee to study possible area education agency reorganization and accreditation.

Fiscal Note is not required.

Recommended Do Pass February 14, 1990.

Committee Bill (Formerly House Study Bill 671), relating to area education agencies and providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass February 14, 1990.

Committee Bill (Formerly House Study Bill 758), relating to the employment of personnel under sharing agreements between school districts.

Fiscal Note is not required.

Recommended Do Pass February 14, 1990.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 2128), relating to the waste volume reduction and recycling duties of cities and counties, and increasing the solid waste tonnage fee.

Fiscal Note is not required.

Recommended Amend and Do Pass February 14, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2292, a bill for an act relating to the procedure for distribution of payments made upon a judgment or settlement of a third-party claim brought by a recipient of medical assistance.

Fiscal Note is not required.

Recommended Do Pass February 14, 1990.

Committee Bill (Formerly House File 2116), relating to the jurisdiction of small claims court over executions of personal property, including garnishments, and providing for the Act's applicability.

Fiscal Note is not required.

Recommended Do Pass February 14, 1990.

Committee Bill (Formerly House Study Bill 743), relating to a tax assessment dispute and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass February 14, 1990.

Committee Bill (Formerly House Study Bill 749), relating to state administrative rules, providing for style and form and for the assignment of identification numbers, specifying official citations, providing a pilot project for the separate publication of certain rules, and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1990.

Committee Bill (Formerly House Study Bill 790), relating to court costs to the city for certain dismissals of parking violations.

Fiscal Note is required.

Recommended **Do Pass** February 14, 1990.

Committee Bill (Formerly House Study Bill 792), relating to the jurisdiction of the juvenile court to hear matters involving possession of alcohol by juveniles.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1990.

Committee Bill (Formerly House Study Bill 795), relating to the establishment of the division of criminal justice planning and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1990.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House Study Bill 688), relating to unfair representation of a public employee by a bargaining representative in an employment dispute and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1990.

COMMITTEE ON STATE GOVERNMENT

House File 2024, a bill for an act relating to confidential autopsy records of the state medical examiner or a county medical examiner.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 14, 1990.

Committee Bill (Formerly House Study Bill 703), relating to licensure to practice veterinary medicine without an examination.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1990.

Committee Bill (Formerly House Study Bill 764), relating to state chartered legal entities, especially nonprofit corporations and cooperative associations, by altering requirements and procedure for filing corporate documents in the office of the secretary of state and by requiring corporations organized under or subject to Iowa Code chapter 504 to convert to chapter 504A within a certain period of time.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1990.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 2030), relating to the removal of railway track from a grade crossing once the railway corporation has abandoned the line or permitted interim use for the establishment of a trail.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1990.

Committee Bill (Formerly House File 2216), requiring restitution of persons convicted of interfering with a traffic device, sign, or signal.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1990.

Committee Bill (Formerly House File 2298), relating to the acquisition of rights-of-way for highways.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1990.

Committee Bill (Formerly House Study Bill 675), relating to arbitration agreements between manufacturers, distributors, or importers of motor vehicles and motor vehicle dealers.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1990.

Committee Bill (Formerly House Study Bill 679), relating to aircraft registration and special certificate fees.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1990.

Committee Bill (Formerly House Study Bill 779), relating to motor vehicle odometer requirements.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1990.

COMMITTEE ON WAYS AND MEANS

House File 2250, a bill for an act relating to the importation of bees and bee-related items, increasing certain fees, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1990.

Committee Bill (Formerly House File 2096), relating to the county agricultural extension education tax by increasing the maximum dollar amount of property tax

revenue which may be raised, establishing state supplemental assistance for districts which are unable to raise a minimum dollar amount by the permitted property tax levy, and providing an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1990.

Committee Bill (Formerly House File 2184), relating to and providing a temporary property tax exemption for certain increased valuation of historic property, providing a phase-in of increased valuation, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1990.

RESOLUTION FILED

HCR 108, by Plasier, a concurrent resolution urging the members of Iowa's delegation to the United States Congress to support Iowa's approach to implementation of electronic benefits transfer in the federal food stamp program.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5152	H.F.	2170	Committee on Agriculture
H-5153	S.F.	390	Committee on Agriculture
H-5154	H.F.	2188	Garman of Story Banks of Plymouth
H-5155	S.F.	2153	Pellett of Cass
H-5156	H.F.	730	Senate Amendment
H-5157	H.F.	2201	Peters of Woodbury
H-5158	H.F.	2346	Renken of Grundy
H-5159	H.F.	2399	Spenner of Henry Pellett of Cass Eddie of Buena Vista Muhlbauer of Crawford
H-5160	S.F.	57	Fogarty of Palo Alto
H-5161	H.F.	2272	Koenigs of Mitchell
H-5162	H.F.	2357	Adams of Hamilton
H-5163	H.F.	2383	Brown of Lucas Shearer of Louisa Murphy of Dubuque
H-5164	H.F.	2371	Jochum of Dubuque

H—5165	H.F.	2383	Brown of Lucas Shearer of Louisa Murphy of Dubuque
H—5166	H.F.	2383	Brown of Lucas Shearer of Louisa
H—5167	H.F.	2383	Brown of Lucas Shearer of Louisa

On motion by Arnould of Scott, the House adjourned at 12:12 p.m., until 9:00 a.m., Friday, February 16, 1990.

JOURNAL OF THE HOUSE

Fortieth Calendar Day — Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 16, 1990

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

Prayer was offered by the Honorable Stewart Iverson, state representative from Wright County.

The Journal of Thursday, February 15, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koenigs of Mitchell on request of Royer of Page.

INTRODUCTION OF BILLS

House File 2448, by committee on small business and commerce, a bill for an act relating to automobile liability insurance by regulating certain automobile insurance rates in connection with claims based upon uninsured, underinsured, or hit-and-run coverage.

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

House File 2449, by committee on judiciary and law enforcement, a bill for an act relating to the requirements for establishing a power of attorney authorized to make decisions and providing an effective date.

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

House File 2450, by committee on judiciary and law enforcement, a bill for an act relating to court costs to the city for certain dismissals of parking violations.

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

House File 2451, by committee on state government, a bill for an act relating to weighing and measuring devices, and establishing fees.

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

House File 2452, by committee on transportation, a bill for an act relating to the acquisition of rights-of-way for highways.

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

House File 2453, by committee on transportation, a bill for an act relating to arbitration agreements between manufacturers, distributors, or importers of motor vehicles and motor vehicle dealers.

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

House File 2454, by committee on state government, a bill for an act relating to the manufacture, distribution, and possession of gambling devices.

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

House File 2455, by committee on state government, a bill for an act relating to state chartered legal entities, especially nonprofit corporations and cooperative associations, by altering requirements and procedure for filing corporate documents in the office of the secretary of state and by requiring corporations organized under or subject to Iowa Code chapter 504 to convert to chapter 504A within a certain period of time.

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

House File 2456, by committee on ways and means, a bill for an act relating to the county agricultural extension education tax by increasing the maximum dollar amount of property tax revenue which may be raised, establishing state supplemental assistance for districts which are unable to raise a minimum dollar amount by the permitted property tax levy, and providing an appropriation.

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

House File 2457, by committee on transportation, a bill for an act relating to aircraft registration and special certificate fees.

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

House File 2458, by committee on transportation, a bill for an act requiring restitution of persons convicted of interfering with a traffic device, sign, or signal.

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

House File 2459, by committee on education, a bill for an act relating to the employment of personnel under sharing agreements between school districts.

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

House File 2460, by committee on labor and industrial relations, a bill for an act relating to remedial relief for public employment relations violations and to unfair representation by a bargaining representative of a public employee.

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

House File 2461, by committee on transportation, a bill for an act relating to motor vehicle odometer requirements.

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

House File 2462, by Spenner, Lageschulte and Eddie, a bill for an act relating to loan repayments for physicians under the guaranteed loan payment program administered by the college aid commission.

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

House File 2463, by committee on judiciary and law enforcement, a bill for an act relating to the jurisdiction of the juvenile court to hear matters involving possession of alcohol by juveniles.

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

House File 2464, by committee on education, a bill for an act relating to the refund of tuition by certain institutions or other persons offering courses of instruction at the postsecondary level for profit, and imposing a penalty.

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

House File 2465, by committee on transportation, a bill for an act relating to the removal of railway track from a grade crossing once the railway corporation has abandoned the line or permitted interim use for the establishment of a trail.

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

House File 2466, by committee on small business and commerce, a bill for an act relating to the regulation of insurers, insurance, and annuity contracts.

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

SENATE MESSAGE CONSIDERED

Senate File 2232, by committee on state government, a bill for an act relating to indemnification of art exhibitors by the Iowa arts council.

Read first time and **passed on file**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 16th day of February, 1990: House Files 2001, 2113 and 2120.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 819 Small Business and Commerce

Relating to the final disposition of human remains and arrangements for such disposition and imposing penalties.

SUBCOMMITTEE ASSIGNMENTS

House File 2420

Local Government: Haverland, Chair; McKean and Mertz.

House File 2435

Education: Neuhauser, Chair; Brand, Haverland, Lageschulte and Siegrist.

House File 2439

Local Government: Brown, Chair; Bisignano and Diemer.

House File 2444

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 815

Local Government: Muhlbauer, Chair; Fogarty and Royer.

House Study Bill 818

Judiciary and Law Enforcement: Trent, Chair; McKinney and Peterson of Carroll.

House Study Bill 819

Small Business and Commerce: Holveck, Chair; Bisignano, Doderer, Garman and Shoning.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Committee Bill (Formerly House Study Bill 639), relating to income taxation by providing a new jobs tax credit for small businesses and providing a retroactive applicability date.

Fiscal Note is required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 726), relating to infrastructure bond program — revolving fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 772), establishing an entrepreneurship conference, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 804), relating to the establishment of the Iowa arts and culture challenge grant foundation and foundation fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

COMMITTEE ON EDUCATION

House File 2416, a bill for an act relating to corporal punishment.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 796), extending the waiver provisions relating to educational standards for guidance programs and media services for one additional year.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

House File 2115, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 5168** February 14, 1990.

House File 2238, a bill for an act eliminating the requirement of zero balancing of automatic adjustments in the rates and charges of public utility service.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

House File 2412, a bill for an act providing for the enactment of municipal infractions relating to the environment and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 635), requiring certain information to be provided to adopting parents.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 672), relating to health care facilities and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 752), relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 761), relating to medical support for children receiving child support and certain dependents.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 557, a bill for an act prohibiting the falsification of public correspondence, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5179** February 15, 1990.

House File 2022, a bill for an act relating to the definition of a child in need of assistance.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5178** February 15, 1990.

House File 2157, a bill for an act relating to the dates for limitations of actions on title to real property.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

House File 2372, a bill for an act relating to anabolic steroids, and providing a criminal penalty concerning the distribution of anabolic steroids to minors.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House File 2311) relating to the commitment and treatment of chronic substance abusers.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House File 2397), relating to the district court, providing for the establishment of a family court, eliminating juvenile court referees, providing for additional district judges due to the elimination of juvenile court referees, expanding the jurisdiction of the district associate court, providing for mediation of child custody and visitation matters, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 546), removing duplicative requirements for notification of crime victims.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 621), relating to unfair or discriminatory credit practices by including familial status as an improper basis for differential treatment in relation to a consumer credit transaction, an extension of credit by a state chartered financial institution, or the offer of credit life or health and accident insurance.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 667), relating to the surcharge for dishonored instruments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 735), relating to notarial officers and notarial acts and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 741), relating to the deductibility of liabilities for state inheritance tax purposes.

Fiscal Note is not required.

Recommended Do Pass February 15, 1990.

Committee Bill (Formerly House Study Bill 742), relating to the computation of net income regarding certain property transactions and providing a retroactive applicability date.

Fiscal Note is required.

Recommended Do Pass February 15, 1990.

Committee Bill (Formerly House Study Bill 789), relating to the judgment and care of a fiduciary in making investment decisions.

Fiscal Note is not required.

Recommended Do Pass February 15, 1990.

Committee Bill (Formerly House Study Bill 794), relating to the administration of small estates.

Fiscal Note is not required.

Recommended Do Pass February 15, 1990.

Committee Bill (Formerly House Study Bill 798), relating to an assault without intent to inflict serious injury which results in a serious injury.

Fiscal Note is not required.

Recommended Amend and Do Pass February 15, 1990.

Committee Bill (Formerly House Study Bill 799), relating to the notification or testing of persons receiving health or correctional services regarding the human immunodeficiency virus.

Fiscal Note is not required.

Recommended Amend and Do Pass February 15, 1990.

Committee Bill (Formerly House Study Bill 800), relating to the disposition of seizable and forfeitable property, by modifying provisions relating to seizable property and seizure of vehicles, by providing for classes of forfeitable property, amending the burden of proof at forfeiture proceedings, providing for conditions of forfeiture, establishing certain affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date and an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass February 15, 1990.

Committee Bill (Formerly House Study Bill 818), relating to the characterization of certain corporate shares as issued, but not outstanding, shares.

Fiscal Note is not required.

Recommended Do Pass February 15, 1990.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 2287, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5169** February 14, 1990.

COMMITTEE ON LOCAL GOVERNMENT

House File 2289, a bill for an act relating to the regulation of the burning, mowing, or spraying of roadsides.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

House File 2305, a bill for an act eliminating certain filings requirements of a sheriff in an action for condemnation of property.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

House File 2307, a bill for an act relating to the concurrent holding of the offices of city council member and fire chief of the volunteer fire department.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

House File 2341, a bill for an act relating to airport zoning regulations by allowing conformance with federal aviation regulations.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 596), relating to the annexation of land surrounded by one or more cities, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 694), relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a retail sales tax and the certification of a property tax levy, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 725), relating to the percentage of certificate of title fees and penalties retained by a county.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 778), relating to the establishment, maintenance, and operation of storm water drainage systems and the payment of rates or charges.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 781), relating to the membership of the city development board.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 783), altering the statutory monetary limitation on the local option E911 emergency telephone service surcharge, authorizing the Iowa finance authority to issue bonds and notes secured by certain designated sources to finance E911 service nonrecurring and recurring expenses, providing related procedures and conditions, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 784), relating to the recording of documents for business corporations.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 2279, a bill for an act permitting the department of natural resources to accept credit cards for payment of certain fees and other permitted purposes.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

House File 2296, a bill for an act relating to the regulation and operation of dams.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 508), relating to the enforcement of outdoor recreation and natural resource laws, by defining degrees of repeat offenders, by requiring the reporting of firearm accidents, by providing for the suspension of licenses, permits, and certificates, by providing penalties, and by providing retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Resolution (Formerly House Study Bill 666), relating to an endorsement by the General Assembly for full federal funding for fish and wildlife mitigation on the Missouri River.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 786), relating to free hunting and fishing licenses for military personnel.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Committee Bill (Formerly House File 2041), relating to third-party payor health and accident coverages by prohibiting denial of insurance or the issuance of other third-party payor contracts or policies based upon an applicant's or member's receipt of negative results to a medical diagnostic test.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 562), regulating certain motor vehicle service contracts and establishing an annual fee.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 670), requiring allocation of pregnancy-related health expenses equally among female and male policyholders, subscribers, or enrollees of individual third-party payor medical expense contracts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 716), relating to the sale of funeral services and merchandise.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 751), requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 707), relating to private farm railway crossings.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 770), relating to special instruction permits for certain physically disabled drivers.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

RESOLUTIONS FILED

HCR 109, by committee on education, a concurrent resolution requesting the Legislative Council to appoint an interim study committee to study possible area education agency reorganization and accreditation.

Laid over under **Rule 25**.

HR 103, by Brown, a resolution relating to American Coal Miners' Memorial Day.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5168	H.F.	2115	Committee on Energy and Environmental Protection
H-5169	H.F.	2287	Committee on Labor and Industrial Relations
H-5170	H.F.	2340	Banks of Plymouth
H-5171	H.F.	2422	Spear of Lee
H-5172	H.F.	2346	Halvorson of Clayton Harbor of Mills
H-5173	H.F.	2296	Stueland of Clinton
H-5174	H.F.	730	Peterson of Carroll
H-5175	H.F.	2399	Harbor of Mills Halvorson of Clayton
H-5176	S.F.	2153	Pellett of Cass
H-5177	H.F.	682	Hammond of Story
H-5178	H.F.	2022	Committee on Judiciary and Law Enforcement
H-5179	H.F.	557	Committee on Judiciary and Law Enforcement

H—5180

H.F. 2371

Carpenter of Polk

H—5181

H.F. 2369

Holveck of Polk

On motion by Arnould of Scott, the House adjourned at 9:51 a.m., until 10:00 a.m., Monday, February 19, 1990.

JOURNAL OF THE HOUSE

Forty-third Calendar Day — Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 19, 1990

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

Prayer was offered by the Honorable Betty Jean Clark, state representative from Cerro Gordo County.

The Journal of Friday, February 16, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schnekloth of Scott on request of Branstad of Winnebago; Tyrrell of Iowa on request of Van Maanen of Mahaska.

INTRODUCTION OF BILLS

House File 2467, by committee on judiciary and law enforcement, a bill for an act relating to a tax assessment dispute and providing an effective date.

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

House File 2468, by committee on judiciary and law enforcement, a bill for an act relating to the establishment of the division of criminal justice planning and providing an effective date.

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

House File 2469, by committee on judiciary and law enforcement, a bill for an act relating to state administrative rules, providing for style and form and for the assignment of identification numbers, specifying official citations, providing a pilot project for the separate publication of certain rules, and making an appropriation.

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

House File 2470, by committee on state government, a bill for an act relating to licensure to practice veterinary medicine.

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

House File 2471, by committee on judiciary and law enforcement, a bill for an act relating to the jurisdiction of small claims court over executions of personal property, including garnishments, and providing for the Act's applicability.

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

House File 2472, by committee on transportation, a bill for an act relating to special instruction permits for certain physically disabled drivers.

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

House File 2473, by committee on human resources, a bill for an act requiring certain information to be provided to adopting parents.

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

House File 2474, by committee on transportation, a bill for an act relating to private farm railway crossings.

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

House File 2475, by committee on judiciary and law enforcement, a bill for an act relating to the surcharge for dishonored instruments.

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

House File 2476, by committee on judiciary and law enforcement, a bill for an act relating to unfair or discriminatory credit practices by including familial status as an improper basis for differential treatment in relation to a consumer credit transaction, an extension of credit by a state chartered financial institution, or the offer of credit life or health and accident insurance.

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

House File 2477, by committee on judiciary and law enforcement, a bill for an act relating to the deductibility of liabilities for state inheritance tax purposes.

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

House File 2478, by committee on economic development, a bill for an act relating to income taxation by providing a new jobs tax credit for small businesses and providing a retroactive applicability date.

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

House File 2479, by committee on judiciary and law enforcement, a bill for an act removing duplicative requirements for notification of crime victims.

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

House File 2480, by committee on judiciary and law enforcement, a bill for an act relating to the computation of net income regarding certain property transactions and providing a retroactive applicability date.

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

SENATE MESSAGES CONSIDERED

Senate File 2100, by Husak, Running, Tieden, Welsh and Vande Hoef, a bill for an act relating to fraternal benefit societies, imposing penalties, and providing an effective date.

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

Senate File 2156, by Welsh, a bill for an act giving federal law enforcement officials peace officer status in certain instances.

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

Senate File 2187, by committee on business and labor relations, a bill for an act relating to workers' health, safety, and welfare, and effecting funding for the second injury fund.

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

Senate File 2198, by Running, a bill for an act relating to the sale of the United States flag in Iowa.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2271, a bill for an act relating to phase III performance-based pay plans, was taken up for consideration.

Shultz of Black Hawk offered the following amendment H-5096 filed by him:

H-5096

- 1 Amend House File 2271 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 262.75, Code 1989, is amended
- 5 to read as follows:
- 6 262.75 INCENTIVES FOR COOPERATING TEACHERS.
- 7 A cooperating teacher incentive program is

8 established to encourage experienced teachers to serve
9 as cooperating teachers for student teachers enrolled
10 in the institutions of higher education under the
11 control of the board. An individual who submits
12 evidence to an institution that the individual has
13 satisfactorily served as a cooperating teacher for a
14 student teacher from any of the institutions of higher
15 education under the control of the board for the
16 duration of the student teaching experience shall
17 receive from the institution either a monetary
18 recompense of no less than two hundred fifty dollars
19 or a reduction in tuition for graduate hours of
20 coursework equivalent to the value of the monetary
21 recompense, rounded to the nearest whole credit hour.
22 If, because of a policy adopted by the board of
23 directors employing the teacher, the amount of the
24 monetary recompense is not made available to the
25 teacher for the teacher's own personal use or the
26 salary paid to the cooperating teacher by the
27 employing board is correspondingly reduced, the
28 institution shall grant the teacher the reduction in
29 tuition pursuant to this section in lieu of the
30 monetary recompense."

31 2. Page 1, by striking line 1, and inserting the
32 following:

33 "Sec. _____. Section 294A.14, unnumbered paragraphs
34 2, 4, 5, 9, and 10,".

35 3. Page 1, line 2, by striking the word and
36 figure "and 5,".

37 4. Page 2, by inserting after line 18, the
38 following:

39 "For the purpose of this section, a supplemental
40 pay plan in a school district shall provide for the
41 payment of additional salary to teachers who
42 participate in either additional instructional work
43 assignments or specialized training during the regular
44 school day or during an extended school day, school
45 week, or school year. A supplemental pay plan in an
46 area education agency shall provide for the payment of
47 additional salary to teachers who participate in
48 either additional work assignments or improvement of
49 instruction activities with school districts during
50 the regular school day or during an extended school

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1 day, school week, or school year. A cooperating
2 teacher shall receive additional salary of no less
3 than five hundred dollars for service as a cooperating
4 teacher under a supplemental pay plan and shall be
5 permitted to participate in other additional work
6 assignments under the plan. Compensation for service

7 as a cooperating teacher under a supplemental pay plan
 8 shall not be in lieu of incentives received under
 9 section 262.75.
 10 For school districts, additional instructional work
 11 assignments may include but are not limited to general
 12 curriculum planning and development, vertical
 13 articulation of curriculum, horizontal curriculum
 14 coordination, development of educational measurement
 15 practices for the school district, attendance at
 16 workshops and other programs, for service as
 17 cooperating teachers for student teachers, development
 18 of plans for assisting beginning teachers during their
 19 first year of teaching, attendance at summer staff
 20 development programs, development of staff development
 21 programs for other teachers to be presented during the
 22 school year, and other plans locally determined in the
 23 manner specified in section 294A.15 and approved by
 24 the department of education under section 294A.16 that
 25 are of equal importance or more appropriately meet the
 26 educational needs of the school district.”
 27 5. By renumbering as necessary.

Daggett of Adams rose on a point of order that amendment H—5096 was not germane.

The Speaker ruled the point well taken and amendment H—5096 not germane.

Wise of Lee offered the following amendment H—5128 filed by him:

H—5128

1 Amend House File 2271 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 “Section 1. Section 294A.12, unnumbered paragraph
 5 2, Code 1989, is amended to read as follows:
 6 It is the intent of the general assembly that
 7 school districts and area education agencies
 8 incorporate into their planning for performance-based
 9 pay plans and supplemental pay plans, implementation
 10 of recommendations from recently issued national and
 11 state reports relating to the requirements of the
 12 educational system for meeting future educational
 13 needs, especially as they relate to the preparation,
 14 working conditions, and responsibilities of teachers,
 15 including but not limited to assistance to new
 16 teachers, development of teachers as instructional
 17 leaders in their schools and school districts, using
 18 teachers for evaluation and diagnosis of other
 19 teachers’ techniques, and the implementation of

20 sabbatical leaves. It is further the intent of the
 21 general assembly that real and fundamental change in
 22 the educational system must emerge from the school
 23 site if the education system is to remain relevant and
 24 that plans funded in this program must be an integral
 25 part of a comprehensive school district or area
 26 education agency effort toward meeting identified
 27 district or agency goals or needs."

28 2. Page 1, line 19, by striking the words "or a
 29 combination of the two pay plans" and inserting the
 30 following: "~~or~~ a combination of the two pay plans, or
 31 comprehensive school transformation programs,"

32 3. Page 2, line 7, by striking the word "duties"
 33 and inserting the following: "duties."

34 4. Page 2, by striking lines 8 through 11, and
 35 inserting the following: "The plan shall include".

36 5. Page 2, by striking lines 16 through 18, and
 37 inserting the following: "associated with effective
 38 teaching, or a combination of these criteria."

39 6. Page 2, by inserting after line 18, the
 40 following:

41 "Sec. _____. Section 294A.14, Code Supplement 1989,
 42 is amended by adding the following new unnumbered
 43 paragraph:

44 NEW UNNUMBERED PARAGRAPH. For purposes of this
 45 section, a comprehensive school transformation plan
 46 shall include, but is not limited to, providing salary
 47 increases to teachers who implement site-based
 48 decision making, building-based goal-oriented
 49 compensation mechanisms, or approved innovative
 50 educational programs, who focus on student outcomes.

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- 1 who direct accountability for student achievement,
- 2 accountability for organizational success, and who
- 3 work to expand community or business relationships."
- 4 7. By renumbering as necessary.

Clark of Cerro Gordo in the chair at 11:05 a.m.

On motion by Wise of Lee, amendment H—5128 was adopted.

Bennett of Ida offered the following amendment H—5107 filed by him and moved its adoption:

H—5107

- 1 Amend House File 2271 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "teachers" the following: "and other licensed
- 4 personnel".

5 2. Page 1, line 22, by inserting after the word
6 "teachers" the following: "and other licensed
7 personnel".

Amendment H—5107 lost.

Wise of Lee asked and received unanimous consent to withdraw amendment H—5109 filed by him on February 8, 1990.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—5086 filed by him on February 6, 1990.

Maulsby of Calhoun offered the following amendment H—5094 filed by him and moved its adoption:

H—5094

1 Amend House File 2271 as follows:
2 1. Page 1, line 29, by inserting after the word
3 "staff" the following: "and all other licensed
4 personnel".

Amendment H—5094 lost.

Groninga of Cerro Gordo offered the following amendment H—5088 filed by him and moved its adoption:

H—5088

1 Amend House File 2271 as follows:
2 1. Page 1, by striking lines 27 through 30, and
3 inserting the following: "specialized or general
4 training. Moneys received under phase III shall".

A non-record roll call was requested.

The ayes were 53, nays 11.

Amendment H—5088 was adopted.

The following amendment H—5184, filed by Wise of Lee from the floor, was adopted by unanimous consent:

H—5184

1 Amend House File 2271 as follows:
2 1. Title page, line 1, by striking the words
3 "performance-based".

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

On the question "Shall the bill pass?" (H.F. 2271)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Herbman	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Clark
			Presiding

The nays were, none.

Absent or not voting, 4:

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

House File 2198, a bill for an act to permit the inspection of school buses on more than an annual basis, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2198)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer

Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Clark			
Presiding			

The nays were, 3:

Maulsby	Renken	Van Maanen
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Absent or not voting, 4:

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

House File 2322, a bill for an act relating to the duties of the county recorder by imposing a fee for recording and indexing certain instruments, and by providing for the issuance of certain transcripts, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2322)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.

Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Clark	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Jay	Osterberg	Schnekloth	Sherzan
Tyrrell			

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

House File 2309, a bill for an act relating to schedule II controlled substances, was taken up for consideration.

Plasier of Sioux offered the following amendment H—5129 filed by him and moved its adoption:

H—5129

- 1 Amend House File 2309 as follows:
- 2 1. Page 1, by striking lines 17 and 18 and
- 3 inserting the following: "~~dronabinol (6aR-trans)-6a~~
- 4 ~~(6aR-trans)-6a~~, 7, 8, 10a-tetrahydro-6, 6, 9-
- 5 ~~trimethyl-3-pentyl-6H-dibenzol 9-trimethyl-3-pentyl-~~
- 6 ~~6H-dibenzo~~ [b,d] pyran-1-01, or (+)-delta (-)-delta".
- 7 2. Page 1, line 22, by striking the word
- 8 "dibenzol" and inserting the word "dibenzo".

Amendment H—5129 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2309)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Pellet	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Van Maanen
Wise	Clark		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Hatch	Jay	Osterberg	Schneklath
Shearer	Tyrrell		

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

House File 2324, a bill for an act relating to disposition of instruments filed with the county recorder, and providing for the applicability of certain instruments, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2324)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman

Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Tabor	Trent
Van Maanen	Wise	Clark	
		Presiding	

The nays were, 3:

Bisignano	Swartz	Teaford
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Absent or not voting, 6:

Hatch	Jay	Osterberg	Schneklloth
Shearer	Tyrrell		

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

House File 2109, a bill for an act relating to computer data storage of records of a criminal justice agency after acquittal or dismissal of charges, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2109)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller

Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Van Maanen	Wise
Clark			
Presiding			

The nays were, none.

Absent or not voting, 7:

Blanshan	Hatch	Jay	Osterberg
Schnekloth	Shearer	Tyrrell	

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

House File 2344, a bill for an act relating to permanent soil and water conservation practices, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2344)

The ayes were, 90:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby

Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Van Maanen
Wise	Clark		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Blanshan	Hatch	Jay	Jesse
Osterberg	Peters	Schnekloth	Shearer
Sherzan	Tyrrell		

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

House File 2355, a bill for an act relating to civil damages for illegal taking of certain animals, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2355)

The ayes were, 90:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Schrader

Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Van Maanen
Wise	Clark		
	Presiding		

The nays were, 3:

Maulsby	Pellett	Renken
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Absent or not voting, 7:

Hatch	Jay	Osterberg	Schnekloth
Shearer	Sherzan	Tyrrell	

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

Speaker Avenson in the chair at 11:52 a.m.

House File 2339, a bill for an act relating to costs associated with the Iowa management training revolving fund, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2339)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Hatch	Jay	Kremer	Osterberg
Peters	Plasier	Schnekloth	Shearer
Sherzan	Tyrrell		

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

House File 2215, a bill for an act relating to the sale of alcoholic beverages at a racetrack enclosure offering pari-mutuel wagering, with report of committee recommending amendment and passage was taken up for consideration.

Renaud of Polk offered the following amendment H—5114 filed by the committee on state government:

H—5114

1 Amend House File 2215 as follows:
 2 1. Page 1, by inserting after line 16 the
 3 following:
 4 "Sec. _____. Section 123.30, subsection 3, paragraph
 5 d, Code 1989, is amended to read as follows:
 6 d. CLASS "D". A class "D" liquor control license
 7 may be issued to a railway corporation, to an air
 8 common carrier, and to passenger-carrying boats or
 9 ships for hire with a capacity of twenty-five persons
 10 or more operating in inland or boundary waters, and
 11 shall authorize the holder to sell or furnish
 12 alcoholic beverages, wine, and beer to passengers for
 13 consumption only on trains, watercraft as described in
 14 this section, or aircraft, respectively. Each license
 15 is valid throughout the state. Only one license is
 16 required for all trains, watercraft, or aircraft
 17 operated in the state by the licensee. However, if a
 18 watercraft is an excursion gambling boat licensed
 19 under chapter 99F, the owner shall obtain a separate
 20 class "D" liquor control license for each excursion
 21 gambling boat operating in the waters of this state.
 22 Sec. _____. Section 123.36, subsection 6, Code 1989,
 23 is amended to read as follows:
 24 6. Any club, hotel, motel, or commercial
 25 establishment holding a liquor control license,
 26 subject to section 123.49, subsection 2, paragraph
 27 "b", may apply for and receive permission to sell and
 28 dispense alcoholic liquor and wine to patrons on
 29 Sunday for consumption on the premises only, and beer
 30 for consumption on or off the premises between the
 31 hours of ten a.m. and twelve midnight on Sunday. A
 32 class "D" liquor control licensee may apply for and

33 receive permission to sell and dispense alcoholic
 34 beverages to patrons for consumption on the premises
 35 only between the hours of ten a.m. and twelve midnight
 36 on Sunday. For the privilege of selling beer, wine,
 37 and alcoholic liquor on the premises on Sunday the
 38 liquor control license fee of the applicant shall be
 39 increased by twenty percent of the regular fee
 40 prescribed for the license pursuant to this section,
 41 and the privilege shall be noted on the liquor control
 42 license."

43 2. Title page, line 2, by inserting after the
 44 word "wagering" the following: ", on excursion
 45 gambling boats, and on Sundays".

Renaud of Polk offered the following amendment H—5151, to the committee amendment H—5114, filed by him and moved its adoption:

H—5151

1 Amend the Committee amendment, H—5114, to House
 2 File 2215 as follows:
 3 1. Page 1, by inserting after line 42 the follow-
 4 ing:
 5 "_____. Page 1, by inserting after line 22 the fol-
 6 lowing:
 7 "Sec. _____. EFFECTIVE DATE.
 8 This Act, being deemed of immediate importance,
 9 takes effect upon enactment." "
 10 2. Page 1, by striking line 45 and inserting the
 11 following: "gambling boats, and on Sundays, and
 12 providing an effective date".

Amendment H—5151 was adopted.

On motion by Renaud of Polk, the committee amendment H—5114, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2215)

The ayes were, 75:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor

Harper	Haverland	Hester	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Rosenberg	Royer	Schrader	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Tabor	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 15:

Banks	Bennett	Branstad	Daggett
De Groot	Iverson	Kistler	Lageschulte
Maulsby	McKean	Miller	Pellett
Plasier	Renken	Van Maanen	

Absent or not voting, 10:

Beaman	Hatch	Hermann	Jay
Osterberg	Schnekloth	Shearer	Sherzan
Swartz	Tyrrell		

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

Plasier of Sioux in the chair at 11:59 a.m.

On motion by Arnould of Scott, the House was recessed at 12:00 noon until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2104, a bill for an act relating to service of process in an action brought against a county.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2114, a bill for an act relating to the updating of references to the federal Internal Revenue Code, relating to income tax and the computation of net income, increasing the tax credit allowed for certain research activities, providing an effective date, and providing certain retroactive applicability dates.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2201, a bill for an act relating to the family support subsidy program.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2206, a bill for an act relating to campaign finance by specifying that restrictions on corporate campaign activities do not apply to certain political corporations.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2230, a bill for an act relating to membership qualifications of the board of review.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2240, a bill for an act relating to the transfer of racing dogs.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2250, a bill for an act relating to the salaries paid to chaplains employed in state institutions.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2260, a bill for an act relating to sale and use taxation of certain museums by providing certain refunds and exemptions.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2188, a bill for an act relating to the issuance of alcoholic beverage licenses and permits for certain licensed premises and prescribing fees, with report of committee recommending amendment and passage was taken up for consideration.

Renaud of Polk offered the following amendment H—5115 filed by the committee on state government and moved its adoption:

H—5115

- 1 Amend House File 2188 as follows:
- 2 1. Page 1, by striking lines 11 through 13 and
- 3 inserting the following: "only."
- 4 2. Page 1, by inserting before line 14 the
- 5 following:
- 6 "Sec. _____. Section 123.34, Code 1989, is amended
- 7 to read as follows:

8 123.34 EXPIRATION — SEASONAL OR FOURTEEN-DAY
9 LICENSE OR PERMIT.

10 1. Liquor control licenses, wine permits, and beer
11 permits, unless sooner suspended or revoked, expire
12 one year from date of issuance. The administrator
13 shall give sixty days' written notice of the
14 expiration to each licensee or permittee. However,
15 the administrator may issue six-month or eight-month
16 seasonal licenses, class "B" wine permits, or class
17 "B" beer permits for a proportionate part of the
18 license or permit fee or may issue fourteen-day liquor
19 licenses, wine permits, or beer permits as provided in
20 subsection 2. No refund shall be made for seasonal
21 licenses or permits or for fourteen-day liquor
22 licenses, wine permits, or beer permits. No seasonal
23 license or permit shall be renewed except after a
24 period of two months.

25 2. The administrator may issue fourteen-day class
26 "A", class "B", class "C", and class "D" liquor
27 control licenses, ~~fourteen-day class "B" wine permits,~~
28 and fourteen-day class "B" beer permits. A fourteen-
29 day license or permit, if granted, is valid for
30 fourteen consecutive days, but the holder shall not
31 sell on the two Sundays in the fourteen-day period
32 unless the holder qualifies for and obtains the
33 privilege to sell on Sundays contained in sections
34 123.36, subsection 6 and 123.134, subsection 5.

35 3. The fee for a fourteen-day liquor license, wine
36 permit, or beer permit is one quarter of the annual
37 fee for that class of liquor license, wine permit, or
38 beer permit. The fee for the privilege to sell on the
39 two Sundays in the fourteen-day period is twenty
40 percent of the price of the fourteen-day liquor
41 license, wine permit, or beer permit."

42 3. Page 1, line 18, by striking the words "
43 five-day class "B" wine permits,".

44 4. Page 1, line 25, by striking the words "
45 permit,".

46 5. Page 1, line 29, by striking the words "
47 permit,".

The committee amendment H-5115 was adopted.

Garman of Story asked and received unanimous consent to with-
draw amendment H-5154 filed by her and Banks of Plymouth on
February 15, 1990.

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

On the question "Shall the bill pass?" (H.F. 2188)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Bisignano	Black	Blanshan	Brammer
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 6:

Bennett	Branstad	Daggett	De Groot
McKean	Van Maanen		

Absent or not voting, 8:

Beatty	Brand	Jesse	Murphy
Schnekloth	Sherzan	Swartz	Tyrrell

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

House File 2364, a bill for an act relating to increasing the penalty for failure to file a release and satisfaction when a judgment is paid in full, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2364)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Brown	Buhr

Carpenter	Chapman	Clark	Cohoon
Connors	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Shoning	Shultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Tabor
Trent	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Beatty	Brand	Corbett	Schnekloth
Sherzan	Swartz	Teaford	Tyrrell

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

House File 2366, a bill for an act relating to execution upon and assignment of benefits accrued pursuant to certain governmental retirement systems for the payment of child and spousal support, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2366)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.

Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Brand	Lykam	Schnekloth	Sherzan
Tyrrell			

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

House File 2390, a bill for an act relating to the right to bring a civil rights action after administrative closure, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2390)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs

Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Brand	Lykam	Plasier	Schnekloth
Tyrrell			

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

House File 2338, a bill for an act relating to special motor vehicle registration plates for recipients of the purple heart medal, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2338)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Pellett	Peters	Petersen, D. F.

Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Halvorson, R. N.	Osterberg	Schnekloth	Tyrrell
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2401, a bill for an act relating to the reporting of a hazardous condition involving a hazardous substance to the department of natural resources, to the local law enforcement agency, and to operators of affected public or private water supply systems, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2401)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland

Svoboda	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

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

House File 2393, a bill for an act relating to minimum liability limits for motor carriers and related procedures, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2393)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Branstad	Hester	Miller	Plasier
Schnekloth	Tyrrell		

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

House File 2405, a bill for an act relating to access to personnel employment files by public and private employees, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2405)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Branstad	Doderer	Hermann	Schnekloth
Tyrrell			

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

House File 2368, a bill for an act requiring the department of human services to adopt administrative rules which apply a civil penalty to certain health care facilities reimbursed under the medical assistance program, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2368)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

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

House File 2369, a bill for an act relating to real property by establishing a real property inspection report, was taken up for consideration.

Holveck of Polk offered the following amendment H—5181 filed by him and moved its adoption:

H—5181

- 1 Amend House File 2369 as follows:
- 2 1. Page 1, line 10, by striking the word "and"
- 3 and inserting the following: "or".

Amendment H—5181 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2369)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

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

House File 2406, a bill for an act relating to student financial aid programs administered by the college aid commission, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2406)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poney	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

The nays were, 2:

Maulsby Van Maanen

Absent or not voting, 5:

Fogarty	Mertz	Plasier	Schnekloth
Tyrrell			

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

House File 2421, a bill for an act providing authority under certain conditions for the release of information by the child support recovery unit to certain persons and to other units of the department of human services, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2421)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

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

House File 2422, a bill for an act relating to retroactive modifications of support orders, was taken up for consideration.

Spear of Lee offered the following amendment H—5171 filed by him and moved its adoption:

H-5171

- 1 Amend House File 2422 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "physical" the following: ", mental."

Amendment H-5171 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2422)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Beatty	Muhlbauer	Plasier	Schnekloth
Tyrrell			

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

House File 2404, a bill for an act relating to mediation assistance, by expanding the responsibilities of the farm mediation service, granting additional authority to the farm mediation service, increasing cer-

tain fees, extending the date of repeal for certain provisions, and providing an effective date, was taken up for consideration.

Buhr of Polk in the chair at 3:05 p.m.

Bennett of Ida asked for unanimous consent that House File 2404 be deferred and that the bill retain its place on the calendar.

Objection was raised.

Arnould of Scott asked and received unanimous consent that House File 2404 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 2141**, a bill for an act relating to the conditions under which a school district employee with an extracurricular contract for interscholastic athletic sports may resign from the extracurricular contract, previously deferred, and amendment H—5103, found on pages 402 and 403 of the House Journal.

On motion by Siegrist of Pottawattamie, amendment H—5103 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2141)

The ayes were, 74:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Brammer	Brand
Brown	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hermann	Hester	Hibbard
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Wise	Buhr		
	Presiding		

The nays were, 18:

Banks	Beaman	Bennett	Blanshan
Branstad	Daggett	De Groot	Eddie
Garman	Iverson	Kistler	Maulsby
Pellett	Petersen, D. F.	Renken	Royer
Stueland	Van Maanen		

Absent or not voting, 8:

Groninga	Hatch	Haverland	Jesse
Plasier	Schnekloth	Svoboda	Tyrrell

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

House File 2367, a bill for an act providing for awarding a reasonable attorney's fee in an action for a quitclaim deed, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2367)

The ayes were, 82:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Metcalf	Miller	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Van Maanen
Wise	Buhr		
	Presiding		

The nays were, 9:

Branstad	Corbett	Eddie	Iverson
Maulsby	Mertz	Muhlbauer	Pellett
Renken			

Absent or not voting, 9:

Groninga	Hatch	Hermann	Peters
Plasier	Schnekloth	Sherzan	Swartz
Tyrrell			

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

The House resumed consideration of **House File 2404**, a bill for an act relating to mediation assistance, by expanding the responsibilities of the farm mediation service, granting additional authority to the farm mediation service, increasing certain fees, extending the date of repeal for certain provisions, and providing an effective date, previously deferred.

Bennett of Ida asked for unanimous consent to suspend Rule 31.8 for consideration of amendment H—5196.

Objection was raised.

Van Maanen of Mahaska moved to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—5196 filed by Bennett of Ida from the floor as follows:

H—5196

- 1 Amend House File 2404 as follows:
- 2 1. Page 1, line 33, by striking the figure "654A"
- 3 and inserting the following: "17B, 654A,".
- 4 2. Page 2, line 28, by striking the figure "654A"
- 5 and inserting the following: "17B, 654A,".
- 6 3. Page 3, by inserting after line 31 the fol-
- 7 lowing:
- 8 "Sec. _____. Section 17A.12, Code 1989, is amended
- 9 by adding the following new unnumbered paragraph:
- 10 NEW UNNUMBERED PARAGRAPH. If the request or demand
- 11 involves an action by the department of natural
- 12 resources or the environmental protection commission,
- 13 relating to environmental quality or the management of
- 14 agricultural land, the department or commission shall
- 15 deliver a notice to the person making the request or
- 16 demand prepared by the farm mediation service pursuant
- 17 to section 17B.3. An agency shall not deliver the
- 18 notice provided in subsection 2 until at least twenty-

19 one days after delivering the farm mediation notice.
20 If the agency receives notice of a mediation
21 proceeding under chapter 17B, the department or
22 commission shall not deliver the notice provided in
23 subsection 2 until the agency receives a mediation
24 release.

25 Sec. _____. NEW SECTION. 17B.1 DEFINITIONS.

26 As used in this chapter, unless the context
27 otherwise requires:

28 1. "Action" means the department carrying out in
29 whole or in part a measure authorized under statute
30 directed toward a farm resident or toward another
31 person which affects the farm resident's farmland. An
32 action includes but is not limited to carrying out an
33 agency rule or other statement of law or policy,
34 order, decision, proceeding, review of an application
35 for a permit or license, or sanction. "Action" does
36 not include an investigation or inquiry by the
37 department, or inaction.

38 2. "Department" means the department of natural
39 resources established under section 455A.2 and the
40 environmental protection commission established under
41 section 455A.6, acting in a capacity to regulate
42 environmental quality or the management or land
43 practices which affect farmland.

44 3. "Dispute" means a controversy between a person
45 who is a farm resident and the department involving an
46 action or inaction by the department, which arises
47 from a claim eligible to be resolved in a civil
48 proceeding in law or equity or as a contested case
49 proceeding under chapter 17A, by the department or the
50 attorney general on behalf of the department.

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1 4. "Farmland" means agricultural land that is
2 principally used for farming as defined in section
3 172C.1.

4 5. "Farm mediation service" means the organization
5 selected pursuant to section 13.11.

6 6. "Farm resident" means a person holding an
7 interest in farmland, in fee, under a real estate
8 contract, or under a lease, if the person manages
9 farming operations on the land. A farm resident
10 includes a natural person, or any corporation, trust,
11 or limited partnership as defined in section 172C.1.

12 7. "Inaction" means failure by the department to
13 take action by failing to exercise departmental
14 discretion authorized by law or failing to perform a
15 duty required by law.

16 8. "Intervening person" means a person who takes
 17 action or proposes to take action on farmland or on
 18 land which adjoins farmland, if the action is one of
 19 the following:

- 20 a. Conditional upon administrative action by the
 21 department.
- 22 b. Subject to enforcement by the department under
 23 the laws of this state.
- 24 c. Subject to rules adopted by the department
 25 pursuant to chapter 17A.

26 9. "Mediation release" means an agreement or
 27 statement signed by all parties or by less than all
 28 the parties and the mediator pursuant to section
 29 17B.7.

30 Sec. _____. NEW SECTION. 17B.2 VOLUNTARY MEDIATION
 31 PROCEEDINGS.

32 A farm resident or the department may request
 33 mediation of a controversy between the farm resident
 34 and the department arising from an action or inaction
 35 by the department. No monetary limit is required
 36 before a request may be granted by the farm mediation
 37 service. The mediation service shall make voluntary
 38 mediation application forms available. The farm
 39 mediation service shall evaluate each request and may
 40 direct a mediator to meet with the farm resident and
 41 the department to assist in mediation. If the dispute
 42 involves an action directed to an intervening party,
 43 the service shall invite the intervening party to
 44 participate as a party in mediation.

45 Sec. _____. NEW SECTION. 17B.3 MANDATORY MEDIATION
 46 PROCEEDINGS.

47 1. A farm resident shall have a right to have a
 48 dispute mediated under this section. However, the
 49 farm resident may only request mediation once relating
 50 to a dispute existing between the farm resident and

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1 the department. Controversies sharing the same issue
 2 and facts shall be deemed a single dispute. Mediation
 3 may be requested under this section if the
 4 departmental action is directed at the farm resident
 5 or the action is directed at an intervening person and
 6 the measure will affect the farm resident's farmland
 7 or quality of life. The farm mediation service shall
 8 alone decide whether a person may receive farm
 9 mediation under this section.

10 2. A farm resident bringing a legal action against

11 the department or requesting or demanding a contested
12 case proceeding against a department and arising from
13 a department's action shall have an opportunity to
14 request mediation before the commencement of the
15 proceeding, or the contested case pursuant to section
16 17A.12. The department shall deliver a notice to the
17 resident prepared by the farm mediation service
18 stating how the resident may initiate mandatory
19 mediation proceedings under this chapter. The notice
20 shall include a request for mediation also prepared by
21 the mediation service.

22 3. Before the department may initiate an action
23 directed at a farm resident which the department
24 determines will cost the farm resident more than one
25 hundred dollars in complying with the action, the
26 department shall deliver a notice to the resident
27 prepared by the farm mediation service stating how the
28 resident may initiate mandatory mediation proceedings
29 under this chapter. The notice shall include a
30 request for mediation form also prepared by the
31 mediation service.

32 4. Before the department may initiate an action
33 directed at an intervening party which the department
34 determines may cause a reduction of more than five
35 thousand dollars in the value of the farmland of a
36 farm resident, the department shall publish in a
37 newspaper of general circulation within each county
38 where all affected farmland is located a notice
39 prepared by the farm mediation service describing how
40 the resident may initiate mandatory mediation
41 proceedings under this chapter.

42 5. Following notice to a farm resident, the
43 department shall publish in the next issue of the Iowa
44 administrative law bulletin the names of all persons
45 sent direct notices under this section and the names
46 of all intervening parties subject to action by the
47 department which affect farm residents plus the county
48 in which notice was published. After twenty-one days
49 following publication in the bulletin, the department
50 may proceed with its action and the farm resident

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1 shall be deemed to have waived rights to mediation
2 under this section, unless the farm mediation service
3 notifies the department that mediation has been
4 requested by the farm resident.

5 6. Upon timely receipt of a request for mediation,
6 the farm mediation service may conduct an initial
7 consultation with the farm resident without charge.
8 The farm resident may waive mediation after the
9 initial consultation.

10 7. The department may suspend mediation required
 11 under this section, if the department determines that
 12 an emergency exists requiring immediate action. The
 13 farm mediation service shall issue a temporary
 14 mediation release. Mediation will resume upon
 15 determination by the department that an emergency no
 16 longer exists. The department shall not suspend
 17 mediation to grant a permit or license. The
 18 department shall file a statement with the farm
 19 mediation service providing all reasons for the
 20 suspension. Filing of the statement shall be the
 21 department's final agency action under chapter 17A.
 22 During the suspension the department may proceed with
 23 its action as provided by law. The farm mediation
 24 service or the farm resident may seek judicial review
 25 of the decision pursuant to section 17A.19. If the
 26 court reverses the emergency suspension, the
 27 department shall reimburse the farm mediation service
 28 or the farm resident for court costs plus attorney
 29 fees. The department shall also reimburse the farm
 30 resident any fines or penalties collected from the
 31 farm resident resulting from agency action.

32 Sec. _____. NEW SECTION. 17B.4 INITIAL MEDIATION
 33 MEETING.

34 Unless the farm resident waives mediation, within
 35 twenty-one days after receiving a mediation request
 36 the farm mediation service shall send a mediation
 37 notice to the farm resident and to the department
 38 setting a time and place for an initial mediation
 39 meeting. If the action involves an intervening
 40 person, the farm mediation service shall send a notice
 41 to each farm resident requesting mediation, to the
 42 department, and to the regulated entity. An initial
 43 mediation meeting shall be held within twenty-one days
 44 of the issuance of the mediation meeting notice. All
 45 persons required to be sent a notice under this
 46 section shall be a party to the mediation.

47 Sec. _____. NEW SECTION. 17B.5 DUTIES OF MEDIATOR.

48 At the initial mediation meeting and subsequent
 49 meetings, the mediator shall do all of the following:

50 1. Listen to all involved parties.

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1 2. If more than three farm residents are involved
 2 in mediation involving an intervening party, the
 3 mediator may appoint one farm resident to represent
 4 all farm residents in mediating the dispute. The
 5 mediator may place any conditions for participation
 6 upon remaining farm residents who shall remain parties
 7 in mediation.

8 3. Attempt to mediate between all involved

9 parties.

10 4. Encourage compromise and workable solutions
11 within the department's legal authority.

12 5. Advise, counsel, and assist the parties in
13 attempting to arrive at an agreement for the future
14 conduct of relations among them.

15 Sec. _____. NEW SECTION. 17B.6 MEDIATION PERIOD.

16 The mediation service may call mediation meetings
17 during the mediation period, which is up to forty-two
18 days after the farm mediation service received the
19 mediation request. However, if all parties consent,
20 mediation may continue after the end of the mediation
21 period.

22 Sec. _____. NEW SECTION. 17B.7 MEDIATION RELEASE.

23 1. If an agreement is reached between all parties,
24 the mediator shall draft a written mediation
25 agreement, have it signed by the parties, and submit
26 the agreement to the farm mediation service.

27 2. The parties to the mediation agreement may
28 enforce the mediation agreement as a legal contract.
29 The agreement constitutes a mediation release.

30 3. If the farm resident waives mediation, or if a
31 mediation agreement is not reached, the parties may
32 sign a statement prepared by the mediator that
33 mediation was waived or that the parties did not reach
34 an agreement. If any party does not sign the
35 statement, the mediator shall sign the statement. The
36 statement constitutes a mediation release. Unless the
37 farm resident waives mediation, the department shall
38 not receive a mediation release until the mediator has
39 participated in at least one mediation meeting.

40 Sec. _____. NEW SECTION. 17B.8 EXTENSION OF
41 DEADLINES.

42 Upon petition by all parties, the farm mediation
43 service may, for good cause, extend a deadline imposed
44 by section 17B.4 or section 17B.6 for up to thirty
45 days.

46 Sec. _____. NEW SECTION. 17B.9 JUDICIAL REVIEW.

47 An action for judicial review shall be brought in
48 equity, and the action shall be limited to whether,
49 based on clear and convincing evidence, the decision
50 by the administrative head of the mediation service is

Page 6

1 an abuse of discretion. The action may be brought in
2 either the district court of Polk county or in the
3 district court in which the affected farm resident
4 resides. Upon reversing the decision by the service,
5 the court shall order that the service issue a
6 mediation release.

7 Sec. _____. NEW SECTION. 17B.10 REPEAL OF CHAPTER.

- 8 This chapter is repealed on July 1, 1993.
 9 Sec. _____. Section 455B.103, Code 1989, is amended
 10 by adding the following new subsection:
 11 NEW SUBSECTION. 7. Participate in farm mediation
 12 as provided in chapter 17B. The commission shall make
 13 available to the public information relating to
 14 mediation and mediation request forms provided by the
 15 farm mediation service.
 16 Sec. _____. Section 455B.105, Code Supplement 1989,
 17 is amended by adding the following new subsection:
 18 NEW SUBSECTION. 12. Participate in farm mediation
 19 as provided in chapter 17B. The department shall make
 20 available to the public information relating to
 21 mediation and mediation request forms provided by the
 22 farm mediation service.
 23 Sec. _____. NEW SECTION. 455B.110 MEDIATION
 24 RELEASE REQUIRED FOR ACTION AGAINST FARM RESIDENT.
 25 1. The department or the commission shall not take
 26 an administrative action to enforce a provision of
 27 this chapter involving a farm resident as defined in
 28 section 17B.1, unless the department or commission has
 29 complied with chapter 17B.
 30 2. The attorney general shall not take an
 31 administrative action to enforce a provision of this
 32 chapter against a farm resident as defined in section
 33 17B.1, unless the department or commission has
 34 obtained a mediation release pursuant to chapter 17B.”
 35 4. Page 4, line 31, by striking the words
 36 “approved the creditor’s” and inserting the following:
 37 “certified the creditor’s reasonable”.
 38 5. Page 5, line 1, by striking the word
 39 “approval” and inserting the following:
 40 “certification”.
 41 6. Page 5, line 2, by inserting after the word
 42 “creditor’s” the following: “reasonable”.
 43 7. Page 5, line 4, by striking the word
 44 “approval” and inserting the following:
 45 “certification”.
 46 8. By renumbering as necessary.

Roll call was requested by Bennett of Ida and Van Maanen of Mahaska.

On the question “Shall the rules be suspended to consider amendment H—5196?” (H.F. 2404)

The ayes were, 37:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann

Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Royer	Shoning
Siegrist	Spenner	Stueland	Trent
Van Maanen			

The nays were, 57:

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

Absent or not voting, 6:

Blanshan	Groninga	Hatch	Plasier
Schnekloth	Tyrrell		

The motion to suspend the rules lost.

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

On the question "Shall the bill pass?" (H.F. 2404)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam

May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Van Maanen	Wise
Buhr			
Presiding			

The nays were, 6:

Harbor	Hermann	Iverson	Maulsby
Renken	Royer		

Absent or not voting, 5:

Groninga	Hatch	Plasier	Schnekloth
Tyrrell			

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

MOTION TO RECONSIDER (House File 2422)

We move to reconsider the vote by which House File 2422 passed the House on February 19, 1990.

HALVORSON of Webster
CORBETT of Linn

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF EDUCATION Child Development Coordinating Council

The Annual Report, pursuant to Chapter 256A.3(8), Code of Iowa and a report regarding Early Childhood and Kindergarten Programs, pursuant to Chapter 206.12, 1989 Acts of the Seventy-third General Assembly.

DEPARTMENT OF HUMAN RIGHTS Division of Community Action Agencies

1989 Annual Report of Community Action Programs in Iowa, pursuant to Chapter 601K, Code of Iowa.

INDIAN HILLS COMMUNITY COLLEGE

The Local Training Plan and the Title III (EDWAA) Substate Plan for Service Delivery Area 15 for Years 1990 and 1991, pursuant to Chapter 7B.3(11), Code of Iowa.

PRIVATE INDUSTRY COUNCIL

The proposed Local Training Plan and EDWAA Plan for Service Delivery Area VI, pursuant to Chapter 7B.3(11), Code of Iowa.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 813

Energy and Environmental Protection: Nielsen, Chair; McKean and Rosenberg.

COMMITTEE RECOMMENDATIONS

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

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 733), placing a moratorium on the sale of dairy products containing ingredients to increase milk production, and providing penalties, the repeal of a section, and an effective date.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 768), relating to anaerobic lagoons, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 769), relating to research and investigation of global environmental changes, the acquisition and conservation of adequate public water supplies, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 86), relating to the reimbursement paid redemption centers and dealers for beverage containers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House File 2137), to require a business, as a condition of the receipt of state financial assistance for economic development purposes, to meet certain requirements relating to federal and state environmental protection laws and the disposal of solid and hazardous waste.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

Committee Bill (Formerly House File 2139), relating to the establishment of an environmental imperilment trust fund, and establishing fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

Committee Bill (Formerly House File 2176), relating to and making appropriations from the energy conservation trust.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House File 2327), relating to the local approval of the siting of sanitary disposal projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House File 2386), relating to the financing of water treatment plant and waste water treatment plant projects.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House File 2409), regulating dealers of liquefied petroleum gas.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 662), relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 775), relating to the regulation of heavy metal content in packaging and packaging components, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 812), to encourage cost containment in relation to contracts compensable, in whole or in part, from the comprehensive petroleum underground storage tank fund, by providing certain authority to the administrator of the fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1990.

Committee Bill (Formerly House Study Bill 813), relating to the establishment of a retail sales tax on disposable diapers.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 634), relating to persons with mental retardation, a developmental disability, or mental illness by providing an implementation schedule for rights of the persons, establishing a fund, and providing applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 727), providing certain exceptions to child foster care licensing requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 734), relating to criminal and child abuse record checks concerning facilities providing care to children.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 760), designating an operator or employee of a child day care resource and referral agency as a mandatory reporter of child abuse.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 805), relating to the medical and surgical treatment of indigent persons who are providing migratory labor and their families.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 268, a bill for an act relating to grandparent visitation rights and a determination that the visitations are in the best interests of the child.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 3419 filed March 16, 1989**, February 15, 1990.

House File 489, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

House File 683, a bill for an act relating to the establishment of a law enforcement review board.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 513), allowing a person indirectly injured by a violation of the Iowa competition law to bring a legal action for redress.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 658), relating to the release of privileged information.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 740), relating to joint and several liability under comparative fault.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 791), establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other related matters, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 801), relating to the distribution, transportation, storage, and acts or activities involving the use of an incendiary or explosive device or material, establishing permits, licenses, and fees, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

COMMITTEE ON LOCAL GOVERNMENT

House File 2304, a bill for an act relating to notice requirements for sales under execution.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 5183** February 15, 1990.

House File 2439, a bill for an act relating to zoning regulations for homes for developmentally disabled persons.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 753), relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, and by requiring an election under similar conditions as required for general purpose bonds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 815), relating to the issuance of bonds under the hotel and motel tax and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 2377, a bill for an act adopting the model state commodity Code as recommended by the North American securities administrators association, regulating the commodities markets and participants, authorizing the securities bureau of the insurance division to administer the chapter, requiring licensing of commodity broker-dealers and sales representatives, authorizing civil remedies, sanctions, penalties, and imposing criminal penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 774), relating to the transfer of oil, gas, and mineral interests in agricultural land used for farming.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 819), relating to the final disposition of human remains and arrangements for such disposition and imposing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

COMMITTEE ON STATE GOVERNMENT

House File 2276, a bill for an act relating to the game of bingo.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 776), relating to licensure and discipline of certain practice professionals and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 777), relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 1990.

Committee Bill (Formerly House Study Bill 816), relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1990.

AMENDMENTS FILED

H-5182	H.F.	2329	Spear of Lee
H-5183	H.F.	2304	Committee on Local Government
H-5185	H.F.	2371	Haverland of Polk
H-5186	H.F.	2440	Iverson of Wright
H-5187	H.F.	2371	Haverland of Polk Buhr of Polk
H-5188	H.F.	2050	Neuhauser of Johnson
H-5189	H.F.	2050	Jay of Appanoose Carpenter of Polk
H-5190	H.F.	2449	Kremer of Buchanan McKinney of Dallas
H-5191	H.F.	2417	Petersen of Muscatine
H-5192	H.F.	2181	Adams of Hamilton Lageschulte of Bremer Trent of Muscatine Dvorsky of Johnson Wise of Lee
			De Groot of Lyon Rosenberg of Story Plasier of Sioux Osterberg of Linn
H-5193	H.F.	2272	De Groot of Lyon
H-5194	H.F.	2418	Svoboda of Tama Fuller of Hardin
H-5195	H.F.	2128	Shoultz of Black Hawk May of Worth Hanson of Delaware Garman of Story
			Dvorsky of Johnson Jesse of Jasper Siegrist of Pottawattamie
H-5197	H.F.	2418	Halvorson of Clayton Harbor of Mills
H-5198	H.F.	2418	Halvorson of Clayton Harbor of Mills
H-5199	H.F.	2418	Spear of Lee
H-5200	H.F.	2418	Harbor of Mills Kremer of Buchanan

H-5201	H.F.	2418	Lageschulte of Bremer Halvorson of Clayton Diemer of Black Hawk
H-5202	H.F.	2418	Lageschulte of Bremer
H-5203	H.F.	2418	Hammond of Story
H-5204	H.F.	2340	Spear of Lee
H-5205	H.F.	2418	Spear of Lee
H-5206	H.F.	2440	Harper of Black Hawk
H-5207	H.F.	2418	Halvorson of Clayton
H-5208	H.F.	2340	Miller of Cherokee
H-5209	H.F.	2418	Maulsby of Calhoun
H-5210	H.F.	2418	Halvorson of Clayton
H-5211	H.F.	2418	Siegrist of Pottawattamie
H-5212	H.F.	2418	Harbor of Mills
H-5213	H.F.	2418	Spear of Lee
H-5214	H.F.	2340	Spear of Lee
H-5215	H.F.	2418	Maulsby of Calhoun
H-5216	H.F.	2438	Halvorson of Clayton

On motion by Arnould of Scott, the House adjourned at 3:40 p.m., until 9:00 a.m., Tuesday, February 20, 1990.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day — Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 20, 1990

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

Prayer was offered by the Honorable Johnie Hammond, state representative from Story County.

The Journal of Monday, February 19, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sherzan of Polk, for February 20, 21, and 22, 1990, on request of Fey of Scott; Shearer of Louisa, until his arrival, on request of Cohoon of Des Moines; Brammer of Linn, until his arrival, on request of Adams of Hamilton.

PETITION FILED

The following petition was received and placed on file:

By Gruhn of Dickinson and Osterberg of Linn, from two hundred thirty-four constituents favoring House Study Bill 567, relating to animal injury and cruelty.

INTRODUCTION OF BILLS

House File 2481, by committee on education, a bill for an act extending the waiver provisions relating to educational standards for guidance programs and media services for one additional year.

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

House File 2482, by committee on economic development, a bill for an act establishing an entrepreneurship task force.

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

House File 2483, by committee on judiciary and law enforcement, a bill for an act relating to the judgment and care of a fiduciary in making investment decisions.

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

House File 2484, by committee on judiciary and law enforcement, a bill for an act relating to the administration of small estates.

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

House File 2485, by committee on economic development, a bill for an act relating to the establishment of the Iowa arts and culture challenge grant foundation and foundation fund.

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

House File 2486, by committee on human resources, a bill for an act relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees.

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

House File 2487, by committee on energy and environmental protection, a bill for an act relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee.

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

House File 2488, by committee on judiciary and law enforcement, a bill for an act relating to the characterization of certain corporate shares as issued, but not outstanding, shares.

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

House File 2489, by committee on human resources, a bill for an act relating to health care facilities, providing a penalty, and providing an effective date.

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

House File 2490, by committee on education, a bill for an act relating to area education agencies and providing effective dates.

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

House File 2491, by committee on agriculture, a bill for an act relating to research and investigation of global environmental changes, the acquisition and conservation of adequate public water supplies, and making appropriations.

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

House File 2492, by committee on energy and environmental protection, a bill for an act relating to the reimbursement paid redemption centers and dealers for beverage containers.

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

SENATE MESSAGES CONSIDERED

Senate File 2104, by Vande Hoef, a bill for an act relating to service of process in an action brought against a county.

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

Senate File 2114, by committee on ways and means, a bill for an act relating to the updating of references to the federal Internal Revenue Code, relating to income tax and the computation of net income, increasing the tax credit allowed for certain research activities, providing an effective date, and providing certain retroactive applicability dates.

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

Senate File 2201, by Deluhery, a bill for an act relating to the family support subsidy program.

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

Senate File 2206, by Gronstal, a bill for an act relating to campaign finance by specifying that restrictions on corporate campaign activities do not apply to certain political corporations.

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

Senate File 2230, by committee on local government, a bill for an act relating to membership qualifications of the board of review.

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

Senate File 2240, by committee on agriculture, a bill for an act relating to the transfer of racing dogs.

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

Senate File 2250, by committee on ways and means, a bill for an act relating to the salaries paid to chaplains employed in state institutions.

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

Senate File 2260, by committee on ways and means, a bill for an act relating to sale and use taxation of certain museums by providing certain refunds and exemptions.

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

CONSIDERATION OF BILLS
Regular Calendar

House File 2201, a bill for an act relating to the disclosure of the names of all subcontractors by bidders on a state procurement contract, was taken up for consideration.

Peters of Woodbury offered the following amendment H-5157 filed by him and moved its adoption:

H-5157

1 Amend House File 2201 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 18.6, Code Supplement 1989, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 14. A bidder awarded a state pro-
7 curement contract shall disclose the names of all sub-
8 contractors, who will work on the project being bid,
9 within forty-eight hours after the award of the
10 contract.

11 If a subcontractor named by a bidder awarded a
12 state procurement contract is replaced, or if the cost
13 of work to be done by a subcontractor is reduced, the
14 bidder shall disclose the name of the new
15 subcontractor or the amount of the reduced cost.

16 Sec. 2. Section 262.34, Code 1989, is amended by
17 adding the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. A bidder awarded a
19 contract shall disclose the names of all
20 subcontractors, who will work on the project being
21 bid, within forty-eight hours after the award of the
22 contract. If a subcontractor named by a bidder
23 awarded a contract is replaced, or if the cost of work
24 to be done by a subcontractor is reduced, the bidder
25 shall disclose the name of the new subcontractor or
26 the amount of the reduced cost.

27 Sec. 3. NEW SECTION. 307.49 CONTRACT BIDS.

28 A bidder awarded a contract with the department
29 shall disclose the names of all subcontractors, who
30 will work on the project being bid, within forty-eight
31 hours after the award of the contract. If a
32 subcontractor named by a bidder awarded a contract is
33 replaced, or if the cost of work to be done by a
34 subcontractor is reduced, the bidder shall disclose
35 the name of the new subcontractor or the amount of the
36 reduced cost.

37 Sec. 4. NEW SECTION. 601L.3A CONTRACT BIDS.

38 A bidder awarded a contract with the department
39 shall disclose the names of all subcontractors, who
40 will work on the project being bid, within forty-eight

41 hours after the award of the contract. If a
 42 subcontractor named by a bidder awarded a contract is
 43 replaced, or if the cost of work to be done by a
 44 subcontractor is reduced, the bidder shall disclose
 45 the name of the new subcontractor or the amount of the
 46 reduced cost."
 47 2. Title page, line 1, by inserting after the
 48 word "names" the following: "and certain contract
 49 costs".

Amendment H—5157 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2201)

The ayes were, 57:

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

The nays were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shoning
Shoultz	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

Absent or not voting, 4:

Brammer	Jay	Shearer	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2354, a bill for an act relating to conflicts of interest in county contracts benefiting a member of a board of supervisors, was taken up for consideration.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2354)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinnéy	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Ollie

Absent or not voting, 4:

Brammer	Jay	Shearer	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2170, a bill for an act relating to the prohibition of the use of certain pesticides, and making a penalty applicable, with report of committee recommending amendment and passage was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—5152 filed by the committee on agriculture and moved its adoption:

H—5152

1 Amend House File 2170 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 455B.186, Code 1989, is
5 amended to read as follows:

6 455B.186 PROHIBITED DISCHARGES ACTIONS.

7 1. A pollutant shall not be disposed of by
8 dumping, depositing, or discharging such pollutant
9 into any water of the state, except that this section
10 shall not be construed to prohibit the discharge of
11 adequately treated sewage, industrial waste, or other
12 waste pursuant to a permit issued by the director. A
13 pollutant whether treated or untreated shall not be
14 discharged into any state-owned natural or artificial
15 lake.

16 2. A pesticide which contains as an active
17 ingredient a substance regulated under the federal
18 Safe Drinking Water Act, 42 U.S.C. § 300f et seq., as
19 amended through October 31, 1988, shall not be applied
20 to any water of this state which has been classified
21 by the department as a class "A" or class "C", high
22 quality, or high quality resource water."

Amendment H—5152 was adopted.

Muhlbauer of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2170)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf

Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brammer	Chapman	Jay	Shearer
Sherzan	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2431, a bill for an act allowing a person to purchase insurance through the Iowa comprehensive health association even if the person has coverage under another insurance plan, was taken up for consideration.

Bisignano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2431)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud

Renken	Rosenberg	Royer	Schnekloth
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 6:

Brammer	Jay	Schrader	Shearer
Sherzan	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2436, a bill for an act restricting the conditions under which a third-party payor of medical benefits may limit coverage for prescription drugs, was taken up for consideration.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2436)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Brammer	Hermann	Jay	Jochum
Plasier	Shearer	Sherzan	Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 10:25 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2244, a bill for an act relating to parking fines, handicapped parking spaces, and handicapped identification devices.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2257, a bill for an act relating to the distribution of lists of certified ophthalmic dispensers.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2259, a bill for an act relating to juvenile substance abuse programs licensed by the Iowa department of public health by requiring criminal record and child abuse registry screening of persons employed by the programs.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2263, a bill for an act authorizing a board of trustees of certain public hospitals to establish a separate fund for depreciation.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2305, a bill for an act providing for the distribution of voter registration forms to students of public and nonpublic schools who have reached voting age or will reach voting age within six months.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2308, a bill for an act relating to dental prosthesis identification.

Also: That the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2363, a bill for an act relating to commercial weighing and measuring.

Also: That the Senate has on February 20, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 119, a concurrent resolution relating to the training and rotation of correctional officers at the Iowa State Penitentiary.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 2370, a bill for an act relating to indemnification of art exhibitors by the Iowa arts council, was taken up for consideration.

Shoultz of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2370)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen

Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Groninga	Holveck	Jay	Miller
Rosenberg	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2343, a bill for an act relating to the fee charged by an employment agency for the procurement of a position of employment, was taken up for consideration.

Peters of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2343)

The ayes were, 61:

Adams	Arnould	Avenson, Spkr.	Beatty
Black	Blanshan	Brammer	Brand
Branstad	Brown	Chapman	Cphoon
Diemer	Fey	Fogarty	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Jesse	Jochum	Kistler	Kremer
Lageschulte	Lundby	Lykam	May
McKinney	Mertz	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, 32:

Banks	Beaman	Bennett	Bisignano
Buhr	Carpenter	Clark	Corbett

Daggett	De Groot	Doderer	Dvorsky
Eddie	Fuller	Garman	Gruhn
Halvorson, R. N.	Hammond	Holveck	Iverson
Johnson	Knapp	Koenigs	Maulsby
McKean	Osterberg	Pellett	Petersen, D. F.
Renken	Schnekloth	Stueland	Trent

Absent or not voting, 7:

Groninga	Hermann	Jay	Miller
Rosenberg	Royer	Sherzan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2423, a bill for an act relating to establishing title where a surviving spouse is a joint tenant of real estate with a deceased spouse, was taken up for consideration.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2423)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schnekloth
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Hammond	Holveck	Jay	Miller
Neuhauser	Rosenberg	Sherzan	Swartz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 1:51 p.m., until the fall of the gavel.

The House resumed session at 3:40 p.m., Speaker Avenson in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2086, a bill for an act relating to storage tanks by exempting certain aboveground tanks from registration with the state fire marshal, by limiting registration to aboveground petroleum storage tanks, by defining where aboveground tanks may be permitted for retail motor vehicle fuel outlets pursuant to rules of the state fire marshal, and by altering eligibility standards for certain loan guarantees.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 2357, a bill for an act relating to the applicability of school district reorganization incentives and providing a retroactive applicability date, with report of committee recommending passage was taken up for consideration.

Adams of Hamilton offered the following amendment H—5162 filed by her and moved its adoption:

H—5162

- 1 Amend House File 2357 as follows:
- 2 1. Title page, line 2, by inserting after the
- 3 word "providing" the following: "an effective date
- 4 and".

Amendment H—5162 was adopted.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2357)

The ayes were, 73:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Daggett	De Groot	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lundby
Lykam	May	McKean	McKinney
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Shoultz
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 24:

Bennett	Branstad	Corbett	Diemer
Eddie	Halvorson, R. A.	Hermann	Hester
Iverson	Kremer	Lageschulte	Maulsby
Metcalf	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Stueland	Trent	Tyrrell

Absent or not voting, 3:

Harbor	Mertz	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2428, a bill for an act relating to registration and deferrals of children on state and national adoption exchanges, was taken up for consideration.

Nielsen of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2428)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Harbor	Sherzan	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2430, a bill for an act relating to the disclosure of certain mental health information to family members, was taken up for consideration.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2430)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn

Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Harbor Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2329, a bill for an act relating to elections and election procedures, was taken up for consideration.

Spenner of Henry offered the following amendment H—5136 filed by him:

H—5136

- 1 Amend House File 2329 as follows:
- 2 1. Page 6, by inserting after line 33, the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 48.23 PARTY PREFERENCE
- 5 ON VOTER REGISTRATION FORM.
- 6 A person shall not provide a voter registration
- 7 form to any person if the form has already been marked
- 8 as to political party preference. A violation of this
- 9 section is subject to the penalty provided in section
- 10 48.16."
- 11 2. By numbering and renumbering as necessary.

The following amendment H—5247, to amendment H—5136, filed by Spenner of Henry from the floor was adopted by unanimous consent:

H-5247

- 1 Amend amendment H-5136, to House File 2329 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 through 10 and
- 4 inserting the following: "as to political party
- 5 preference."

Spenner of Henry moved the adoption of amendment H-5136, as amended.

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment H-5136, as amended, lost.

Spear of Lee offered the following amendment H-5182 filed by him and moved its adoption:

H-5182

- 1 Amend House File 2329 as follows:
- 2 1. Page 13, by striking line 9 and inserting the
- 3 following: "district".
- 4 2. Page 13, line 10, by striking the word
- 5 "school".
- 6 3. Page 13, by striking line 14 and inserting the
- 7 following: "the district is located."
- 8 4. Page 13, line 17, by inserting after the word
- 9 "birth." the following: "Authorities in charge of
- 10 nonpublic schools may also submit lists in accordance
- 11 with this subsection."
- 12 5. Page 13, line 18, by striking the words "this
- 13 list" and inserting the following: "the lists".

A non-record roll call was requested.

The ayes were 26, nays 50.

Amendment H-5182 lost.

Metcalf of Polk offered the following amendment H-5148 filed by her and moved its adoption:

H-5148

- 1 Amend House File 2329 as follows:
- 2 1. Page 13, line 10, by inserting before the word
- 3 "students" the following: "currently enrolled full-
- 4 time and part-time".

Amendment H-5148 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H-5138 filed by him on February 13, 1990.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2329)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Harbor	Peterson, M. K.	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2267, a bill for an act relating to the definition of public accommodation, making corrections, and removing inconsistencies under the civil rights law, was taken up for consideration.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2267)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Harbor	Peterson, M. K.	Sherzan	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED
(House File 2235)

Hammond of Story called up for consideration the motion to reconsider House File 2235, filed on February 5, 1990, and moved to reconsider the vote by which House File 2235, a bill for an act relating to community action agencies by providing for an annual report and establishing membership requirements for community action agency boards, passed the House and was placed on its last reading on February 5, 1990.

A non-record roll call was requested.

The ayes were 64, nays 14.

The motion prevailed and the House reconsidered House File 2235.

Hammond of Story offered the following amendment H—5090 filed by her and moved its adoption:

H—5090

- 1 Amend House File 2235 as follows:
- 2 1. Page 1, by inserting after line 24, the
- 3 following:
- 4 "d. The board membership shall be gender balanced
- 5 in accordance with section 69.16A."

Amendment H—5090 was adopted.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2235)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 1:

Petersen, D. F.

Absent or not voting, 3:

Harbor Peterson, M. K. Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2269, a bill for an act relating to the reallocation of the moneys in the surplus account of the Iowa plan fund and providing an effective date, was taken up for consideration.

Jesse of Polk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—5246 filed from the floor by Jesse, Branstad, Harbor, Ponce and Swartz as follows:

H—5246

1 Amend House File 2269 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 18B.4, Code Supplement 1989,
5 is amended to read as follows:
6 18B.4 AUTHORIZED CORPORATION — STAFF.
7 The international network on trade shall be
8 incorporated under chapter 504A. INTERNET shall not
9 be regarded as a state agency, except for purposes of
10 chapter 17A. A member of the board of directors is
11 not considered a state employee, except for purposes
12 of chapter 25A. If the executive director is a
13 natural person acting as a salaried employee of the
14 board, the executive director is a state employee
15 except for purposes of the merit system provisions of
16 chapter 19A and chapter 20 Iowa public employees'
17 retirement system, state health and dental plans, and
18 other state employee benefits and chapter 25A. A
19 natural person hired by the executive director who is
20 a salaried employee of the board is a state employee
21 for purposes of the Iowa public employees' retirement
22 system, state health and dental plans, and other state
23 employee benefits and chapter 25A. However, if a
24 person, including a staff member of INTERNET, is an
25 independent contractor or an employee of an
26 independent contractor, the person is not a state
27 employee except for purposes of chapter 25A. Chapters
28 8, 18, 19A, and 20, and other provisions of law that
29 relate to requirements or restrictions dealing with
30 state personnel or state funds do not apply to the
31 INTERNET corporation, the executive director, and any
32 employees of the board or the corporation, except to
33 the extent provided in this chapter.

34 Sec. _____. Section 18B.11, unnumbered paragraphs 1,
35 3, and 4, Code Supplement 1989, are amended to read as
36 follows:

37 There is created within the state treasury, shall
38 be created by the board of directors of INTERNET an
39 international network on trade fund. The fund is
40 composed of money appropriated by the general assembly
41 for that purpose, and moneys available to and obtained
42 or accepted by the board under this chapter, including
43 money from the United States, other states in the
44 union, foreign nations, state agencies, political
45 subdivisions, and private sources, and moneys from
46 fees charged under this chapter.

47 The auditor of state shall conduct regular
48 corporation shall arrange, at least annually, for
49 regular independent audits of the fund and shall make
50 submit a certified report relating to the condition of

Page 2

1 the fund to the treasurer of state and to the
2 executive director governor and general assembly.

3 The board and executive director shall administer
4 the fund in accordance with procedures of the
5 treasurer of state. In administering the fund, the
6 board may do all of the following:

7 Sec. _____. Section 28.153, Code Supplement 1989, is
8 amended to read as follows:

9 28.153 AUTHORIZED CORPORATION.

10 A Wallace technology transfer foundation of Iowa
11 shall be incorporated under chapter 504A. The
12 foundation shall not be regarded as a state agency,
13 except for purposes of chapter 17A. A member of the
14 board of directors is not considered a state employee,
15 except for purposes of chapter 25A. The executive
16 director is a state employee except for purposes of
17 the merit system provisions of chapter 19A and chapter
18 20 Iowa public employees' retirement system, state
19 health and dental plans, and other state employee
20 benefits and chapter 25A. A natural person employed
21 by the executive director is a state employee for
22 purposes of the Iowa public employees' retirement
23 system, state health and dental plans, and other state
24 employee benefits plans and chapter 25A. Chapters 8,
25 18, 19A, and 20, and other provisions of law that
26 relate to requirements or restrictions dealing with
27 state personnel or state funds do not apply to the
28 foundation, the executive director, and any employees
29 of the board or the foundation, except to the extent
30 provided in this chapter.

31 Sec. _____. Section 28.156, subsection 3, paragraph
32 g, Code Supplement 1989, is amended by striking the
33 paragraph.

34 Sec. _____. NEW SECTION. 28.161 WALLACE TECHNOLOGY
35 TRANSFER FOUNDATION FUND.

36 1. There shall be created by the board of
37 directors a Wallace technology transfer foundation
38 fund. The fund is composed of money appropriated by
39 the general assembly for that purpose, and moneys
40 available to and obtained or accepted by the board
41 under this chapter, including money from the United
42 States, other states in the union, foreign nations,
43 state agencies, political subdivisions, and private
44 sources, and moneys from fees charged under this
45 chapter.

46 2. The fund shall be a revolving fund from which
47 moneys may be used for purposes described in this
48 chapter, including loans, grants, matching financing,
49 and administrative costs. All interest earned on
50 proceeds in the fund shall remain in the fund.

Page 3

1 3. The foundation shall arrange, at least
2 annually, for regular independent audits of the fund
3 and shall submit a certified report relating to the
4 condition of the fund to the governor and general
5 assembly.

6 4. In administering the fund, the board may do all
7 of the following:

8 a. Contract, sue and be sued, and adopt rules
9 necessary to carry out the provisions of this section,
10 but the board shall not in any manner, directly or
11 indirectly pledge the credit of the state.

12 b. Authorize payment from the fund, from fees and
13 from any income received by investment of money in the
14 fund, for costs, commissions, attorney fees, and other
15 reasonable expenses related to and necessary for
16 making and protecting direct loans under this section,
17 and for the recovery of moneys loaned or the
18 management of property acquired in connection with the
19 loans.

20 5. Section 8.33 shall not apply to moneys in the
21 fund."

22 2. Page 2, line 3, by inserting after the word
23 "Iowa" the following: "and which shall use one
24 hundred thousand dollars of the funds for the
25 development, with the involvement of the public and
26 private sector, of a curriculum on international
27 trade".

28 3. Page 3, line 6, by striking the words "five
29 hundred" and inserting the following: "six hundred
30 twenty".

31 4. Page 3, by inserting after line 15 the
32 following:

33 "Sec. _____.

34 Moneys in the international network on trade fund

35 created within the state treasury are appropriated and

36 shall be transferred to the international network on

37 trade fund created by the board of directors of

38 INTERNET."

39 5. Title page, line 2, by inserting after the

40 word "fund" the following: "and to certain

41 corporations appropriated moneys from the Iowa plan

42 fund".

On motion by Jesse of Jasper, amendment H—5246 was adopted.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2269)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Chapman	Harbor	Peterson, M. K.	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

INTRODUCTION OF BILLS

House File 2493, by committee on energy and environmental protection, a bill for an act relating to waste volume reduction and recycling, increasing the solid waste tonnage fee, and providing for appropriation of the solid waste tonnage fees collected.

Read first time and referred to committee on **appropriations**.

House File 2494, by committee on energy and environmental protection, a bill for an act relating to the financing of water treatment plant and waste water treatment plant projects.

Read first time and placed on the **calendar**.

House File 2495, by committee on local government, a bill for an act relating to the establishment, maintenance, and operation of storm water drainage systems and the payment of rates or charges.

Read first time and placed on the **calendar**.

House File 2496, by committee on small business and commerce, a bill for an act requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims.

Read first time and placed on the **calendar**.

House File 2497, by committee on energy and environmental protection, a bill for an act regulating dealers of liquefied petroleum gas.

Read first time and placed on the **calendar**.

House File 2498, by committee on human resources, a bill for an act providing certain modifications to child foster care licensing requirements.

Read first time and placed on the **calendar**.

House File 2499, by committee on judiciary and law enforcement, a bill for an act relating to joint and several liability under comparative fault.

Read first time and placed on the **calendar**.

House File 2500, by committee on natural resources and outdoor recreation, a bill for an act relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties.

Read first time and placed on the **calendar**.

House File 2501, by committee on agriculture, a bill for an act relating to grain management, by providing for the regulation of grain dealers and grain warehouse operators, providing for the indemnification of grain depositors and sellers, providing for penalties, and the retroactive applicability of a certain provision.

Read first time and placed on the **calendar**.

House File 2502, by committee on local government, a bill for an act relating to the issuance of bonds under the hotel and motel tax and providing an effective date.

Read first time and placed on the **calendar**.

House File 2503, by committee on judiciary and law enforcement, a bill for an act relating to the notification or testing of persons receiving health or correctional services regarding the human immunodeficiency virus.

Read first time and placed on the **calendar**.

House File 2504, by committee on human resources, a bill for an act relating to criminal and child abuse record checks concerning facilities providing care to children.

Read first time and placed on the **calendar**.

House File 2505, by committee on small business and commerce, a bill for an act relating to insurance by prohibiting certain inquiries relating to HIV testing if the test results were negative.

Read first time and placed on the **calendar**.

House File 2506, by committee on small business and commerce, a bill for an act requiring allocation of pregnancy-related health expenses equally among female and male policyholders, subscribers, or enrollees of individual third-party payor medical expense contracts.

Read first time and placed on the **calendar**.

House File 2507, by committee on economic development, a bill for an act relating to and appropriating funds for financing an E911 financing program and the rural community 2000 program and providing an effective date.

Read first time and referred to committee on **appropriations**.

House File 2508, by committee on judiciary and law enforcement, a bill for an act relating to the commitment and treatment of chronic substance abusers.

Read first time and placed on the **calendar**.

House File 2509, by committee on human resources, a bill for an act relating to the medical and surgical treatment of indigent persons who are providing migratory labor and their families.

Read first time and placed on the **calendar**.

House File 2510, by committee on human resources, a bill for an act designating an operator or employee of a child day care resource and referral agency as a mandatory reporter of child abuse.

Read first time and placed on the **calendar**.

House File 2511, by committee on judiciary and law enforcement, a bill for an act relating to an assault without intent to inflict serious injury which results in a serious injury.

Read first time and placed on the **calendar**.

House File 2512, by committee on local government, a bill for an act altering the statutory monetary limitation on the local option E911 emergency telephone service surcharge, authorizing the Iowa finance authority to issue bonds and notes secured by certain designated sources to finance E911 service nonrecurring and recurring expenses, providing related procedures and conditions, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2513, by committee on human resources, a bill for an act relating to medical support for children receiving child support and certain dependents.

Read first time and placed on the **calendar**.

House File 2514, by committee on appropriations, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters and providing an effective date.

Read first time and placed on the **appropriations calendar**.

MOTION TO RECONSIDER
(House File 2329)

I move to reconsider the vote by which House File 2329 passed the House on February 20, 1990.

SPENNER of Henry

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, February 19, 1990. Had I been present, I would have voted "aye" on House Files 2141, 2367 and 2404.

GRONINGA of Cerro Gordo

I was necessarily absent from the House chamber on Tuesday morning, February 20, 1990. Had I been present, I would have voted "aye" on House Files 2170, 2354, 2431 and 2436; "nay" on House File 2201.

SHEARER of Louisa

I was necessarily absent from the House chamber on February 19, 1990. Had I been present, I would have voted "aye" on House Files 2109, 2188, 2198, 2271, 2309, 2322, 2324, 2338, 2339, 2344, 2355, 2364, 2366, 2368, 2369, 2390, 2393, 2401, 2404, 2405, 2406, 2421 and 2422; "nay" on House Files 2141, 2215 and 2367.

TYRRELL of Iowa

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 20, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 2001, an act relating to elections by revising provisions governing voting booth requirements.

House File 2113, an act requiring name change petitioners to attach certified copies of birth certificates for each person seeking a name change to the name change petition.

House File 2120, an act to repeal a Code chapter relating to the organization, support, and functions of poultry associations.

Senate File 199, an act relating to child day care by amending certain definitions and certain requirements for family day care homes.

Senate File 280, an act relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 820 Ways and Means**

Relating to county and state liability for the costs of medical assistance provided to recipients residing in intermediate care facilities for the mentally retarded.

H.S.B. 821 Ways and Means

Providing education and job training income tax credits and providing a retroactive applicability date.

SUBCOMMITTEE ASSIGNMENTS**House File 2408**

Appropriations: Jochum, Chair; Halvorson of Clayton and Peterson of Carroll.

House File 2442

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

House File 2456

Appropriations: Hansen of Woodbury, Chair; Carpenter and Svoboda.

House File 2491

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Jochum.

Senate File 2078

Energy and Environmental Protection: Johnson, Chair; Banks, McKean, Neuhauser, Osterberg, Petersen of Muscatine and Schrader.

Senate File 2158

Energy and Environmental Protection: Hatch, Chair; Adams, Hanson of Delaware, Lundy, Osterberg, Schrader and Trent.

Senate File 2181

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 2281, a bill for an act relating to grain-based fuel technology, establishing a center for grain-based fuel technology, and requiring state agencies to purchase vehicles which operate on grain-based fuel.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5232** February 15, 1990.

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to human services and making appropriations to the department of human services and other properly related matters and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1990.

COMMITTEE ON HUMAN RESOURCES

House File 2153, a bill for an act relating to the fifteen-day report filed by an administrator or chief medical officer of a hospital or facility with the court after the commitment hearing in civil commitment proceedings.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5218** February 15, 1990.

House File 2356, a bill for an act relating to the reproductive toxicity of alcoholic beverages, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5217** February 15, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

House File 2092, a bill for an act relating to debt management services, by providing certain regulatory exemptions for nonprofit consumer credit counseling services and providing for the distribution of debtor trust funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5233** February 15, 1990.

COMMITTEE ON WAYS AND MEANS

Senate File 332, a bill for an act relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1990.

RESOLUTION FILED

SCR 119, by committee on appropriations, a concurrent resolution

relating to the training and rotation of correctional officers at the Iowa State Penitentiary.

Laid over under **Rule 25.**

AMENDMENTS FILED

H-5217	H.F.	2356	Committee on Human Resources
H-5218	H.F.	2153	Committee on Human Resources
H-5219	H.F.	2383	Shearer of Louisa
H-5220	H.F.	2383	Shearer of Louisa
H-5221	H.F.	2417	Trent of Muscatine
H-5222	H.F.	2418	Svoboda of Tama
H-5223	H.F.	2449	Shoning of Woodbury
H-5224	H.F.	2418	Daggett of Adams
H-5225	H.F.	2418	Daggett of Adams
H-5226	H.F.	2418	Daggett of Adams
H-5227	H.F.	2440	Harper of Black Hawk
H-5228	H.F.	2340	May of Worth Osterberg of Linn Petersen of Muscatine
H-5229	H.F.	2381	Groninga of Cerro Gordo
H-5230	H.F.	2131	Brown of Lucas Jesse of Jasper
H-5231	H.F.	2399	Eddie of Buena Vista
H-5232	H.F.	2281	Committee on Agriculture
H-5233	H.F.	2092	Committee on Small Business and Commerce
H-5234	H.F.	2459	Maulsby of Calhoun
H-5235	H.F.	2371	Carpenter of Polk
H-5236	H.F.	2474	Black of Jasper De Groot of Lyon Royer of Page Koenigs of Mitchell Maulsby of Calhoun
H-5237	H.F.	2384	Connors of Polk Schrader of Marion
H-5238	H.F.	2418	Harbor of Mills Kremer of Buchanan
H-5239	H.F.	2418	Hammond of Story
H-5240	H.F.	2320	Brammer of Linn
H-5241	H.F.	2418	Hammond of Story

H—5242	H.F.	2327	Brown of Lucas
H—5243	H.F.	2115	Iverson of Wright
H—5244	H.F.	2465	Gruhn of Dickinson
H—5245	H.F.	2418	Garman of Story
H—5248	H.F.	2115	Iverson of Wright
H—5249	H.F.	2407	Schneklath of Scott
H—5250	H.F.	2438	Shearer of Louisa
			Hammond of Story
			Brown of Lucas
			Buhr of Polk
			Spenner of Henry
H—5251	H.F.	2340	Iverson of Wright
H—5252	H.F.	2107	Hermann of Scott
H—5253	H.F.	2418	Garman of Story
H—5254	H.F.	2418	Lageschulte of Bremer

On motion by Arnould of Scott, the House adjourned at 5:06 p.m., until 9:00 a.m., Wednesday, February 21, 1990.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day — Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 21, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Teresa Garman, state representative from Story County.

The Journal of Tuesday, February 20, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Siegrist of Pottawattamie on request of Peterson of Carroll; Shearer of Louisa on request of Cohoon of Des Moines; Holveck of Polk on request of Hammond of Story, all until their arrival.

INTRODUCTION OF BILLS

House File 2515, by committee on energy and environmental protection, a bill for an act relating to waste volume reduction and recycling, establishing a fee, and providing a penalty.

Read first time and placed on the **calendar**.

House File 2516, by committee on small business and commerce, a bill for an act regulating certain motor vehicle service contracts and establishing an annual fee.

Read first time and placed on the **calendar**.

House File 2517, by committee on judiciary and law enforcement, a bill for an act establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other related matters, and providing an effective date.

Read first time and placed on the **calendar**.

CONSIDERATION OF BILLS

Regular Calendar

House File 2200, a bill for an act relating to refunds and credits

issued on the unexpired portions of vehicle registration fees, was taken up for consideration.

Cohon of Des Moines offered the following amendment H—5126 filed by him and moved its adoption:

H—5126

- 1 Amend House File 2200 as follows:
- 2 1. Page 3, by inserting after line 12 the
- 3 following:
- 4 "Sec. _____. This Act takes effect January 1, 1991."
- 5 2. Title page, line 2, by inserting after the
- 6 word "fees" the following: "and providing an
- 7 effective date".

Amendment H—5126 was adopted.

Cohon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2200)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Clark	Cohon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shoning	Shoultz
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Beatty	Bennett	Chapman	Halvorson, R. A.
Holveck	Shearer	Sherzan	Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2340, a bill for an act providing for disposal of dead sheep or poultry, and providing an effective date, was taken up for consideration.

Miller of Cherokee asked and received unanimous consent to withdraw amendment H—5208 filed by him on February 19, 1990.

Iverson of Wright offered the following amendment H—5251 filed by him:

H—5251

- 1 Amend House File 2340 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. NEW SECTION. 167.22 ANIMAL BURIAL.
- 5 The owner of agricultural land, as defined in
- 6 section 172C.1, may bury a domesticated animal carcass
- 7 on the land if all of the following requirements are
- 8 satisfied:
- 9 1. The carcass of an animal which has died before
- 10 two months of age may be buried on the land regardless
- 11 of the proximity to another burial site of the carcass
- 12 of an animal which has died before two months of age.
- 13 However, a carcass of an animal which has died after
- 14 two months of age shall be buried as follows:
- 15 a. Not more than seven cattle carcasses shall be
- 16 buried each year on one square acre of land.
- 17 b. Not more than seven horse carcasses shall be
- 18 buried each year on one square acre of land.
- 19 c. Not more than forty-four swine carcasses shall
- 20 be buried each year on one square acre of land.
- 21 d. Not more than seventy-three sheep carcasses
- 22 shall be buried each year on one square acre of land.
- 23 e. Not more than four hundred poultry carcasses
- 24 shall be buried each year on one square acre of land.
- 25 2. The carcass is buried at least one hundred feet
- 26 from a private water well which is capable of being
- 27 used without major renovation for domestic purposes.
- 28 3. The carcass is buried at least two hundred feet
- 29 from a public water well which is capable of being
- 30 used without major renovation for domestic purposes.
- 31 4. The carcass is buried at least five hundred
- 32 feet from an existing habitable residence which is not

33 owned by the owner of the land.

34 5. The carcass is buried on soil classified by the
35 department as "somewhat poorly drained" or better,
36 unless artificial drainage is installed.

37 6. The carcass is buried at least two feet above
38 the average water level depth for the land.

39 7. The carcass when buried is immediately covered
40 with six inches of soil or with two inches of soil
41 plus an effective predator barrier. Upon final
42 closing of the site, the carcass must be covered with
43 at least thirty inches of soil.

44 8. The carcass is dispersed as widely as practical
45 over each square acre used for burying the carcass."

46 2. Page 1, line 13, by striking the word "shall"
47 and inserting the following: "may".

48 3. Page 2, by inserting after line 8 the
49 following:

50 "Sec. _____. Section 455B.307, subsection 1, Code

Page 2

1 Supplement 1989, is amended to read as follows:

2 1. A private agency or public agency shall not
3 dump or deposit or permit the dumping or depositing of
4 any solid waste at any place other than a sanitary
5 disposal project approved by the director unless the
6 agency has been granted a permit by the department
7 which allows the dumping or depositing of solid waste
8 on land owned or leased by the agency. However, this
9 section does not apply to the burial of a domesticated
10 animal carcass on agricultural land as provided in
11 section 167.22.

12 PARAGRAPH DIVIDED. The department shall adopt
13 rules regarding the permitting of this activity which
14 shall provide that the public interest is best served,
15 but which may be based upon criteria less stringent
16 than those regulating a public sanitary disposal
17 project provided that the rules adopted meet the
18 groundwater protection goal specified in section
19 455E.4. The comprehensive plans for these facilities
20 may be varied in consideration of the types of
21 sanitary disposal practices, hydrologic and geologic
22 conditions, construction and operations
23 characteristics, and volumes and types of waste
24 handled at the disposal site. The director may issue
25 temporary permits for dumping or disposal of solid
26 waste at disposal sites for which an application for a
27 permit to operate a sanitary disposal project has been
28 made and which have not met all of the requirements of
29 part 1 of this division and the rules adopted by the
30 commission if a compliance schedule has been submitted
31 by the applicant specifying how and when the applicant

32 will meet the requirements for an operational sanitary
 33 disposal project and the director determines the
 34 public interest will be best served by granting such
 35 temporary permit."
 36 4. Title page, line 1, by striking the words
 37 "sheep or poultry" and inserting the following:
 38 "animals, making penalties applicable".
 39 5. By renumbering as necessary.

The following amendment H—5259, to amendment H—5251, filed by Iverson of Wright from the floor, was adopted by unanimous consent:

H—5259

1 Amend amendment H—5251, to House File 2340 as
 2 follows:
 3 1. Page 1, by striking lines 46 and 47.

Iverson of Wright moved the adoption of amendment H—5251, as amended.

A non-record roll call was requested.

The ayes were 31, nays 52.

Amendment H—5251, as amended, lost.

Arnould of Scott asked and received unanimous consent that House File House File 2340 be deferred and that the bill retain its place on the calendar.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules to add House File 2418 and delete House File 2337 from the February 22, 1990 Daily Debate Calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 9, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 81, a bill for an act relating to consumer transactions involving the performance of repairs or service upon a motor vehicle, and imposing penalties.

Also: That the Senate has on February 20, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2015, a bill for an act relating to training requirements for reserve peace officers and providing for the Act's applicability.

Also: That the Senate has on February 20, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2064, a bill for an act to provide free hunting and fishing combined licenses to military veterans who are disabled or were prisoners of war and providing an effective date.

Also: That the Senate has on February 20, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2306, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 10:10 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Swartz of Marshall in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2381, a bill for an act authorizing the conversion of a mutual property and casualty insurance company into a stock company, subject to certain conditions and procedural requirements, was taken up for consideration.

Kremer of Buchanan offered the following amendment H—5149 filed by him and moved its adoption:

H—5149

- 1 Amend House File 2381 as follows:
- 2 1. Page 3, by inserting after line 4, the
- 3 following:
- 4 "A plan of conversion for an insurer organized on
- 5 the mutual plan under chapter 491, shall also provide
- 6 for conversion to a stock company as follows: the
- 7 insurer organized on the mutual plan under chapter 491
- 8 shall amend its articles pursuant to chapter 491 as
- 9 necessary to become a stock company, and shall
- 10 immediately convert to a chapter 490 corporation as
- 11 provided in section 490.1701 upon becoming a stock
- 12 company."
- 13 2. Page 6, line 17, by inserting after the word
- 14 "conversion" the following: "by either the
- 15 commissioner or the policyholders".

Amendment H—5149 was adopted.

Groninga of Cerro Gordo offered the following amendment H—5229 filed by him and moved its adoption:

H—5229

- 1 Amend House File 2381 as follows:
- 2 1. Page 3, by striking lines 9 through 15 and
- 3 inserting the following: "of a public hearing are the
- 4 policyholders whose policies are in force on the date
- 5 of the adoption of the plan by the board of
- 6 directors."

Amendment H—5229 was adopted.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2381)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Swartz	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Banks	Chapman	Kistler	Neuhauser
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2384, a bill for an act establishing a state fair challenge grant foundation, was taken up for consideration.

Schrader of Marion offered the following amendment H—5237 filed by Connors of Polk and him:

H—5237

- 1 Amend House File 2384 as follows:
- 2 1. Page 1, by striking line 30, and inserting the
- 3 following: "administration or major maintenance".
- 4 2. Page 1, line 32, by inserting after the word
- 5 "board." the following: "The name of a private con-
- 6 tributor shall not be associated with any project or
- 7 improvement, including but not limited to a structure.
- 8 However, the board may place a plaque near the project
- 9 or improvement recognizing contributors."

Connors of Polk offered the following amendment H—5269, to amendment H—5237, filed by Kremer of Buchanan from the floor and moved its adoption:

H—5269

- 1 Amend the amendment, H—5237, to House File 2384, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "plaque" the following: "on or".

Amendment H—5269 was adopted.

On motion by Schrader of Marion, amendment H—5237, as amended, was adopted.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2384)

The ayes were, 92

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter

Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Shoning	Siegrist	Spear	Spenner
Stueland	Svoboda	Teaford	Trent
Tyrrell	Van Maanen	Wise	Swartz Presiding

The nays were, none.

Absent or not voting, 8:

Chapman	Halvorson, R. N.	Kistler	Lykam
Neuhauser	Sherzan	Shoultz	Tabor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2440, a bill for an act relating to the duties of the board of educational examiners, providing for alternative routes to licensing, and defining which persons are teachers for purposes of educational excellence programs, was taken up for consideration.

Harper of Black Hawk offered the following amendment H—5227 filed by her and moved its adoption:

H—5227

- 1 Amend House File 2440 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 256.7, subsection 13, Code
- 5 Supplement 1989, is amended by striking the
- 6 subsection."
- 7 2. Page 3, line 31, by striking the word
- 8 "certification" and inserting the following:
- 9 "licensing".
- 10 3. By renumbering as necessary.

Amendment H—5227 was adopted.

Iverson of Wright offered the following amendment H—5186 filed by him:

H—5186

- 1 Amend House File 2440 as follows:
- 2 1. Page 1, by inserting after line 2 the fol-
- 3 lowing:
- 4 "Sec. _____. Section 256.11A, subsection 2, Code
- 5 Supplement 1989, is amended to read as follows:
- 6 2. Schools and school districts are not required
- 7 to meet the requirement stated in the standards
- 8 adopted by the state board under section 256.17, Code
- 9 Supplement 1987, that prohibits an individual who is
- 10 employed or contracted as superintendent from also
- 11 serving as a principal in that school or school
- 12 district until July 1, 1990, except as otherwise
- 13 provided in this subsection. Not later than January
- 14 1, 1990, for the school year beginning July 1, 1990,
- 15 the board of directors of a school district or
- 16 authorities in charge of a nonpublic school, may file
- 17 a written request with the department of education
- 18 that the department waive the requirement for that
- 19 district or school. The procedures specified in
- 20 subsection 5 apply to the request."
- 21 2. By numbering and renumbering as necessary.

Harper of Black Hawk rose on a point of order that amendment H—5186 was not germane.

The Speaker ruled the point well taken and amendment H—5186 not germane.

Corbett of Linn moved that the rules be suspended to consider amendment H—5186.

A non-record roll call was requested.

The ayes were 34, nays 49.

The motion to suspend the rules lost.

Harper of Black Hawk offered the following amendment H—5206 filed by her and moved its adoption:

H—5206

- 1 Amend House File 2440, as follows:
- 2 1. Page 1, by striking lines 20 through 22, and
- 3 inserting the following:
- 4 "NEW UNNUMBERED PARAGRAPH. The board of
- 5 educational examiners shall set the salary of the
- 6 executive director within the range established for
- 7 the position by the general assembly."

Amendment H—5206 was adopted.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2440)

The ayes were, 63:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Cohoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Hibbard	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lykam	May	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Svoboda	Tabor
Teaford	Wise	Swartz	
		Presiding	

The nays were, 33:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Iverson	Kremer
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Spenner	Stueland	Trent	Tyrrell
Van Maanen			

Absent or not voting, 4:

Chapman	Eddie	Holveck	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 2:58 p.m.

House File 2438, a bill for an act relating to the crime victim reparation and victim assistance programs, specifying that the crime victim reparation program may be included in a restitution plan, establishing a priority for payment in a restitution plan, relieving the clerk

of the supreme court of victim notification requirements on appeals and transferring those duties to the department of justice, providing confidentiality requirements concerning victims and witnesses with certain exceptions, permitting victims of simple misdemeanors to participate in the crime victim reparation program, and permitting certain victims of crimes committed outside of this state to participate in the crime victim reparation program, was taken up for consideration.

Shearer of Louisa offered the following amendment H—5250 filed by Shearer, et al., and moved its adoption:

H—5250

- 1 Amend House File 2438 as follows:
- 2 1. By striking page 3, line 8, through page 5,
- 3 line 7.
- 4 2. Title page, by striking lines 7 through 9, and
- 5 inserting the following: "duties to the department of
- 6 justice, permitting victims of simple misdemeanors
- 7 to".
- 8 3. By renumbering as necessary.

Roll call was requested by Shearer of Louisa and Johnson of Winneshiek.

On the question "Shall amendment H—5250 be adopted?"
(H.F. 2438)

The ayes were, 40:

Arnould	Beatty	Black	Blanshan
Brown	Buhr	Carpenter	Chapman
Cohoon	Corbett	De Groot	Dvorsky
Fey	Fogarty	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Jesse	Johnson	Knapp
Koenigs	Kremer	Lundby	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Rosenberg	Schrader	Shearer	Shoultz
Siegrist	Spenner	Teaford	Mr. Speaker
			Avenson

The nays were, 52:

Banks	Beaman	Bennett	Bisignano
Brand	Branstad	Clark	Connors
Daggett	Diemer	Doderer	Eddie
Fuller	Garman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hermann
Hester	Holveck	Iverson	Jay
Jochum	Kistler	Lageschulte	Lykam

Maulsby	May	McKean	McKinney
Metcalf	Murphy	Neuhauser	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schnekloth	Shoning	Spear	Stueland
Trent	Tyrrell	Van Maanen	Wise

Absent or not voting, 8:

Adams	Brammer	Mertz	Peters
Sherzan	Svoboda	Swartz	Tabor

Amendment H—5250 lost.

Halvorson of Clayton offered the following amendment H—5216 filed by him and moved its adoption:

H—5216

- 1 Amend House File 2438 as follows:
- 2 1. Page 3, by inserting after line 7 the
- 3 following:
- 4 “Sec. _____, Section 910A.9, subsection 5, Code
- 5 Supplement 1989, is amended to read as follows:
- 6 5. The date on which the offender is expected to
- 7 be released from an institution ~~or facility~~ pursuant
- 8 to a plan of parole ~~or work~~ release, or upon discharge
- 9 of sentence.”
- 10 2. Title page, line 7, by inserting after the
- 11 word “justice,” the following: “removing duplicative
- 12 requirements for notification of crime victims.”
- 13 3. By renumbering as necessary.

Amendment H—5216 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2438)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Carpenter
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jochum

Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schnekloth	Schrader
Shearer	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 6:

Brown	Buhr	Chapman	Jesse
Miller	Rosenberg		

Absent or not voting, 2:

Beatty	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2154, a bill for an act relating to civil rights by requiring certain cities to maintain a local civil rights agency or commission and provide adequate funding for the agency or commission, and providing for the continuation in effect of certain local civil rights laws, with report of committee recommending amendment and passage was taken up for consideration.

Hatch of Polk offered the following amendment H—5069 filed by the committee on local government and moved its adoption:

H—5069

- 1 Amend House File 2154 as follows:
- 2 1. Page 1, by striking lines 9 through 15 and
- 3 inserting the following: "that deal with the same
- 4 subject matter."
- 5 2. Page 2, by striking lines 1 and 2 and
- 6 inserting the following: "to chapter 17A. An agency
- 7 or commission for which a staff is provided shall have
- 8 control over such staff. A city required to".

The committee amendment H—5069 was adopted.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2154)

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lundby	Lykam	Maulsby
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Royer	Schneklath	Schrader
Shearer	Shoning	Shultz	Siegrist
Spenner	Svoboda	Swartz	Tabor
Trent	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 15:

Banks	Diemer	Garman	Halvorson, R. N.
Hanson, D. R.	Iverson	Kremer	Lageschulte
McKean	Pellett	Renken	Spear
Stueland	Teaford	Tyrrell	

Absent or not voting, 5:

Hermann	Jay	Ollie	Rosenberg
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2292, a bill for an act relating to the procedure for distribution of payments made upon a judgment or settlement of a third-party claim brought by a recipient of medical assistance, with report of committee recommending passage was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2292)

The ayes were, 91:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schneklloth
Schrader	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Beaman	Fey	Hatch	Lykam
Pellett	Rosenberg	Shearer	Sherzan
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Schneklloth of Scott in the chair at 4:25 p.m.

House File 2437, a bill for an act relating to child support payments by providing for immediate withholding of an obligor's income and providing a penalty, was taken up for consideration.

Haverland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2437)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano

Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Schnekloth Presiding

The nays were, 1:

Ollie

Absent or not voting, 3:

Hatch Rosenberg Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2115, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates, with report of committee recommending amendment and passage was taken up for consideration.

Pellett of Cass offered the following amendment H—5168 filed by the committee on energy and environmental protection and moved its adoption:

H—5168

- 1 Amend House File 2115 as follows:
- 2 1. Page 1, line 14, by striking the word, "may"
- 3 and inserting the following: "shall".

The committee amendment H—5168 was adopted.

Iverson of Wright asked and received unanimous consent to withdraw amendment H—5243 filed by him on February 20, 1990.

Iverson of Wright offered the following amendment H—5248 filed by him:

H—5248

- 1 Amend House File 2115 as follows:
- 2 1. Page 1, by inserting after line 31 the fol-
- 3 lowing:
- 4 "Sec. _____. Section 455B.172, subsection 5, Code
- 5 1989, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 **NEW UNNUMBERED PARAGRAPH.** The department or a
- 8 county board of health shall not prohibit the
- 9 discharge of waste water from a septic tank located on
- 10 agricultural land used for farming, as defined in
- 11 section 172C.1, and installed prior to November 19,
- 12 1986."
- 13 2. Page 1, line 33, by striking the word "This"
- 14 and inserting the following: "Section 1 of this".
- 15 3. Title page, line 1, by striking the words "the
- 16 commercial cleaning of".
- 17 4. Title page, line 2, by inserting after the
- 18 word "for" the following: "cleaning, the discharge of
- 19 waste water,".

Petersen of Muscatine rose on a point of order that amendment H—5248 was not germane.

The Speaker ruled the point well taken and amendment H—5248 not germane.

Van Maanen of Mahaska moved that the rules be suspended to consider amendment H—5248.

A non-record roll call was requested.

The ayes were 27, nays 45.

The motion to suspend the rules lost.

Pellett of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2115)

The ayes were, 89:

Adams
Beaman

Arnould
Beatty

Avenson, Spkr.
Bennett

Banks
Black

Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Renaud	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Schneklath Presiding			

The nays were, 5:

Bisignano	Fuller	Maulsby	Poney
Renken			

Absent or not voting, 6:

Blanshan	Brammer	Dvorsky	Hatch
Rosenberg	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2157, a bill for an act relating to the dates for limitations of actions on title to real property, with report of committee recommending passage was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2157)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Eddie

Fey	Fogarty	Fuller	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schrader	Shoning	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Schnekloth	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Blanshan	Brammer	Dvorsky	Gruhn
Hatch	Rosenberg	Shearer	Sherzan
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dvorsky of Johnson on request of Adams of Hamilton; Corbett of Linn on request of Banks of Plymouth, both for the remainder of the day.

House File 2238, a bill for an act eliminating the requirement of zero balancing of automatic adjustments in the rates and charges of public utility service, with report of committee recommending passage was taken up for consideration.

Osterberg of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2238)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark

Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhausser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schrader	Shoning	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Schneklath Presiding	

The nays were, none.

Absent or not voting, 9:

Blanshan	Brammer	Corbett	Dvorsky
Hatch	Rosenberg	Shearer	Sherzan
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT

Doderer of Johnson asked and received unanimous consent to change her vote from "nay" to "aye" on House File 2238 and the vote was so recorded.

House File 2279, a bill for an act permitting the department of natural resources to accept credit cards for payment of certain fees and other permitted purposes, with report of committee recommending passage was taken up for consideration.

Lykam of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2279)

The ayes were, 85:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano

Black	Brand	Branstad	Brown
Buhr	Chapman	Cohoon	Connors
Daggett	De Groot	Diemer	Doderer
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schrader
Shoning	Shoultz	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Schneklath			
Presiding			

The nays were, 6:

Carpenter	Clark	Maulsby	McKean
Siegrist	Spenner		

Absent or not voting, 9:

Blanshan	Brammer	Corbett	Dvorsky
Groninga	Hatch	Rosenberg	Shearer
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2453, a bill for an act relating to arbitration agreements between manufacturers, distributors, or importers of motor vehicles and motor vehicle dealers, was taken up for consideration.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2453)

The ayes were, 88:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Eddie	Fey	Fogarty

Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schrader	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Schneklath Presiding

The nays were, none.

Absent or not voting, 12:

Blanshan	Brammer	Corbett	Doderer
Dvorsky	Hatch	Jesse	Rosenberg
Shearer	Sherzan	Shoultz	Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2454, a bill for an act relating to the manufacture, distribution, and possession of gambling devices, was taken up for consideration.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2454)

The ayes were, 78:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Brand	Brown	Buhr	Carpenter
Chapman	Cohoon	Connors	Diemer
Doderer	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Haverland	Hester
Hibbard	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean

McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schrader	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Wise	Schnekloth		
	Presiding		

The nays were, 9:

Bennett	Branstad	Clark	Daggett
De Groot	Holveck	Pellett	Petersen, D. F.
Van Maanen			

Absent or not voting, 13:

Blanshan	Brammer	Corbett	Dvorsky
Harper	Hatch	Hermann	Neuhauser
Rosenberg	Shearer	Sherzan	Shoultz
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2458, a bill for an act requiring restitution of persons convicted of interfering with a traffic device, sign, or signal, was taken up for consideration.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2458)

The ayes were, 90:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg

Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schrader	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Schneklath		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Blanshan	Brammer	Corbett	Dvorsky
Halvorson, R. A.	Hatch	Lykam	Rosenberg
Shearer	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2460, a bill for an act relating to remedial relief for public employment relations violations and to unfair representation by a bargaining representative of a public employee, was taken up for consideration.

Bisignano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2460)

The ayes were, 87:

Adams	Arnould	Avenson, Spkr.	Banks
Beatty	Bennett	Bisignano	Black
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Cphoon	Connors
Daggett	De Groot	Diemer	Doderer
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schrader
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz

Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Schnekloth Presiding	

The nays were, none.

Absent or not voting, 13:

Beaman	Blanshan	Brammer	Clark
Corbett	Dvorsky	Gruhn	Halvorson, R. A.
Hatch	Miller	Rosenberg	Shearer
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton, for the remainder of the day, on request of Harbor of Mills.

The House resumed consideration of **House File 2340**, a bill for an act providing for disposal of dead sheep or poultry, and providing an effective date, previously deferred.

Banks of Plymouth offered the following amendment H—5170 filed by him and moved its adoption:

H—5170

- 1 Amend House File 2340 as follows:
- 2 1. Page 1, line 13, by striking the word "shall"
- 3 and inserting the following: "may".

Amendment H—5170 lost.

Spear of Lee asked and received unanimous consent to defer action on amendments H—5204 and H—5214.

May of Worth offered the following amendment H—5228 filed by May, et al.:

H—5228

- 1 Amend House File 2340 as follows:
- 2 1. Page 1, by striking lines 14 through 25, and
- 3 inserting the following: "accept for disposal any
- 4 dead animal raised as livestock, including cattle,
- 5 swine, sheep, or poultry. The fee charged by a
- 6 landfill to dispose of the livestock shall be assessed
- 7 on the basis of weight. However, the fee shall not
- 8 exceed twice the amount charged for disposing of
- 9 biodegradable solid waste other than a dead animal.
- 10 The landfill may refuse to accept livestock for

- 11 disposal, if a person licensed under chapter 167
12 accepts for disposal livestock of the same species, in
13 the same county where the landfill is located, and for
14 a charge which is not more than the landfill is
15 allowed to charge under this paragraph."
16 2. Title page, line 1, by striking the words
17 "dead sheep or poultry" and inserting the following:
18 "livestock".

Banks of Plymouth offered the following amendment H—5268, to amendment H—5228, filed by him from the floor and moved its adoption:

H—5268

- 1 Amend amendment, H—5228, to House File 2340 as
2 follows:
3 1. Page 1, by striking line 4 and inserting the
4 following: "domesticated animal, including livestock
5 and pets. As used in this paragraph "livestock" means
6 cattle,".
7 2. Page 1, line 6, by striking the word
8 "livestock" and inserting the following:
9 "domesticated animal".
10 3. Page 1, line 10, by striking the word
11 "livestock" and inserting the following: "a
12 domesticated animal".
13 4. Page 1, line 12, by striking the word
14 "livestock" and inserting the following: "a
15 domesticated animal".
16 5. Page 1, line 18, by striking the word
17 "livestock" and inserting the following:
18 "domesticated animals" .

A non-record roll call was requested.

The ayes were 31, nays 41.

Amendment H—5268 lost.

Spear of Lee offered the following amendment H—5267, to amendment H—5228, filed by him from the floor and moved its adoption:

H—5267

- 1 Amend the amendment, H—5228, to House File 2340 as
2 follows:
3 1. Page 1, line 9, by inserting after the word
4 "animal." the following: "The person delivering the
5 livestock must be eligible to dispose of solid waste
6 at the landfill."

Amendment H—5267 was adopted.

On motion by May of Worth, amendment H—5228, as amended, was adopted placing out of order the following amendments:

H—5204 and H—5214, both previously deferred, filed by Spear of Lee on February 19, 1990.

May of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2340)

The ayes were, 55:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Diemer	Doderer	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Hibbard	Holveck	Jesse	Jochum
Johnson	Koenigs	Kremer	Lykam
May	McKinney	Metcalf	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Schrader
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Schnekloth	
		Presiding	

The nays were, 35:

Banks	Beaman	Bennett	Branstad
Clark	Daggett	De Groot	Eddie
Fogarty	Garman	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Jay
Kistler	Knapp	Lageschulte	Lundby
Maulsby	McKean	Mertz	Miller
Neuhauser	Plasier	Renken	Royer
Shoning	Shoultz	Siegrist	Spenner
Trent	Tyrrell	Van Maanen	

Absent or not voting, 10:

Blanshan	Brammer	Corbett	Dvorsky
Halvorson, R. A.	Hatch	Rosenberg	Shearer
Sherzan	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

INTRODUCTION OF BILLS

House Joint Resolution 2005, by Schneklath, Van Maanen, Lundby, Halvorson of Clayton, Harbor, Garman, Trent, Banks, Beaman, Bennett, De Groot, Eddie, Royer, Shoning, Hermann, Kistler, Kremer, Branstad, Corbett, Daggett, Lageschulte, Maulsby, McKean, Miller, Pellett, Petersen of Muscatine, Renken, Spenner, Hester, Brammer, Iverson, Stueland, Tyrrell and Diemer, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

Read first time and referred to committee on **state government**.

House File 2518, by committee on state government, a bill for an act relating to licensure and discipline of certain practice professionals and providing a penalty.

Read first time and placed on the **calendar**.

House File 2519, by committee on judiciary and law enforcement, a bill for an act allowing a person indirectly injured by a violation of the Iowa competition law to bring a legal action for redress.

Read first time and placed on the **calendar**.

House File 2520, by committee on small business and commerce, a bill for an act relating to the transfer of oil, gas, and mineral interests in agricultural land used for farming, and providing a date of applicability.

Read first time and placed on the **calendar**.

House File 2521, by committee on energy and environmental protection, a bill for an act relating to and making appropriations from the energy conservation trust.

Read first time and referred to committee on **appropriations**.

House File 2522, by committee on natural resources and outdoor recreation, a bill for an act relating to free hunting and fishing licenses for military personnel.

Read first time and placed on the **calendar**.

House File 2523, by committee on local government, a bill for an act relating to the membership of the city development board.

Read first time and placed on the **calendar**.

House File 2524, by committee on small business and commerce, a bill for an act relating to the final disposition of human remains and arrangements for such disposition and imposing penalties.

Read first time and placed on the **calendar**.

House File 2525, by committee on judiciary and law enforcement, a bill for an act relating to the distribution, transportation, storage, and acts or activities involving the use of an incendiary or explosive device or material, establishing permits, licenses, and fees, and providing penalties.

Read first time and placed on the **calendar**.

House File 2526, by committee on judiciary and law enforcement, a bill for an act relating to the release of privileged information.

Read first time and placed on the **calendar**.

House File 2527, by committee on local government, a bill for an act relating to the annexation of land surrounded by one or more cities, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2528, by committee on local government, a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, and by requiring an election under certain conditions for land or a building and providing an applicability date.

Read first time and placed on the **calendar**.

House File 2529, by committee on agriculture, a bill for an act relating to contracts for the care and feeding of livestock, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2530, by committee on local government, a bill for an act relating to reimbursing costs to counties for collecting and issuing vehicle titles, plates, and certificates, and for collecting certain penalties, requesting a study, and providing an effective date.

Read first time and placed on the **calendar**.

House File 2531, by committee on energy and environmental protection, a bill for an act to require a business, as a condition of the receipt of state financial assistance for economic development purposes, to meet certain requirements relating to federal and state environmental protection laws and the disposal of solid and hazardous waste.

Read first time and placed on the **calendar**.

House File 2532, by committee on judiciary and law enforcement, a bill for an act relating to the disposition of seizable and forfeitable property, by modifying provisions relating to seizable property and seizure of vehicles, amending the burden of proof at forfeiture proceedings, and establishing certain affirmative defenses and presumptions.

Read first time and placed on the **calendar**.

House File 2533, by committee on judiciary and law enforcement, a bill for an act relating to the courts, establishing a family court, and providing effective dates.

Read first time and placed on the **calendar**.

House File 2534, by committee on energy and environmental protection, a bill for an act relating to the local approval of the siting of sanitary disposal projects.

Read first time and placed on the **calendar**.

House File 2535, by committee on judiciary and law enforcement, a bill for an act relating to notarial officers and notarial acts and providing effective and applicability dates.

Read first time and placed on the **calendar**.

House File 2536, by committee on state government, a bill for an act relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements.

Read first time and placed on the **calendar**.

House File 2537, by committee on small business and commerce, a bill for an act relating to the sale of funeral services and merchandise.

Read first time and placed on the **calendar**.

House File 2538, by committee on local government, a bill for an act relating to the recording of documents for business corporations.

Read first time and placed on the **calendar**.

House File 2539, by committee on energy and environmental protection, a bill for an act relating to the establishment of a retail sales tax on disposable diapers.

Read first time and referred to committee on **ways and means**.

House File 2540, by committee on ways and means, a bill for an act relating to and providing a temporary property tax exemption for certain increased valuation of historic property, providing a phase-in of increased valuation, and providing an applicability date.

Read first time and placed on the **ways and means calendar**.

House File 2541, by committee on local government, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a retail sales tax and the certification of a property tax levy, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

Read first time and referred to committee on **ways and means**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 298, a bill for an act relating to planting of vegetation by persons on public lands.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2233, a bill for an act relating to the prosecution of persons violating provisions regulating grain dealers or warehouse operators.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2252, a bill for an act relating to the Iowa logo program and the use of the logo.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2277, a bill for an act relating to tourist-oriented signs.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2291, a bill for an act relating to the interest rate charged in connection with a renewal or extension of time under a retail motor vehicle installment contract.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2296, a bill for an act relating to informal dispute resolution, establishing a council for dispute resolution, and relieving the office of prosecuting attorneys training coordinator of the department of justice of responsibility for the dispute resolution program.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2302, a bill for an act relating to crimes against the elderly and disabled persons by creating a cause of action and providing a civil penalty.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2315, a bill for an act relating to a pseudorabies control program, and making penalties applicable.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2317, a bill for an act relating to issuing permits for regulated uses of water by the department of natural resources.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2322, a bill for an act relating to participation in extracurricular interscholastic contests and competitions by certain children.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2323, a bill for an act relating to the attorney general's access to confidential motor vehicle accident reports.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2334, a bill for an act regulating business relationships between suppliers and dealers of certain equipment and providing dates of applicability.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2340, a bill for an act relating to the disposition of unclaimed property.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2342, a bill for an act designating an operator or employee of a child day care resource and referral agency as a mandatory reporter of child abuse.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2343, a bill for an act relating to clinical privileges of certain health practitioners.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2348, a bill for an act relating to the assignment of support rights for children receiving foster care services.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2358, a bill for an act relating to certification of soil testing laboratories.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2366, a bill for an act establishing councils of governments and providing certain duties.

Also: That the Senate has on February 21, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2367, a bill for an act relating to drainage improvements.

JOHN F. DWYER, Secretary

MOTIONS TO RECONSIDER
(House File 2267)

I move to reconsider the vote by which House File 2267 passed the House on February 20, 1990.

RENKEN of Grundy

(House File 2370)

I move to reconsider the vote by which House File 2370 passed the House on February 20, 1990.

SHOULTZ of Black Hawk

(House File 2438)

I move to reconsider the vote by which House File 2438 passed the House on February 21, 1990.

HALVORSON of Clayton

(House File 2438)

I move to reconsider the vote by which House File 2438 passed the House on February 21, 1990.

SHEARER of Louisa

**REPORT OF HOUSE RULES AND
ADMINISTRATION COMMITTEE**

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on rules and administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Bill Clerk	Marie A. Kirby	13-1	S-O	02-19-90
Assistant Bill Clerk	Matthew T. Lammers	12-1	S-O	02-22-90

The above appointments are for a temporary duration due to a temporary assignment.

TEAFORD of Black Hawk, Chair

PRESENTATION OF VISITORS

Muhlbauer of Crawford presented to the House Marula Cabrera, foreign exchange teacher from Chile. She was accompanied by Duane and Joan Feltz of Harlan.

The Speaker announced that the following visitors were present in the House chamber:

Forty-six fifth grade students from Hubbard-Radcliffe Middle School, Radcliffe, accompanied by Lorraine Hornung and Linda Nehring. By Fuller of Hardin.

SUBCOMMITTEE ASSIGNMENTS

House File 2410

Ways and Means: Chapman, Chair; De Groot and Holveck.

House File 2467

Ways and Means: Tabor, Chair; Doderer and Schnekloth.

House File 2477

Ways and Means: Rosenberg, Chair; May and Schnekloth.

House File 2478

Ways and Means: Groninga, Chair; Bennett and Osterberg.

House File 2480

Ways and Means: Wise, Chair; Daggett, Murphy, Renken and Teaford.

House File 2493

Appropriations: Hatch, Chair; Carpenter and Pavich.

House File 2507

Appropriations: Swartz, Chair; Corbett and Svoboda.

Senate File 2114

Ways and Means: Wise, Chair; Daggett, Murphy, Renken and Teaford.

Senate File 2260

Ways and Means: Brand, Chair; May and Petersen of Muscatine.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 820**

Ways and Means: Teaford, Chair; Doderer and Metcalf.

House Study Bill 821

Ways and Means: Chapman, Chair; Groninga and Renken.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2212, a bill for an act relating to and making supplemental appropriations or decreasing appropriations to the department of human services, Iowa department of public health, state board of regents, department of general services, department of inspections and appeals, department of employment services, department of commerce, state department of transportation, department of corrections, department of public safety, department of justice, judicial department, department of elder affairs, department of agriculture and land stewardship, department of natural resources, department of cultural affairs, department of education, and college aid commission for the remainder of the fiscal year ending June 30, 1990, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5273** February 21, 1990.

AMENDMENTS FILED

H—5255

HF. 2429

Pavich of Pottawattamie

H—5256

H.F. 2287

Tyrrell of Iowa

Hermann of Scott

Renken of Grundy

H-5257	H.F.	2425	McKinney of Dallas Jay of Appanoose Trent of Muscatine
H-5258	H.F.	2474	Schneklath of Scott Pellett of Cass
H-5260	H.F.	2481	Iverson of Wright
H-5261	H.F.	2418	Tyrrell of Iowa Beaman of Clarke Hermann of Scott Eddie of Buena Vista
H-5262	H.F.	2418	Tyrrell of Iowa Eddie of Buena Vista Beaman of Clarke Hermann of Scott
H-5263	H.F.	2503	Renaud of Polk
H-5264	H.F.	2489	Fey of Scott
H-5265	H.F.	2416	Harper of Black Hawk Schrader of Marion
H-5266	S.F.	2212	Halvorson of Clayton Peterson of Carroll Siegrist of Pottawattamie Hester of Pottawattamie Pavich of Pottawattamie
H-5270	H.F.	2418	Hatch of Polk
H-5271	H.F.	2422	Halvorson of Webster Corbett of Linn Brand of Benton Daggett of Adams
H-5272	H.F.	2329	Spenner of Henry
H-5273	S.F.	2212	Committee on Appropriations
H-5274	H.F.	2418	Gruhn of Dickinson Hatch of Polk De Groot of Lyon Muhlbauer of Crawford Fogarty of Palo Alto Mertz of Kossuth
H-5275	H.F.	2418	Garman of Story Spear of Lee Banks of Plymouth Muhlbauer of Crawford Kremer of Buchanan Hermann of Scott

H—5276	H.F.	2418	Halvorson of Clayton Harbor of Mills
H—5277	H.F.	2418	De Groot of Lyon
H—5278	H.F.	2486	Fey of Scott
H—5279	H.F.	2489	Spear of Lee
H—5280	H.F.	2418	Svoboda of Tama
H—5281	H.F.	2507	Metcalf of Polk
H—5282	H.F.	2507	Metcalf of Polk
H—5283	H.F.	2481	Iverson of Wright
H—5284	H.F.	2512	Fogarty of Palo Alto
H—5285	H.F.	2418	Halvorson of Clayton

On motion by Arnould of Scott, the House adjourned at 5:31 p.m., until 9:00 a.m., Thursday, February 22, 1990.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day — Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 22, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Bradly Banks, state representative from Plymouth County.

The Journal of Wednesday, February 21, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peterson of Carroll on request of Siegrist of Pottawattamie and Holveck of Polk on request of Ollie of Clinton, both until their arrival.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 20, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 114, a concurrent resolution relating to an endorsement by the General Assembly for full federal funding for fish and wildlife mitigation on the Missouri River.

Also: That the Senate has on February 20, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 115, a concurrent resolution recognizing the twenty-fifth anniversary of the Iowa Civil Rights Commission.

Also: That the Senate has on February 20, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 116, a concurrent resolution to urge the Congress of the United States, the President and the United States Department of Labor to enact and implement a supplemental appropriation to states for administration of unemployment insurance programs.

Also: That the Senate has on February 20, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 118, a concurrent resolution to welcome and encourage diverse cultures and diverse languages in business, government, and private affairs in Iowa.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS
Regular Calendar

House File 2448, a bill for an act relating to automobile liability insurance by regulating certain automobile insurance rates in connection with claims based upon uninsured, underinsured, or hit-and-run coverage, was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2448)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Tyrrell

Absent or not voting, 4:

Brown	Holveck	Peterson, M. K.	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2412, a bill for an act providing for the enactment of municipal infractions relating to the environment and providing penalties, with report of committee recommending passage was taken up for consideration.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2412)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poney	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Brown	Holveck	Peterson, M. K.	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**PRESENTATION OF 1990
IOWA EASTER SEAL AMBASSADORS**

Metcalfe of Polk presented to the House Danette Crawford of Urbandale, the 1990 Easter Seal State Ambassador. Danette, 11, who has cerebral palsy attends Rolling Green Elementary School. Her interests include reading, creative writing and politics. She wants to attend Harvard Law School.

Shearer of Louisa presented to the House Lezlie Lemar from Columbus City, 1990, Easter Seal Adult Ambassador.

Lezlie, who suffered a spinal cord injury in a 1982 car accident, has a B.A. from the University of Iowa and is now working on her masters in therapeutic recreation, with the help of Easter Seals. Her mission is to let others know they can live independent quality lives.

The House rose and expressed its welcome to the ambassadors.

**CONSIDERATION OF BILLS
Appropriations Calendar**

House File 2418, 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, was taken up for consideration.

The House stood at ease at 9:45 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 2418 at 11:09 a.m., Speaker Avenson in the chair.

Halvorson of Clayton offered the following amendment H—5285 filed by him:

H—5285

1	Amend House File 2418 as follows:	
2	1. By striking everything after the enacting	
3	clause and inserting the following:	
4	“Section 1. DEPARTMENT OF CULTURAL AFFAIRS.	
5	There is appropriated from the general fund of the	
6	state to the department of cultural affairs for the	
7	fiscal year beginning July 1, 1990, and ending June	
8	30, 1991, the following amounts, or so much thereof as	
9	is necessary, for the purposes designated:	
10	1. ADMINISTRATION DIVISION	
11	For salaries, support, maintenance, and	
12	miscellaneous purposes:	
13	..... \$	398,735
14	2. ARTS DIVISION	
15	For salaries, support, maintenance, and	
16	miscellaneous purposes including funds to match	

17	federal grants:		
18		\$	970,125
19	3. HISTORICAL DIVISION		
20	For salaries, support, maintenance, and		
21	miscellaneous purposes:		
22		\$	2,625,453
23	4. LIBRARY DIVISION		
24	For salaries, support, maintenance, and		
25	miscellaneous purposes:		
26		\$	2,076,277
27	5. PUBLIC BROADCASTING DIVISION		
28	For salaries, support, maintenance, and		
29	miscellaneous purposes:		
30		\$	6,834,345
31	6. TERRACE HILL COMMISSION		
32	For salaries, support, maintenance, and		
33	miscellaneous purposes for the operation of Terrace		
34	Hill and for conducting tours:		
35		\$	211,581
36	7. REGIONAL LIBRARY SYSTEM		
37	For the regional library system for state aid:		
38		\$	1,530,655
39	8. IOWA PEACE INSTITUTE		
40	For allocation to the Iowa peace institute:		
41		\$	200,000
42	As a condition, limitation, and qualification of		
43	the appropriation in this subsection, the Iowa peace		
44	institute shall expend the moneys appropriated in this		
45	subsection for programs which have a direct benefit to		
46	the state of Iowa, which have goals and objectives,		
47	and for which measurable results have been developed.		
48	The Iowa peace institute shall cooperate with public		
49	and private institutions of higher education to		
50	minimize duplication of programs.		

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1	9. COMMUNITY CULTURAL GRANTS		
2	For cultural grants to cities and community groups:		
3		\$	650,000
4	10. TOWN SQUARE		
5	To artistically enhance the town squares of Iowa's		
6	communities:		
7		\$	150,000
8	11. ARTISTS ENDOWMENT		
9	To enhance the Iowa arts development fund:		
10		\$	100,000
11	12. HISTORICAL EXHIBITS		
12	To move toward completion of the final permanent		
13	exhibit:		
14		\$	121,000
15	Sec. 2.		

16 Notwithstanding sections 302.1 and 302.1A, for the
 17 fiscal year beginning July 1, 1990, and ending June
 18 30, 1991, the portion of the interest earned on the
 19 permanent school fund that is not transferred to the
 20 credit of the first in the nation in education
 21 foundation and not transferred to the credit of the
 22 national center for gifted and talented education
 23 shall be credited as a payment by the historical
 24 division of the department of cultural affairs of
 25 principal and interest due on moneys loaned to the
 26 historical division under section 303.18.

27 Sec. 3. COLLEGE AID COMMISSION.

28 There is appropriated from the general fund of the
 29 state to the college aid commission for the fiscal
 30 year beginning July 1, 1990, and ending June 30, 1991,
 31 the following amount, or so much thereof as may be
 32 necessary, to be used for the purposes designated:

33 For salaries, support, maintenance, and
 34 miscellaneous purposes:
 35\$ 326,106

36 Sec. 4. UNIVERSITY OF OSTEOPATHIC MEDICINE AND
 37 HEALTH SCIENCES.

38 There is appropriated from the general fund of the
 39 state to the college aid commission for the fiscal
 40 year beginning July 1, 1990, and ending June 30, 1991,
 41 the following amounts, or so much thereof as may be
 42 necessary, to be used for the purposes designated:

43 UNIVERSITY OF OSTEOPATHIC MEDICINE AND HEALTH
 44 SERVICES

45 1. For the osteopathic grant program created
 46 pursuant to section 261.18:
 47\$ 497,000
 48 2. For the subvention program created pursuant to
 49 section 261.19:
 50\$ 497,000

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1 Sec. 5. STUDENT AID PROGRAMS.

2 There is appropriated from the general fund of the
 3 state to the college aid commission for the fiscal
 4 year beginning July 1, 1990, and ending June 30, 1991,
 5 the following amount, or so much thereof as may be
 6 necessary, to be used for the purposes designated:

7 STUDENT AID PROGRAMS

8 For the teacher loan payment program in section
 9 261.45, for the occupational therapists loan program
 10 in section 261.46, for the nursing loan program in
 11 section 261.47, and for the national guard loan
 12 program in section 261.49:
 13\$ 920,100

14 Sec. 6. IOWA MINORITY ACADEMIC GRANTS FOR ECONOMIC

15 SUCCESS PROGRAM.

16 There is appropriated from the general fund of the
17 state to the college aid commission for the fiscal
18 year beginning July 1, 1990, and ending June 30, 1991,
19 the following amount, or so much thereof as may be
20 necessary, to be used for the purposes designated:

21 IOWA MINORITY ACADEMIC GRANTS FOR ECONOMIC SUCCESS
22 PROGRAM

23 For the Iowa minority academic grants for economic
24 success program for grants to independent colleges and
25 universities:

26 \$ 50,000

27 Sec. 7. STAFFORD LOAN PROGRAM.

28 There is appropriated from the loan reserve account
29 to the college aid commission for the fiscal year
30 beginning July 1, 1990, and ending June 30, 1991, the
31 following amount, or so much thereof as may be
32 necessary, for the purposes designated:

33 STAFFORD LOAN PROGRAM

34 For operating costs:

35 \$ 2,790,748

36 Sec. 8. DEPARTMENT OF EDUCATION.

37 There is appropriated from the general fund of the
38 state to the department of education for the fiscal
39 year beginning July 1, 1990, and ending June 30, 1991,
40 the following amounts, or so much thereof as may be
41 necessary, to be used for the purposes designated:

42 1. GENERAL ADMINISTRATION

43 For salaries, support, maintenance, and
44 miscellaneous purposes:

45 \$ 5,845,093

46 2. VOCATIONAL EDUCATION ADMINISTRATION

47 For salaries, support, maintenance, and
48 miscellaneous purposes:

49 \$ 931,636

50 3. VOCATIONAL EDUCATION AID

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1 For vocational education aid to secondary schools:

2 \$ 3,666,360

3 Funds appropriated by this subsection are to be
4 used for aid to school districts for development and
5 the conduct of both continuing and new vocational
6 programs, services, and activities of vocational
7 education through secondary schools, and for aid to
8 existing jointly administered secondary vocational
9 education programs, in accordance with chapter 258 and
10 chapter 280A, and to purchase instructional equipment
11 for vocational and technical courses of instruction in
12 those schools.

13 4. YOUTH LEADERSHIP GRANT PROGRAM

14	For grants to youth leadership programs:		
15	.....	\$	30,000
16	Funds appropriated by this subsection shall be used		
17	to emphasize and support youth leadership skills for		
18	students participating in Iowa activities and students		
19	representing Iowa in regional and national activities.		
20	5. SCHOOL FOOD SERVICE		
21	For the purpose of providing assistance to students		
22	enrolled in public school districts and nonpublic		
23	schools of the state for breakfasts, lunches, and		
24	minimal equipment programs with the funds being used		
25	as state matching funds for federal programs and which		
26	shall be disbursed according to federal regulations:		
27	.....	\$	3,146,215
28	6. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS		
29	To provide funds for costs of providing textbooks		
30	to each resident pupil who attends a nonpublic school		
31	or authorized by section 301.1. This funding is		
32	limited to \$20 per pupil and shall not exceed the		
33	comparable services offered to resident public school		
34	pupils:		
35	.....	\$	643,052
36	7. IOWA ACADEMY OF SCIENCE		
37	For support and maintenance:		
38	.....	\$	50,000
39	8. BOARD OF EDUCATIONAL EXAMINERS		
40	To carry out the legal functions and		
41	responsibilities of the board of educational		
42	examiners:		
43	.....	\$	150,007
44	9. VOCATIONAL REHABILITATION DIVISION		
45	a. For salaries, support, maintenance, and		
46	miscellaneous purposes:		
47	.....	\$	3,074,269
48	b. For matching funds for programs to enable		
49	severely physically or mentally disabled persons to		
50	function more independently:		

Page 5

1	.....	\$	19,367
2	10. SPECIAL PROGRAMS AND PROJECTS		
3	To provide funds to the Iowa/Japan cultural		
4	alliance to bring teachers from Japan to teach		
5	Japanese language and culture in Iowa schools:		
6	.....	\$	100,000
7	11. CHILD DEVELOPMENT COORDINATING COUNCIL		
8	For the purpose of coordinating educational		
9	opportunities for three-year and four-year old at-risk		
10	students:		
11	.....	\$	8,700,000
12	12. CAREER INFORMATION SYSTEM OF IOWA		

13	For the purpose of providing educational		
14	information to students in public and nonpublic		
15	schools:		
16	.....	\$	84,000
17	13. COMPETENCY-BASED CURRICULUM DEVELOPMENT		
18	To carry out section 258.4, subsection 8:		
19	.....	\$	200,000
20	14. IOWA ALLIANCE FOR SCIENCE		
21	For the purpose of providing support for proposed		
22	activities of the Iowa alliance for science. This		
23	amount will be matched on a dollar-for-dollar basis		
24	with funds raised in the private sector:		
25	.....	\$	40,000
26	15. CORRECTIONAL INSTITUTION EDUCATION PROGRAMS		
27	To fund correctional institution education		
28	programs:		
29	.....	\$	2,328,893
30	16. MERGED AREA SCHOOLS		
31	For the professional development program		
32	established in section 280A.44 with payments to be		
33	made pursuant to section 286A.12:		
34	.....	\$	900,000
35	Sec. 9.		
36	There is appropriated from the general fund of the		
37	state to the department of education for the fiscal		
38	year beginning July 1, 1990, and ending June 30, 1991,		
39	the following amount, or so much thereof as is		
40	necessary, to be used for the purposes designated:		
41	1. For general state financial aid to merged areas		
42	as defined in section 280A.2 and for vocational		
43	education programs in accordance with chapters 258 and		
44	280A, and to purchase instructional equipment for		
45	vocational and technical courses of instruction in		
46	such schools:		
47	.....	\$	82,775,060
48	The funds appropriated in this section shall be		
49	allocated as follows:		
50	a. Merged Area I.....	\$	3,751,103
Page 6			
1	b. Merged Area II.....	\$	4,754,200
2	c. Merged Area III.....	\$	4,529,041
3	d. Merged Area IV.....	\$	2,129,366
4	e. Merged Area V.....	\$	4,543,548
5	f. Merged Area VI.....	\$	4,552,393
6	g. Merged Area VII.....	\$	6,244,655
7	h. Merged Area IX.....	\$	7,051,003
8	i. Merged Area X.....	\$	10,888,575
9	j. Merged Area XI.....	\$	11,764,300
10	k. Merged Area XII.....	\$	4,973,513
11	l. Merged Area XIII.....	\$	4,919,851
12	m. Merged Area XIV.....	\$	2,211,471

13	n. Merged Area XV	\$	6,690,888
14	o. Merged Area XVI.....	\$	3,771,153
15	2. For additional salary increases for certified,		
16	nonadministrative faculty members of the merged area		
17	schools to be in addition to the general state		
18	financial aid appropriated in subsection 1:		
19	.....	\$	1,600,000
20	Sec. 10.		
21	There is appropriated from the general fund of the		
22	state to the department of education for the fiscal		
23	year beginning July 1, 1990, and ending June 30, 1991,		
24	the following amount, or so much thereof as is		
25	necessary, to be used for the purposes designated:		
26	1. For general financial aid to merged areas in		
27	lieu of personal property replacement payments under		
28	section 427A.13:		
29	.....	\$	828,012
30	2. The funds appropriated in subsection 1 shall be		
31	allocated as follows:		
32	a. Merged Area I	\$	65,152
33	b. Merged Area II	\$	50,567
34	c. Merged Area III	\$	33,891
35	d. Merged Area IV	\$	23,204
36	e. Merged Area V	\$	60,042
37	f. Merged Area VI	\$	34,514
38	g. Merged Area VII	\$	57,884
39	h. Merged Area IX	\$	69,103
40	i. Merged Area X	\$	97,180
41	j. Merged Area XI	\$	142,463
42	k. Merged Area XII	\$	46,200
43	l. Merged Area XIII	\$	40,972
44	m. Merged Area XIV	\$	20,826
45	n. Merged Area XV	\$	55,026
46	o. Merged Area XVI	\$	30,988
47	Sec. 11.		
48	There is appropriated from the general fund of the		
49	state to the department of education for the fiscal		
50	year beginning July 1, 1991, and ending June 30, 1992,		

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1	the following amount, or so much thereof as is		
2	necessary, to be used for the purposes designated:		
3	1. For general state financial aid to merged areas		
4	to be accrued as income and used for expenditures		
5	incurred by the area schools during the fiscal year		
6	beginning July 1, 1990, and ending June 30, 1991:		
7	.....	\$	14,607,364
8	2. The funds appropriated in subsection 1 shall be		
9	allocated to each area school as follows:		
10	a. Merged Area I	\$	661,959
11	b. Merged Area II	\$	838,976

12	c.	Merged Area III	..... \$	799,243
13	d.	Merged Area IV	..... \$	375,770
14	e.	Merged Area V	..... \$	801,803
15	f.	Merged Area VI	..... \$	803,363
16	g.	Merged Area VII	..... \$	1,101,998
17	h.	Merged Area IX	..... \$	1,244,295
18	i.	Merged Area X	..... \$	1,921,513
19	j.	Merged Area XI	..... \$	2,076,053
20	k.	Merged Area XII	..... \$	877,679
21	l.	Merged Area XIII	..... \$	868,209
22	m.	Merged Area XIV	..... \$	390,260
23	n.	Merged Area XV	..... \$	1,180,745
24	o.	Merged Area XVI	..... \$	665,498

25 Funds appropriated by this section shall be allo-
 26 cated pursuant to this subsection and paid on or about
 27 August 15, 1991.

28 Sec. 12.

29 There is appropriated from the general fund of the
 30 state to the department of education for the fiscal
 31 year beginning July 1, 1991, and ending June 30, 1992,
 32 the following amount, or so much thereof as is
 33 necessary, to be used for the purposes designated:

34 1. For general financial aid to merged areas in
 35 lieu of property tax replacement payments under
 36 section 427A.13, to be accrued as income and used for
 37 expenditures incurred by the area schools during the
 38 fiscal year beginning July 1, 1990, and ending June
 39 30, 1991:

40	\$	354,840
----	-------	----	---------

41 2. The moneys appropriated in subsection 1 shall
 42 be allocated to each area as follows:

43	a.	Merged Area I	..... \$	27,922
44	b.	Merged Area II	..... \$	21,671
45	c.	Merged Area III	..... \$	14,525
46	d.	Merged Area IV	..... \$	9,924
47	e.	Merged Area V	..... \$	25,732
48	f.	Merged Area VI \$	14,792
49	g.	Merged Area VII \$	24,807
50	h.	Merged Area IX \$	29,615

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1	i.	Merged Area X \$	41,649
2	j.	Merged Area XI \$	61,056
3	k.	Merged Area XII \$	19,800
4	l.	Merged Area XIII \$	17,559
5	m.	Merged Area XIV	..... \$	8,925
6	n.	Merged Area XV	..... \$	23,582
7	o.	Merged Area XVI	..... \$	13,281

8 Funds appropriated by this section shall be
 9 allocated pursuant to this subsection and paid on or
 10 about August 15, 1991.

11 Sec. 13.

12 General state aid paid to merged areas under
13 section 9 of this Act, for expenditures incurred
14 during the fiscal year beginning July 1, 1990, and
15 ending June 30, 1991, shall be paid by the department
16 of revenue and finance in installments due on or about
17 November 15, February 15, and May 15 of that fiscal
18 year. The payments received by merged areas on or
19 about August 15 under sections 11 and 12 of this Act
20 are accounts receivable for the previous fiscal year.
21 The installments shall be as nearly equal as possible
22 as determined by the department of management, taking
23 into consideration the relative budget and cash
24 position of the state resources.

25 Sec. 14.

26 1. Notwithstanding the appropriation provided in
27 section 294A.25, subsection 1, there is appropriated
28 from the general fund of the state to the department
29 of education, for the fiscal year beginning July 1,
30 1990, and ending June 30, 1991, the following amount,
31 or so much thereof as is necessary, to be used for the
32 purpose designated:

33 For the educational excellence program:

34\$ 92,007,985

35 2. Notwithstanding section 8.33, one-fourth of the
36 unencumbered or unobligated funds remaining on June
37 30, 1991, from the funds appropriated in subsection 1
38 shall not revert to the general fund of the state, but
39 shall be available for expenditure for the purposes
40 listed in subsection 1 during the fiscal year
41 beginning July 1, 1991, and ending June 30, 1992.

42 Sec. 15.

43 Each merged area school shall adopt a policy that
44 prohibits unlawful possession, use or distribution of
45 controlled substances or alcoholic beverages by
46 students and employees on property owned or leased by
47 the merged area school or in conjunction with
48 activities sponsored by or associated with the merged
49 area school. The policy shall be provided to all
50 students and employees and shall include a clear

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1 statement of sanctions for violation of the policy and
2 information about available drug/alcohol counseling
3 and rehabilitation programs. In carrying out this
4 policy, the merged area school shall provide substance
5 abuse prevention programs for students and employees.

6 Sec. 16. BOARD OF REGENTS.

7 There is appropriated from the general fund of the
8 state to the state board of regents for the fiscal
9 year beginning July 1, 1990, and ending June 30, 1991,

10 the following amounts, or so much thereof as may be
11 necessary, to be used for the purposes designated:

12 1. OFFICE OF STATE BOARD OF REGENTS

13 a. For salaries, support, maintenance, equipment,
14 and miscellaneous purposes:

15\$ 1,232,754

16 The board of regents shall adopt a policy that
17 prohibits unlawful possession, use, or distribution of
18 controlled substances by students and employees on
19 property owned or leased by an institution or in
20 conjunction with activities sponsored by an
21 institution governed by the board. Each institution
22 shall provide information about the policy to all
23 students and employees. The policy shall include a
24 clear statement of sanctions for violation of the
25 policy and information about available drug/alcohol
26 counseling and rehabilitation programs. In carrying
27 out this policy, the institutions shall provide
28 substance abuse prevention programs for students and
29 employees.

30 b. For allocation by the state board of regents to
31 the state university of Iowa, the Iowa state
32 university of science and technology, and the
33 university of northern Iowa in amounts as may be
34 necessary to reimburse the institutions for
35 deficiencies in their operating funds resulting from
36 the pledging of tuitions, student fees and charges,
37 and institutional income to finance the cost of
38 providing academic and administrative buildings and
39 facilities and utility services at the institutions:

40\$ 18,138,340

41 c. For funds for assisting a nonprofit corporation
42 to create a tristate graduate center under section
43 262.9, subsection 21:

44\$ 40,000

45 d. For a risk management plan for all of the board
46 of regents' institutions:

47\$ 750,000

48 The appropriation in paragraph "d" is contingent
49 upon the adoption of policies consistent with section
50 18.12, subsection 18.

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1 2. STATE UNIVERSITY OF IOWA

2 a. General university, including lakeside
3 laboratory:
4 For salaries, support, maintenance, equipment, and
5 miscellaneous purposes:

6\$ 169,028,389

7 b. University hospitals:

8 (1) For salaries, support, maintenance, equipment,

9 and miscellaneous purposes; for medical and surgical
 10 treatment of indigent patients as provided in chapter
 11 255:
 12\$ 28,071,398
 13 (2) For allocation by the dean of the college of
 14 medicine, with approval of the advisory board, to
 15 qualified participants, to carry out chapter 148D for
 16 the family practice program:
 17\$ 1,738,142
 18 (3) For specialized child health care services,
 19 including childhood cancer diagnostic and treatment
 20 network programs; rural comprehensive care for
 21 hemophilia patients; and Iowa high risk infant follow-
 22 up program:
 23\$ 399,945

24 c. As a condition, limitation, and qualification
 25 of the appropriation made in paragraph "b", funds
 26 appropriated in this section shall not be used to
 27 perform abortions except medically necessary
 28 abortions, and shall not be used to operate the early
 29 termination of pregnancy clinic except for the
 30 performance of medically necessary abortions. For the
 31 purpose of this paragraph, an abortion is the
 32 purposeful interruption of pregnancy with the
 33 intention other than to produce a live-born infant or
 34 to remove a dead fetus, and a medically necessary
 35 abortion is one performed under one of the following
 36 conditions:

- 37 (1) The attending physician certifies that
- 38 continuing the pregnancy would endanger the life of
- 39 the pregnant woman.
- 40 (2) The attending physician certifies that the
- 41 fetus is physically deformed, mentally deficient, or
- 42 afflicted with a congenital illness.
- 43 (3) The pregnancy is the result of a rape which is
- 44 reported within forty-five days of the incident to a
- 45 law enforcement agency or public or private health
- 46 agency which may include a family physician.
- 47 (4) The pregnancy is the result of incest which is
- 48 reported within one hundred fifty days of the incident
- 49 to a law enforcement agency or public or private
- 50 health agency which may include a family physician.

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- 1 (5) The abortion is a spontaneous abortion,
- 2 commonly known as a miscarriage, wherein not all of
- 3 the products of conception are expelled.

4 d. Psychiatric hospital:

5 For salaries, support, maintenance, equipment, and
 6 miscellaneous purposes and for the care, treatment and
 7 maintenance of committed and voluntary public

8	patients:		
9	.....	\$	6,635,852
10	e. State hygienic laboratory:		
11	For salaries, support, maintenance, equipment, and		
12	miscellaneous purposes:		
13	.....	\$	2,877,214
14	f. Hospital school:		
15	For salaries, support, maintenance, equipment, and		
16	miscellaneous purposes:		
17	.....	\$	5,179,650
18	g. Oakdale campus:		
19	For salaries, support, maintenance, equipment, and		
20	miscellaneous purposes:		
21	.....	\$	2,833,505
22	h. For the statewide tumor registry:		
23	.....	\$	190,500
24	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
25	a. General university:		
26	For salaries, support, maintenance, equipment, and		
27	miscellaneous purposes:		
28	.....	\$	136,817,728
29	b. Agricultural experiment station:		
30	For salaries, support, maintenance, equipment, and		
31	miscellaneous purposes:		
32	.....	\$	21,800,167
33	c. Cooperative extension service in agriculture		
34	and home economics:		
35	For salaries, support, maintenance, and		
36	miscellaneous purposes:		
37	.....	\$	15,878,812
38	d. Fire service education:		
39	.....	\$	417,000
40	e. For the small business development centers:		
41	.....	\$	1,000,000
42	f. For the energy related activities of the		
43	amorphous semiconductor project:		
44	.....	\$	500,000
45	g. For biodegradable plastics research and the		
46	development of biodegradable plastics standards:		
47	.....	\$	294,011
48	4. UNIVERSITY OF NORTHERN IOWA		
49	For salaries, support, maintenance, equipment, and		
50	miscellaneous purposes:		

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1	\$	55,312,012
2	5. STATE SCHOOL FOR THE DEAF		
3	For salaries, support, maintenance, and		
4	miscellaneous purposes:		
5	.....	\$	5,770,768
6	6. IOWA BRAILLE AND SIGHT-SAVING SCHOOL		

7 For salaries, support, maintenance, and
 8 miscellaneous purposes:
 9 \$ 3,197,141

10 Sec. 17.

11 Notwithstanding section 8.33, funds appropriated in
 12 1989 Iowa Acts, chapter 319, section 19, subsection 1,
 13 paragraph "b", that remain unobligated and
 14 unencumbered on June 30, 1990, shall not revert to the
 15 general fund of the state but shall be available for
 16 expenditure for the purposes listed in section 16,
 17 subsection 1, paragraph "b", of this Act during the
 18 fiscal year beginning July 1, 1990, and ending June
 19 30, 1991.

20 Sec. 18.

21 Moneys appropriated by this Act shall not be used
 22 for capital improvements.

23 Sec. 19. Section 18.136, subsection 1, Code
 24 Supplement 1989, is amended by adding the following
 25 new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 27 8.33, unencumbered and unobligated funds remaining
 28 from any appropriation made to the state
 29 communications network fund shall not revert to the
 30 general fund of the state but shall remain in the
 31 state communications network fund and are available
 32 for expenditure as provided in this section.

33 Sec. 20. Section 18.12, subsection 18, Code
 34 Supplement 1989, is amended to read as follows:

35 18. The management of state property loss
 36 exposures and state liability risk exposures shall be
 37 reviewed by the director for the capitol complex.
 38 Commencing July 1, 1990, the state board of regents
 39 shall manage or share in the management of all or any
 40 part of property loss exposures and liability risk
 41 exposures involving institutions under the
 42 jurisdiction of the state board of regents. The state
 43 board of regents shall adopt policies implementing
 44 this subsection subject to the approval of the
 45 department of management. Insurance coverage may
 46 include self-insurance or any type of insurance
 47 protection sold by insurers, including but not limited
 48 to, full coverage, partial coverage, coinsurance,
 49 reinsurance, and deductible insurance coverage.

50 Sec. 21. Section 257.8, subsection 2, paragraph a,

Page 13

1 unnumbered paragraph 2, Code Supplement 1989, is
 2 amended to read as follows:
 3 For the purpose of this lettered paragraph,
 4 receipts of state general fund revenues do not include
 5 one-time nonrecurring receipts or receipts that are

6 accounting transactions made to meet the requirements
 7 of 1986 Iowa Acts, chapter 1238, section 59. For the
 8 first-year calculation, lottery revenues are excluded
 9 from the receipts of general fund revenues for the
 10 purpose of calculating allowable growth.

11 Sec. 22. Section 257.8, subsection 3, paragraph a,
 12 unnumbered paragraph 2, Code Supplement 1989, is
 13 amended to read as follows:

14 For the purpose of this lettered paragraph,
 15 receipts of state general fund revenues do not include
 16 one-time nonrecurring receipts or receipts that are
 17 accounting transactions made to meet the requirements
 18 of 1986 Iowa Acts, chapter 1238, section 59. For the
 19 first-year calculation, lottery revenues are excluded
 20 from the receipts of general fund revenues for the
 21 purpose of calculating allowable growth.

22 Sec. 23.

23 All federal grants to and the federal receipts of
 24 agencies appropriated funds under sections 8 through
 25 12 of this Act, not otherwise appropriated, are
 26 appropriated for the purposes set forth in the federal
 27 grants or receipts, unless otherwise provided by the
 28 general assembly.

29 Sec. 24.

30 Moneys appropriated by sections 8 through 14 of
 31 this Act shall not be used for capital improvements.

32 Sec. 25. Section 261.9, subsection 5, Code
 33 Supplement 1989, is amended by adding the following
 34 new paragraph:

35 NEW PARAGRAPH. f. Which has adopted a policy that
 36 prohibits unlawful possession, use, or distribution of
 37 controlled substances or alcoholic beverages by
 38 students and employees on property owned or leased by
 39 the institution or in conjunction with activities
 40 sponsored by or associated with the institution. The
 41 policy shall be provided to all students and
 42 employees, and shall include a clear statement of
 43 sanctions for violation of the policy and information
 44 about available drug/alcohol counseling and
 45 rehabilitation programs. In carrying out this policy,
 46 the institution shall provide substance abuse
 47 prevention programs for students and employees.

48 Sec. 26. Section 261.12, subsection 1, paragraph
 49 b, Code Supplement 1989, is amended to read as
 50 follows:

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1 b. For the fiscal year beginning July 1, 1989
 2 1990, and for each following fiscal year, two thousand
 3 five six hundred fifty dollars.

4 Sec. 27. Section 261.17, subsection 3, Code

5 Supplement 1989, is amended to read as follows:

6 3. The amount of a vocational-technical tuition
7 grant shall not exceed the lesser of ~~five~~ six hundred
8 dollars per year or the amount of the student's
9 established financial need.

10 Sec. 28. Section 261.18, subsection 3, Code
11 Supplement 1989, is amended to read as follows:

12 3. Of the funds appropriated for the osteopathic
13 grant program, the commission shall provide a three
14 thousand five hundred dollar grant to each Iowa
15 resident student enrolled in the university of
16 osteopathic medicine and health sciences. If
17 insufficient funds are available to pay the entire
18 amount of the grant to each eligible student, the
19 amount of the grant shall be prorated.

20 Sec. 29. Section 261.25, subsections 1, 2, and 3,
21 Code Supplement 1989, are amended to read as follows:

22 1. There is appropriated from the general fund of
23 the state to the commission for each fiscal year the
24 sum of thirty million six hundred eighty-two thousand
25 five hundred five thousand three hundred
26 twenty thousand eight hundred dollars for tuition
27 grants.

28 2. There is appropriated from the general fund of
29 the state to the commission for each fiscal year the
30 sum of eight hundred thousand one million twenty-three
31 thousand eight hundred forty dollars for scholarships.

32 3. There is appropriated from the general fund of
33 the state to the commission for each fiscal year the
34 sum of seven hundred fifty thousand one million three
35 hundred thirty thousand six hundred forty-seven
36 dollars for vocational-technical tuition grants.

37 Sec. 30. Section 261.47, subsection 1, Code
38 Supplement 1989, is amended to read as follows:

39 1. Is a registered nurse or a licensed practical
40 nurse employed on a full-time basis in practice as a
41 registered nurse or licensed practical nurse, ~~for the~~
42 ~~fiscal year beginning July 1, 1989, and ending June~~
43 ~~30, 1990, in a hospital, state agency, agency of a~~
44 ~~political subdivision, or agency delivering home-based~~
45 ~~health care, or a health care facility in this state~~
46 ~~and, in subsequent years, anywhere in this state.~~
47 Priority shall be given to registered nurses and
48 licensed practical nurses employed in rural hospitals
49 and in long-term care facilities. The commission
50 shall adopt rules under chapter 17A to implement this

Page 15

1 subsection."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, until her return, on request of Gruhn of Dickinson.

Bisignano of Polk in the chair at 11:31 a.m.

Speaker Avenson in the chair at 12:02 p.m.

Halvorson of Clayton moved the adoption of amendment H—5285.

Roll call was requested by Jochum of Dubuque and Halvorson of Clayton.

On the question “Shall amendment H—5285 be adopted?”
(H.F. 2418)

The ayes were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Plasier	Renken
Royer	Schnekloth	Siegrist	Spenner
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Pony	Renaud	Rosenberg	Schrader
Shearer	Shoning	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker Avenson			

Absent or not voting, 7:

Fogarty	Mertz	Pellett	Petersen, D. F.
Peterson, M. K.	Sherzan	Shoultz	

Amendment H—5285 lost.

Hatch of Polk offered the following amendment H—5270 filed by him. Division was requested as follows:

H—5270

1 Amend House File 2418 as follows:

H—5270A

2 1. Page 2, line 4, by striking the figure "75"
3 and inserting the following: "76".

4 2. Page 8, by inserting after line 1, the
5 following:

6 " FTEs 2.00".

7 3. Page 12, line 18, by inserting after the word
8 "property" the following: "tax".

9 4. Page 14, line 13, by striking the figure
10 "467,500" and inserting the following: "504,216".

H—5270B

11 5. Page 14, by inserting after line 17 the
12 following:

13 "As a condition, limitation, and qualification of
14 the moneys appropriated in this subsection, each
15 merged area school shall reduce its tuition charged to
16 residents of this state during the fiscal year
17 beginning July 1, 1989, and ending June 30, 1990, by 5
18 percent for the fiscal year beginning July 1, 1990,
19 and ending June 30, 1991.

20 The moneys appropriated in this subsection shall be
21 disbursed proportionally to each merged area school
22 based on the tuition collected by that merged area
23 school for the fiscal year beginning July 1, 1989, and
24 ending June 30, 1990, as a percentage of all tuition
25 collected by all merged area schools for that same
26 fiscal year."

27 6. Page 14, line 32, by striking the figure
28 "370,007" and inserting the following: "370,008".

29 7. Page 16, by inserting after line 12 the
30 following:

31 "As a condition, limitation, and qualification of
32 the moneys appropriated in this subsection, each
33 merged area school shall not increase its tuition
34 charged to residents of this state for the fiscal year
35 beginning July 1, 1991, and ending June 30, 1992, from
36 the amount of tuition charged to residents of this
37 state for the fiscal year beginning July 1, 1990, and
38 ending June 30, 1991.

39 The moneys appropriated in this subsection shall be
40 disbursed proportionally to each merged area school
41 based on the tuition collected by that merged area
42 school for the fiscal year beginning July 1, 1989, and

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43 ending June 30, 1990, as a percentage of all tuition
44 collected by all merged area schools for that same
45 fiscal year."

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46 8. Page 16, line 20, by inserting after the word
47 "of" the following: "personal".

48 9. Page 19, line 5, by striking the figure "20"
49 and inserting the following: "21".

50 10. Page 19, by striking lines 17 through 32 and

Page 2

1 inserting the following: "appropriated in this
2 paragraph, each institution shall provide a credit on
3 the tuition billing to each undergraduate resident
4 student enrolled in the institution equal to the
5 difference between the tuition amount established by
6 the state board of regents for an institution for the
7 fiscal year beginning July 1, 1990, and the tuition
8 amount established by the state board of regents for
9 that institution for the fiscal year beginning July 1,
10 1989. The state board of regents shall certify to the
11 department of management for the fall academic term,
12 the spring academic term, and the summer school term,
13 respectively, by dates established by the department
14 of management, the total amount of credit on tuition
15 billing granted by each institution, and the
16 department of management shall allocate that amount to
17 the respective institutions from the moneys
18 appropriated in this paragraph."

19 11. Page 20, line 13, by striking the figure
20 "165,084,389" and inserting the following:
21 "165,093,389".

22 12. Page 30, by striking lines 24 and 25 and
23 inserting the following: "state to establish and
24 monitor an independent".

25 13. Page 30, by striking lines 28 and 29 and
26 inserting the following: "determine the scope of the
27 evaluation, including a".

28 14. By striking page 30, line 35, through page
29 31, line 7, and inserting the following: "The
30 laboratory, in consultation with the department, shall
31 select a consortium consisting of Iowa teachers
32 participating in phase III programs and a public or
33 private institution of higher education offering a
34 graduate program of teacher education to conduct the
35 evaluation. The results of the evaluation shall be
36 reported to the department of education and to the
37 general assembly by January 1, 1992.

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38 The evaluation shall be conducted using the
39 following timetable:

40 1. By July 15, 1990, an advisory committee shall
41 be selected by the department of education.

42 2. By August 31, 1990, the evaluation methodology
43 and oversight must be completed and members of the
44 consortium selected.

45 3. By September 30, 1990, the advisory committee
46 shall review the evaluation methodology and it shall
47 be finalized by the laboratory, and the laboratory
48 shall begin training the teacher members of the
49 consortium and consulting with the faculty of the
50 institution of higher education.

Page 3

1 4. By December 15, 1990, the first phase of the
2 evaluation design must be implemented.

3 5. By January 15, 1991, the advisory committee
4 shall review progress and the next phase of the
5 evaluation design.

6 6. By May 31, 1991, the advisory committee shall
7 review a progress report of the evaluation.

8 7. By September 30, 1991, the consortium, with the
9 assistance of the laboratory, shall write the
10 evaluation report.

11 8. By October 31, 1991, the advisory committee
12 shall review the evaluation report and may suggest
13 revisions.

14 9. By December 15, 1991, the evaluation report
15 must be completed and prepared for distribution.”

16 15. Page 31, by inserting after line 21 the
17 following:

18 “Sec. 100. Notwithstanding section 442.10, the
19 amounts deducted from the portions of school district
20 budgets that fund special education support services
21 in an area education agency under section 442.10, for
22 the fiscal year beginning July 1, 1989, in an amount
23 not exceeding \$500,000, shall not be deposited in the
24 general fund of the state, but shall be paid to area
25 education agencies that have fewer than 3.5 public
26 school pupils per square mile, to be expended for
27 special education support services of the area
28 education agencies for the fiscal year beginning July
29 1, 1990. If the total amount deducted from the area
30 education agencies under section 442.10 for the school
31 year beginning July 1, 1989, to be deposited in the
32 general fund of the state, is less than \$500,000,
33 there is appropriated from the general fund of the
34 state to the department of education for the fiscal
35 year beginning July 1, 1990, the difference between

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36 the total amount deducted for the previous fiscal year
 37 that would otherwise have been deposited in the
 38 general fund of the state, and \$500,000, to be paid to
 39 area education agencies that have fewer than 3.5
 40 public school pupils per square mile.”
 41 16. Page 32, line 6, by striking the figure “3.”
 42 and inserting the following: “3.”

H-5270C

43 17. Page 32, by inserting after line 15 the
 44 following:
 45 “Sec. _____. Section 99E.9, subsection 7, Code 1989,
 46 is amended to read as follows:
 47 7. In making decisions relating to the marketing
 48 or advertising of the Iowa lottery and the various
 49 games offered, the board shall give consideration to
 50 marketing or advertising through Iowa-based

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1 advertising agencies and media outlets.
 2 Notwithstanding other provisions of this chapter, the
 3 board shall use only privately owned and operated
 4 broadcast or production facilities and equipment in
 5 the production of its commercial advertising.”

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6 18. Page 32, line 21, by striking the word
 7 “students” and inserting the following:
 8 “individuals”.
 9 19. Page 32, line 23, by striking the word
 10 “students” and inserting the following:
 11 “individuals”.
 12 20. Page 36, line 1, by striking the word
 13 “commending” and inserting the following:
 14 “commencing”.
 15 21. Page 37, by striking lines 24 and 25, and
 16 inserting the following: “minutes. However, the
 17 powers, rules, policies, and procedures of the board
 18 of regents shall not include a power to”.

H-5270D

19 22. Page 38, by inserting after line 16, the
 20 following:
 21 “Sec. _____. NEW SECTION. 280A.44 APPRENTICESHIP
 22 PROGRAMS.
 23 Each community college is authorized to establish
 24 or contract for the establishment of apprenticeship
 25 programs for apprenticeable occupations. Any
 26 apprenticeship program established under this section

H-5270D

27 shall comply with requirements established by the
 28 United States department of labor, bureau of
 29 apprenticeship and training. Participation in an
 30 apprenticeship program or apprenticeship agreement by
 31 an apprenticeship sponsor shall be on a voluntary
 32 basis.

33 For purposes of this section, "apprenticeship
 34 program" means a plan, registered with the United
 35 States bureau of apprenticeship and training which
 36 contains the terms and conditions for the
 37 qualification, recruitment, selection, employment, and
 38 training of apprentices, including the requirement for
 39 a written apprenticeship agreement.

40 For purposes of this section, "apprenticeship
 41 sponsor" means a firm, political subdivision,
 42 corporation, association, committee, organization, or
 43 other person operating an apprenticeship program or in
 44 whose name an apprenticeship program is being
 45 operated, registered, or approved.

46 For purposes of this section, "apprenticeable
 47 occupation" means an occupation approved for
 48 apprenticeship by the United States department of
 49 labor, bureau of apprenticeship and training.

50 For purposes of this section, "apprentice" means a

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1 person who is at least sixteen years of age, except
 2 where a higher minimum age is required by law, who is
 3 employed in an apprenticeable occupation, and is
 4 registered with the United States department of labor,
 5 bureau of apprenticeship and training."

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6 23. By striking page 39, line 23, through page
 7 40, line 9.

8 24. Page 42, line 6, by striking the word "cost"
 9 and inserting the following: "costs".

H-5270E

10 25. Page 44, by inserting after line 5, the
 11 following:

12 "Sec. _____. NEW SECTION. 303.89 CULTURAL GRANT
 13 PROGRAMS.

14 1. The department shall establish a grant program
 15 for cities and nonprofit, tax-exempt community
 16 organizations for the development of community
 17 programs that provide local jobs for Iowa residents
 18 and also promote Iowa's historic, ethnic, and cultural
 19 heritages through the development of festivals, music,

H-5270E

20 drama, or cultural programs or tourist attractions. A
 21 city or nonprofit, tax-exempt community organization
 22 may submit an application to the department for
 23 review. The department shall establish criteria for
 24 the review and approval of grant applications. The
 25 amount of a grant shall not exceed fifty percent of
 26 the cost of the community program. Each application
 27 shall include information demonstrating that the city
 28 or nonprofit, tax-exempt community organization will
 29 provide matching funds of fifty percent of the cost of
 30 the program. The matching funds requirement may be
 31 met by substituting in-kind services, based on the
 32 value of the services, for actual dollars.

33 2. The department shall establish a grant program
 34 which provides general operating budget support to
 35 major, multidisciplinary cultural organizations which
 36 demonstrate cultural and managerial excellence on a
 37 continuing basis to the citizens of Iowa. Applicant
 38 organizations must be incorporated under chapter 504A,
 39 be exempt from federal taxation, and not be attached
 40 or affiliated with an educational institution.
 41 Eligible organizations shall be operated on a year-
 42 round basis and employ at least one full-time, paid
 43 professional staff member. The department shall
 44 establish criteria for review and approval of grant
 45 applications. Criteria established shall include, but
 46 are not limited to, a matching funds requirement. The
 47 matching funds requirement shall permit an applicant
 48 to meet the matching requirement by demonstrating that
 49 the applicant's budget contains funds, other than
 50 state and federal funds, in excess of the grant award.

Page 6

1 3. Unobligated or unencumbered funds appropriated
 2 to the department for purposes of awarding and
 3 administering grants under this section and remaining
 4 on June 30, 1991, shall not revert to the general fund
 5 of the state under section 8.33, but shall remain
 6 available for expenditure by the department for the
 7 purposes specified in this section during the fiscal
 8 year commencing July 1, 1991."

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9 26. Page 44, line 12, by striking the figure
 10 "1990," and inserting the following: "1990,".

11 27. By striking page 44, line 26 through page 45,
 12 line 6.

13 28. Page 45, line 18, by inserting after the word
 14 "Code" the following: "Supplement".

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15 29. Page 45, line 20, by striking the word and
16 figure “and 56” and inserting the following: “56, and
17 100”.

18 30. By renumbering, relettering, or redesignating
19 and correcting internal references as necessary.

On motion by Hatch of Polk, amendment H—5270A was adopted.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—5277 filed by him on February 21, 1990.

Lageschulte of Bremer offered the following amendment H—5202 filed by him:

H—5202

1 Amend House File 2418, as follows:

2 1. Page 2, line 25, by striking the figure
3 “1,530,655” and inserting the following: “1,555,655”.

4 2. Page 2, line 29, by striking the figure
5 “286,600” and inserting the following: “236,600”.

6 3. Page 4, line 2, by striking the figure:
7 “570,100” and inserting the following: “595,100”.

Lageschulte of Bremer offered the following amendment H—5254, to amendment H—5202, filed by him and moved its adoption:

H—5254

1 Amend amendment, H—5202, to House File 2418 as
2 follows:

3 1. Page 1, line 5, by striking the figure
4 “236,600” and inserting the following: “261,600”.

Amendment H—5254 was adopted.

Lageschulte of Bremer moved the adoption of amendment H—5202, as amended.

A non-record roll call was requested.

The ayes were 37, nays 44.

Amendment H—5202, as amended, lost.

Arnould of Scott asked and received unanimous consent that House File 2418 be deferred and that the bill retain its place on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 298, by Scott, a bill for an act relating to planting of vegetation by persons on public lands.

Read first time and referred to committee on **natural resources and outdoor recreation**.

Senate File 2015, by Gettings, Hutchins and Hultman, a bill for an act relating to training requirements for reserve peace officers and providing for the Act's applicability.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2064, by Scott, a bill for an act to provide free hunting and fishing combined licenses to military veterans who are disabled or were prisoners of war and providing an effective date.

Read first time and referred to committee on **natural resources and outdoor recreation**.

Senate File 2086, by Husak, a bill for an act relating to storage tanks by exempting certain aboveground tanks from registration with the state fire marshal, by limiting registration to aboveground petroleum storage tanks, by defining where aboveground tanks may be permitted for retail motor vehicle fuel outlets pursuant to rules of the state fire marshal, and by altering eligibility standards for certain loan guarantees.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 2233, by Rensink, a bill for an act relating to the prosecution of persons violating provisions regulating grain dealers or warehouse operators.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2244, by committee on transportation, a bill for an act relating to parking fines, handicapped parking spaces, and handicapped identification devices.

Read first time and **passed on file**.

Senate File 2252, by committee on small business and economic development, a bill for an act relating to the Iowa logo program and the use of the logo.

Read first time and referred to committee on **economic development**.

Senate File 2257, by committee on human resources, a bill for an act relating to the distribution of lists of certified ophthalmic dispensers.

Read first time and referred to committee on **human resources**.

Senate File 2259, by committee on human resources, a bill for an act relating to juvenile substance abuse programs licensed by the Iowa department of public health by requiring criminal record and child abuse registry screening of persons employed by the programs.

Read first time and referred to committee on **human resources**.

Senate File 2263, by committee on state government, a bill for an act authorizing a board of trustees of certain public hospitals to establish a separate fund for depreciation.

Read first time and referred to committee on **state government**.

Senate File 2277, by committee on small business and economic development, a bill for an act relating to tourist-oriented signs.

Read first time and referred to committee on **economic development**.

Senate File 2280, by committee on appropriations, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

Read first time and referred to committee on **appropriations**.

Senate File 2291, by committee on commerce, a bill for an act relating to the interest rate charged in connection with a renewal or extension of time under a retail motor vehicle installment contract.

Read first time and referred to committee on **small business and commerce**.

Senate File 2296, by Lloyd-Jones, a bill for an act relating to informal dispute resolution, establishing a council for dispute resolution, and relieving the office of prosecuting attorneys training coordinator of the department of justice of responsibility for the dispute resolution program.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2302, by committee on judiciary, a bill for an act relating to crimes against the elderly and disabled persons by creating a cause of action and providing a civil penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2305, by committee on education, a bill for an act providing for the distribution of voter registration forms to students of public and nonpublic schools who have reached voting age or will reach voting age within six months.

Read first time and referred to committee on **state government**.

Senate File 2306, by committee on education, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date.

Read first time and referred to committee on **education**.

Senate File 2308, by committee on human resources, a bill for an act relating to dental prosthesis identification.

Read first time and referred to committee on **state government**.

Senate File 2315, by committee on agriculture, a bill for an act relating to a pseudorabies control program, and making penalties applicable.

Read first time and referred to committee on **agriculture**.

Senate File 2322, by committee on education, a bill for an act relating to participation in extracurricular interscholastic contests and competitions by certain children.

Read first time and referred to committee on **education**.

Senate File 2323, by committee on transportation, a bill for an act relating to the attorney general's access to confidential motor vehicle accident reports.

Read first time and referred to committee on **transportation**.

Senate File 2340, by committee on state government, a bill for an act relating to the disposition of unclaimed property.

Read first time and referred to committee on **state government**.

Senate File 2343, by committee on human resources, a bill for an act relating to clinical privileges of certain health practitioners.

Read first time and referred to committee on **human resources**.

Senate File 2348, by committee on human resources, a bill for an act relating to the assignment of support rights for children receiving foster care services.

Read first time and referred to committee on **human resources**.

Senate File 2358, by committee on agriculture, a bill for an act relating to certification of soil testing laboratories.

Read first time and referred to committee on **agriculture**.

Senate File 2363, by committee on agriculture, a bill for an act relating to commercial weighing and measuring.

Read first time and referred to committee on **agriculture**.

Senate File 2366, by committee on local government, a bill for an act establishing councils of governments and providing certain duties.

Read first time and referred to committee on **local government**.

Senate File 2367, by committee on agriculture, a bill for an act relating to drainage improvements.

Read first time and referred to committee on **agriculture**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 22, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act relating to reassignment of certificates of title and providing an effective date.

Also: That the Senate has on February 22, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2248, a bill for an act relating to certain advertising by a hearing aid dealer.

Also: That the Senate has on February 22, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2262, a bill for an act relating to licensure to practice veterinary medicine without an examination.

Also: That the Senate has on February 22, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2264, a bill for an act relating to the commission and division of the department of human rights designated for Spanish-speaking people.

Also: That the Senate has on February 22, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2268, a bill for an act changing the time deadlines for submission of state agency affirmative action plans and annual reports and providing an effective date.

Also: That the Senate has on February 22, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2271, a bill for an act specifying the required contents of a plan for bank merger or consolidation.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 12:34 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Chapman of Linn in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five members present, fifteen absent.

INTRODUCTION OF BILLS

House File 2542, by committee on human resources, a bill for an act relating to persons with mental retardation, a developmental disability, or mental illness by providing an implementation schedule for rights of the persons, establishing a fund, and providing applicability provisions.

Read first time and referred to committee on **appropriations**.

House File 2543, by committee on state government, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act.

Read first time and referred to committee on **appropriations**.

House File 2544, by committee on energy and environmental protection, a bill for an act relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund.

Read first time and referred to committee on **appropriations**.

House File 2545, by committee on energy and environmental protection, a bill for an act relating to the establishment of an environmental imperilment trust fund, establishing fees, making appropriations, and stipulating an applicability provision.

Read first time and referred to committee on **appropriations**.

SENATE MESSAGES CONSIDERED

Senate File 2235, by Kinley, a bill for an act relating to reassignment of certificates of title and providing an effective date.

Read first time and referred to committee on **transportation**.

Senate File 2248, by committee on human resources, a bill for an act relating to certain advertising by a hearing aid dealer.

Read first time and referred to committee on **state government**.

Senate File 2262, by committee on state government, a bill for an act relating to licensure to practice veterinary medicine without an examination.

Read first time and **passed on file**.

Senate File 2264, by committee on state government, a bill for an act relating to the commission and division of the department of human rights designated for Spanish-speaking people.

Read first time and referred to committee on **state government**.

Senate File 2268, by committee on state government, a bill for an act changing the time deadlines for submission of state agency affirmative action plans and annual reports and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 2271, by committee on commerce, a bill for an act specifying the required contents of a plan for bank merger or consolidation.

Read first time and referred to committee on **small business and commerce**.

Senate File 2317, by committee on agriculture, a bill for an act relating to issuing permits for regulated uses of water by the department of natural resources.

Read first time and referred to committee on **agriculture**.

Senate File 2334, by committee on agriculture, a bill for an act regulating business relationships between suppliers and dealers of certain equipment and providing dates of applicability.

Read first time and referred to committee on **agriculture**.

Senate File 2342, by committee on human resources, a bill for an act designating an operator or employee of a child day care resource and referral agency as a mandatory reporter of child abuse.

Read first time and **passed on file**.

Appropriations Calendar

The House resumed consideration of **House File 2418**, 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, previously deferred.

Halvorson of Clayton asked and received unanimous consent to reconsider the vote by which amendment H—5270A (found on pages 566 through 572 of the House Journal) was adopted by the House on February 22, 1990.

Further division of amendment H—5270A was requested as follows:

New division H—5270F includes page 2, lines 28 through 50; page 3, lines 1 through 15 (previously part of amendment H—5270A).

On motion by Hatch of Polk, amendment H—5270A was adopted.

Harbor of Mills asked and received unanimous consent to withdraw amendment H—5200 filed by him on February 19, 1990.

Daggett of Adams offered the following amendment H—5226 filed by him and moved its adoption:

H—5226

1 Amend House File 2418 as follows:

2 1. Page 4, by inserting after line 2, the
3 following:

4 "Of the \$570,100 available for student aid programs
5 under this subsection, \$100,000 shall be expended on
6 the education savings program, \$62,100 shall be
7 expended on the teacher loan payment programs, \$48,000
8 shall be expended on the occupational therapists loan
9 program, \$310,000 shall be expended for the nursing
10 loan program, and \$50,000 shall be expended on the
11 work for college program."

Amendment H—5226 was adopted.

Speaker Avenson in the chair at 4:26 p.m.

Harbor of Mills offered the following amendment H—5238 filed by him and Kremer of Buchanan and moved its adoption:

H—5238

- 1 Amend House File 2418 as follows:
- 2 1. Page 4, line 6, by striking the figure
- 3 "250,000" and inserting the following: "400,000".
- 4 2. Page 5, line 18, by striking the figure
- 5 "2,400,000" and inserting the following: "2,250,000".

A non-record roll call was requested.

The ayes were 31, nays 46.

Amendment H—5238 lost.

Siegrist of Pottawattamie offered the following amendment H—5211 filed by him and moved its adoption:

H—5211

- 1 Amend House File 2418 as follows:
- 2 1. Page 5, line 32, by striking the figure
- 3 "500,000" and inserting the figure "1,000,000".
- 4 2. By striking page 19, line 13, through page 20,
- 5 line 7.
- 6 3. Page 37, by striking lines 6 and 7, and
- 7 inserting the following: "the commission for each
- 8 fiscal year in the fiscal period beginning July 1,
- 9 1990, and ending June 30, 1994, the sum of three
- 10 million eight hundred ten thousand dollars, and the
- 11 sum of three million three hundred ten thousand
- 12 dollars in succeeding fiscal years, for the work-
- 13 study".

A non-record roll call was requested.

The ayes were 31, nays 46.

Amendment H—5211 lost.

Tyrrell of Iowa asked and received unanimous consent to defer action on amendment H—5262.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H—5194 filed by her on February 19, 1990.

Gruhn of Dickinson offered the following amendment H—5274 filed by Gruhn, et al., and moved its adoption:

H-5274

- 1 Amend House File 2418 as follows:
- 2 1. Page 8, by inserting after line 28 the
- 3 following:
- 4 "As a condition, limitation, and qualification of
- 5 the appropriation in this subsection, \$50,000 shall be
- 6 used to assist a vocational agriculture youth
- 7 organization sponsored by the schools to support the
- 8 foundation established by that vocational agriculture
- 9 youth organization."

Amendment H-5274 was adopted.

Halvorson of Clayton offered the following amendment H-5207 filed by him and moved its adoption:

H-5207

- 1 Amend House File 2418 as follows:
- 2 1. Page 11, by inserting after line 14 the fol-
- 3 lowing:
- 4 "_____. SCHOOL DISTRICT PAYMENTS.
- 5 For payments to school districts that have
- 6 certified enrollments of fewer than three hundred
- 7 twenty-five students and in which the school district
- 8 is located on a boundary line of this state, has less
- 9 than fifty square miles in the district, and has
- 10 sought to complete a sharing agreement with a
- 11 contiguous school district that is located in another
- 12 state:
- 13\$ 48,000".
- 14 2. By numbering and renumbering as necessary.

Amendment H-5207 lost.

The House resumed consideration of amendment H-5270B.

Hatch of Polk offered the following amendment H-5295, to amendment H-5270B, filed by him from the floor and moved its adoption:

H-5295

- 1 Amend the amendment, H-5270, to House File 2418, as
- 2 follows:
- 3 1. Page 1, by striking lines 15 through 19 and
- 4 inserting the following: "merged area school shall
- 5 indicate on its tuition billing to resident students
- 6 the amount by which tuition for the fiscal year be-
- 7 ginning July 1, 1990, was reduced because of funds
- 8 received by that area school under this subsection and
- 9 section 11, subsection 5."
- 10 2. Page 1, by striking lines 33 through 38 and

11 inserting the following: "merged area school shall
 12 indicate on its tuition billing to resident students
 13 the amount by which tuition for the fiscal year begin-
 14 ning July 1, 1990, was reduced because of funds
 15 received by that area school under this subsection and
 16 section 10, subsection 19."

A non-record roll call was requested.

The ayes were 43, nays 29.

Amendment H—5295 was adopted.

Hatch of Polk moved the adoption of amendment H—5270B, as amended.

A non-record roll call was requested.

The ayes were 48, nays 26.

Amendment H—5270B, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spenner of Henry, Pellett of Cass, Eddie of Buena Vista, Miller of Cherokee, Stueland of Clinton and Schnekloth of Scott, all until their return, on request of Van Maanen of Mahaska.

Connors of Polk in the chair at 5:25 p.m.

Lageschulte of Bremer offered the following amendment H—5201 filed by Lageschulte, et al., and moved its adoption:

H—5201

1 Amend House File 2418 as follows:
 2 1. By striking page 19, line 13 through page 20,
 3 line 7, and inserting the following:
 4 "_____. For distribution on a need basis to the
 5 institutions of higher education under the control of
 6 the state board of regents for no more than five
 7 hundred dollars per student of additional student
 8 financial aid, based upon the definition of need
 9 contained in the eligibility methodology for the
 10 federal Pell grant.
 11\$ 2,500,000".

Roll call was requested by Lageschulte of Bremer and Van Maanen of Mahaska.

Rule 75 was invoked.

On the question "Shall amendment H—5201 be adopted?" (H.F. 2418)

The ayes were, 36:

Banks	Beaman	Beatty	Bennett
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Petersen, D. F.	Plasier
Renken	Rosenberg	Royer	Shoning
Siegrist	Trent	Tyrrell	Van Maanen

The nays were, 57:

Adams	Arnould	Avenson, Spkr.	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cphoon
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Schrader
Shearer	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Connors			
Presiding			

Absent or not voting, 7:

Eddie	Miller	Pellett	Schneklath
Sherzan	Spenner	Stueland	

Amendment H—5201 lost.

Speaker Avenson in the chair at 5:55 p.m.

Maulsby of Calhoun offered the following amendment H—5209 filed by him and moved its adoption:

H—5209

- 1 Amend House File 2418 as follows:
- 2 1. By striking page 19, line 13 through page 20,
- 3 line 7, and inserting the following:
- 4 "f. For funds to be used to assist the higher
- 5 education institutions under the board's control in
- 6 meeting fire safety standards for buildings on their
- 7 respective campuses:
- 8\$ 2,500,000".

Roll call was requested by Van Maanen of Mahaska and Maulsby of Calhoun.

On the question "Shall amendment H—5209 be adopted?"
(H.F. 2418)

The ayes were, 34:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Petersen, D. F.	Plasier	Renken
Royer	Shoning	Siegrist	Trent
Tyrrell	Van Maanen		

The nays were, 54:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Shoultz
Spear	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 12:

Beatty	Eddie	Jay	Mertz
Miller	Osterberg	Pellett	Schnekloth
Sherzan	Spenner	Stueland	Svoboda

Amendment H—5209 lost.

Halvorson of Clayton offered the following amendment H—5198 filed by him and Harbor of Mills and moved its adoption:

H—5198

- 1 Amend House File 2418 as follows:
- 2 1. By striking page 19, line 13, through page 20,
- 3 line 7.

Roll call was requested by Arnould of Scott and Halvorson of Clayton.

On the question "Shall amendment H—5198 be adopted?"
(H.F. 2418)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Shoultz	Siegrist
Spear	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 4:

Chapman	Sherzan	Stueland	Svoboda
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Amendment H—5198 lost.

Garman of Story asked and received unanimous consent to withdraw amendment H—5245 filed by her on February 20, 1990.

Garman of Story offered the following amendment H—5253 filed by her and moved its adoption:

H—5253

- 1 Amend House File 2418 as follows:
- 2 1. By striking page 19, line 13, through page 20,
- 3 line 7.
- 4 2. Page 26, by striking lines 31 and 32 and
- 5 inserting the following:

6 " \$ 18,378,812
 7 FTEs 480.0
 8 As a condition, limitation, and qualification of
 9 the moneys appropriated in this paragraph, \$373,873
 10 shall be transferred by the cooperative extension
 11 service in agriculture and home economics to the state
 12 fair board for the purposes of conducting the state
 13 fair under chapter 173."

Amendment H—5253 lost.

Hammond of Story offered the following amendment H—5239 filed by her and moved its adoption:

H—5239

1 Amend House File 2418 as follows:
 2 1. Page 22, line 6, by striking the words "and
 3 teaching of medicine".

Amendment H—5239 was adopted.

The following amendments were withdrawn by unanimous consent:

- H—5199 filed by Spear of Lee on February 19, 1990.
- H—5205 filed by Spear of Lee on February 19, 1990.
- H—5213 filed by Spear of Lee on February 19, 1990.
- H—5222 filed by Svoboda of Tama on February 20, 1990.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKinney of Dallas, for the remainder of the day, on request of Adams of Hamilton.

Garman of Story offered the following amendment H—5275 filed by Garman, et al., and moved its adoption:

H—5275

1 Amend House File 2418 as follows:
 2 1. Page 24, by inserting before line 5 the
 3 following:
 4 "o. Notwithstanding paragraph "n" of this
 5 subsection, as a condition, limitation, and
 6 qualification of the appropriation made in paragraph
 7 "k", subparagraph (1), it shall be unlawful for a
 8 university physician or employee within the scope of
 9 the physician's or employee's employment to perform or
 10 assist an abortion or for any university facility to
 11 be used for the purpose of performing or assisting an
 12 abortion on a woman when there is reason to believe
 13 the woman is carrying a viable unborn child of twenty

14 or more weeks gestational age unless the attending
 15 physician certifies that continuing the pregnancy
 16 would endanger the life of the pregnant woman. The
 17 physician or employee shall first determine if the
 18 unborn child is viable by using and exercising that
 19 degree of care, skill, and proficiency commonly
 20 exercised by the ordinarily skillful, careful, and
 21 prudent physician engaged in similar practice under
 22 the same or similar conditions. In making this de-
 23 termination of viability, the physician shall perform
 24 or cause to be performed such medical examinations and
 25 tests as are necessary to make a finding of the
 26 gestational age, weight, and lung maturity of the
 27 unborn child and shall enter such findings and
 28 determination of viability in the medical record of
 29 the mother.”
 30 2. By renumbering or relettering as necessary.

Roll call was requested by Garman of Story and Banks of Plymouth.

Rule 75 was invoked.

On the question “Shall amendment H—5275 be adopted?”
 (H.F. 2418)

The ayes were, 31:

Banks	Beaman	Branstad	Corbett
Daggett	De Groot	Eddie	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Hermann
Iverson	Knapp	Koenigs	Kremer
Lundby	McKean	Mertz	Muhlbauer
Murphy	Pavich	Petersen, D. F.	Plasier
Renken	Schnekloth	Shoning	Spear
Svoboda	Tyrrell	Van Maanen	

The nays were, 65:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Diemer	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Lageschulte	Lykam
Maulsby	May	Metcalf	Miller
Neuhauser	Nielsen	Ollie	Osterberg
Pellett	Peters	Poncy	Renaud
Rosenberg	Royer	Schrader	Shearer

Shoultz
Tabor
Mr. Speaker
Avenson

Siegrist
Teaford

Spenner
Trent

Swartz
Wise

Absent or not voting, 4:

McKinney

Peterson, M. K.

Sherzan

Stueland

Amendment H—5275 lost.

Daggett of Adams offered the following amendment H—5225 filed by him and moved its adoption:

H—5225

- 1 Amend House File 2418 as follows:
- 2 1. Page 30, line 5, by inserting after the
- 3 figure: "1991," the following: "if the general
- 4 assembly approves,".
- 5 2. Page 30, line 6, by striking the word "shall"
- 6 and inserting the following: "may".

Amendment H—5225 lost.

Daggett of Adams offered the following amendment H—5224 filed by him and moved its adoption:

H—5224

- 1 Amend House File 2418 as follows:
- 2 1. Page 30, lines 6 and 7, by striking the words
- 3 "use notes, bonds, or other evidences of indebtedness
- 4 issued under section 262.48 to finance" and inserting
- 5 the following: "make recommendations to the general
- 6 assembly relating to the financing of".

Amendment H—5224 lost.

Halvorson of Clayton offered the following amendment H—5276 filed by him and Harbor of Mills and moved its adoption:

H—5276

- 1 Amend House File 2418 as follows:
- 2 1. Page 30, line 35, by inserting after the
- 3 word "of" the following: "members of the public and".

Amendment H—5276 lost.

The House resumed consideration of amendment H—5270F.

Halvorson of Clayton offered the following amendment H—5288, to amendment H—5270F, filed by him from the floor and moved its adoption:

H-5288

- 1 Amend amendment H-5270, to House File 2418, as
- 2 follows:
- 3 1. Page 2, line 31, by inserting after the word
- 4 "of" the following: "school board members, persons
- 5 representing the public and".

Amendment H-5288 lost.

On motion by Hatch of Polk, amendment H-5270F was adopted.

Maulsby of Calhoun offered the following amendment H-5215 filed by him and moved its adoption:

H-5215

- 1 Amend House File 2418 as follows:
- 2 1. Page 31, by inserting after line 21, the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 8.46 DEBT INSTRUMENTS
- 5 INCLUSION IN BUDGET FOR APPROVAL OF THE GENERAL
- 6 ASSEMBLY.
- 7 1. Notwithstanding any general authorization to
- 8 issue bonds or incur debt to the contrary, a
- 9 department or agency of the state, including the state
- 10 board of regents or a regents' institution, which
- 11 submits a budget proposal pursuant to this chapter,
- 12 shall not borrow money or otherwise commit the state
- 13 to expenditures beyond the fiscal year of the budget,
- 14 without first submitting the specific proposed
- 15 obligation to the general assembly for approval as
- 16 part of the budget for the fiscal year in which the
- 17 obligation would be incurred.
- 18 2. Debt instruments which shall not be utilized by
- 19 a department or agency without prior approval of the
- 20 specific issue by the general assembly pursuant to
- 21 subsection 1 include, but are not limited to, the
- 22 following:
- 23 a. Revenue bonds.
- 24 b. Academic or regents' bonds.
- 25 c. Master lease-purchase or long-term lease.
- 26 d. Tax anticipation notes.
- 27 e. Any debt instrument or contract which commits
- 28 the full faith and credit of the state to pay an
- 29 obligation beyond the fiscal year of the budget.
- 30 3. A department or agency, including the state
- 31 board of regents or a regents' institution, shall
- 32 submit as part of the annual budget proposal a debt
- 33 report, and the department of management shall prepare
- 34 an annual state public debt report as part of the
- 35 governor's proposed budget. A debt report shall
- 36 include at minimum the following information for a

- 37 department or agency, or for the state, the aggregate
 38 of individual departmental and agency debt reports:
 39 a. Total debt currently outstanding. For purposes
 40 of this subsection "debt" includes any form of
 41 obligation restricted by subsections 1 and 2.
 42 b. Total debt currently outstanding by form of the
 43 obligation.
 44 c. Total debt service charges, and debt service
 45 charges as a percentage of the proposed budget.
 46 d. Proposed new debt obligations for the fiscal
 47 year by specific issue, and form, including a
 48 description of the purpose for which debt is proposed
 49 to be incurred.
 50 e. Source of moneys for repaying each existing

Page 2

- 1 obligation, and for payment of any proposed new debt.
 2 The department of management may by rule establish
 3 standard form and contents for debt reports."
 4 2. By renumbering as necessary.

Amendment H—5215 lost.

The House resumed consideration of amendment H—5270C.

Bennett of Ida offered the following amendment H—5286, to amendment H—5270C, filed by him from the floor and moved its adoption:

H—5286

- 1 Amend amendment, H—5270, to House File 2418 as
 2 follows:
 3 1. Page 4, line 5, by inserting after the word
 4 "advertising," the following: "All advertising
 5 produced which is designed to promote the Iowa lottery
 6 shall contain a warning relating to the psychological
 7 addiction to gambling and the financial difficulties
 8 associated with excessive gambling."

Amendment H—5286 lost.

Halvorson of Clayton rose on a point of order that amendment H—5270C was not germane.

The Speaker ruled the point well taken and amendment H—5270C not germane.

Tyrrell of Iowa offered the following amendment H—5261, filed by Tyrrell, et al., and moved its adoption:

H—5261

- 1 Amend House File 2418 as follows:
- 2 1. Page 36, by striking line 12, and inserting
- 3 the following: "thirty-four million six seven hundred
- 4 eighty-two ninety-two thousand".

Roll call was requested by Tyrrell of Iowa and Kremer of Buchanan.

Rule 75 was invoked.

On the question "Shall amendment H—5261 be adopted?"
(H.F. 2418)

The ayes were, 40:

Banks	Beaman	Beatty	Bennett
Branstad	Brown	Buhr	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Holveck	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Trent	Tyrrell	Van Maanen

The nays were, 55:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Chapman
Cohoon	Connors	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Poncy	Renaud	Rosenberg	Schrader
Shearer	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Taber
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 5:

Doderer	McKinney	Peterson, M. K.	Sherzan
Stueland			

Amendment H—5261 lost.

The House resumed consideration of amendment H—5270D.

Groninga of Cerro Gordo in the chair at 7:56 p.m.

Hatch of Polk moved the adoption of amendment H—5270D.

A non-record roll call was requested.

The ayes were 41, nays 29.

Amendment H—5270D was adopted.

Hammond of Story asked and received unanimous consent to defer action on amendment H—5241.

Hammond of Story offered the following amendment H—5203 filed by her and moved its adoption:

H—5203

- 1 Amend House File 2418 as follows:
- 2 1. By striking page 41, line 34, through page 42,
- 3 line 9.

Amendment H—5203 was adopted, placing out of order amendment H—5241, previously deferred, filed by Hammond of Story on February 19, 1990.

Harbor of Mills offered the following amendment H—5212 filed by him and moved its adoption:

H—5212

- 1 Amend House File 2418 as follows:
- 2 1. Page 44, by striking lines 10 through 12 and
- 3 inserting the following: "during the first budget
- 4 year following the effective date of a school district
- 5 reorganization, a reorganized school district's budget
- 6 enrollment is".
- 7 2. Page 44, line 22, by inserting after the word
- 8 "district." the following: "For fiscal years
- 9 thereafter, the total of the budget enrollments of
- 10 districts involved in the reorganization calculated
- 11 under this subsection shall be used as the reorganized
- 12 district's budget enrollment only if the reorganized
- 13 school district has requested additional funding for a
- 14 budget year from the school budget review committee
- 15 and the request has been denied and if the reorganized
- 16 school district has approved the use of the additional
- 17 enrichment amount for that budget year."

Amendment H—5212 lost.

The House resumed consideration of amendment H—5270E.

Hatch of Polk moved the adoption of amendment H—5270E.

A non-record roll call was requested.

The ayes were 47, nays 35.

Amendment H—5270E was adopted.

Halvorson of Clayton offered the following amendment H—5210 filed by him and moved its adoption:

H—5210

- 1 Amend House File 2418 as follows:
- 2 1. Page 44, by inserting after line 25 the
- 3 following:
- 4 "Sec. _____. Section 442.9, subsection 1, paragraph
- 5 "b", Code 1989, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. Upon the request of a
- 8 school district, the department of management shall
- 9 add to a district's district cost for the budget year,
- 10 an amount not exceeding forty-eight thousand dollars
- 11 if the district anticipates that its expenditures for
- 12 a budget year will exceed its authorized budget for
- 13 that budget year and the district has either attempted
- 14 to approve the use of the enrichment amount for that
- 15 budget year and the election has failed, or the
- 16 district is already using the enrichment amount for
- 17 that budget year."

Roll call was requested by Harbor of Mills and Corbett of Linn.

Rule 75 was invoked.

On the question "Shall amendment H—5210 be adopted?"
(H.F. 2418)

The ayes were, 42:

Banks	Beaman	Bennett	Brammer
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Doderer
Eddie	Garman	Halvorson, R. A.	Hammond
Hanson, D. R.	Harbor	Hermann	Hester
Holveck	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Chapman	Cohoon	Connors	Dvorsky
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. N.	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Jesse	Jochum
Johnson	Koenigs	Lykam	May
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Poncy	Renaud	Rosenberg
Schrader	Shearer	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Groninga		
	Presiding		

Absent or not voting, 8:

Avenson, Spkr.	Buhr	Jay	Knapp
McKinney	Peterson, M. K.	Sherzan	Stueland

Amendment H—5210 lost.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H—5280 filed by her on February 21, 1990.

Halvorson of Clayton offered the following amendment H—5197 filed by him and Harbor of Mills and moved its adoption:

H—5197

- 1 Amend House File 2418 as follows:
- 2 1. By striking page 44, line 6, through page 45,
- 3 line 6.

Roll call was requested by Corbett of Linn and Halvorson of Clayton.

On the question "Shall amendment H—5197 be adopted?"
(H.F. 2418)

The ayes were, 45:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Doderer	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Hermann	Hester
Holveck	Iverson	Kistler	Kremer

Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Neuhauser	Pellett
Petersen, D. F.	Plasier	Renken	Rosenberg
Royer	Schnekloth	Shoning	Shoultz
Siegrist	Spenner	Trent	Tyrrell
Van Maanen			

The nays were, 49:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Dyorsky	Fey	Fogarty
Fuller	Gruhn	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	Mertz	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Peters	Poncy	Renaud
Schrader	Shearer	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Groninga			
Presiding			

Absent or not voting, 6:

Avenson, Spkr.	Jay	McKinney	Peterson, M. K.
Sherzan	Stueland		

Amendment H — 5197 lost.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H — 5262, previously deferred, filed by him on February 21, 1990.

The House stood at ease at 8:43 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 2418 at 8:55 p.m., Groninga of Cerro Gordo in the chair.

Speaker Avenson in the chair at 8:56 p.m.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2418)

The ayes were, 63:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Daggett	Diemer

Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lykam	May
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Poncy	Renaud	Rosenberg
Schrader	Shearer	Shoning	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 33:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	De Groot	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Siegrist	Spenner	Trent	Tyrrell
Van Maanen			

Absent or not voting, 4:

McKinney	Peterson, M. K.	Sherzan	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(House File 2418)

Arnould of Scott asked and received unanimous consent that House File 2418 be immediately messaged to the Senate.

MOTIONS TO RECONSIDER

(House File 2412)

I move to reconsider the vote by which House File 2412 passed the House on February 22, 1990.

ADAMS of Hamilton

(House File 2412)

I move to reconsider the vote by which House File 2412 passed the House on February 22, 1990.

HIBBARD of Madison

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 20, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2327, a bill for an act relating to and making appropriations to the department of economic development, INTERNET, Wallace technology transfer foundation, Iowa finance authority, and small business advocate, and establishing a small business advocate.

Also: That the Senate has on February 22, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2364, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, the department of natural resources, and the state racing commission, and changing the distribution of certain fees.

Also: That the Senate has on February 22, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2402, 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I inadvertently pushed the wrong button on the vote on amendment H—5198 to House File 2418. I meant to vote “nay.”

McKINNEY of Dallas

I was necessarily absent from the House chamber on the morning of February 22, 1990. Had I been present, I would have voted “nay” on amendment H—5285 to House File 2418.

MERTZ of Kossuth

I was necessarily absent from the House chamber on Tuesday afternoon, February 20, 1990. Had I been present, I would have voted “aye” on House Files 2235, 2267, 2269 and 2329.

PETERSON of Carroll

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal

Board on February 21, 1990 and is on file in the office of the Chief Clerk:

February 20, 1990

Mr. Joseph O'Hern
Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 5 claims of a general nature that were denied by the State Appeal Board on February 12, 1990. This supplements our filing of January 18, 1990.

Index attached shows number of claim, name and address of claimant and the amount requested in claim.

Sincerely,
Richard D. Johnson
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN
Chief Clerk of the House

DENIED GENERAL CLAIMS BY STATE APPEAL BOARD
SUBMITTED TO THE 73RD GENERAL ASSEMBLY
February 12, 1990

<u>Claim</u>	<u>Claimant/City, State Type</u>	<u>Amount Requested</u>
G8890923	Waterloo Railroad Co. Tulsa, OK Misc. Refunds	\$77,700.00
G891096	Polk Co. Sheriff Des Moines, IA Misc. Refunds	216.13
G891115	Jerry Johnson Bondurant, IA Misc. Refunds	100.00
G891123	Jeffrey Graves Shenandoah, IA License Fee	35.00
G891149	Alliance For the Mentally Ill Attn: Margaret Stout Johnston, IA Outdated Invoice	7,401.99
Total:		\$85,453.12

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Three FFA members from Mid-Prairie High School, Wellman, accompanied by Paul Swank. By Shearer of Louisa.

Five student council members from Lyons Middle School, Clinton, accompanied by Mrs. Joyce Ollie. By Ollie of Clinton.

Four FFA members from Mediapolis High School, Mediapolis, accompanied by Jim Howell. By Spenner of Henry.

SUBCOMMITTEE ASSIGNMENTS

Senate File 45

State Government: Beatty, Chair; Knapp and Spenner.

Senate File 368

State Government: Buhr, Chair; Garman and Pavich.

Senate File 481

State Government: Blanshan, Chair; Carpenter and Peterson of Carroll.

Senate File 2018

Local Government: Connors, Chair; Diemer and Haverland.

Senate File 2057

State Government: Blanshan, Chair; Carpenter and Connors.

Senate File 2094

State Government: Blanshan, Chair; Hanson of Delaware and Peterson of Carroll.

Senate File 2104

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

Senate File 2137

Judiciary and Law Enforcement: Poncy, Chair; Renaud and Siegrist.

Senate File 2139

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

Senate File 2150

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

Senate File 2156

Judiciary and Law Enforcement: McKinney, Chair; Halvorson of Clayton and Jay.

Senate File 2163

Local Government: Fuller, Chair; Hester and Muhlbauer.

Senate File 2165

State Government: Beatty, Chair; Lundby and Pavich.

Senate File 2198

State Government: Poncy, Chair; Renaud and Renken.

Senate File 2201

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

Senate File 2206

State Government: Teaford, Chair; Blanshan, Carpenter, Halvorson of Webster and Hanson of Delaware.

Senate File 2230

Local Government: Royer, Chair; Mertz and Spear.

Senate File 2250

State Government: Knapp, Chair; Poncy and Spenner.

Senate File 2252

Economic Development: Lykam, Chair; Bennett and Neuhauser.

Senate File 2257

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

Senate File 2259

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

Senate File 2277

Economic Development: Teaford, Chair; Lageschulte and Ollie.

Senate File 2306

Education: Ollie, Chair; Daggett, Iverson, Shoultz and Wise.

Senate File 2322

Education: Ollie, Chair; Daggett, Iverson, Shoultz and Wise.

Senate File 2343

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

Senate File 2348

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

RESOLUTIONS FILED

HCR 110, by committee on natural resources and outdoor recreation, a concurrent resolution relating to an endorsement by the General Assembly for full federal funding for fish and wildlife mitigation on the Missouri River.

Laid over under **Rule 25**.

HCR 111, by Fey, a concurrent resolution relating to the declaration of Earth-Peace Day 1990.

Laid over under **Rule 25**.

SCR 114, by committee on natural resources, a concurrent resolution relating to an endorsement by the General Assembly for full federal funding for fish and wildlife mitigation on the Missouri River.

Laid over under **Rule 25**.

SCR 115, by committee on state government, a concurrent resolution recognizing the twenty-fifth anniversary of the Iowa Civil Rights Commission.

Laid over under **Rule 25**.

SCR 116, by committee on business and labor relations, a concurrent resolution to urge the Congress of the United States, the President and the United States Department of Labor to enact and implement a supplemental appropriation to states for administration of unemployment insurance programs.

Referred to committee on **labor and industrial relations**.

SCR 118, by committee on education, a concurrent resolution to welcome and encourage diverse cultures and diverse languages in business, government, and private affairs in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5287	H.F. 2503	McKean of Jones
H—5289	H.F. 2541	Bisignano of Polk
H—5290	H.F. 2540	Schnekloth of Scott
H—5291	H.F. 2371	Jochum of Dubuque
H—5292	H.F. 2514	Halvorson of Clayton
		Harbor of Mills
H—5293	H.F. 2514	Halvorson of Clayton
H—5296	H.F. 2377	Jesse of Jasper

H—5297	H.F.	2377	Jesse of Jasper
H—5298	H.F.	2526	McKinney of Dallas
H—5299	H.F.	2534	Jesse of Jasper
H—5300	H.F.	2514	Hammond of Story
H—5301	S.F.	2244	Brown of Lucas Shearer of Louisa
H—5302	H.F.	2514	Hammond of Story Peters of Woodbury Brown of Lucas Nielsen of Linn
H—5303	S.F.	2244	Brown of Lucas Shearer of Louisa Murphy of Dubuque
H—5304	H.F.	2514	Hester of Pottawattamie
H—5305	H.F.	2514	Plasier of Sioux
H—5306	H.F.	2181	May of Worth
H—5307	H.F.	2449	Kremer of Buchanan
H—5308	H.F.	2514	Hammond of Story
H—5309	H.F.	2528	Shearer of Louisa
H—5310	H.F.	2514	Nielsen of Linn Harper of Black Hawk Hammond of Story Haverland of Polk Jochum of Dubuque
H—5311	H.F.	2514	Svoboda of Tama Mertz of Kossuth
H—5312	H.F.	2472	Shearer of Louisa
H—5313	H.F.	2371	Carpenter of Polk
H—5314	H.F.	2534	Brown of Lucas
H—5315	H.F.	2524	Holveck of Polk Bisignano of Polk Doderer of Johnson Shoning of Woodbury
H—5316	H.F.	2466	Brammer of Linn

On motion by Arnould of Scott, the House adjourned at 9:02 p.m., until 9:00 a.m., Friday, February 23, 1990.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day — Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 23, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Bill Royer, state representative from Page County.

The Journal of Thursday, February 22, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton on request of Eddie of Buena Vista; McKean of Jones on request of Branstad of Winnebago.

SENATE MESSAGES CONSIDERED

Senate File 2327, by committee on appropriations, a bill for an act relating to and making appropriations to the department of economic development, INTERNET, Wallace technology transfer foundation, Iowa finance authority, and small business advocate, and establishing a small business advocate.

Read first time and referred to committee on **appropriations**.

Senate File 2364, by committee on appropriations, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, the department of natural resources, and the state racing commission, and changing the distribution of certain fees.

Read first time and referred to committee on **appropriations**.

Senate File 2402, by committee on appropriations, 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board.

Read first time and referred to committee on **appropriations**.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Avenson invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Seventy-third General Assembly were presented to the following Pages by Speaker Avenson and Minority Leader Van Maanen of Mahaska:

Christopher Birge
Robin Clark
Emily Earwood
Evelyn Eckert
Gregory McCleary
Marc McKay

Suzanne Moroney
Jeffrey Osweiler
Luann Segerstrom
Heidi Schafer
Christine Turner
Kate Yoder

The House rose and expressed its appreciation.

CONSIDERATION OF BILLS Regular Calendar

House File 2320, a bill for an act relating to fire and casualty insurance, altering the method of filing rates subject to the approval of the commissioner of insurance, except for workers' compensation liability insurance rates, and authorizing civil penalties, was taken up for consideration.

Brammer of Linn offered the following amendment H—5240 filed by him and moved its adoption:

H—5240

- 1 Amend House File 2320 as follows:
- 2 1. By striking page 1, line 1, through page 5,
- 3 line 6, and inserting the following:
- 4 "Sec. 100. Section 515A.2, Code 1989, is amended
- 5 by striking the section and inserting in lieu thereof
- 6 the following:
- 7 515A.2 DEFINITIONS — SCOPE OF CHAPTER.
- 8 1. As used in this chapter:
- 9 a. "Insurance" means workers' compensation
- 10 liability insurance.
- 11 b. "Insurer" means an insurer which issues a
- 12 policy of workers' compensation liability insurance.
- 13 c. "Policy" means a policy of workers'
- 14 compensation liability insurance.
- 15 d. "Rate" means a rate for workers' compensation
- 16 liability insurance.

17 e. "Rating organization" means a workers'
18 compensation rating organization licensed pursuant to
19 this chapter.

20 f. "Rate filing" means a rate filing by a rating
21 organization or an insurer.

22 2. This chapter applies only to workers'
23 compensation liability insurance."

24 2. Page 23, line 35, by inserting after the word
25 "repealed" the following: "effective July 1, 1992".

26 3. Title page, line 4, by inserting after the
27 word "rates," the following: "providing a special
28 effective date,".

29 4. By renumbering as necessary.

Amendment H—5240 was adopted.

Brammer of Linn offered the following amendment H—5150 filed
by him and moved its adoption:

H—5150

1 Amend House File 2320 as follows:

2 1. Page 8, line 34, by inserting after the word
3 "income" the following: "attributable to unearned
4 premium and loss reserves. Income from other sources
5 shall not be considered".

Amendment H—5150 was adopted.

Brammer of Linn moved that the bill be read a last time now and
placed upon its passage which motion prevailed and the bill was read
a last time.

On the question "Shall the bill pass?" (H.F. 2320)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shezhan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Hibbard	McKean	Peterson, M. K.	Stueland
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2372, a bill for an act relating to anabolic steroids, and providing a criminal penalty concerning the distribution of anabolic steroids to minors, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2372)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth

Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Gruhn	McKean	Sherzan	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Blanshan of Greene in the chair at 9:48 a.m.

House File 2416, a bill for an act relating to corporal punishment, was taken up for consideration.

Harper of Black Hawk offered the following amendment H—5265 filed by her and Schrader of Marion and moved its adoption:

H—5265

- 1 Amend House File 2416 as follows:
- 2 1. Page 2, line 1, by inserting after the word
- 3 "contact" the following: "not designed or intended
- 4 to cause pain."

Amendment H—5265 was adopted.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2416)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney

Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Blanshan			
Presiding			

The nays were, none.

Absent or not voting, 3:

McKean	Shearer	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago, for the remainder of the day, on request of Maulsby of Calhoun.

House File 2495, a bill for an act relating to the establishment, maintenance, and operation of storm water drainage systems and the payment of rates or charges, was taken up for consideration.

Brown of Lucas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2495)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby

May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Blanshan	
		Presiding	

The nays were, 1:

Corbett

Absent or not voting, 8:

Branstad	McKean	Ollie	Renken
Shearer	Shoultz	Stueland	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2341, a bill for an act relating to airport zoning regulations by allowing conformance with federal aviation regulations, with report of committee recommending passage was taken up for consideration.

Peters of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2341)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cphoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich

Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Blanshan			
Presiding			

The nays were, 2:

Maulsby Van Maanen

Absent or not voting, 5:

Branstad McKean Petersen, D. F. Royer
Stueland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2461, a bill for an act relating to motor vehicle odometer requirements, was taken up for consideration.

Muhlbauer of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2461)

The ayes were, 93:

Arnould	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalfe	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor

Teaford	Tyrrell	Van Maanen	Wise
Blanshan			
Presiding			

The nays were, 1:

Trent

Absent or not voting, 6:

Adams	Branstad	Fey	McKean
Royer	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2465, a bill for an act relating to the removal of railway track from a grade crossing once the railway corporation has abandoned the line or permitted interim use for the establishment of a trail, was taken up for consideration.

Gruhn of Dickinson offered the following amendment H—5244 filed by her and moved its adoption:

H—5244

- 1 Amend House File 2465 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 327G.24 REMOVAL OF
- 5 TRACKS FROM CROSSINGS.
- 6 Upon consummation of an abandonment of a railway
- 7 line authorized under 49 U.S.C. § 10903, or upon
- 8 interim use of railroad rights-of-way to establish
- 9 appropriate trails pursuant to 16 U.S.C. § 1247(d), if
- 10 the railway tracks adjacent to a crossing have been
- 11 removed, but the railway tracks in the crossing have
- 12 not been removed, the city, county, or other
- 13 jurisdiction having authority over the highway,
- 14 street, or alley containing the crossing may remove
- 15 the tracks from the crossing."

Amendment H—5244 was adopted.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2465)

The ayes were, 92:

Arnould	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black

Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnecloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Blanshan
			Presiding

The nays were, none.

Absent or not voting, 8:

Adams	Branstad	Fey	Gruhn
Hermann	McKean	Shoultz	Stueland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:18 a.m., until the fall of the gavel.

The House resumed session at 11:17 a.m., Speaker Avenson in the chair.

Appropriations Calendar

House File 2514, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters and providing an effective date, was taken up for consideration.

Tabor of Jackson in the chair at 11:20 a.m.

Halvorson of Clayton offered the following amendment H—5293 filed by him:

H-5293

- 1 Amend House File 2514 as follows:
- 2 1. Page 1, line 9, by striking the figure
- 3 "42,656,946" and inserting the following:
- 4 "44,421,649".
- 5 2. Page 3, line 3, by striking the figure
- 6 "215,705,169" and inserting the following:
- 7 "215,340,275".
- 8 3. Page 5, line 13, by striking the figure
- 9 "3,878,100" and inserting the following: "3,876,600".
- 10 4. Page 5, line 25, by striking the figure
- 11 "18,578,649" and inserting the following:
- 12 "17,583,460".
- 13 5. Page 6, line 3, by striking the figure
- 14 "38,075" and inserting the following: "36,365".
- 15 6. Page 6, line 14, by striking the figure
- 16 "7,028,864" and inserting the following: "6,636,372".
- 17 7. Page 6, line 16, by striking the figure
- 18 "2,661,278" and inserting the following: "2,200,000".
- 19 8. Page 6, line 19, by striking the figure
- 20 "4,367,586" and inserting the following: "4,436,372".
- 21 9. Page 7, line 25, by striking the figure
- 22 "300,000" and inserting the following: "250,000".
- 23 10. Page 8, line 6, by striking the figure
- 24 "253,639" and inserting the following: "239,476".
- 25 11. Page 8, line 18, by striking the figure
- 26 "756,125" and inserting the following: "606,125".
- 27 12. Page 8, line 32, by striking the figure
- 28 "931,830" and inserting the following: "445,000".
- 29 13. Page 9, line 35, by striking the figure
- 30 "2,963,398" and inserting the following: "364,776".
- 31 14. Page 10, line 1, by striking the figure
- 32 "234.5" and inserting the following: "185.5".
- 33 15. Page 12, line 1, by striking the figure
- 34 "50,032,026" and inserting the following:
- 35 "47,616,308".
- 36 16. Page 17, line 10, by striking the figure
- 37 "160,000" and inserting the following: "80,000".
- 38 17. By striking page 17, line 32 through page 18,
- 39 line 5.
- 40 18. Page 18, line 17, by striking the figure
- 41 "11,392,190" and inserting the following:
- 42 "10,290,606".
- 43 19. Page 19, line 28, by striking the figure
- 44 "3,107,916" and inserting the following: "2,568,489".
- 45 20. Page 21, line 24, by striking the figure
- 46 "4,927,201" and inserting the following: "4,282,295".
- 47 21. Page 22, line 7, by striking the figure
- 48 "5,773,464" and inserting the following: "5,516,866".
- 49 22. Page 22, line 18, by striking the figure
- 50 "28,878,112" and inserting the following:

Page 2

- 1 "28,838,807".
 2 23. Page 22, line 35, by striking the figure
 3 "15,164,886" and inserting the following:
 4 "15,150,878".
 5 24. Page 23, line 3, by striking the figure
 6 "7,450,613" and inserting the following: "7,439,253".
 7 25. Page 23, line 6, by striking the figure
 8 "15,038,216" and inserting the following:
 9 "15,025,293".
 10 26. Page 23, line 9, by striking the figure
 11 "8,502,084" and inserting the following: "8,486,679".
 12 27. Page 23, line 32, by striking the figure
 13 "3,555,000" and inserting the following: "2,564,000".
 14 28. Page 24, line 16, by striking the figure
 15 "1,000,000" and inserting the following: "650,000".
 16 29. By striking page 24, line 33 through page 25,
 17 line 6.
 18 30. Page 26, line 7, by striking the figure
 19 "592,295" and inserting the following: "442,295".
 20 31. By striking page 26, line 18 through page 27,
 21 line 2.
 22 32. Page 31, line 19, by striking the figure
 23 "41,665,111" and inserting the following:
 24 "41,030,993".
 25 33. Page 31, line 20, by striking the figure
 26 "2,260.50" and inserting the following: "2,235.00".
 27 34. Page 34, line 3, by striking the figure
 28 "9,168,813" and inserting the following: "8,725,944".
 29 35. Page 34, line 4, by striking the figure:
 30 "355.95" and inserting the following: "342.45".
 31 36. Page 37, line 20, by striking the figure
 32 "100,146" and inserting the following: "85,175".

Halvorson of Clayton moved the adoption of amendment H—5293.

Roll call was requested by Halvorson of Clayton and Jochum of Dubuque.

On the question "Shall amendment H—5293 be adopted?"
 (H.F. 2514)

The ayes were, 34:

Banks	Bennett	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 60:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shultz	Spear
Svoboda	Swartz	Wise	Tabor
			Presiding

Absent or not voting, 6:

Branstad	Eddie	Jesse	McKean
Stueland	Teaford		

Amendment H—5293 lost.

Hester of Pottawattamie offered the following amendment H—5304 filed by her and moved its adoption:

H—5304

- 1 Amend House File 2514 as follows:
- 2 1. Page 1, line 9, by striking the figure
- 3 "42,656,946" and inserting the following:
- 4 "42,179,989".
- 5 2. Page 3, line 3, by striking the figure
- 6 "215,705,169" and inserting the following:
- 7 "215,629,241".
- 8 3. Page 5, line 13, by striking the figure
- 9 "3,878,100" and inserting the following: "3,877,400".
- 10 4. Page 5, line 25, by striking the figure
- 11 "18,578,649" and inserting the following:
- 12 "17,956,656".
- 13 5. Page 6, line 3, by striking the figure
- 14 "38,075" and inserting the following: "38,184".
- 15 6. Page 6, line 14, by striking the figure
- 16 "7,028,864" and inserting the following: "6,783,557".
- 17 7. Page 6, line 16, by striking the figure
- 18 "2,661,278" and inserting the following: "2,200,000".
- 19 8. Page 6, line 19, by striking the figure
- 20 "4,367,586" and inserting the following: "4,583,557".
- 21 9. Page 8, line 6, by striking the figure
- 22 "253,639" and inserting the following: "244,787".
- 23 10. Page 8, line 32, by striking the figure

- 24 "931,830" and inserting the following: "934,444".
 25 11. Page 12, line 1, by striking the figure
 26 "50,032,026" and inserting the following:
 27 "48,323,066".
 28 12. Page 18, line 17, by striking the figure
 29 "11,392,190" and inserting the following:
 30 "11,092,525".
 31 13. Page 19, line 28, by striking the figure
 32 "3,107,916" and inserting the following: "3,041,885".
 33 14. Page 21, line 24, by striking the figure
 34 "4,927,201" and inserting the following: "4,524,135".
 35 15. Page 22, line 7, by striking the figure
 36 "5,773,464" and inserting the following: "5,613,090".
 37 16. Page 37, line 26, by striking the figure
 38 "4.7" and inserting the following: "4".
 39 17. Page 38, line 3, by striking the figure "6.4"
 40 and inserting the following: "4".
 41 18. Page 38, line 14, by striking the figure
 42 "11.15" and inserting the following: "4".
 43 19. Page 38, line 16, by striking the figure
 44 "4.7" and inserting the following: "4".
 45 20. Page 38, line 24, by striking the figure
 46 "5.7" and inserting the following: "4".
 47 21. Page 39, line 35, by striking the figure "8"
 48 and inserting the following: "5".
 49 22. Page 40, line 4, by striking the figure "8"
 50 and inserting the following: "5".

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- 1 23. Page 40, line 7, by striking the figure "8"
 2 and inserting the following: "5".
 3 24. Page 40, by inserting after line 28 the
 4 following:
 5 "_____. As a condition, qualification, and
 6 limitation of the funds appropriated in this Act, the
 7 department shall develop methodologies to reimburse
 8 the actual costs of providers of services and products
 9 referred to in this section. The department shall
 10 report to the general assembly on or before December
 11 1, 1991, regarding the methodologies that it has
 12 developed and provide estimated costs for their
 13 implementation. It is the intent of the general
 14 assembly that the providers shall be reimbursed for
 15 actual costs commencing in the fiscal year beginning
 16 July 1, 1993."

Roll call was requested by Halvorson of Clayton and Hester of Pottawattamie.

On the question "Shall amendment H—5304 be adopted?"
 (H.F. 2514)

The ayes were, 37:

Banks	Beaman	Bennett	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	Mertz	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Trent	Tyrrell
Van Maanen			

The nays were, 57:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Shearer	Sherzan	Shoultz
Spear	Swartz	Teaford	Wise
Tabor			
Presiding			

Absent or not voting, 6:

Branstad	Hermann	McKean	Schrader
Stueland	Svoboda		

Amendment H—5304 lost.

Hammond of Story offered the following amendment H—5308 filed by her and moved its adoption:

H—5308

- 1 Amend House File 2514 as follows:
- 2 1. Page 6, line 21, by striking the words "a.
- 3 Notwithstanding section 237A.13," and inserting the
- 4 following: "3. a."
- 5 2. Page 6, line 22, by striking the word
- 6 "subsection" and inserting the following: "section".
- 7 3. Page 6, line 28, by striking the word
- 8 "subsection" and inserting the following: "section".
- 9 4. Page 7, line 7, by striking the word
- 10 "subsection" and inserting the following: "section".

- 11 5. Page 7, line 21, by striking the word
 12 "designed:" and inserting the following:
 13 "designated:".

Amendment H—5308 was adopted.

Speaker Avenson in the chair at 12:40 p.m.

Plasier of Sioux offered the following amendment H—5305 filed by him and moved its adoption:

H—5305

- 1 Amend House File 2514 as follows:
 2 1. Page 12, line 1, by striking the figure
 3 "50,032,026" and inserting the following:
 4 "52,216,195".
 5 2. Page 40, line 7, by striking the words and
 6 figure "an average of 8 percent" and inserting the
 7 following: "\$200 per month".

Roll call was requested by Plasier of Sioux and Petersen of Muscatine.

On the question "Shall amendment H—5305 be adopted?"
 (H.F. 2514)

The ayes were, 41:

Banks	Beaman	Bennett	Black
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Hermann
Hester	Hibbard	Iverson	Jay
Jesse	Kistler	Kremer	Lundby
Maulsby	Mertz	Miller	Muhlbauer
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Renken	Royer	Schneklloth	Shoning
Siegrist	Spenner	Trent	Tyrrell
Van Maanen			

The nays were, 47:

Adams	Arnould	Beatty	Bisignano
Brammer	Brown	Buhr	Chapman
Cohoon	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groning	Gruhn
Halvorson, R. N.	Hammond	Harper	Hatch
Haverland	Holveck	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lykam
May	McKinney	Metcalf	Murphy
Nielsen	Ollie	Osterberg	Pavich
Peters	Poncy	Rosenberg	Schrader
Sherzan	Shoultz	Spear	Swartz
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 12:

Blanshan	Brand	Branstad	Connors
Harbor	McKean	Neuhauser	Renaud
Shearer	Stueland	Svoboda	Tabor

Amendment H—5305 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Halvorson of Clayton.

Hammond of Story offered the following amendment H—5300 filed by her and moved its adoption:

H—5300

1 Amend House File 2514 as follows:

2 1. Page 14, line 13, by inserting after the word
3 "services." the following: "Upon receipt of federal
4 approval that day treatment provided by a psychiatric
5 medical institution for children as a service is
6 eligible for reimbursement under medical assistance,
7 the department shall adopt rules pursuant to chapter
8 17A and enroll licensed providers who are eligible to
9 receive the reimbursement. Funds appropriated under
10 this section shall be used to pay the nonfederal share
11 of the reimbursement expenditures."

12 2. Page 38, by inserting after line 14 the
13 following:

14 "The department may provide a differential per diem
15 reimbursement rate to a psychiatric medical
16 institution for children for short-term treatment or
17 diagnosis services provided within a segregated unit
18 of the institution. The differential per diem
19 reimbursement rate shall not exceed 120 percent of the
20 per diem rate authorized in this section for
21 psychiatric medical institutions for children."

Amendment H—5300 was adopted.

Nielsen of Linn offered the following amendment H—5310 filed by Nielsen, et al.:

H—5310

1 Amend House File 2514 as follows:

2 1. Page 18, line 17, by striking the figure
3 "11,392,190" and inserting the following:
4 "11,692,190".

5 2. Page 19, by inserting after line 18, the
6 following:

7 "_____. Of the funds appropriated in this section,
8 at least \$300,000 shall be used to purchase additional
9 family planning services."

10 3. Page 19, line 28, by striking the figure
11 "3,107,916" and inserting the following: "3,457,916".

12 4. Page 21, by inserting after line 11 the
13 following:

14 "_____. Of the funds appropriated in this section,
15 at least \$200,000 shall be used to provide grants for
16 pregnancy prevention programs targeted to children who
17 are 8 to 12 years of age. A program must include
18 components for parental involvement, parental
19 education, and outreach services to assist with
20 referrals and transportation. The grants shall be
21 administered in accordance with the provisions for
22 adolescent pregnancy prevention grants, except for
23 requirements to target certain geographic areas in the
24 state.

25 _____. Of the funds appropriated in this section, at
26 least \$150,000 shall be used to provide grants to
27 programs targeted to preventing an additional
28 pregnancy by a parent who is less than 19 years of
29 age. Preference in grant awards shall be given to
30 programs which provide financial incentives to clients
31 for their program participation and success in
32 avoiding an additional pregnancy. The grants shall be
33 administered in accordance with the provisions for
34 adolescent pregnancy prevention grants, except for
35 requirements to target certain geographic areas in the
36 state."

Svoboda of Tama asked and received unanimous consent to defer action on amendment H—5310.

Hammond of Story offered the following amendment H—5302 filed by Hammond, et al., and moved its adoption:

H—5302

1 Amend House File 2514 as follows:

2 1. Page 32, by inserting after line 12, the
3 following:

4 "_____. As a condition, qualification, and
5 limitation of the funds appropriated in this section,
6 the director of human services shall, no later than
7 August 10, 1990, and by the 10th of each subsequent
8 month, project the number of staff terminations in the
9 field operations unit which are expected to occur
10 during the succeeding 90 days. This projection shall
11 be based upon the number of terminations which have
12 occurred in the unit during the preceding 90 days, and
13 other relevant factors. The director shall review the

14 projection and the current number of vacant positions
15 and shall initiate hiring as many field operations
16 staff as are required to maintain the vacancy factor
17 at a level which is no higher than 5 percent during
18 the following 90-day period, based upon the budgeted
19 full-time equivalent position level. The director
20 shall report monthly to the chairpersons and ranking
21 members of the joint human services appropriations
22 subcommittee and to the legislative fiscal bureau
23 concerning the projected number of terminations, the
24 number of vacant full-time equivalent positions, the
25 number of full-time equivalent positions in the
26 process of being hired, and other information needed
27 by the legislative fiscal bureau to determine
28 compliance with the provisions of this section.

29 The director of human services, the director of the
30 department of personnel, and the director of the
31 department of management shall by August 1, 1990, meet
32 to develop changes in policies and procedures which
33 can be implemented administratively to improve the
34 hiring process for the field operations unit of the
35 department of human services, in order that all
36 budgeted full-time equivalent positions are filled and
37 that the budgeted caseweight levels for employees are
38 maintained. These changes shall be implemented as
39 soon as is practicable and shall be reported to the
40 chairpersons and ranking members of the joint human
41 services appropriation subcommittee and the
42 legislative fiscal bureau prior to implementation."

43 2. By renumbering as necessary.

Amendment H—5302 was adopted.

Halvorson of Clayton offered the following amendment H—5292
filed by him and Harbor of Mills and moved its adoption:

H—5292

1 Amend House File 2514 as follows:
2 1. Page 45, by inserting after line 21 the
3 following:
4 "Sec. _____. FINANCING OF PROGRAMS AND SERVICES.
5 Within funds appropriated, all programs and
6 services authorized by this Act shall be financed with
7 state or federal funds. Except as specifically
8 required by statute or except as specifically required
9 by administrative rules which are in effect before the
10 effective date of this Act, the counties shall have no
11 additional responsibility to support the programs and
12 services authorized by this Act."
13 2. By renumbering as necessary.

Roll call was requested by Halvorson of Clayton and Maulsby of Calhoun.

On the question "Shall amendment H—5292 be adopted?"
(H.F. 2514)

The ayes were, 36:

Banks	Beaman	Bennett	Brown
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	Metcalf
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 8:

Blanshan	Branstad	Fey	Halvorson, R. N.
Harbor	McKean	Plasier	Stueland

Amendment H—5292 lost.

Svoboda of Tama offered the following amendment H—5311 filed by her:

H—5311

- 1 Amend House File 2514 as follows:
- 2 1. Page 45, by inserting after line 21, the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 144.29A TERMINATION OF
- 5 PREGNANCY REPORTING.

6 1. A health care provider who identifies a
7 spontaneous termination of pregnancy or who induces a
8 termination of pregnancy shall file with the
9 department a report for each termination within thirty
10 days of the occurrence. The report shall contain all
11 of the following information with respect to each
12 termination:
13 a. Health care provider.
14 b. Health facility.
15 c. Patient number.
16 d. The state of residence and, if this state, the
17 county of residence of the patient.
18 e. Race of the patient.
19 f. Age of the patient.
20 g. Marital status of the patient.
21 h. Educational level of the patient.
22 i. Month and year in which the termination
23 occurred.
24 j. The number of weeks since the patient's last
25 menstrual period.
26 k. Complications, if any.
27 l. Cause of termination, if known.
28 2. The information shall be collected in a manner
29 which the department shall specify by rule, pursuant
30 to chapter 17A, and which ensures the anonymity of the
31 patient who experiences a termination of pregnancy,
32 the health care provider who identifies or induces a
33 termination of pregnancy, and the hospital, clinic, or
34 other health facility in which a termination of
35 pregnancy is identified or induced. The department
36 shall publish annually demographic summaries of the
37 information obtained pursuant to this section, except
38 that the department shall not disclose any information
39 obtained pursuant to this section which reveals the
40 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 identity of a
45 specific reporting hospital, clinic, or other health
46 facility only for purposes of information collection.
47 The department shall not reproduce this information
48 for any purpose, and shall not extrapolate this
49 information for any purposes other than for use in
50 annually publishing the demographic summary under this

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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. By renumbering as necessary.

Svoboda of Tama offered the following amendment H—5323, to amendment H—5311, filed by her from the floor and moved its adoption:

H—5323

- 1 Amend the amendment, H—5311, to House File 2514 as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 “provider” the following: “number”.
- 5 2. Page 1, line 14, by inserting after the word
- 6 “facility” the following: “number”.

Amendment H—5323 was adopted.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—5311, as amended.

The House resumed consideration of amendment H—5310, previously deferred.

Svoboda of Tama offered the following amendment H—5326, to amendment H—5310, filed by her from the floor and moved its adoption:

H—5326

- 1 Amend the amendment, H—5310, to House File 2514 as
- 2 follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 “education,” the following: “encouraging sexual
- 5 abstinence based on programs offered in other
- 6 states,”.

Amendment H—5326 was adopted.

On motion by Nielsen of Linn, amendment H—5310, as amended, was adopted.

The House resumed consideration of amendment H—5311, as amended.

Hanson of Delaware offered the following amendment H—5329, to amendment H—5311, filed by him from the floor and moved its adoption:

H—5329

- 1 Amend the amendment, H—5311, to House File 2514 as
- 2 follows:
- 3 1. Page 1, by striking line 26.
- 4 2. Page 1, line 36, by inserting after the word
- 5 “annually” the following: “statewide”.

- 6 3. Page 1, line 50, by inserting after the word
 7 "the" the following: "statewide".
 8 4. Page 2, by inserting after line 1 the fol-
 9 lowing:
 10 "_____. The statewide demographic summary published
 11 pursuant to this section shall not include information
 12 which identifies any local geographic source of the
 13 data summarized."
 14 5. Page 2, line 5, by inserting before the word
 15 "demographic" the following: "statewide".
 16 6. By renumbering as necessary.

Amendment H—5329 lost.

Miller of Cherokee rose on a point of order that amendment H—5311 was not germane.

The Speaker ruled the point well taken and amendment H—5311 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—5311.

A non-record roll call was requested.

The ayes were 51, nays 18.

The motion prevailed and the rules were suspended.

Groning of Cerro Gordo in the chair at 2:22 p.m.

Speaker Avenson in the chair at 2:34 p.m.

Svoboda of Tama moved the adoption of amendment H—5311, as amended.

Roll call was requested by Mertz of Kossuth and Banks of Plymouth.

On the question "Shall amendment H—5311, as amended be adopted?" (H.F. 2514)

The ayes were, 33:

Banks	Beaman	Bennett	Corbett
Daggett	De Groot	Eddie	Fogarty
Garman	Halvorson, R. A.	Hermann	Iverson
Knapp	Koenigs	Kremer	Maulsby
May	Mertz	Muhlbauer	Murphy
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Renken	Schnekloth	Spear
Spanner	Svoboda	Trent	Tyrrell
Van Maanen			

The nays were, 62:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Diemer
Doderer	Dvorsky	Fey	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Lageschulte	Lundby	Lykam
McKinney	Metcalf	Miller	Neuhauser
Nielsen	Ollie	Osterberg	Peters
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 5:

Branstad	Harbor	McKean	Stueland
Swartz			

Amendment H—5311, as amended, lost.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2514)

The ayes were, 68:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Clark	Cohoon	Connors	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker
			Avenson

The nays were, 28:

Banks	Bennett	Carpenter	Corbett
Daggett	Garman	Halvorson, R. A.	Hanson, D. R.
Hermann	Hester	Iverson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Siegrist	Spenner	Tyrrell	Van Maanen

Absent or not voting, 4:

Branstad	Harbor	McKean	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 2546, by committee on ways and means, a bill for an act relating to child day care and the state child and dependent care tax credit and providing a retroactive applicability date.

Read first time and placed on the **ways and means calendar**.

IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 2320, 2341, 2372, 2416, 2461, 2465, 2495 and 2514 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2365, a bill for an act relating to and making appropriations to the department of human services and the Iowa department of public health and providing other properly related matters.

Also: That the Senate has on February 23, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2372, a bill for an act relating to the 1991 redistricting process for the election of senators in conformity with article III, section 6 of the Constitution of the State of Iowa.

Also: That the Senate has on February 23, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 109, a concurrent resolution recognizing the efforts of United States Army Specialist Thomas Hageman in the service of his country.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 23, 1990. Had I been present, I would have voted "aye" on House Files 2365, 2461 and 2465.

ADAMS of Hamilton

I was necessarily absent from the House chamber on Thursday, February 22, 1990. Had I been present, I would have voted "aye" on House Files 2412 and 2448.

BROWN of Lucas

I was necessarily absent from the House chamber on Wednesday, February 21, 1990. Had I been present, I would have voted "aye" on House File 2200.

SIEGRIST of Pottawattamie

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixteen Boy Scouts from Troop 121, Winterset, accompanied by Dennis Daggett and Carol Liechty. By Hibbard of Madison and Daggett of Adams.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT**H.S.B. 822 Ways and Means**

Prohibiting the tax levy authorized a school district, merged area, city, or county for tort liability, property insurance, and costs of self-insurance or local government risk pool from being used for certain employee benefits.

SUBCOMMITTEE ASSIGNMENT**Senate File 2086**

Energy and Environmental Protection: Hatch, Chair; Adams, Hanson of Delaware, Lundby, Osterberg, Schrader and Trent.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate File 2048, a bill for an act to prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1990.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2380), relating to child day care and the state child and dependent care tax credit and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1990.

AMENDMENTS FILED

H—5317	S.F.	2262	Poncy of Wapello
H—5318	H.F.	2470	Poncy of Wapello
H—5319	H.F.	2525	Jay of Appanoose
H—5320	H.F.	2272	Koenigs of Mitchell
H—5321	H.F.	2371	Haverland of Polk
			Harper of Black Hawk
H—5322	H.F.	2543	De Groot of Lyon
			Hanson of Delaware
			Harbor of Mills
			Renken of Grundy
			McKean of Jones
			Petersen of Muscatine
			Royer of Page
			Branstad of Winnebago
			Eddie of Buena Vista
			Branstad of Winnebago
			Shoning of Woodbury
			Maulsby of Calhoun
			Tyrrell of Iowa
H—5324	H.F.	2533	Peterson of Carroll
H—5325	H.F.	2533	Peterson of Carroll
H—5327	H.F.	2469	Jay of Appanoose
H—5328	H.F.	2492	Banks of Plymouth
H—5330	H.F.	2543	Peters of Woodbury
H—5331	H.F.	2272	De Groot of Lyon
H—5332	H.F.	2289	Petersen of Muscatine
			Bennett of Ida
H—5333	H.F.	2065	Siegrist of Pottawattamie
H—5334	H.F.	2482	Metcalf of Polk
H—5335	H.F.	2528	Metcalf of Polk
H—5336	H.F.	2502	Metcalf of Polk

On motion by Arnould of Scott, the House adjourned at 3:00 p.m., until 10:00 a.m., Monday, February 26, 1990.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day — Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 26, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Paul Kelly, pastor of Immaculate Conception Catholic Church, Graettinger.

The Journal of Friday, February 23, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista on request of Stueland of Clinton; Svoboda of Tama, until her arrival, on request of Peterson of Carroll; Teaford of Black Hawk, until her arrival, on request of Harper of Black Hawk.

SENATE MESSAGES CONSIDERED

Senate File 2365, by committee on appropriations, a bill for an act relating to and making appropriations to the department of human services and the Iowa department of public health and providing other properly related matters.

Read first time and referred to committee on **appropriations**.

Senate File 2372, by committee on state government, a bill for an act relating to the 1991 redistricting process for the election of senators in conformity with article III, section 6 of the Constitution of the State of Iowa.

Read first time and referred to committee on **state government**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2329, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semi-annual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS
Regular Calendar

House File 2457, a bill for an act relating to aircraft registration and special certificate fees, was taken up for consideration.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2457)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Joehum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Eddie	Jay	Svoboda	Teaford
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Swartz of Marshall in the chair at 10:31 a.m.

House File 2471, a bill for an act relating to the jurisdiction of small claims court over executions of personal property, including garnishments, and providing for the Act's applicability, was taken up for consideration.

Trent of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2471)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Swartz	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Eddie	Hermann	Iverson	Jay
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2472, a bill for an act relating to special instruction permits for certain physically disabled drivers, was taken up for consideration.

Shearer of Louisa offered the following amendment H—5312 filed by him and moved its adoption:

H—5312

- 1 Amend House File 2472 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "demonstration" the following: "or the person's
- 4 limitations which caused the denial under section
- 5 321.177, subsection 6 or 7, or suspension under
- 6 section 321.210, subsection 4".

Amendment H—5312 was adopted.

Speaker Avenson in the chair at 10:46 a.m.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2472)

The ayes were, 84:

Adams	Arnould	Banks	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Stueland	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 12:

Beaman	Bennett	Branstad	Daggett
Garman	Halvorson, R. N.	Hermann	Miller
Schnekloth	Spenner	Svoboda	Tyrrell

Absent or not voting, 4:

Eddie Jay Kistler Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2092, a bill for an act relating to debt management services, by providing certain regulatory exemptions for nonprofit consumer credit counseling services and providing for the distribution of debtor trust funds, with report of committee recommending amendment and passage was taken up for consideration.

Dvorsky of Johnson offered the following amendment H—5233 filed by the committee on small business and commerce and moved its adoption:

H—5233

1 Amend House File 2092 as follows:

2 1. By striking everything after the enactment
3 clause and inserting the following:

4 "Section 1. Section 533A.9, Code 1989, is amended
5 to read as follows:

6 533A.9 FEE AGREED IN ADVANCE.

7 The fee of the licensee shall be agreed upon in
8 advance and stated in the contract and provision for
9 settlement in case of cancellation or prepayment shall
10 be clearly stated herein. The fee of the licensee
11 shall not exceed ~~twelve and one-half~~ fifteen percent
12 of any payment made by the debtor and distributed to
13 the creditors pursuant to the contract. In case of
14 total payment of the contract before the contract
15 period has expired, the licensee shall be entitled
16 only to a fee of no more than three percent of such
17 final payment.

18 Sec. 2. Section 533A.11, subsection 7, Code 1989,
19 is amended by striking the subsection."

20 2. Title page, lines 1 through 4, by striking the
21 words: ", by providing certain regulatory exemptions
22 for nonprofit consumer credit counseling services and
23 providing for the distribution of debtor trust funds".

The committee amendment H—5233 was adopted.

Dvorsky of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2092)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Corbett

Absent or not voting, 4:

Eddie	Jay	Plasier	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILES WITHDRAWN

Rosenberg of Story asked and received unanimous consent to withdraw the following bills from further consideration by the House: House Files 362, 476, 738, 743 and 2135.

Connors of Polk in the chair at 11:10 a.m.

Regular Calendar

House File 2502, a bill for an act relating to the issuance of bonds under the hotel and motel tax and providing an effective date, was taken up for consideration.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—5336 filed by her on February 23, 1990.

Schnekloth of Scott rose on a point of order and invoked Rule 32 to refer House File 2502 to the committee on ways and means.

The Speaker ruled the point not well taken and Rule 32 not in order.

Muhlbauer of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2502)

The ayes were, 71:

Adams	Arnould	Banks	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hanson, D. R.	Harper
Hatch	Haverland	Hester	Hibbard
Iverson	Jesse	Jochum	Johnson
Kistler	Koenigs	Lundby	Lykam
May	Mertz	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Pellett	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Tabor	Teaford	Trent
Van Maanen	Wise	Connors	
		Presiding	

The nays were, 24:

Beaman	Bennett	Branstad	Daggett
De Groot	Garman	Halvorson, R. A.	Hansen, S. D.
Harbor	Hermann	Holveck	Knapp
Kremer	Lageschulte	Maulsby	McKean
McKinney	Miller	Osterberg	Petersen, D. F.
Renken	Schnekloth	Spenner	Tyrrell

Absent or not voting, 5:

Avenson, Spkr.	Eddie	Jay	Peters
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2481, a bill for an act extending the waiver provisions relating to educational standards for guidance programs and media services for one additional year, was taken up for consideration.

Iverson of Wright asked and received unanimous consent to withdraw amendment H—5260 filed by him on February 21, 1990.

Iverson of Wright offered the following amendment H—5283 filed by him and moved its adoption:

H—5283

- 1 Amend House File 2481 as follows:
- 2 1. Page 1, line 26, by striking the figure "3"
- 3 and inserting the following: "2, 3,".
- 4 2. Page 1, by inserting after line 27 the
- 5 following:
- 6 2. Schools and school districts are not required
- 7 to meet the requirement stated in the standards
- 8 adopted by the state board under section 256.17, Code
- 9 Supplement 1987, that prohibits an individual who is
- 10 employed or contracted as superintendent from also
- 11 serving as a principal in that school or school
- 12 district until July 1, 1990, except as otherwise
- 13 provided in this subsection. Not later than January
- 14 1, 1990, for the school year beginning July 1, 1990,
- 15 the board of directors of a school district or
- 16 authorities in charge of a nonpublic school, may file
- 17 a written request with the department of education
- 18 that the department waive the requirement for that
- 19 district or school. The procedures specified in
- 20 subsection 5 apply to the request."

Roll call was requested by Van Maanen of Mahaska and Hermann of Scott.

On the question "Shall amendment H—5283 be adopted?"
(H.F. 2481)

The ayes were, 46:

Banks	Beaman	Bennett	Black
Branstad	Brown	Clark	Corbett
Daggett	De Groot	Diemer	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Hibbard	Iverson	Jesse	Johnson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
Mertz	Muhlbauer	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth

Siegrist	Spear	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 49:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Buhr
Carpenter	Chapman	Cohoon	Doderer
Dvorsky	Groninga	Halvorson, R. N.	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jochum	Knapp	Lykam	McKinney
Metcalf	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Spenner	Svoboda
Swartz	Tabor	Teaford	Wise
Connors			
Presiding			

Absent or not voting, 5:

Avenson, Spkr.	Eddie	Fey	Hammond
Jay			

Amendment H—5283 lost.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2481)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier

Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 4:

Avenson, Spkr. Diemer Eddie Jay

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2482, a bill for an act establishing an entrepreneurship task force, was taken up for consideration.

Metcalf of Polk offered the following amendment H—5334 filed by her and moved its adoption:

H—5334

- 1 Amend House File 2482 as follows:
- 2 1. Page 2, line 28, by striking the word
- 3 "November" and inserting the following: "January".

Amendment H—5334 was adopted.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2482)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors Presiding

The nays were, 2:

Iverson McKean

Absent or not voting, 6:

Avenson, Spkr. Diemer Eddie Jay
Rosenberg Royer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 12:01 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 2050, a bill for an act relating to the selling of goods or services by an official or employee of a regulatory agency, with report of committee recommending passage was taken up for consideration.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5049 filed by Jay of Appanoose and her on January 29, 1990, placing out of order the following amendments to amendment H—5049:

H—5058 filed by Carpenter of Polk and Kremer of Buchanan on January 31, 1990.

H—5188 filed by Neuhauser of Johnson on February 19, 1990.

Carpenter of Polk offered the following amendment H—5189 filed by Jay of Appanoose and her and moved its adoption:

H—5189

- 1 Amend House File 2050 as follows:
- 2 1. Page 1, by striking lines 32 through 34, and

3 inserting the following:

4 "An official or employee of an agency, who is not a
5 local official or local employee under section 68B.2,
6 subsection 9, shall not buy, sell, or cause to be
7 bought or sold, whether directly or indirectly, any
8 goods or services to or from an association,
9 corporation, or business in which the person is a
10 member, major stockholder, or has other financial
11 interest.

12 Sec. 2. Section 68B.8, Code 1989, is amended to
13 read as follows:

14 68B.8 ADDITIONAL PENALTY.

15 In addition to any penalty contained in any other
16 provision of law, a person who knowingly and
17 intentionally violates a provision of section 68B.3 to
18 68B.6 is guilty of a serious misdemeanor and ~~may~~ shall
19 be reprimanded, suspended, or dismissed from the
20 person's position or otherwise sanctioned.

21 Sec. 3. NEW SECTION. 68B.9A AGENCY RULES.

22 Each agency shall adopt conflict of interest rules
23 for persons employed by or holding office in the
24 agency."

Amendment H-5189 was adopted.

The following amendment H-5346 filed by Beatty of Warren from the floor was adopted by unanimous consent:

H-5346

1 Amend House File 2050 as follows:

2 1. Title page, by striking line 2, and inserting
3 the following: "official or employee of an agency and
4 providing a penalty."

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2050)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester

Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 6:

Cohoon	Eddie	Hermann	Hibbard
Jay	Mertz		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE (House File 2050)

Arnould of Scott asked and received unanimous consent that House File 2050 be immediately messaged to the Senate.

Stueland of Clinton in the chair at 1:37 p.m.

House File 2153, a bill for an act relating to the fifteen-day report filed by an administrator or chief medical officer of a hospital or facility with the court after the commitment hearing in civil commitment proceedings, with report of committee recommending amendment and passage was taken up for consideration.

Adams of Hamilton offered the following amendment H-5218 filed by the committee on human resources and moved its adoption:

H-5218

- 1 Amend House File 2153 as follows:
- 2 1. Page 1, by striking lines 26 through 28, and
- 3 inserting the following: "requested, the
- 4 administrator is guilty of contempt and shall be
- 5 punished under chapter 665. The court shall order a
- 6 rehearing on the application to determine whether the
- 7 respondent should continue to be held at the
- 8 facility."

9 2. Page 3, by striking lines 20 through 22, and
 10 inserting the following: "requested, the chief
 11 medical officer is guilty of contempt and shall be
 12 punished under chapter 665. The court shall order a
 13 rehearing on the application to determine whether the
 14 respondent should continue to be held at the
 15 facility."

The committee amendment H-5218 was adopted.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2153)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Shvoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Stueland		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Connors	Eddie	Hibbard
Jay	Mertz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2289, a bill for an act relating to the regulation of the burning, mowing, or spraying of roadsides, with report of committee recommending passage was taken up for consideration.

Petersen of Muscatine offered the following amendment H—5332 filed by him and Bennett of Ida and moved its adoption:

H—5332

- 1 Amend House File 2289 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "plan." the following: "This paragraph applies only
- 4 to those roadside areas of a county which are included
- 5 in an integrated roadside vegetation management plan."

Amendment H—5332 was adopted.

Black of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2289)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Stueland	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Cohoon Connors Eddie Hibbard
Jay

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2512, a bill for an act altering the statutory monetary limitation on the local option E911 emergency telephone service surcharge, authorizing the Iowa finance authority to issue bonds and notes secured by certain designated sources to finance E911 service non-recurring and recurring expenses, providing related procedures and conditions, and providing an effective date, was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—5284 filed by him and moved its adoption:

H—5284

- 1 Amend House File 2512 as follows:
- 2 1. Page 1, by striking lines 5 and 6, and
- 3 inserting the following: "in whole or in part, by a
- 4 monthly surcharge of (an amount determined by the
- 5 local joint E911 service board of up to twenty-five
- 6 cents one dollar) per month per on each telephone
- 7 access".

Amendment H—5284 was adopted.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2512)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney

Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Stueland		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Cohoon	Connors	Eddie	Jay
Jochum	Lykam		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 2:06 p.m., until the fall of the gavel.

The House resumed session at 3:36 p.m., Connors of Polk in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2329, by committee on transportation, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semiannual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable.

Read first time and referred to committee on **transportation**.

Regular Calendar

House File 2459, a bill for an act relating to the employment of personnel under sharing agreements between school districts, was taken up for consideration.

Maulsby of Calhoun offered the following amendment H—5234 filed by him and moved its adoption:

H-5234

- 1 Amend House File 2459 as follows:
- 2 1. Page 1, line 21, by inserting after the word
- 3 "license" the following: "and possesses the
- 4 appropriate qualifications".

Amendment H-5234 lost.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2459)

The ayes were, 65:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brown
Buhr	Chapman	Cohoon	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Lageschulte	Lykam	May
McKean	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Tyrrell	Wise
Connors			
Presiding			

The nays were, 27:

Banks	Beaman	Bennett	Brand
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Halvorson, R. A.
Hermann	Iverson	Kremer	Lundby
Maulsby	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Trent	Van Maanen	

Absent or not voting, 8:

Brammer	Eddie	Gruhn	Hammond
Harbor	Johnson	Mertz	Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2304, a bill for an act relating to notice requirements for sales under execution, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered the following amendment H—5183 filed by the committee on local government and moved its adoption:

H—5183

- 1 Amend House File 2304 as follows:
- 2 1. Page 1, by striking line 4, and inserting the
- 3 following:
- 4 "Notice shall be given by ~~posting up~~ posted in at
- 5 least three".
- 6 2. Page 1, by striking line 6, and inserting the
- 7 following: "~~place where the last district court was~~
- 8 held county courthouse. In addition to".
- 9 3. Page 1, by striking line 8 and inserting the
- 10 following: "~~property to the amount with a value of~~
- 11 two hundred dollars or upwards greater is to".

The committee amendment H—5183 was adopted.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2304)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spanner	Stueland	Svoboda	Swartz

Tabor
Van Maanen

Teaford
Wise

Trent
Connors
Presiding

Tyrrell

The nays were, none.

Absent or not voting, 5:

Bisignano
Johnson

Eddie

Harbor

Jesse

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 3:56 p.m.

House File 2272, a bill for an act relating to the distribution of secondary road fund and farm-to-market road fund moneys, was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5320 filed by him:

H—5320

1 Amend House File 2272 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 309.10, unnumbered paragraph

5 2, Code 1989, is amended to read as follows:

6 A county shall not use farm-to-market road funds as
7 described in this section unless the total funds that
8 the county transferred or provided during the prior
9 fiscal year pursuant to section 331.429, subsection 1,
10 paragraphs "a", "b", "d", and "e", are at least
11 seventy-five percent of the maximum funds the county
12 could have transferred in the prior fiscal year
13 pursuant to section 331.429, subsection 1, paragraphs
14 "a" and "b" from the general fund of the county the
15 dollar equivalent of a tax of sixteen and seven-
16 eighths cents per thousand dollars of assessed value
17 on all taxable property in the county and from the
18 rural services fund of the county the dollar
19 equivalent of a tax of three dollars and three-eighths
20 cent per thousand dollars of assessed value on all
21 taxable property not located within the corporate
22 limits of a city in the county.

23 Sec. 2. Section 312.2, subsection 8, Code
24 Supplement 1989, is amended to read as follows:

25 8. The treasurer of state, before making any
26 allotments to counties under this section, shall
27 reduce the allotment to a county for the secondary
28 road fund by the amount by which the total funds that

29 the county transferred or provided during the prior
 30 fiscal year under section 331.429, subsection 1,
 31 paragraphs "a", "b", "d", and "e", are less than
 32 seventy-five percent of the maximum funds that the
 33 county could have transferred in the prior fiscal year
 34 under section 331.429, subsection 1, paragraphs "a"
 35 and "b" from the general fund of the county the dollar
 36 equivalent of a tax of sixteen and seven-eighths cents
 37 per thousand dollars of assessed value on all taxable
 38 property in the county and from the rural services
 39 fund of the county the dollar equivalent of a tax of
 40 three dollars and three-eighths cent per thousand
 41 dollars of assessed value on all taxable property not
 42 located within the corporate limits of a city in the
 43 county. Funds remaining in the secondary road fund of
 44 the counties due to a reduction of allocations to
 45 counties for failure to maintain a minimum local tax
 46 effort shall be reallocated to counties that are not
 47 reduced under this subsection pursuant to the
 48 allocation provisions of section 312.3, subsection 1,
 49 based upon the needs and area of the county.
 50 Information necessary to make allocations under this

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1 subsection shall be provided by the state department
 2 of transportation or the director of the department of
 3 management upon request by the treasurer of state.
 4 Sec. 3. Section 312.3, subsection 1, Code 1989, is
 5 amended to read as follows:
 6 1. Apportion among the counties in the ratio that
 7 the needs of the secondary roads of each county bear
 8 to the total needs of the secondary roads of the state
 9 for each fiscal year based upon the total needs of
 10 secondary roads of the state as shown in the latest
 11 quadrennial need study report developed by the state
 12 department of transportation, and which is on record
 13 at the department, ~~sixty~~ seventy percent of the
 14 allocation from road use tax funds which is credited
 15 to the secondary road fund of the counties, and
 16 apportion among the counties in the ratio that the
 17 area of each county bears to the total area of the
 18 state, ~~forty~~ thirty percent of the allocation from
 19 road use tax funds which is credited to the secondary
 20 road fund of the counties. However, ~~for a hold~~
 21 ~~harmless period in a fiscal year~~ each county is
 22 guaranteed a ~~hold harmless~~ base year amount. The
 23 amount in the secondary road fund of the counties in
 24 each fiscal year ~~during the hold harmless period in~~
 25 ~~excess of the sum of the hold harmless base period~~
 26 ~~year~~ amounts allocated to all counties shall be
 27 distributed proportionally based on the relative needs

28 and area factors to only those counties entitled to
29 receive more than the hold harmless base year amount.

30 For the purposes of this subsection:

31 a. "Hold harmless Base period" means the fiscal
32 years beginning July 1, 1979 and ending June 30, 1985
33 three-year period ending June 30, 1990.

34 b. "Base year amount" means the amount of the
35 secondary road fund of the counties received by a
36 county for the fiscal year beginning July 1, 1977.
37 "Local effort" means the ratio expressed as a percent
38 of the total funds that the county transferred or
39 provided during the base period pursuant to section
40 331.429, subsection 1, paragraphs "a", "b", "d", and
41 "e", to the maximum funds the county could have
42 transferred during the base period from the general
43 fund of the county the dollar equivalent of a tax of
44 sixteen and seven-eighths cents per thousand dollars
45 of assessed value on all taxable property in the
46 county and from the rural services fund of the county
47 the dollar equivalent of a tax of three dollars and
48 three-eighths cent per thousand dollars of assessed
49 value on all taxable property not located within the
50 corporate limits of a city in the county.

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1 c. "Old formula amount" means the amount of moneys
2 the county would receive if the apportionment to the
3 county under this section was apportioned among the
4 counties in the ratio that the needs of the secondary
5 roads of each county bear to the total needs of the
6 secondary roads of the state as shown by the latest
7 quadrennial need study by the state department of
8 transportation, and which is on record at the
9 department, sixty percent of the allocation from road
10 use tax funds which is credited to the secondary road
11 fund of the counties, and apportioned among the
12 counties in the ratio that the area of each county
13 bears to the total area of the state, forty percent of
14 the allocation from road use tax funds which is
15 credited to the secondary road fund of the counties.

16 d. (1) The "hold harmless base year amount" for a
17 county for the fiscal year commencing July 1, 1990, is
18 determined by the county's local effort in accordance
19 with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>	<u>but less</u>	<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>than:</u>	
23 <u>96%</u>	24 <u>unlimited</u>	<u>100% of old formula amount</u>
25 <u>92%</u>	25 <u>96%</u>	<u>96% of old formula amount</u>
26 <u>88%</u>	26 <u>92%</u>	<u>92% of old formula amount</u>

27	<u>84%</u>	<u>88%</u>	<u>88% of old formula amount</u>
28	<u>Less than 84%</u>		<u>\$0</u>

29 (2) The "hold harmless base year amount" for a
 30 county for the fiscal year commencing July 1, 1991,
 31 and for each succeeding fiscal year, is the product of
 32 the county's hold harmless base year amount in the
 33 immediately preceding fiscal year times the sum of one
 34 plus one-half of the estimated increase in secondary
 35 road fund moneys in the fiscal year expressed as a
 36 fraction. Prior to June 30 of each year, the
 37 department shall prepare and deliver to the treasurer
 38 of state an estimate of the increase of secondary road
 39 fund moneys for the next fiscal year to be used in
 40 determining the hold harmless base year amount under
 41 this subsection.

42 Sec. 4. Section 312.5, Code 1989, is amended to
 43 read as follows:

44 **312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.**

45 1. The road use tax funds credited to the farm-to-
 46 market road fund by the treasurer of state and federal
 47 aid secondary road funds received by the state are
 48 hereby divided as follows, and are to be known
 49 respectively as:
 50 1 a. Need allotment farm-to-market road funds,

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1 sixty seventy percent; and
 2 2 b. Area allotment farm-to-market road funds,
 3 forty thirty percent.
 4 2. All farm-to-market road funds, except funds
 5 which under section 310.20 come from any county's
 6 allotment of the road use tax funds, shall be allotted
 7 among the counties by the department.
 8 3. Area allotment farm-to-market road funds and
 9 federal aid secondary road funds received by the
 10 state, shall be allotted among all the counties of the
 11 state in the ratio that the area of each county bears
 12 to the total area of the whole state.
 13 4. Need allotment farm-to-market road funds shall
 14 be allotted among the counties in the ratio that the
 15 needs of the farm-to-market roads in each county bear
 16 to the total needs of the farm-to-market roads in the
 17 state for each fiscal year based upon the total needs
 18 of the farm-to-market roads in the state as shown in
 19 the latest quadrennial need study report developed by
 20 the state department of transportation, and which is
 21 on record at the department.
 22 5. Notwithstanding subsections 1 through 4, in a
 23 fiscal year each county is guaranteed a hold harmless
 24 base year amount. The amount of farm-to-market road
 25 funds and federal aid secondary road funds in each

26 fiscal year in excess of the sum of the hold harmless
 27 base year amounts allocated to all counties shall be
 28 distributed proportionally based on the relative needs
 29 and area factors to only those counties entitled to
 30 receive more than the hold harmless base year amount.

31 For the purposes of this subsection:

32 a. "Base period" means the three-year period
 33 ending June 30, 1990.

34 b. "Local effort" means the ratio expressed as a
 35 percent of the total funds that the county transferred
 36 or provided during the base period pursuant to section
 37 331.429, subsection 1, paragraphs "a", "b", "d", and
 38 "e", to the maximum funds the county could have
 39 transferred during the base period from the general
 40 fund of the county the dollar equivalent of a tax of
 41 sixteen and seven-eighths cents per thousand dollars
 42 of assessed value on all taxable property in the
 43 county and from the rural services fund of the county
 44 the dollar equivalent of a tax of three dollars and
 45 three-eighths cent per thousand dollars of assessed
 46 value on all taxable property not located within the
 47 corporate limits of a city in the county.

48 c. "Old formula amount" means the amount of moneys
 49 the county would receive if the apportionment to the
 50 county under this section was apportioned among the

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1 counties with a sixty percent need allotment and forty
 2 percent area allotment.

3 d. (1) The "hold harmless base year amount" for a
 4 county for the fiscal year commencing July 1, 1990, is
 5 determined by the county's local effort in accordance
 6 with the following table:

<u>LOCAL EFFORT</u>		<u>COUNTY'S</u>
<u>At</u>		<u>HOLD HARMLESS BASE YEAR AMOUNT</u>
<u>least:</u>	<u>but less</u>	
<u>than:</u>		
11 <u>96%</u>	11 <u>unlimited</u>	100% of old formula amount
12 <u>92%</u>	12 <u>96%</u>	96% of old formula amount
13 <u>88%</u>	13 <u>92%</u>	92% of old formula amount
14 <u>84%</u>	14 <u>88%</u>	88% of old formula amount
15 <u>Less than 84%</u>		<u>\$0</u>

16 (2) The "hold harmless base year amount" for a
 17 county for the fiscal year commencing July 1, 1991,
 18 and for each succeeding fiscal year, is the product of
 19 the county's hold harmless base year amount in the
 20 immediately preceding fiscal year times the sum of one
 21 plus one-half of the estimated increase in the
 22 combined farm-to-market road fund and federal aid
 23 secondary road fund moneys in the fiscal year

24 expressed as a fraction. Prior to June 30 of each
 25 year the department shall prepare and deliver to the
 26 treasurer of state an estimate of the increase of the
 27 combined farm-to-market road fund and federal aid
 28 secondary road fund moneys for the next fiscal year to
 29 be used in determining the hold harmless base year
 30 amount under this subsection."

De Groot of Lyon offered the following amendment H—5331, to amendment H—5320, filed by him and moved its adoption:

H—5331

- 1 Amend the amendment, H—5320, to House File 2272 as
 2 follows:
 3 1. Page 1, by inserting after line 22 the fol-
 4 lowing:
 5 "Sec. _____. Section 310.1, subsection 2, Code 1989,
 6 is amended by striking the subsection.
 7 Sec. _____. Section 310.3, subsection 1, Code 1989,
 8 is amended by striking the subsection."
 9 2. Page 3, by striking lines 46 and 47 and
 10 inserting the following: "market road fund by the
 11 treasurer of state are".
 12 3. Page 4, line 25, by striking the words "and
 13 federal aid secondary road funds".
 14 4. Page 5, by striking lines 22 and 23 and
 15 inserting the following: "farm-to-market road fund
 16 moneys in the fiscal year".
 17 5. Page 5, by striking lines 27 and 28 and
 18 inserting the following: "farm-to-market road fund
 19 moneys for the next fiscal year to".
 20 6. Renumber sections as necessary.

A non-record roll call was requested.

The ayes were 36, nays 44.

Amendment H—5331 lost.

On motion by Koenigs of Mitchell, amendment H—5320 was adopted, placing the following amendments out of order:

H—5161 filed by Koenigs of Mitchell on February 15, 1990.

H—5193 filed by De Groot of Lyon on February 19, 1990.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2272)

The ayes were, 65:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Diemer	Dvorsky	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	McKinney
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 29:

Banks	Beaman	Bennett	Blanshan
Brand	Branstad	Brown	Daggett
De Groot	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Iverson	Kremer	Maulsby	May
McKean	Mertz	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Tyrrell
Van Maanen			

Absent or not voting, 6:

Doderer	Eddie	Fey	Johnson
Rosenberg	Trent		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Winneshiek, for the remainder of the day, on request of Osterberg of Linn.

House File 2506, a bill for an act requiring allocation of pregnancy-related health expenses equally among female and male policyholders, subscribers, or enrollees of individual third-party payor medical expense contracts, was taken up for consideration.

Doderer of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2506)

The ayes were, 57:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Koenigs	Lundby	Lykam	May
McKinney	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Svoboda	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 35:

Banks	Beaman	Bennett	Black
Branstad	Corbett	Daggett	De Groot
Diemer	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Iverson	Kistler
Kremer	Lageschulte	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Spear	Spenner	Stueland
Swartz	Tyrrell	Van Maanen	

Absent or not voting, 8:

Eddie	Halvorson, R. N.	Johnson	Knapp
Mertz	Rosenberg	Shearer	Trent

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED (House File 2329)

Spenner of Henry called up for consideration the motion to reconsider House File 2329, filed on February 20, 1990, and moved to reconsider the vote by which House File 2329, a bill for an act relating to elections and election procedures, passed the House and was placed on its last reading on February 20, 1990.

A non-record roll call was requested.

The ayes were 71, nays 1.

The motion prevailed and House File 2329 was reconsidered.

Spenner of Henry offered the following amendment H—5272 filed by him and moved its adoption:

H—5272

1 Amend House File 2329 as follows:

2 1. Page 6, by inserting after line 33, the
3 following:

4 "Sec. _____. NEW SECTION. 48.23 COMPLETING A
5 VOTER REGISTRATION FORM.

6 A person offering a voter registration form to
7 another person shall not complete any portion of the
8 form without prior consent from the person being
9 registered."

10 2. By numbering and renumbering as necessary.

A non-record roll call was requested.

The ayes were 46, nays 21.

Amendment H—5272 was adopted.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2329)

The ayes were, 81:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Ollie	Osterberg
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schnekloth	Schrader	Sherzan

Shoning
Stueland
Mr. Speaker
Avenson

Siegrist
Tyrrell

Spear
Van Maanen

Spenner
Wise

The nays were, 8:

Bisignano
Nielsen

Fuller
Peters

Hammond
Svoboda

Harper
Teaford

Absent or not voting, 11:

Chapman
Johnson
Swartz

Eddie
Rosenberg
Tabor

Hatch
Shearer
Trent

Hermann
Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER (House File 2481)

I move to reconsider the vote by which House File 2481 passed the House on February 26, 1990.

OLLIE of Clinton

(House File 2481)

I move to reconsider the vote by which House File 2481 passed the House on February 26, 1990.

IVERSON of Wright

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, February 23, 1990. Had I been present, I would have voted "aye" on House File 2495.

OLLIE of Clinton

I was necessarily absent from the House chamber on Thursday, February 22, 1990. Had I been present, I would have voted "aye" on House Files 2412, 2418 and 2448.

PETERSON of Carroll

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

1990-22 Spirit Lake Fire Department, Spirit Lake — Recognition for 100 years of volunteer service to the citizens of the Iowa Great Lakes Region.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

One hundred eighty eighth grade students from Callanan Middle School, Des Moines, accompanied by Carol Carrigan. By Holveck of Polk.

Forty-five eighth grade students from Callanan Middle School, Des Moines. By Holveck of Polk.

Twenty senior students from Cal Community High School, Latimer. By Iverson of Wright.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2240

Agriculture: Schrader, Chair; Banks and McKinney.

Senate File 2315

Agriculture: Gruhn, Chair; Eddie, Fogarty, Fuller and Petersen of Muscatine.

Senate File 2317

Agriculture: Hibbard, Chair; Schrader and Stueland.

Senate File 2334

Agriculture: Fuller, Chair; Eddie and Mertz.

Senate File 2358

Agriculture: McKinney, Chair; Branstad and Johnson.

Senate File 2363

Agriculture: May, Chair; De Groot and Fogarty.

Senate File 2367

Agriculture: Johnson, Chair; Hibbard and Pellett.

Senate Concurrent Resolution 111

Agriculture: Muhlbauer, Chair; Bennett and Svoboda.

RESOLUTION FILED

SCR 109, by Taylor, a concurrent resolution recognizing the efforts of United States Army Specialist Thomas Hageman in the service of his country.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5337	H.F.	2515	Schrader of Marion
H-5338	H.F.	2535	Beatty of Warren
H-5339	H.F.	2490	Haverland of Polk
H-5340	H.F.	2399	Fuller of Hardin
H-5341	H.F.	2131	Metcalf of Polk
			Brown of Lucas
H-5342	H.F.	2545	Jesse of Jasper
H-5343	H.F.	2470	Spear of Lee
H-5344	H.F.	2541	Schnekloth of Scott
			Petersen of Muscatine
H-5345	H.F.	2281	Swartz of Marshall
H-5347	H.F.	2065	Hansen of Woodbury
H-5348	H.F.	2327	Brown of Lucas
H-5349	H.F.	2365	Osterberg of Linn
			Trent of Muscatine
H-5350	H.F.	2305	Hibbard of Madison
H-5351	H.F.	2371	Haverland of Polk
H-5352	H.F.	2412	Hibbard of Madison
H-5353	H.F.	2515	Lundby of Linn
H-5354	H.F.	2487	Lundby of Linn
H-5355	H.F.	2541	Hermann of Scott
H-5356	S.F.	2364	Fuller of Hardin
H-5357	H.F.	2485	Swartz of Marshall
H-5358	H.F.	2371	Harper of Black Hawk
			Haverland of Polk
H-5359	H.F.	2517	Harbor of Mills
H-5360	H.F.	2541	Schnekloth of Scott

On motion by Arnould of Scott, the House adjourned at 5:29 p.m., until 9:00 a.m., Tuesday, February 27, 1990.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day — Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 27, 1990

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by Reverend Greg Davis, pastor of St. James Lutheran Church, Johnston.

The Journal of Monday, February 26, 1990 was approved.

PETITION FILED

The following petition was received and placed on file:

By Brown of Lucas from one thousand four hundred ninety-nine residents of Wayne, Clarke and Lucas Counties favoring House File 86, an act relating to the reimbursement paid redemption centers and dealers for beverage containers.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Winneshiek on request of Osterberg of Linn.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2236, a bill for an act to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date.

Also: That the Senate has on February 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2080, a bill for an act providing for the sale, offer for sale, or distribution of sterile varieties of purple loosestrife.

Also: That the Senate has on February 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2221, a bill for an act requiring the department of inspections and appeals to adopt rules establishing a special license classification for an intermediate care facility, skilled nursing facility, or nursing facility or a special unit within the

facility providing care to persons who suffer from chronic confusion or a dementing illness, and providing an effective date.

Also: That the Senate has on February 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2290, a bill for an act relating to the theft of fish from private fish hatcheries.

Also: That the Senate has on February 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2309, a bill for an act relating to the issuance of class "A" liquor licenses to veterans organizations.

Also: That the Senate has on February 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2328, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing and gaming commission, and providing an effective date.

Also: That the Senate has on February 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2350, a bill for an act relating to the uniform management of institutional funds Act.

Also: That the Senate has on February 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2379, a bill for an act relating to anaerobic lagoons, making penalties applicable, and providing for applicability of the Act.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 2296, a bill for an act relating to the regulation and operation of dams, with report of committee recommending passage was taken up for consideration.

Stueland of Clinton offered the following amendment H—5173 filed by him and moved its adoption:

H—5173

- 1 Amend House File 2296 as follows:
- 2 1. Page 4, line 11, by striking the figure "6."
- 3 and inserting the following: "7."

Amendment H—5173 was adopted.

Stueland of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2296)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Avenson, Spkr.	Jay	Jesse	Johnson
Osterberg			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2307, a bill for an act relating to the concurrent holding of the offices of city council member and fire chief of the volunteer fire department, with report of committee recommending passage was taken up for consideration.

Eddie of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2307)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Avenson, Spkr.	Jay	Jesse	Johnson
Spenner			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2508, a bill for an act relating to the commitment and treatment of chronic substance abusers, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 2508 be deferred and that the bill retain its place on the calendar.

House File 2526, a bill for an act relating to the release of privileged information, was taken up for consideration.

McKinney of Dallas offered the following amendment H—5298 filed by him and moved its adoption:

H—5298

- 1 Amend House File 2526 as follows:
- 2 1. Page 1, line 18, by striking the word
- 3 "physician's" and inserting the following:
- 4 "physieian's physician".

Amendment H—5298 was adopted.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2526)

The ayes were, 88:

Adams	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stueland	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 12:

Arnould	Fey	Hammond	Hansen, S. D.
Harper	Jay	Johnson	Nielsen
Peterson, M. K.	Shoultz	Svoboda	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 10:17 a.m.

House File 2538, a bill for an act relating to the recording of documents for business corporations, was taken up for consideration.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2538)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Hansen, S. D.	Jay	Johnson	Peterson, M. K.
Shoultz	Svoboda	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2485, a bill for an act relating to the establishment of the Iowa arts and culture challenge grant foundation and foundation fund, was taken up for consideration.

Swartz of Marshall offered the following amendment H—5357 filed by him and moved its adoption:

H-5357

- 1 Amend House File 2485 as follows:
- 2 1. Page 2, by striking lines 14 and 15 and
- 3 inserting the following: "moneys deposited in the
- 4 fund shall be".

Amendment H-5357 was adopted.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2485)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poney	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 2:

Diemer Kremer

Absent or not voting, 7:

Hansen, S. D.	Jay	Johnson	Ollie
Peterson, M. K.	Svoboda	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2496, a bill for an act requiring a group health benefits insurer to disclose certain information relating to claims experience and costs of those claims, was taken up for consideration.

Dvorsky of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2496)

The ayes were, 73:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Chapman	Clark	Cohon	Connors
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Haverland	Hester	Hibbard	Holveck
Jay	Jochum	Knapp	Koenigs
Lykam	Maulsby	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 21:

Banks	Bennett	Carpenter	Corbett
De Groot	Garman	Hanson, D. R.	Hermann
Iverson	Kistler	Kremer	Lageschulte
Lundby	Metcalf	Pellett	Petersen, D. F.
Renken	Royer	Schnekloth	Trent
Tyrrell			

Absent or not voting, 6:

Hatch	Jesse	Johnson	Plasier
Swartz	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2522, a bill for an act relating to free hunting and fishing licenses for military personnel, was taken up for consideration.

Lykam of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2522)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Hester	Johnson	Knapp	Svoboda
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2451, a bill for an act relating to weighing and measuring devices, and establishing fees, was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2451)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 2:

Bisignano Pellett

Absent or not voting, 3:

Johnson Neuhauser Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2489, a bill for an act relating to health care facilities, providing a penalty, and providing an effective date, was taken up for consideration.

Spear of Lee offered the following amendment H—5279 filed by him and moved its adoption:

H—5279

- 1 Amend House File 2489 as follows:
- 2 1. Page 1, lines 3 and 4, by striking the words
- 3 "specifically including long-term care needs,
- 4 including" and inserting the following: "specifically
- 5 including long-term care needs, including".

Amendment H—5279 was adopted.

Fey of Scott offered the following amendment H—5264 filed by him and moved its adoption:

H—5264

- 1 Amend House File 2489 as follows:
- 2 1. Page 3, line 10, by striking the word
- 3 "registered".

Amendment H—5264 was adopted.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2489)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Banks	Connors	Hatch	Hermann
Jay	Johnson	Osterberg	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 10:53 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2003, a bill for an act permitting a refund of unexpired motor vehicle registration fees to persons who sell their motor vehicles and who will no longer be driving.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2059, a bill for an act authorizing merged area schools to establish a self-insurance program for the payment of workers' compensation benefits, exempting the self-insurance program from taxation, and exempting the self-insurance program from insurance regulation.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2082, a bill for an act to indefinitely extend the effect of the Code chapter relating to persons with mental illness, mental retardation, or developmental disabilities and providing an effective date.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2155, a bill for an act relating to the computation of workers' compensation benefits for elected and appointed officials.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2159, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code regulating occupational safety and health, amusement ride and boiler inspections, asbestos removal and encapsulation, the division of labor services, wage payment collection, and construction contractors, and providing a penalty.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2173, a bill for an act relating to the competency of a witness by amending the Iowa rules of evidence.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2324, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2349, a bill for an act relating to scheduled fines and court procedures for certain violations of snowmobile and all-terrain vehicle regulations, game and fish regulations, and parks.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2368, a bill for an act relating to arson.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2374, a bill for an act relating to the administration of small estates.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2377, a bill for an act relating to appointments subject to senate confirmation by providing for duties of appointing authorities and appointment and employment of the director of the department of education, and enacting a transitional provision.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2387, a bill for an act relating to the determination of paternity and the establishment of past child support obligations.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2388, a bill for an act relating to administrative procedures for the establishment, determination, and collection of certain spousal support debts.

JOHN F. DWYER, Secretary

The House stood at ease at 1:50 p.m., until the fall of the gavel.

The House resumed session at 2:43 p.m., Speaker Avenson in the chair.

CONSIDERATION OF BILLS Regular Calendar

House File 2425, a bill for an act relating to voluntary petitions for conservatorships and their required contents, was taken up for consideration.

McKinney of Dallas offered the following amendment H—5257 filed by McKinney, et al., and moved its adoption:

H—5257

1 Amend House File 2425 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Sec. _____. Section 633.230, Code Supplement 1989,
5 is amended by adding the following new unnumbered
6 paragraph:

7 NEW UNNUMBERED PARAGRAPH. An action based upon the
8 failure to give notice by mail required by this
9 section, section 633.304 or 633.305, to heirs of a
10 decedent or to persons known by the personal
11 representative to own or possess a claim in any estate
12 in which the personal representative was discharged
13 prior to July 1, 1989, shall not be maintained in any
14 court in this state unless commenced prior to July 1,
15 1991."

16 2. Page 1, by inserting after line 15, the
17 following:

18 "Sec. _____. NEW SECTION. 682.60A VALIDITY OF
19 VOLUNTARY TRUSTS.

20 A voluntary trust is not invalid, merged, or
21 terminated if the trustor is also the sole trustee or
22 a cotrustee, and a beneficiary during the trustor's
23 lifetime."

24 3. By renumbering as necessary.

Amendment H—5257 was adopted.

The following amendment H—5372 filed by McKinney of Dallas from the floor was adopted by unanimous consent:

H—5372

1 Amend House File 2425 as follows:

2 1. Title page, line 1, by inserting after the
3 word "to" the following: "certain trust and estate
4 documents by providing for notice requirements for
5 claims against an estate, the validity of a voluntary
6 trust, and".

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2425)

The ayes were, 91:

Arnould	Banks	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot

Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker Avenson	

The nays were, none.

Absent or not voting, 9:

Adams	Bisignano	Doderer	Hatch
Johnson	Plasier	Poncy	Shoultz
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2529, a bill for an act relating to contracts for the care and feeding of livestock, and providing an effective date, was taken up for consideration.

Tabor of Jackson in the chair at 2:50 p.m.

Groninga of Cerro Gordo in the chair at 3:09 p.m.

Hibbard of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2529)

The ayes were, 64:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Chapman	Cohoon	Connors	Daggett
De Groot	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. N.	Hammond	Hanson, D. R.	Harper

Hatch	Haverland	Hibbard	Holveck
Jesse	Knapp	Koenigs	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Svoboda	Swartz
Teaford	Tyrrell	Wise	Groninga Presiding

The nays were, 33:

Banks	Bennett	Carpenter	Clark
Corbett	Diemer	Garman	Halvorson, R. A.
Hansen, S. D.	Harbor	Hermann	Hester
Iverson	Jay	Kistler	Kremer
Lageschulte	Lundby	Lykam	Maulsby
Metcalf	Miller	Pellett	Petersen, D. F.
Renken	Royer	Schneklott	Siegrist
Spenner	Stueland	Tabor	Trent
Van Maanen			

Absent or not voting, 3:

Blanshan	Jochum	Johnson
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2534, a bill for an act relating to the local approval of the siting of sanitary disposal projects, was taken up for consideration.

Tabor of Jackson in the chair at 3:25 p.m.

Brown of Lucas offered the following amendment H—5314 filed by him and moved its adoption:

H—5314

- 1 Amend House File 2534 as follows:
- 2 1. Page 6, by inserting after line 10, the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 455B.315 RADIOACTIVE
- 5 MATERIALS — PROHIBITED DEPOSIT IN SANITARY LANDFILL.
- 6 A person shall not dispose of, and a sanitary
- 7 landfill shall not accept for final disposal,
- 8 radioactive materials, as defined pursuant to section
- 9 136C.1, on January 1, 1990."
- 10 2. Title page, by striking line 1, and inserting
- 11 the following: "An Act relating to sanitary".
- 12 3. By renumbering as necessary.

Amendment H—5314 was adopted, placing out of order amendment H—5299 filed by Jesse of Jasper on February 22, 1990.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2534)

The ayes were, 86:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Wise	Tabor		
	Presiding		

The nays were, 10:

Branstad	Daggett	Kremer	Maulsby
Pellett	Petersen, D. F.	Renken	Royer
Schnekloth	Van Maanen		

Absent or not voting, 4:

Blanshan	Hermann	Johnson	Mertz
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2520, a bill for an act relating to the transfer of oil, gas, and mineral interests in agricultural land used for farming, and providing a date of applicability, was taken up for consideration.

Speaker Avenson in the chair at 3:51 p.m.

Hibbard of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2520)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Brand
Branstad	Brown	Buhr	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Mr. Speaker			
Avenson			

The nays were, 12:

Banks	Bennett	Carpenter	Hanson, D. R.
Maulsby	Metcalf	Miller	Renken
Royer	Schneklath	Spear	Van Maanen

Absent or not voting, 3:

Blanshan	Johnson	Osterberg
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House Joint Resolution 2001, a joint resolution suspending for a limited period of time the enforcement of state banking laws, including branch banking restrictions, to the extent such law may conflict or interfere with the administration of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and providing an effective date, was taken up for consideration.

**SENATE JOINT RESOLUTION 2002 SUBSTITUTED
FOR HOUSE JOINT RESOLUTION 2001**

Jesse of Jasper asked and received unanimous consent to substitute Senate Joint Resolution 2002 for House Joint Resolution 2001.

Senate Joint Resolution 2002, a joint resolution suspending for a limited period of time the enforcement of state banking laws, including branch banking restrictions, to the extent such law may conflict or interfere with the administration of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and providing an effective date, was taken up for consideration.

Jesse of Jasper moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2002)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 1:

Brown

Absent or not voting, 3:

Blanshan

Johnson

Osterberg

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

House File 2346, a bill for an act relating to the minimum amount of wages required in an individual's base period to be eligible for unemployment compensation benefits, was taken up for consideration.

Renken of Grundy asked and received unanimous consent to withdraw amendment H—5158 filed by him on February 15, 1990.

Brown of Lucas in the chair at 4:16 p.m.

Halvorson of Clayton offered the following amendment H—5172 filed by him and Harbor of Mills and moved its adoption:

H—5172

- 1 Amend House File 2346 as follows:
- 2 1. Page 1, by striking lines 3 through 9 and
- 3 inserting the following:
- 4 "The individual has been paid wages for insured
- 5 work during the individual's base period in an amount
- 6 at least one and one-quarter~~half~~ times the wages paid
- 7 to the individual during that quarter of the
- 8 individual's base period in which the individual's
- 9 wages were highest; provided that the individual has
- 10 been paid wages for insured work in two calendar
- 11 quarters of the individual's base period in amounts
- 12 totaling at least three and five-tenths one-half".

Roll call was requested by Wise of Lee and Ollie of Clinton.

On the question "Shall amendment H—5172 be adopted?"
(H.F. 2346)

The ayes were, 44:

Banks	Beaman	Bennett	Blanshan
Branstad	Carpenter	Chapman	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Fuller	Garman
Halvorson, R.A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer

Schneklath	Shoning	Siegrist	Spenner
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 52:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Brammer	Brand
Buhr	Cohoon	Connors	Doderer
Dvorsky	Fey	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
Lykam	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Brown
			Presiding

Absent or not voting, 4:

Hatch	Johnson	May	Osterberg
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Amendment H—5172 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterberg of Linn, for the remainder of the day, on request of Gruhn of Dickinson.

Speaker Avenson in the chair at 4:34 p.m.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2346)

The ayes were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Groninga	Halvorson, R.N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	Lundby	Lykam
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Peters

Peterson, M. K.	Poncy	Renaud	Rosenberg
Shearer	Sherzan	Shoultz	Spear
Swartz	Teaford	Trent	Mr. Speaker
			Avenson

The nays were, 44:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gruhn	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Maulsby
May	McKean	Mertz	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Schrader
Shoning	Siegrist	Spanner	Stueland
Tabor	Tyrrell	Van Maanen	Wise

Absent or not voting, 4:

Fuller	Johnson	Osterberg	Svoboda
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST

Arnould of Scott asked for unanimous consent to immediate message House File 2346 to the Senate.

Objection was raised.

Ollie of Clinton moved to reconsider the vote by which House File 2346 passed the House on February 27, 1990.

Roll call was requested by Halvorson of Clayton and Harbor of Mills.

On the question "Shall House File 2346 be reconsidered?" (H.F. 2346)

The ayes were, 41:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spanner	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 4:

Fuller	Johnson	Osterberg	Svoboda
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The motion to reconsider lost.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, February 26, 1990. Had I been present, I would have voted "aye" on House Files 2050, 2092, 2153, 2289, 2304, 2329, 2457, 2459, 2471, 2472, 2481, 2482, 2502 and 2512; also "aye" on amendment H—5283 to House File 2481; "nay" on House Files 2272 and 2506.

EDDIE of Buena Vista

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA DEPARTMENT OF REVENUE AND FINANCE
Lottery Division

The Independent Auditor's Report Financial Statements and Supplemental Information, pursuant to Chapter 99E.11, Code of Iowa.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixth grade students from Mitchellville Elementary, Mitchellville.
By Jesse of Jasper.

Seventeen 6th, 7th and 8th grade students from Merrill Junior High School, Des Moines, accompanied by Judy Lonning. By Carpenter of Polk.

SUBCOMMITTEE ASSIGNMENTS

House File 2521

Appropriations: Pavich, Chair; Hansen of Woodbury and Harbor.

House File 2542

Appropriations: Jochum, Chair; Halvorson of Clayton and Peterson of Carroll.

House File 2543

Appropriations: Swartz, Chair; Carpenter and Pavich.

House File 2544

Appropriations: Hatch, Chair; Carpenter and Pavich.

House File 2545

Appropriations: Hatch, Chair; Carpenter and Hansen of Woodbury.

Senate File 2365

Appropriations: Hammond, Chair; Buhr and Corbett.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 822

Ways and Means: Groninga, Chair; Chapman, Metcalf, Schnekloth and Wise.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to governance of higher education institutions and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 1990.

COMMITTEE ON WAYS AND MEANS

Senate File 2114, a bill for an act relating to the updating of references to the federal Internal Revenue Code, relating to income tax and the computation of net income, increasing the tax credit allowed for certain research activities, providing an effective date, and providing certain retroactive applicability dates.

Fiscal Note is required.

Recommended **Do Pass** February 27, 1990.

AMENDMENTS FILED

H-5361	H.F.	2466	Brammer of Linn
H-5362	H.F.	2371	Harper of Black Hawk
H-5363	H.F.	2517	Neuhauser of Johnson
H-5364	H.F.	2524	Schnekloth of Scott
H-5365	H.F.	2417	Trent of Muscatine
H-5366	H.F.	2505	Jesse of Jasper
H-5367	H.F.	2540	Wise of Lee
			Hanson of Delaware
			Schnekloth of Scott
			Daggett of Adams
			Osterberg of Linn
H-5368	H.F.	2483	McKinney of Dallas
H-5370	H.F.	2468	Clark of Cerro Gordo
H-5371	H.F.	2499	Halvorson of Clayton
			Harbor of Mills
H-5374	H.F.	2407	Osterberg of Linn
H-5375	H.F.	2488	Trent of Muscatine
H-5376	H.F.	2488	Jay of Appanoose
			Trent of Muscatine
H-5377	H.F.	2504	Teaford of Black Hawk
			Hammond of Story
			Harper of Black Hawk
H-5378	H.F.	2533	Schnekloth of Scott
H-5379	H.F.	2537	Corbett of Linn
H-5380	H.F.	2524	Corbett of Linn
H-5381	H.F.	2537	Corbett of Linn
H-5382	H.F.	2022	Trent of Muscatine
H-5383	H.F.	2546	Hanson of Delaware
H-5384	H.F.	2463	Trent of Muscatine
H-5385	H.F.	2546	Brown of Lucas
H-5386	H.F.	2281	Shearer of Louisa
H-5387	H.F.	2528	Shearer of Louisa
			Fogarty of Palo Alto
			Fuller of Hardin
			Royer of Page
H-5388	H.F.	2371	Harper of Black Hawk
H-5389	H.F.	2537	Doderer of Johnson

H—5390	H.F.	2463	Garman of Story Banks of Plymouth Clark of Cerro Gordo
H—5391	H.F.	2533	Peterson of Carroll
H—5392	H.F.	2371	Plasier of Sioux
H—5393	H.F.	2371	Carpenter of Polk
H—5394	H.F.	2546	Hanson of Delaware
H—5395	H.F.	2509	Fey of Scott
H—5396	H.F.	2466	Groninga of Cerro Gordo Bisignano of Polk
H—5397	H.F.	2371	Jesse of Jasper Hibbard of Madison Jochum of Dubuque

On motion by Arnould of Scott, the House adjourned at 5:12 p.m., until 9:00 a.m., Wednesday, February 28, 1990.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day — Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 28, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Minnette Doderer, state representative from Johnson County.

The Journal of Tuesday, February 27, 1990 was approved.

CONSIDERATION OF BILLS Regular Calendar

House File 2488, a bill for an act relating to the characterization of certain corporate shares as issued, but not outstanding, shares, was taken up for consideration.

Trent of Muscatine offered the following amendment H—5375 filed by him and moved its adoption:

H—5375

- 1 Amend House File 2488 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. 100. Section 312.8, unnumbered paragraph 1,
- 5 Code 1989, is amended to read as follows:
- 6 Where a tract of land is owned by a corporation
- 7 organized under the provisions of chapter ~~491~~ 490 with
- 8 assets of the value of one million dollars or more,
- 9 and having one or more platted villages located within
- 10 the territorial limits of said tract of land, all of
- 11 the territory within the plats of said villages with
- 12 their addition or subdivisions shall, for the purposes
- 13 of this chapter, be deemed to be one incorporated
- 14 city. All funds to become due to said villages so
- 15 consolidated shall be paid to the county auditor of
- 16 the county in which said tract of land and said
- 17 villages are situated. Said fund shall, thereupon, be
- 18 administered and expended by the county board of
- 19 supervisors of said county for the construction,
- 20 reconstruction, repair, and maintenance of roads and
- 21 streets within the plats of such villages in the same
- 22 manner and with the same powers and duties as city
- 23 councils in cities. In the event the population of
- 24 such villages shall not have been separately
- 25 enumerated in the federal census, then said county

26 board of supervisors shall cause a census of said
 27 villages to be taken as soon as may be after this
 28 chapter becomes effective, which census shall be used
 29 in lieu of the federal census provided for in section
 30 312.3, subsection 2."

31 2. Title page, line 2, by inserting after the
 32 word "shares" the following: ", and making conforming
 33 amendments to reflect adoption of chapter 490, the new
 34 Iowa model business corporation Act".

35 3. By renumbering as necessary.

Amendment H—5375 was adopted, placing out of order lines 18 through 22 of amendment H—5376.

Trent of Muscatine offered the following amendment H—5376 filed by Jay of Appanoose and him and moved its adoption:

H—5376

1 Amend House File 2488 as follows:

2 1. Page 1, by inserting after line 34 the
 3 following:

4 "Sec. _____. Section 558.42, Code 1989, is amended
 5 to read as follows:

6 558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.

7 It shall not be deemed lawfully recorded, unless it
 8 has been previously acknowledged or proved in the
 9 manner prescribed in this chapter, except that
 10 documents filed and recorded pursuant to section
 11 490.130, affidavits, and certified copies of petitions
 12 in bankruptcy with or without the schedules appended,
 13 of decrees of adjudication in bankruptcy, and of
 14 orders approving trustees' bonds in bankruptcy, and
 15 Uniform Commercial Code financing statements and
 16 financing statement changes need not be thus
 17 acknowledged."

18 2. Title page, line 2, by inserting after the
 19 word "shares" the following: ", and making conforming
 20 amendments to reflect adoption of chapter 490, the new
 21 Iowa model business corporation Act".

22 3. By renumbering as necessary.

Amendment H—5376 (lines 1 through 17) was adopted.

Trent of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2488)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black

Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Haverland Mertz Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2463, a bill for an act relating to the jurisdiction of the juvenile court to hear matters involving possession of alcohol by juveniles, was taken up for consideration.

Trent of Muscatine offered the following amendment H-5384 filed by him:

H-5384

- 1 Amend House File 2463 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. _____. Section 123.47, Code 1989, is amended
- 5 to read as follows:
- 6 123.47 PERSONS UNDER LEGAL AGE.
- 7 A person shall not sell, give, or otherwise supply
- 8 alcoholic liquor, wine, or beer to any person knowing
- 9 or having reasonable cause to believe that person to
- 10 be under legal age, and a person or persons under

11 legal age shall not individually or jointly have
 12 alcoholic liquor, wine, or beer in their possession or
 13 control; except in the case of liquor, wine, or beer
 14 given or dispensed to a person under legal age by the
 15 person's parent or guardian for consumption within a
 16 the private home of the person's parent or guardian
 17 and with the knowledge, and consent, and direct
 18 supervision of the person's parent or guardian for
 19 beverage or medicinal purposes or as administered to
 20 the person by either a physician or dentist for
 21 medicinal purposes and except to the extent that a
 22 person under legal age may handle alcoholic beverages,
 23 wine, and beer during the regular course of the
 24 person's employment by a liquor control licensee, or
 25 wine or beer permittee under this chapter.

26 Sec. _____ Section 123.47A, Code 1989, is amended
 27 to read as follows:

28 123.47A PERSONS AGE NINETEEN AND TWENTY –
 29 PENALTY.

30 A person shall not sell, give, or otherwise supply
 31 alcoholic liquor, wine, or beer to any person knowing
 32 or having reasonable cause to believe that the person
 33 is age nineteen or twenty. A person age nineteen or
 34 twenty shall not purchase or possess alcoholic liquor,
 35 wine, or beer. However, a person age nineteen or
 36 twenty may possess alcoholic liquor, wine, or beer
 37 given to the person by the person's parent or guardian
 38 for consumption within a the private home of the
 39 person's parent or guardian with the knowledge, and
 40 consent, and direct supervision of the person's parent
 41 or guardian, and a person age nineteen or twenty may
 42 handle alcoholic liquor, wine, and beer during the
 43 course of the person's employment by a liquor control
 44 licensee, or wine or beer permittee. A person, other
 45 than a licensee or permittee, who violates this
 46 section commits a scheduled violation of section
 47 805.8, subsection 10. A licensee or permittee who
 48 violates this section is guilty of a simple
 49 misdemeanor punishable by a fine of not more than
 50 fifty dollars. The penalty provided under this

Page 2

1 section against a licensee or permittee who violates
 2 this section is the only penalty which shall be
 3 imposed against a licensee or permittee who violates
 4 this section."

5 2. Page 1, by striking lines 29 and 30 and
 6 inserting the following: "They also have jurisdiction
 7 over violations of section ~~123.47~~ and section
 8 123.49,".

9 3. Page 1, by inserting after line 31 the

10 following:

11 "Sec. _____. Section 805.16, subsection 1, Code
12 1989, is amended to read as follows:

13 1. Except as provided in subsection 2 of this
14 section, a peace officer shall issue a police citation
15 or uniform citation and complaint, in lieu of making a
16 warrantless arrest, to a person under eighteen years
17 of age accused of committing a simple misdemeanor
18 under chapter 106, 106A, 109, 109A, 110, 110A, 110B,
19 111, 321, or 321G, ~~section 123.47~~, or a local
20 ordinance not subject to the jurisdiction of the
21 juvenile court, and shall not detain or confine the
22 person in a facility regulated under chapter 356 or
23 356A."

24 4. Title page, by striking lines 1 and 2 and
25 inserting the following: "An Act relating to the
26 possession and delivery of alcoholic beverages by a
27 person under legal age."

28 5. By renumbering as necessary.

Hansen of Woodbury rose on a point of order that amendment H-5384 was not germane.

The Speaker ruled the point well taken and amendment H-5384 not germane.

Garman of Story offered the following amendment H-5390 filed by Garman, et al.:

H-5390

1 Amend House File 2463 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Sec. _____. Section 123.39, unnumbered paragraph 4,
5 Code 1989, is amended by striking the unnumbered
6 paragraph.

7 Sec. _____. Section 123.50, subsection 3, paragraph
8 a, Code Supplement 1989, is amended to read as
9 follows:

10 a. Upon a first conviction, the violator's liquor
11 control license, wine permit, or beer permit shall be
12 suspended for a period of fourteen days. ~~However, if~~
13 ~~the conviction is for a violation of section 123.49,~~
14 ~~subsection 2, paragraph "h", which occurred on or~~
15 ~~after January 1, 1988, the violator's liquor control~~
16 ~~license or wine or beer permit shall not be suspended,~~
17 ~~but the violator shall be assessed a civil penalty in~~
18 ~~the amount of three hundred dollars. Failure to pay~~
19 ~~the civil penalty as ordered under section 123.39 or~~
20 ~~this subsection will result in automatic suspension of~~
21 ~~the license or permit for a period of fourteen days."~~

- 22 2. Title page, line 1, by inserting after the
 23 words "relating to" the following: "the sale of
 24 alcoholic beverages to persons under legal age and".
 25 3. Title page, line 2, by inserting after the
 26 word "juveniles" the following: "and providing a
 27 penalty".
 28 4. By renumbering as necessary.

Hansen of Woodbury rose on a point of order that amendment H—5390 was not germane.

The Speaker ruled the point well taken and amendment H—5390 not germane.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2463)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Garman McKinney

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Connors of Polk in the chair at 9:52 a.m.

PRESENTATION OF DR. NORMAN E. BORLAUG

Connors of Polk presented to the House humanitarian, Dr. Norman E. Borlaug, a native of Cresco, Iowa.

Dr. Borlaug's work ethic, his brilliant plant-breeding accomplishments and his ability to convince peasants and prime ministers alike made him the obvious choice for the Nobel Peace Prize, which he was awarded in December 1970 in Oslo, Norway.

At age 75, his spirit and work continue to inspire and bring food and hope to the bleak parts of the world. In India, Pakistan, Mexico, South America and now in Africa, the name Borlaug is revered and some think he has contributed more to the welfare of mankind than any other person.

Dr. Borlaug addressed the House briefly, expressing the importance of food production distribution and research for the world. He noted that you can't build peace on empty stomachs.

Dr. Borlaug referred to his Iowa background and urged those present to be concerned about food production and distribution to the world to maintain world peace and to remember that food, peace and democracy are all linked together.

The House rose and expressed its welcome.

Speaker Avenson in the chair at 10:08 a.m.

CONSIDERATION OF BILLS Regular Calendar

House File 2498, a bill for an act providing certain modifications to child foster care licensing requirements, was taken up for consideration.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2498)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.

Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherman
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Blanshan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Bisignano of Polk in the chair at 10:12 a.m.

House File 489, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act, with report of committee recommending passage was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 489)

The ayes were, 88:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester

Hibbard	Jay	Jesse	Jochum
Johnson	Kistler	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Bisignano Presiding

The nays were, 8:

Branstad	Carpenter	Iverson	Maulsby
Metcalf	Renken	Royer	Schnekloth

Absent or not voting, 4:

Blanshan	Holveck	Knapp	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 10:46 a.m.

House File 2476, a bill for an act relating to unfair or discriminatory credit practices by including familial status as an improper basis for differential treatment in relation to a consumer credit transaction, an extension of credit by a state chartered financial institution, or the offer of credit life or health and accident insurance, was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2476)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann

Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Blanshan Groninga Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2160, a bill for an act relating to mandatory domestic abuse arrests and providing guidelines concerning a primary physical aggressor, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5141 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5141

- 1 Amend House File 2160 as follows:
- 2 1. By striking page 1, line 35, through page 2,
- 3 line 5, and inserting the following:
- 4 "**NEW SUBSECTION. 3A.** As described in subsection
- 5 2, paragraph "b", "c", or "d", the peace officer shall
- 6 arrest the person whom the peace officer believes to
- 7 be the primary physical aggressor. The duty of the
- 8 officer to arrest extends only to those persons
- 9 involved who are believed to have committed an
- 10 assault. Persons acting with justification, as
- 11 defined in section 704.3, are not subject to mandatory
- 12 arrest. In".

The committee amendment H—5141 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2160)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Blanshan Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 10:55 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SENATE MESSAGES CONSIDERED

Senate File 2003, by Szymoniak, a bill for an act permitting a

refund of unexpired motor vehicle registration fees to persons who sell their motor vehicles and who will no longer be driving.

Read first time and referred to committee on **transportation**.

Senate File 2080, by committee on agriculture, a bill for an act providing for the sale, offer for sale, or distribution of sterile varieties of purple loosestrife.

Read first time and referred to committee on **agriculture**.

Senate File 2082, by Bruner, a bill for an act to indefinitely extend the effect of the Code chapter relating to persons with mental illness, mental retardation, or developmental disabilities and providing an effective date.

Read first time and referred to committee on **human resources**.

Senate File 2155, by Szymoniak and Miller, a bill for an act relating to the computation of workers' compensation benefits for elected and appointed officials.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 2159, by committee on business and labor relations, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code regulating occupational safety and health, amusement ride and boiler inspections, asbestos removal and encapsulation, the division of labor services, wage payment collection, and construction contractors, and providing a penalty.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 2173, by Szymoniak, a bill for an act relating to the competency of a witness by amending the Iowa rules of evidence.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2221, by Running, a bill for an act requiring the department of inspections and appeals to adopt rules establishing a special license classification for an intermediate care facility, skilled nursing facility, or nursing facility or a special unit within the facility providing care to persons who suffer from chronic confusion or a dementing illness, and providing an effective date.

Read first time and referred to committee on **human resources**.

Senate File 2290, by committee on judiciary, a bill for an act relating to the theft of fish from private fish hatcheries.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2309, by committee on state government, a bill for an act relating to the issuance of class "A" liquor licenses to veterans organizations.

Read first time and referred to committee on **state government**.

Senate File 2324, by committee on education, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to certain children requiring special education and providing effective dates.

Read first time and referred to committee on **education**.

Senate File 2328, by committee on appropriations, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing and gaming commission, and providing an effective date.

Read first time and referred to committee on **appropriations**.

Senate File 2349, by committee on natural resources, a bill for an act relating to scheduled fines and court procedures for certain violations of snowmobile and all-terrain vehicle regulations, game and fish regulations, and parks.

Read first time and referred to committee on **natural resources and outdoor recreation**.

Senate File 2350, by committee on judiciary, a bill for an act relating to the uniform management of institutional funds Act.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2368, by committee on judiciary, a bill for an act relating to arson.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2374, by committee on judiciary, a bill for an act relating to the administration of small estates.

Read first time and **passed on file**.

Senate File 2377, by committee on state government, a bill for an act relating to appointments subject to senate confirmation by providing for duties of appointing authorities and appointment and employment of the director of the department of education, and enacting a transitional provision.

Read first time and referred to committee on **state government**.

Senate File 2379, by committee on agriculture, a bill for an act relating to anaerobic lagoons, making penalties applicable, and providing for applicability of the Act.

Read first time and referred to committee on **agriculture**.

Senate File 2387, by committee on human resources, a bill for an act relating to the determination of paternity and the establishment of past child support obligations.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2388, by committee on human resources, a bill for an act relating to administrative procedures for the establishment, determination, and collection of certain spousal support debts.

Read first time and referred to committee on **human resources**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott, until his return, on request of Van Maanen of Mahaska.

CONSIDERATION OF BILLS Regular Calendar

House File 2468, a bill for an act relating to the establishment of the division of criminal justice planning and providing an effective date, was taken up for consideration.

Clark of Cerro Gordo offered the following amendment H—5370 filed by her and moved its adoption:

H-5370

- 1 Amend House File 2468 as follows:
 2 1. Page 2, by striking lines 2 and 3, and in-
 3 serting the following: "representatives shall be ex
 4 officio members and shall be appointed by the majority
 5 and minority leaders of the senate and the speaker and
 6 minority".

Amendment H-5370 was adopted.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2468)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 1:

Tyrrell

Absent or not voting, 5:

Bisignano	Connors	Hermann	Hibbard
Holveck			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2504, a bill for an act relating to criminal and child abuse record checks concerning facilities providing care to children, was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—5377 filed by Teaford, et al., and moved its adoption:

H—5377

- 1 Amend House File 2504 as follows:
- 2 1. Page 3, by inserting after line 5 the
- 3 following:
- 4 "Sec. _____. Section 235A.18, subsection 2,
- 5 unnumbered paragraph 1, Code Supplement 1989, is
- 6 amended to read as follows:
- 7 Child abuse information which cannot be determined
- 8 by a preponderance of the evidence to be founded or
- 9 unfounded shall be expunged one year after the receipt
- 10 of the initial report of abuse and child abuse
- 11 information which is determined by a preponderance of
- 12 the evidence to be unfounded shall be expunged ~~six~~
- 13 ~~months after the receipt of the initial report of~~
- 14 ~~abuse when it is determined to be unfounded~~, as a
- 15 result of any of the following:
- 16 Sec. _____. Section 235A.18, subsection 3, Code
- 17 Supplement 1989, is amended to read as follows:
- 18 3. However, if a correction of child abuse
- 19 information is requested under section 235A.19 and the
- 20 issue is not resolved at the end of the one-year ~~or~~
- 21 ~~six-month~~ period, the information shall be retained
- 22 until the issue is resolved and if the child abuse
- 23 information is not determined to be founded, the
- 24 information shall be expunged at the appropriate time
- 25 under subsection 2."

Amendment H—5377 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2504)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.

Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Doderer Hermann

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2065, a bill for an act establishing a youthful drunk driver visitation program, authorizing the court to order certain offenders to participate in a program of visitation to specified emergency medical care facilities, chemical substance abuse treatment facilities, and morgues, and providing for immunity from civil liability for persons and entities involved in the program, with report of committee recommending passage was taken up for consideration.

Siegrist of Pottawattamie offered the following amendment H—5333 filed by him:

H—5333

- 1 Amend House File 2065 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 123.50, subsection 4, Code
- 5 Supplement 1989, is amended to read as follows:
- 6 4. A person, other than a licensee or permittee or
- 7 a minor, who violates section 123.47 is guilty of a
- 8 serious misdemeanor punishable by a minimum fine of
- 9 one hundred dollars for a first offense, two hundred
- 10 and fifty dollars for a second offense, and five
- 11 hundred dollars for a third and subsequent offense,

12 and a maximum fine for any offense of not more than
13 one thousand dollars.

14 A person age eighteen or under who is guilty of
15 possessing any alcoholic liquor, wine, or beer in
16 violation of section 123.47, in addition to the
17 penalty provided in section 123.90, shall surrender
18 all motor vehicle licenses or permits which the court
19 shall forward to the state department of
20 transportation. The license or permit shall be
21 suspended by the department for a three-month period.

22 Sec. 2. NEW SECTION. 321.210B SUSPENSION FOR
23 POSSESSION OF ALCOHOL BY PERSON UNDER LEGAL AGE.

24 The department shall suspend the motor vehicle
25 license of a person age eighteen or under who is
26 guilty of a violation of section 123.47, as provided
27 in section 123.50, subsection 4."

28 2. Title page, line 1, by inserting before the
29 word "establishing" the following: "relating to
30 certain alcohol-related offenses, suspending motor
31 vehicle license privileges of a person age eighteen or
32 under for illegally possessing alcohol,".

33 3. By renumbering as necessary.

Garman of Story offered the following amendment H—5407, to
amendment H—5333, filed by her from the floor:

H—5407

1 Amend amendment, H—5333, to House File 2065 as
2 follows:

3 1. Page 1, by inserting after line 27, the
4 following:

5 "_____. Page 4, by inserting after line 14 the
6 following:

7 "Sec. _____. NEW SECTION. 321J.25 PERSONS UNDER
8 AGE TWENTY-ONE.

9 If a person under the age of twenty-one consents to
10 a chemical test under this chapter and the test
11 results indicate an alcohol concentration of more than
12 .02 but less than the level established in section
13 321J.2, subsection 1, the person's motor vehicle
14 license or nonresident operating privilege shall be
15 revoked for a period of one year or until the person
16 reaches eighteen years of age, whichever is longer, if
17 the person is less than eighteen years of age, or for
18 thirty days as provided in section 321N.8 if the
19 person is at least eighteen years of age but less than
20 twenty-one years of age, and sections 321N.8 through
21 321N.17 apply.

22 Sec. _____. NEW SECTION. 321N.1 DEFINITIONS.

23 As used in this chapter unless the context
24 otherwise requires:

- 25 1. "Alcohol concentration" means the number of
26 grams of alcohol per any of the following:
27 a. One hundred milliliters of blood.
28 b. Two hundred ten liters of breath.
29 c. Sixty-seven milliliters of urine.
30 2. "Alcoholic beverage" includes alcohol, wine,
31 spirits, beer, or any other beverage which contains
32 ethyl alcohol and is fit for human consumption.
33 3. "Arrest" includes but is not limited to taking
34 into custody pursuant to section 232.19.
35 4. "Department" means the state department of
36 transportation.
37 5. "Director" means the director of transportation
38 or the director's designee.
39 6. "Motor vehicle license" means any license or
40 permit issued to a person to operate a motor vehicle
41 in this state.
42 7. "Peace officer" means:
43 a. A member of the highway patrol.
44 b. A police officer under civil service as
45 provided in chapter 400.
46 c. A sheriff.
47 d. A regular deputy sheriff who has had formal
48 police training.
49 e. Any other law enforcement officer who has
50 satisfactorily completed an approved course relating

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- 1 to motor vehicle operators under the influence of
2 alcoholic beverages at the Iowa law enforcement
3 academy or a law enforcement training program approved
4 by the department of public safety.
5 Sec. _____. NEW SECTION. 321N.2 PRELIMINARY
6 SCREENING TEST.
7 When a peace officer has reasonable grounds to
8 believe that a motor vehicle operator under the age of
9 twenty-one may be or has been operating a motor
10 vehicle while having an alcohol concentration as
11 defined in section 321N.1 of more than .02, the peace
12 officer may request the operator to provide a sample
13 of the operator's breath for a preliminary screening
14 test using a device approved by the commissioner of
15 public safety for that purpose. The results of this
16 preliminary screening test may be used for the purpose
17 of deciding whether an arrest should be made and
18 whether to request a chemical test authorized in this
19 chapter or chapter 321J, as evidence of the presence
20 of alcohol in the operator, and to prove that a
21 chemical test was properly requested of a person
22 pursuant to this chapter or chapter 321J.

23 Sec. _____. NEW SECTION. 321N.3 IMPLIED CONSENT TO
24 TEST.

25 1. A person under the age of twenty-one who
26 operates a motor vehicle in this state under
27 circumstances which give reasonable grounds to believe
28 that the person has been operating a motor vehicle
29 while having an alcohol concentration of more than .02
30 is deemed to have given consent to the withdrawal of
31 specimens of the person's blood, breath, or urine and
32 to a chemical test or tests of the specimens for the
33 purpose of determining the alcohol concentration,
34 subject to this section. The withdrawal of the body
35 substances and the test or tests shall be administered
36 at the written request of a peace officer having
37 reasonable grounds to believe that the person was
38 operating a motor vehicle while having an alcohol
39 concentration of more than .02.

40 2. The peace officer shall determine which of the
41 three substances, breath, blood, or urine, shall be
42 tested. Refusal to submit to a chemical test of urine
43 or breath is deemed a refusal to submit, and section
44 321N.6 applies. A refusal to submit to a chemical
45 test of blood is not deemed a refusal to submit, but
46 in that case, the peace officer shall then determine
47 which one of the other two substances shall be tested
48 and shall offer the test. If the peace officer fails
49 to offer a test within two hours after the preliminary
50 screening test is administered or refused or the

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1 arrest is made, whichever occurs first, a test is not
2 required, and there shall be no revocation under
3 section 321N.6.

4 Sec. _____. NEW SECTION. 321N.4 DEAD OR
5 UNCONSCIOUS PERSONS.

6 A person who is dead, unconscious, or otherwise in
7 a condition rendering the person incapable of consent
8 or refusal is deemed not to have withdrawn the consent
9 provided by section 321N.3, and the test may be given
10 if a licensed physician certifies in advance of the
11 test that the person is dead, unconscious, or
12 otherwise in a condition rendering that person
13 incapable of consent or refusal.

14 Sec. _____. NEW SECTION. 321N.5 STATEMENT OF
15 OFFICER.

16 A person who has been requested to submit to a
17 chemical test shall be advised by a peace officer of
18 the following:

19 1. If the person refuses to submit to the test and
20 is less than eighteen years of age, the person's
21 license or operating privilege will be revoked by the

22 department for one year or until the person's
23 eighteenth birthday, whichever is longer, without
24 eligibility for a temporary restricted license. If
25 the person refuses to submit to the test and is at
26 least eighteen years of age but less than twenty-one
27 years of age, the person's motor vehicle license or
28 operating privilege will be revoked by the department
29 for ninety days without eligibility for a temporary
30 restricted license.

31 2. If the person submits to the test and the
32 results indicate an alcohol concentration as defined
33 in section 321N.1 of more than .02, and the person is
34 under eighteen years of age, the person's license or
35 operating privilege will be revoked by the department
36 for a period of two hundred seventy days, without
37 eligibility for a temporary restricted license.

38 If the person submits to the test and the results
39 indicate an alcohol concentration as defined in
40 section 321N.1 of more than .02, and the person is at
41 least eighteen years of age but less than twenty-one
42 years of age, the person's motor vehicle license or
43 operating privilege will be revoked by the department
44 for thirty days without eligibility for a temporary
45 restricted license.

46 This section does not apply in any case involving a
47 person described in section 321N.4.

48 Sec. _____. NEW SECTION. 321N.6 REFUSAL TO SUBMIT
49 — REVOCATION.

50 If a person who is under eighteen years of age

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1 refuses to submit to the chemical testing, a test
2 shall not be given, but the department, upon the
3 receipt of the peace officer's certification, subject
4 to penalty for perjury, that the officer had
5 reasonable grounds to believe the person to have been
6 operating a motor vehicle while having an alcohol
7 concentration of more than .02, and that the person
8 refused to submit to the chemical testing, shall
9 revoke the person's motor vehicle license and any
10 nonresident operating privilege for a period of one
11 year or until the person's eighteenth birthday,
12 whichever is longer.

13 If a person who is at least eighteen years of age
14 but less than twenty-one years of age refuses to
15 submit to the chemical testing, a test shall not be
16 given, but the department, upon the receipt of the
17 peace officer's certification, subject to penalty for
18 perjury, that the officer had reasonable grounds to
19 believe the person to have been operating a motor
20 vehicle while having an alcohol concentration of more

21 than .02, and that the person refused to submit to the
 22 chemical testing, shall revoke the person's motor
 23 vehicle license and any nonresident operating
 24 privilege for a period of ninety days.

25 The effective date of revocation shall be twenty
 26 days after receipt of notice of revocation to the
 27 person by certified mail or, on behalf of the
 28 department, a peace officer offering or directing the
 29 administration of a chemical test may serve immediate
 30 notice of intention to revoke and of revocation on a
 31 person who refuses to permit chemical testing. If the
 32 peace officer serves that immediate notice, the peace
 33 officer shall take the Iowa license or permit of the
 34 driver, if any, and issue a temporary license
 35 effective for only twenty days. The peace officer
 36 shall immediately send the person's license to the
 37 department along with the officer's certificate
 38 indicating the person's refusal to submit to chemical
 39 testing.

40 Sec. _____. NEW SECTION. 321N.7 TAKING SAMPLE FOR
 41 TEST.

42 Only a licensed physician, licensed physician
 43 assistant as defined in section 148C.1, medical
 44 technologist, or registered nurse, acting at the
 45 request of a peace officer, may withdraw a specimen of
 46 blood for the purpose of determining the alcohol
 47 concentration. However, any peace officer, using
 48 devices and methods approved by the commissioner of
 49 public safety, may take a specimen of a person's
 50 breath or urine for the purpose of determining the

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1 alcohol concentration. Only new equipment kept under
 2 strictly sanitary and sterile conditions shall be used
 3 for drawing blood.

4 The person may have an independent chemical test or
 5 tests administered at the person's own expense in
 6 addition to any administered at the direction of a
 7 peace officer. The failure or inability of the person
 8 to obtain an independent chemical test or tests does
 9 not preclude the admission of evidence of the results
 10 of the test or tests administered at the direction of
 11 the peace officer. Upon the request of the person who
 12 is tested, the results of the test or tests
 13 administered at the direction of the peace officer
 14 shall be made available to the person.

15 Sec. _____. NEW SECTION. 321N.8 REVOCATION BASED
 16 ON TEST RESULTS.

17 Upon certification, subject to penalty for perjury,
 18 by the peace officer that there existed reasonable
 19 grounds to believe that the person had been operating

20 a motor vehicle while having an alcohol concentration
21 of more than .02, and that the person submitted to
22 chemical testing and the test results indicated an
23 alcohol concentration of more than .02, the department
24 shall revoke the person's motor vehicle license or
25 nonresident operating privilege for a period of two
26 hundred seventy days if the person is less than
27 eighteen years of age, or for a period of thirty days
28 if the person is at least eighteen years of age but
29 less than twenty-one years of age.

30 The effective date of the revocation shall be
31 twenty days after the receipt of notice of revocation
32 to the person by certified mail. The peace officer
33 who requested or directed the administration of the
34 chemical test may, on behalf of the department, serve
35 immediate notice of revocation on a person whose test
36 results indicated an alcohol concentration of more
37 than .02. If the peace officer serves that immediate
38 notice, the peace officer shall take the person's Iowa
39 license or permit, if any, and issue a temporary
40 license valid only for twenty days. The peace officer
41 shall immediately send the person's motor vehicle
42 license to the department along with the officer's
43 certificate indicating that the test results indicated
44 an alcohol concentration of more than .02.

45 The results of a chemical test shall not be used as
46 the basis for a revocation of a person's motor vehicle
47 license or nonresident operating privilege if the
48 alcohol concentration indicated by the chemical test
49 minus the established margin of error inherent in the
50 device or method used to conduct the chemical test

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1 does not equal an alcohol concentration of more than
2 .02.

3 Sec. _____. NEW SECTION. 321N.9 HEARING ON
4 REVOCATION — APPEAL.

5 1. Notice of revocation of a person's motor
6 vehicle license or operating privilege served pursuant
7 to section 321N.6 or 321N.8 shall include a form
8 accompanied by a pre-addressed envelope on which the
9 person served may indicate by a checkmark if the
10 person wishes to contest the revocation. The form
11 shall clearly state on its face that the form must be
12 completed and returned within thirty days of receipt
13 or the person's right to a hearing to contest the
14 revocation is foreclosed. The form shall also be
15 accompanied by a statement of the person's rights
16 under and operation of this chapter.

17 2. The department shall grant the person an
18 opportunity to be heard within forty-five days of

19 receipt of a request for a hearing if the request is
20 made not later than thirty days after receipt of
21 notice of revocation served pursuant to section 321N.6
22 or 321N.8. The hearing shall be before the department
23 in the county where the alleged events occurred,
24 unless the director and the person agree that the
25 hearing may be held in some other county, or the
26 hearing may be held by telephone conference at the
27 discretion of the agency conducting the hearing. The
28 hearing may be recorded and its scope shall be limited
29 to the issues of whether a peace officer had
30 reasonable grounds to believe that the person was
31 operating a motor vehicle while having an alcohol
32 concentration of more than .02 and either of the
33 following:

34 a. Whether the person refused to submit to the
35 test or tests.

36 b. Whether a test was administered and the test
37 results indicated an alcohol concentration of more
38 than .02.

39 3. After the hearing the department shall order
40 that the revocation be either rescinded or sustained.
41 Upon receipt of the decision of the department to
42 sustain a revocation, the person contesting the
43 revocation has ten days to file a request for review
44 of the decision by the director. The director or the
45 director's designee shall review the decision within
46 fifteen days and shall either rescind or sustain the
47 revocation or order a new hearing. If the director
48 orders a new hearing, the department shall grant the
49 person a new hearing within thirty days of the
50 director's order.

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1 Sec. _____. NEW SECTION. 321N.10 JUDICIAL REVIEW.
2 Judicial review of an action of the department may
3 be sought in accordance with chapter 17A.

4 Notwithstanding the terms of the Iowa administrative
5 procedure Act, chapter 17A, a petition for judicial
6 review may be filed in the district court in the
7 county where the alleged events occurred or in the
8 county in which the administrative hearing was held.

9 Sec. _____. NEW SECTION. 321N.11 EVIDENCE IN ANY
10 ACTION.

11 Upon the trial of a civil or criminal action or
12 proceeding arising out of acts alleged to have been
13 committed by a person while operating a motor vehicle
14 while having an alcohol concentration of more than
15 .02, evidence of the alcohol concentration in the
16 person's body substances at the time of the act
17 alleged as shown by a chemical analysis of the

18 person's blood, breath, or urine is admissible. If it
19 is established at trial that an analysis of a breath
20 specimen was performed by a certified operator using a
21 device and methods approved by the commissioner of
22 public safety, no further foundation is necessary for
23 introduction of the evidence.

24 Sec. _____. NEW SECTION. 321N.12 PROOF OF REFUSAL
25 ADMISSIBLE.

26 If a person refuses to submit to a chemical test,
27 proof of refusal is admissible in any civil or
28 criminal action or proceeding arising out of acts
29 alleged to have been committed while the person was
30 operating a motor vehicle while having an alcohol
31 concentration of more than .02.

32 Sec. _____. NEW SECTION. 321N.13 CIVIL PENALTY -
33 SEPARATE FUND - REINSTATEMENT.

34 When the department revokes a person's motor
35 vehicle license or nonresident operating privilege
36 under this chapter, the department shall assess the
37 person a civil penalty of one hundred dollars. The
38 money collected by the department under this section
39 shall be transmitted to the treasurer of state who
40 shall deposit the money in a separate fund dedicated
41 to and used for the purposes of chapter 912 and
42 section 709.10. A motor vehicle license or
43 nonresident operating privilege shall not be
44 reinstated until the civil penalty has been paid.

45 Sec. _____. NEW SECTION. 321N.14 OTHER EVIDENCE.

46 This chapter does not limit the introduction of any
47 competent evidence bearing on the question of whether
48 a person was under the influence of an alcoholic
49 beverage, including the results of chemical tests of
50 specimens of blood, breath, or urine obtained more

Page 8

1 than two hours after the person was operating a motor
2 vehicle.

3 Sec. _____. NEW SECTION. 321N.15 INFORMATION
4 RELAYED TO OTHER STATES.

5 When it has been finally determined under this
6 chapter that a nonresident's privilege to operate a
7 motor vehicle in this state has been revoked or
8 denied, the department shall give information in
9 writing of the action taken to the official in charge
10 of traffic control or public safety of the state of
11 the person's residence and of any state in which the
12 person has a license.

13 Sec. _____. NEW SECTION. 321N.16 TEMPORARY
14 RESTRICTED LICENSE PROHIBITED.

15 A person whose motor vehicle license has been
16 revoked under this chapter is not eligible for a

17 temporary restricted license during the period of
18 revocation.

19 Sec. _____. NEW SECTION. 321N.17 DRIVING WHILE
20 LICENSE DENIED OR REVOKED.

21 A person whose motor vehicle license or nonresident
22 operating privilege has been denied or revoked as
23 provided in this chapter and who drives a motor
24 vehicle upon the highways of this state while the
25 license or privilege is denied or revoked commits a
26 serious misdemeanor. The department, upon receiving
27 the record of the conviction of a person under this
28 section upon a charge of driving a motor vehicle while
29 the license of the person was revoked or denied, shall
30 extend the period of revocation or denial for an
31 additional like period, and the department shall not
32 issue a new license during the additional period."

33 _____. Title page, by striking lines 1 through 6
34 and inserting the following: "An Act relating to the
35 operation of motor vehicles by persons under age
36 twenty-one, including requirements relating to
37 chemical testing and establishing a youthful drunk
38 driver visitation program, and providing penalties." "

Hansen of Woodbury rose on a point of order that amendment H—5407 was not germane.

The Speaker ruled the point well taken and amendment H—5407 not germane.

Garman of Story moved that the rules be suspended to consider amendment H—5407.

Roll call was requested by Garman of Story and Clark of Cerro Gordo.

On the question "Shall the rules be suspended to consider amendment H—5407?" (H.F. 2065)

The ayes were, 41:

Banks	Beaman	Bennett	Black
Branstad	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fuller
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hester	Iverson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Murphy
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklloth	Shoning	Siegrist
Spenner	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Mr. Speaker		
	Avenson		

Absent or not voting, 5:

Carpenter	Hermann	Muhlbauer	Sherzan
Wise			

The motion to suspend the rules lost.

Hansen of Woodbury rose on a point of order that amendment H—5333 was not germane.

The Speaker ruled the point well taken and amendment H—5333 not germane.

Siegrist of Pottawattamie asked for unanimous consent to consider amendment H—5333.

Objection was raised.

Siegrist of Pottawattamie moved that the rules be suspended to consider amendment H—5333.

Roll call was requested by Siegrist of Pottawattamie and Halvorson of Clayton.

On the question “Shall the rules be suspended to consider amendment H—5333?” (H.F. 2065)

The ayes were, 42:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Mertz	Metcalf

Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Spear	Svoboda	Swartz	Tabor
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 4:

Muhlbauer	Sherzan	Shoultz	Teaford
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The motion to suspend the rules lost.

Hansen of Woodbury offered the following amendment H—5347 filed by him and moved its adoption:

H—5347

- 1 Amend House File 2065 as follows:
- 2 1. Title page, by striking lines 1 through 6, and
- 3 inserting the following: "An Act relating to certain
- 4 alcohol-related offenses, and establishing a youthful
- 5 drunk driver visitation program."

Amendment H—5347 was adopted.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2065)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot

Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Bisignano	Brammer	Groninga	Holveck
Sherzan	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2533, a bill for an act relating to the courts, establishing a family court, and providing effective dates, was taken up for consideration.

Haverland of Polk in the chair at 2:19 p.m.

Peterson of Carroll offered amendment H-5391 filed by him. Division was requested as follows:

H-5391

1 Amend House File 2533 as follows:

H-5391A

2 1. By striking page 12, line 27 through page 13,

3 line 13.

H-5391B

4 2. Page 16, by striking lines 8 through 28.

H-5391A

5 3. Page 19, line 9, by striking the words

6 "custody mediation" and inserting the following:

H-5391A

7 "mediation or negotiation".

8 4. Page 19, line 10, by striking the words

9 "custody mediation" and inserting the following:

10 "mediation or negotiation".

11 5. Page 23, by striking line 20 and inserting the

12 following: "referee positions are eliminated.

13 Additional".

14 6. Page 23, by inserting after line 29 the

15 following:

16 "Sec. _____. DISTRICT ASSOCIATE JUDGE APPOINTMENTS.

17 1. Within thirty days of the enactment of this

18 Act, the appropriate county magistrate appointing

19 commissions shall certify as provided in section

20 602.6304, to the appropriate chief judges of the

21 judicial districts, as identified pursuant to section

22 29 of this Act, the name of nominees to the vacant

23 district associate judge positions created by section

24 29 of this Act, and persons shall be appointed to fill

25 the vacancies as provided in section 602.6304.

26 2. This section of this Act, being deemed of

27 immediate importance, takes effect upon enactment."

28 7. By renumbering as necessary.

Peterson of Carroll offered the following amendment H-5404, to amendment H-5391A, filed by him from the floor and moved its adoption:

H-5404

1 Amend the amendment, H-5391, to House File 2533 as
2 follows:

3 1. Page 1, by inserting after line 1 the

4 following:

5 "_____. Page 9, line 22, by striking the words

6 "paragraph a" and inserting the following:

7 "paragraphs a and c".

8 _____. Page 9, by inserting after line 29 the fol-
9 lowing:

10 "c. The child's parent, guardian or custodian,

11 court-appointed special advocate, and guardian ad

12 litem."

13 _____. Page 11, by striking lines 4 through 12 and
14 inserting the following:

15 "Sec. 17. Section 598.41, subsection 2, Code 1989,
16 is amended to read as follows:

17 2. On the application of either parent, the court
18 shall consider granting joint custody in cases where
19 the parents do not agree to joint custody. If the
20 court does not grant joint custody under this
21 subsection, the court shall cite clear and convincing

22 evidence, pursuant to the factors in subsection 3,
 23 that joint custody is unreasonable and not in the best
 24 interest of the child to the extent that the legal
 25 custodial relationship between the child and a parent
 26 should be severed. ~~Before ruling upon the joint~~
 27 ~~custody petition in these cases, the court may require~~
 28 ~~the parties to participate in custody mediation~~
 29 ~~counseling to determine whether joint custody is in~~
 30 ~~the best interest of the child. The court may require~~
 31 ~~the child's participation in the mediation counseling~~
 32 ~~insofar as the court determines the child's~~
 33 ~~participation is advisable.~~

34 The court may order the costs of custody mediation
 35 counseling shall to be paid in full or in part by the
 36 parties and taxed as court costs.

37 Sec. 18. NEW SECTION. 598.42 MEDIATION OF CHILD
 38 CUSTODY AND VISITATION DISPUTES.

39 1. In a".

40 2. Page 1, by inserting after line 3 the fol-
 41 lowing:

42 "_____. Page 15, by striking lines 24 through 28
 43 and inserting the following:

44 "2. Notwithstanding subsection 1, effective July
 45 1, 1990, a judicial election district that was served
 46 by one or more full-time juvenile court referees as of
 47 June 30, 1990, shall be entitled to as many additional
 48 district associate judges as it had full-time juvenile
 49 court referees on June 30, 1990." "

50 3. Page 1, by inserting after line 4 the

Page 2

1 following:

2 "_____. Page 17, line 2, by inserting after the
 3 figure "600," the following: "600A,".

4 _____. Page 17, line 16, by inserting after the
 5 figure "600," the following: "600A,".

6 _____. Page 19, line 1, by striking the words
 7 "preside over and".

8 _____. Page 19, line 6, by striking the words "so
 9 designated" and inserting the following: "designated
 10 to mediate".

11 4. Page 1, by inserting after line 10 the
 12 following:

13 "_____. Page 21, line 25, by inserting before the
 14 word "The" the following: "If a guardian ad litem has
 15 previously been appointed for the child in a
 16 proceeding under chapter 232 or a proceeding in which
 17 the family court has waived jurisdiction under section
 18 232.45, the court shall appoint the same guardian ad
 19 litem under this section." "

20 5. By renumbering as necessary.

Amendment H—5404 was adopted.

On motion by Peterson of Carroll, amendment H—5391A, as amended, was adopted.

Schneklath of Scott offered the following amendment H—5378 filed by him and moved its adoption:

H—5378

- 1 Amend House File 2533 as follows:
- 2 1. By striking page 14, line 27, through page 15,
- 3 line 8.
- 4 2. Page 23, by striking lines 30 through 34.
- 5 3. By renumbering as necessary.

Roll call was requested by Schneklath of Scott and Maulsby of Calhoun.

On the question "Shall amendment H—5378 be adopted?"
(H.F. 2533)

The ayes were, 35:

Banks	Bennett	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Fuller	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Iverson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shearer	Shoning	Siegrist	Spenner
Stueland	Tyrrell	Van Maanen	

The nays were, 59:

Adams	Arnould	Avenson, Spkr.	Beaman
Bisignano	Black	Blanshan	Brammer
Branstad	Brown	Buhr	Clark
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	McKean	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Trent	Wise	Haverland	
		Presiding	

Absent or not voting, 6:

Beatty,	Brand	Chapman	Hatch
May	Schrader		

Amendment H—5378 lost.

The House resumed consideration of amendment H—5391B.

Rosenberg of Story offered amendment H—5417, to amendment H—5391B, filed by him from the floor. Division was requested as follows:

H—5417

- 1 Amend the amendment, H—5391, to House File 2533 as
- 2 follows:

H—5417A

- 3 1. Page 1, by striking line 4 and inserting the
- 4 following:
- 5 "_____. Page 16, by striking lines 10 through 14
- 6 and inserting the following:
- 7 "6. Notwithstanding subsection 1, a person serving
- 8 as a full-time juvenile court referee on June 30,
- 9 1990, if appointed by the chief judge of the judicial
- 10 district, shall become a district associate judge for
- 11 the judicial election district in which the person
- 12 previously served as a referee, effective July 1,
- 13 1990." "

H—5417B

- 14 2. Page 1, line 17, by striking the word "Within"
- 15 and inserting the following: "Unless a district
- 16 associate judge is appointed pursuant to section
- 17 602.6304, subsection 6, within".
- 18 3. Page 1, line 25, by inserting after the figure
- 19 "602.6304" the following: "subsections 1 through 5".

H—5417A

- 20 4. Renumber as necessary.

Harbor of Mills rose on a point of order that amendment H—5417B was not germane.

The Speaker ruled the point well taken and amendment H—5417B not germane.

On motion by Rosenberg of Story, amendment H—5417A was adopted.

On motion by Peterson of Carroll amendment H—5391B, as amended, was adopted.

Peterson of Carroll offered the following amendment H—5325 filed by him and moved its adoption:

H—5325

- 1 Amend House File 2533 as follows:
- 2 1. Page 17, line 2, by inserting after the figure
- 3 "232," the following: "235B,".
- 4 2. Page 17, line 15, by inserting before the
- 5 figure "236," the following: "235B,".

Amendment H—5325 was adopted.

Peterson of Carroll offered the following amendment H—5324 filed by him and moved its adoption:

H—5324

- 1 Amend House File 2533 as follows:
- 2 1. Page 22, line 31, by striking the figure
- 3 "598.2" and inserting the following: "598.42".
- 4 2. Page 23, line 15, by inserting after the word
- 5 "Code" the following: "Supplement".

Amendment H—5324 was adopted.

Speaker Avenson in the chair at 3:21 p.m.

The following amendment H—5424 filed by Rosenberg of Story from the floor, was adopted by unanimous consent:

H—5424

- 1 Amend House File 2533 as follows:
- 2 1. Page 5, line 10 by striking the words "party,
- 3 and" and inserting "party, and".
- 4 2. Page 5, by striking the lines 11 through 15
- 5 and inserting the following: "~~includes a court~~
- 6 ~~appointed special advocate, except that a court~~
- 7 ~~appointed special advocate shall not file motions~~
- 8 ~~pursuant to section 232.54, subsections 1 and 4, and~~
- 9 ~~section 232.103, subsection 2, paragraph "c".~~

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2533)

The ayes were, 76:

Adams	Arnould	Beaman	Beatty
Blasignano	Black	Blanshan	Brammer

Brand	Branstad	Brown	Buhr
Chapman	Clark	Cphoon	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tabor
Teaford	Trent	Wise	Mr. Speaker Avenson

The nays were, 23:

Banks	Bennett	Carpenter	Daggett
Eddie	Halvorson, R. A.	Harbor	Hermann
Iverson	Kistler	Lageschulte	Maulsby
McKean	Metcalf	Miller	Pavich
Petersen, D. F.	Renken	Royer	Schnekloth
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 1:

Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 2547, by committee on appropriations, a bill for an act relating to governance of higher education institutions and making an appropriation.

Read first time and referred to committee on **education**.

Ways and Means Calendar

House File 2546, a bill for an act relating to child day care and the state child and dependent care tax credit and providing a retroactive applicability date, was taken up for consideration.

Hanson of Delaware offered the following amendment H—5394 filed by him:

H-5394

1 Amend House File 2546 as follows:

2 1. Page 4, by inserting after line 25 the
3 following:

4 "Sec. 100. Section 422.12, subsection 1, paragraph
5 c, Code Supplement 1989, is amended by striking the
6 paragraph and inserting in lieu thereof the following:

7 c. As used in this section, "dependent" has the
8 same meaning as provided by the Internal Revenue Code.

9 For each dependent, an additional amount equal to the
10 applicable amount in the following provisions apply:

11 (1) For a taxpayer with an adjusted gross income
12 of ten thousand dollars or less, forty-five dollars.

13 (2) For a taxpayer with an adjusted gross income
14 of more than ten thousand dollars, but less than
15 twenty thousand dollars, thirty-five dollars.

16 (3) For a taxpayer with an adjusted gross income
17 of more than twenty thousand dollars, but less than
18 thirty thousand dollars, twenty-five dollars.

19 (4) For a taxpayer with an adjusted gross income
20 of more than thirty thousand dollars, but less than
21 forty thousand dollars, twenty dollars.

22 (5) For a taxpayer with an adjusted gross income
23 of forty thousand dollars or more, fifteen dollars."

24 2. By striking page 4, line 28 through page 6,
25 line 14.

26 3. Page 6, line 16, by striking the figures and
27 word "7 and 8" and inserting the following: "100 and
28 7".

29 4. Title page, line 1, by inserting after the
30 words "care and" the following: "the dependent
31 exemption credit and repealing".

Metcalf of Polk offered the following amendment H-5415, to amendment H-5394, filed by her from the floor and moved its adoption:

H-5415

1 Amend the amendment, H-5394, to House File 2546, as
2 follows:

3 1. Page 1, by inserting after line 1 the fol-
4 lowing:

5 "_____. Page 2, line 24, by inserting before the
6 word "financial" the following: "cash".

7 _____. Page 2, by striking line 25 and inserting
8 the following: "the amount of the grant and the cash
9 financial resources must be available for the purposes
10 of the match prior to the awarding of the grant. The
11 cash financial resources may include".

12 _____. Page 2, line 26, by striking the words ", an
13 in-kind contribution,"."

Amendment H—5415 was adopted.

Hanson of Delaware offered the following amendment H—5419, to amendment H—5394, filed by him from the floor and moved its adoption:

H—5419

1 Amend the amendment, H—5394, to House File 2546 as
2 follows:

3 1. Page 1, by striking lines 4 through 25 and
4 inserting the following:

5 " "Sec. 100. Section 422.12, subsection 1,
6 paragraph c, Code Supplement 1989, is amended by
7 striking the paragraph."

8 _____. By striking page 4, line 28 through page 6,
9 line 14, and inserting the following:

10 "NEW SECTION. DEPENDENT EXEMPTION CREDIT —
11 REFUND.

12 As used in this section "dependent" has the same
13 meaning as provided by the Internal Revenue Code.

14 1. The taxes imposed under this division, less
15 credits allowed under sections 422.10 through 422.12B,
16 shall be reduced by a dependent exemption credit. For
17 each dependent, an amount equal to the applicable
18 amount in the following provisions applies:

19 a. For a taxpayer with an adjusted gross income of
20 five thousand dollars or less, sixty dollars.

21 b. For a taxpayer with an adjusted gross income of
22 more than five thousand dollars, but less than eight
23 thousand dollars, fifty-five dollars.

24 c. For a taxpayer with an adjusted gross income of
25 more than eight thousand dollars, but less than ten
26 thousand dollars, fifty dollars.

27 d. For a taxpayer with an adjusted gross income of
28 more than ten thousand dollars, but less than twelve
29 thousand dollars, forty-five dollars.

30 e. For a taxpayer with an adjusted gross income of
31 more than twelve thousand dollars, but less than
32 sixteen thousand dollars, forty dollars.

33 f. For a taxpayer with an adjusted gross income of
34 more than sixteen thousand dollars, but less than
35 eighteen thousand dollars, thirty-five dollars.

36 g. For a taxpayer with an adjusted gross income of
37 more than eighteen thousand dollars, but less than
38 twenty thousand dollars, thirty dollars.

39 h. For a taxpayer with an adjusted gross income of
40 more than twenty thousand dollars, but less than
41 thirty thousand dollars, twenty-five dollars.

42 i. For a taxpayer with an adjusted gross income of
43 more than thirty thousand dollars, but less than
44 thirty-five thousand dollars, twenty dollars.

45 j. For a taxpayer with an adjusted gross income of
 46 thirty-five thousand dollars or more, fifteen dollars.
 47 2. Any credit in excess of the tax liability shall
 48 be refunded. In lieu of claiming a refund, a taxpayer
 49 may elect to have the overpayment shown on the
 50 taxpayer's final, completed return credited to the tax

Page 2

1 liability for the following taxable year.
 2 3. Married taxpayers electing to file separate
 3 returns or filing separately on a combined return must
 4 determine the credit under subsection 1 based upon
 5 their combined adjusted gross incomes and allocate the
 6 total credit amount to each spouse in the proportion
 7 that each spouse's respective adjusted gross income
 8 bears to the total combined adjusted gross income." "

Amendment H—5419 was adopted.

Blanshan of Greene in the chair at 4:26 p.m.

Hanson of Delaware moved the adoption of amendment H—5394,
 as amended.

A non-record roll call was requested.

The ayes were 37, nays 53.

Amendment H—5394, as amended, lost.

Hanson of Delaware offered the following amendment H—5383
 filed by him:

H—5383

1 Amend House File 2546 as follows:
 2 1. By striking page 4, line 35 through page 5,
 3 line 18 and inserting the following:
 4 "a. For a taxpayer with an adjusted gross income
 5 of less than ten thousand dollars, ninety-five
 6 percent.
 7 b. For a taxpayer with an adjusted gross income of
 8 ten thousand dollars or more but less than twenty
 9 thousand dollars, eighty-five percent.
 10 c. For a taxpayer with an adjusted gross income of
 11 twenty thousand dollars or more but less than twenty-
 12 five thousand dollars, seventy-five percent.
 13 d. For a taxpayer with an adjusted gross income of
 14 twenty-five thousand dollars or more but less than
 15 thirty thousand dollars, sixty percent.
 16 e. For a taxpayer with an adjusted gross income of
 17 thirty thousand dollars or more but less than thirty-
 18 five thousand dollars, forty percent.

19 f. For a taxpayer with an adjusted gross income of
20 thirty-five thousand dollars or more but less than
21 forty thousand dollars, twenty-five percent.

22 g. For a taxpayer with an adjusted gross income of
23 forty thousand dollars or more but less than fifty
24 thousand dollars, ten percent."

Hanson of Delaware offered the following amendment H—5416, to amendment H—5383, filed by him and Osterberg of Linn from the floor and moved its adoption:

H—5416

1 Amend amendment, H—5383, to House File 2546, as
2 follows:

3 1. Page 1, line 5, by striking the word "ninety-
4 five" and inserting the following: "one hundred".

5 2. Page 1, line 18, by striking the word "forty"
6 and inserting the following: "forty-five".

Amendment H—5416 was adopted.

Hanson of Delaware offered the following amendment H—5423, to amendment H—5383, filed by him from the floor and moved its adoption:

H—5423

1 Amend the amendment, H—5383, to House File 2546, as
2 follows:

3 1. Page 1, by inserting after line 24 the
4 following:

5 "_____. Page 6, by striking lines 8 through 14 and
6 inserting the following:

7 "Sec. _____. Section 422.16, subsection 1,
8 unnumbered paragraph 1, Code Supplement 1989, is
9 amended to read as follows:

10 Every withholding agent and every employer as
11 defined in this chapter and further defined in the
12 Internal Revenue Code, with respect to income tax
13 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 and as allowed
 31 for the child and dependent care credit provided in
 32 section 422.12C. The claiming of exemptions or
 33 credits in excess of entitlement is a serious
 34 misdemeanor.” ”

Amendment H—5423 was adopted.

Hanson of Delaware moved the adoption of amendment H—5383, as amended.

Roll call was requested by Hanson of Delaware and Van Maanen of Mahaska.

Rule 75 was invoked.

On the question “Shall amendment H—5383, as amended, be adopted?” (H.F. 2546)

The ayes were, 49:

Banks	Beaman	Branstad	Brown
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Hibbard	Iverson
Jesse	Kistler	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Nielsen
Osterberg	Pellett	Petersen, D. F.	Plasier
Renken	Rosenberg	Royer	Schneklath
Shearer	Shoning	Siegrist	Spenner
Stueland	Svoboda	Trent	Tyrrell
Van Maanen			

The nays were, 49:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Brammer	Brand
Buhr	Carpenter	Chapman	Cphoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Ollie	Pavich
Peters	Peterson, M. K.	Poney	Renaud
Schrader	Sherzan	Shoultz	Spear

Swartz
Blanshan
Presiding

Tabor

Teaford

Wise

Absent or not voting, 2:

Bennett

Groninga

Amendment H—5383, as amended, lost.

Brown of Lucas offered the following amendment H—5385 filed by him:

H—5385

1 Amend House File 2546 as follows:

2 1. By striking page 4, line 35 through page 5,

3 line 18, and inserting the following:

4 "a. For a taxpayer with an adjusted gross income
5 of less than ten thousand dollars, seventy-five
6 percent.

7 b. For a taxpayer with an adjusted gross income of
8 ten thousand dollars or more but less than twenty
9 thousand dollars, seventy percent.

10 c. For a taxpayer with an adjusted gross income of
11 twenty thousand dollars or more but less than twenty-
12 five thousand dollars, sixty-five percent.

13 d. For a taxpayer with an adjusted gross income of
14 twenty-five thousand dollars or more but less than
15 thirty thousand dollars, sixty percent.

16 e. For a taxpayer with an adjusted gross income of
17 thirty thousand dollars or more but less than thirty-
18 five thousand dollars, fifty percent.

19 f. For a taxpayer with an adjusted gross income of
20 thirty-five thousand dollars or more but less than
21 forty thousand dollars, forty percent.

22 g. For a taxpayer with an adjusted gross income of
23 forty thousand dollars or more but less than fifty
24 thousand dollars, thirty-five percent."

Speaker Avenson in the chair at 5:37 p.m.

Brown of Lucas moved the adoption of amendment H—5385.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 51, nays 47.

Amendment H—5385 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2546)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Bennett Groninga

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 2022, a bill for an act relating to the definition of a child in need of assistance, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5178 filed by the committee on judiciary and law enforcement:

H—5178

- 1 Amend House File 2022 as follows:
- 2 1. Page 1, by inserting after line 5 the
- 3 following:

4 "Sec. _____. Section 232.82, Code 1989, is amended
5 to read as follows:

6 232.82 REMOVAL OF SEXUAL OFFENDERS AND PHYSICAL
7 ABUSERS FROM THE RESIDENCE PURSUANT TO COURT ORDER.

8 1. Notwithstanding section 561.15, if it is
9 alleged by a person authorized to file a petition
10 under section 232.87, subsection 2, or by the court on
11 its own motion, that a parent, guardian, custodian, or
12 an adult member of the household in which a child
13 resides has committed a sexual offense with or against
14 the child, pursuant to chapter 709 or section 726.2,
15 or a physical abuse as defined by section 232.2,
16 subsection 38, the juvenile court may enter an ex
17 parte order requiring the alleged sexual offender or
18 physical abuser to vacate the child's residence upon a
19 showing that probable cause exists to believe that the
20 sexual offense or physical abuse has occurred and that
21 substantial evidence exists to believe that the
22 presence of the alleged sexual offender or physical
23 abuser in the child's residence presents a danger to
24 the child's life or physical, emotional, or mental
25 health.

26 2. If an order is entered under subsection 1 and a
27 petition has not yet been filed under this chapter,
28 the petition shall be filed under section 232.87 by
29 the county attorney, the department of human services,
30 or a juvenile court officer within three days of the
31 entering of the order.

32 3. The juvenile court may order on its own motion,
33 or shall order upon the request of the alleged sexual
34 offender or physical abuser, a hearing to determine
35 whether the order to vacate the residence should be
36 upheld, modified, or vacated. The juvenile court may
37 in any later child in need of assistance proceeding
38 uphold, modify, or vacate the order to vacate the
39 residence."

40 2. Title page, by striking lines 1 and 2 and
41 inserting the following: "An Act relating to juvenile
42 court proceedings, the definition of a child in need
43 of assistance, and matters related to removal of
44 persons from a child's residence."

Rosenberg of Story offered the following amendment H-5408,
to the committee amendment H-5178, filed by him from the floor
and moved its adoption:

H-5408

1 Amend the Committee amendment, H-5178, to House
2 File 2022, as follows:

3 1. Page 1, by inserting after line 39 the
4 following:

5 "Sec. _____. Section 232.116, subsection 1, Code
6 Supplement 1989, is amended by adding a new paragraph:
7 NEW PARAGRAPH. 1. The court finds that both of
8 the following have occurred:
9 (1) The child has been adjudicated a child in need
10 of assistance pursuant to section 232.96 after finding
11 that the child has been physically or sexually abused
12 as a result of the acts or omissions of a parent.
13 (2) The parent found to have physically or
14 sexually abused the child has been imprisoned for such
15 abuse against the child, the child's sibling, or any
16 other child in the household and the court finds it is
17 unlikely that the parent will be released within five
18 years."
19 2. Renumber as necessary.

Amendment H—5408 was adopted.

On motion by Rosenberg of Story, the committee amendment H—5178, as amended, was adopted.

Trent of Muscatine offered the following amendment H—5382 filed by him:

H—5382

1 Amend House File 2022 as follows:
2 1. Page 1, by inserting after line 5, the
3 following:
4 "Sec. _____. Section 907.3, subsection 1, paragraph
5 a, Code 1989, is amended to read as follows:
6 a. The offense is a violation of section 709.8 and
7 the child is twelve years of age or under.
8 Sec. _____. Section 907.3, subsection 1, Code 1989,
9 is amended by adding the following new paragraphs:
10 NEW PARAGRAPH. h. The offense is a violation of
11 section 709.9 and the victim is a child.
12 NEW PARAGRAPH. i. The offense is a violation of
13 section 709.11, the victim is a child, and no injury
14 was sustained by the child.
15 NEW PARAGRAPH. j. The offense is a violation of
16 section 709.12."
17 2. Title page, line 2, by inserting after the
18 word "assistance" the following: "and amending
19 certain procedures relating to sexual misconduct with
20 children".
21 3. Renumber as necessary.

Rosenberg of Story rose on a point of order that amendment H—5382 was not germane.

The Speaker ruled the point well taken and amendment H—5382 not germane.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the day, on request of Eddie of Buena Vista; Bennett of Ida, until his return, on request of Hanson of Delaware.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2022)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Bennett	Groninga	Sherzan	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott on request of Miller of Cherokee; Kremer of Buchanan on request of Diemer of Black Hawk, both for the remainder of the day.

The House stood at ease at 5:59 p.m., until the fall of the gavel.

The House resumed session at 6:40 p.m., Speaker Avenson in the chair.

CONSIDERATION OF BILLS Appropriations Calendar

House File 2371, a bill for an act relating to and making appropriations to the civil rights commission, the department of human rights, the department for the blind, the department of elder affairs, and the Iowa department of public health, was taken up for consideration.

Jesse of Jasper asked and received unanimous consent to withdraw amendment H—5142 filed by Haverland of Polk and him on February 14, 1990, placing out of order amendment H—5313, to amendment H—5142, filed by Carpenter of Polk on February 22, 1990.

Carpenter of Polk offered amendment H—5180 filed by her and requested division as follows:

H—5180

1 Amend House File 2371 as follows:

H—5180A

2 1. Page 1, line 10, by striking the figure
3 "1,051,000" and inserting the following: "1,076,405".

H—5180B

4 2. Page 1, line 22, by striking the figure
5 "242,000", and inserting the following: "242,304".
6 3. Page 1, line 28, by striking the figure
7 "127,000", and inserting the following: "127,003".
8 4. Page 1, line 34, by striking the figure
9 "191,000", and inserting the following: "191,822".
10 5. Page 2, line 8, by striking the figure
11 "351,000" and inserting the following: "287,846".
12 6. Page 2, line 9, by striking the figure "4.10",
13 and inserting the following: "4.00".
14 7. Page 2, line 10, by striking the figure
15 "140,000", and inserting the following: "120,000".
16 8. Page 2, line 16, by striking the figure
17 "181,000", and inserting the following: "181,795".
18 9. Page 2, line 32, by striking the figure
19 "307,000", and inserting the following: "307,845".
20 10. Page 3, line 8, by striking the figure
21 "69,000" and inserting the following: "69,651".
22 11. By striking page 3, line 20, through page 4,
23 line 20.
24 12. Page 4, line 30, by striking the figure

H-5180B

- 25 "1,451,000", and inserting the following:
- 26 "1,454,011".
- 27 13. Page 5, line 6, by striking the figure
- 28 "506,000" and inserting the following: "471,375".
- 29 14. Page 5, by striking lines 12 through 17.
- 30 15. Page 5, line 34, by striking the figure
- 31 "83,000", and inserting the following: "59,500".
- 32 16. By striking page 5, line 35, through page 6,
- 33 line 4, and inserting the following:
- 34 "Of the funds appropriated in this subsection,
- 35 \$12,500 shall be used to fund 1 additional state-
- 36 developed retired seniors volunteer program project."
- 37 17. Page 7, by striking lines 2 through 11.
- 38 18. Page 7, line 22, by striking the figure
- 39 "838,000", and inserting the following: "839,469".

H-5180A

- 40 19. Page 7, line 35, by striking the figure
- 41 "1,177,000", and inserting the following:
- 42 "1,342,737".
- 43 20. Page 8, line 3, by striking the figure
- 44 "754,500", and inserting the following: "919,640".

H-5180B

- 45 21. Page 8, line 18, by striking the figure
- 46 "187,000", and inserting the following: "57,228".
- 47 22. By striking page 8, line 20, through page 9,
- 48 line 8.
- 49 23. Page 9, line 16, by striking the figure
- 50 "2,727,000" and inserting the following: "2,612,433".

Page 2

- 1 24. Page 9, line 19, by striking the figure
- 2 "100,000" and inserting the following: "50,000".
- 3 25. By striking page 9, line 20, through page 10,
- 4 line 31.
- 5 26. Page 11, line 3, by striking the figure
- 6 "1,014,000", and inserting the following:
- 7 "1,014,337".
- 8 27. Page 11, line 6, by inserting after the word
- 9 "the" the following: "purchase of emergency medical
- 10 services equipment and for the".
- 11 28. By striking page 11, line 18, through page
- 12 12, line 19.
- 13 29. Page 12, by inserting before line 20, the
- 14 following:
- 15 "_____ For the agriculture health and safety
- 16 program:
- 17\$ 45,000".

H—5180B

- 18 30. Page 12, line 24, by striking the figure
19 "644,000", and inserting the following: "644,941".
20 31. Page 12, line 30, by striking the figure
21 "225,000", and inserting the following: "225,637".
22 32. Page 13, line 1, by striking the figure
23 "980,000", and inserting the following: "980,393".
24 33. Page 13, line 7, by striking the figure
25 "781,000", and inserting the following: "781,702".
26 34. Page 13, line 13, by striking the figure
27 "612,000", and inserting the following: "612,809".
28 35. Page 13, line 28, by striking the figure
29 "519,000", and inserting the following: "519,743".
30 36. Page 13, line 31, by striking the figure
31 "7,382,000", and inserting the following:
32 "8,475,982".
33 37. Page 14, line 1, by striking the figure
34 "3,607,000", and inserting the following:
35 "3,048,977".
36 38. Page 14, line 11, by striking the figure
37 "149,000", and inserting the following: "49,000".
38 39. Page 14, line 19, by striking the figure
39 "341,500", and inserting the following: "308,000".
40 40. Page 14, line 34, by striking the figure
41 "101,500", and inserting the following: "68,000".

H—5180A

- 42 41. Page 15, line 21, by striking the figure
43 "2,668,000", and inserting the following:
44 "2,541,042".
45 42. Page 17, line 10, by striking the figure
46 "8,699,000", and inserting the following:
47 "8,475,982".

H—5180B

- 48 43. Page 21, line 25, by striking the figure
49 "450,000", and inserting the following: "400,000".

H—5180A

- 50 44. Page 21, line 35, by striking the figure

Page 3

- 1 "300,000", and inserting the following: "450,000".

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5180A.

Jesse of Jasper offered the following amendment H—5397 filed by Jesse, et al.:

H-5397

- 1 Amend House File 2371 as follows:
- 2 1. Page 1, line 10, by striking the figure
- 3 "1,051,000" and inserting the following: "1,086,000".
- 4 2. Page 1, by inserting after line 11, the
- 5 following:
- 6 "Of the funds appropriated under this section,
- 7 \$35,000 shall be used for an educational program that
- 8 shall coincide with the twenty-fifth anniversary of
- 9 the founding of the Iowa Civil Rights Commission. The
- 10 program shall be structured to demonstrate the breadth
- 11 of Iowa cultural traditions and backgrounds. The
- 12 program shall include a conference, a student civil
- 13 rights competition, and a traveling civil rights
- 14 display and program that shall include visits to at
- 15 least twelve cities throughout the state."
- 16 3. Page 5, line 6, by striking the figure
- 17 "506,000" and inserting the following: "471,000".
- 18 4. Page 5, by striking lines 12 through 17.

Carpenter of Polk offered the following amendment H-5405, to amendment H-5397, filed by her from the floor and moved its adoption:

H-5405

- 1 Amend amendment, H-5397, to House File 2371 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the figure
- 4 "1,086,000" and inserting the following: "1,075,117".
- 5 2. Page 1, by inserting after line 3 the
- 6 following:
- 7 "_____. Page 1, line 11, by striking the figure
- 8 "37.00" and inserting the following: "38.00"."
- 9 3. Page 1, by striking lines 6 through 15 and
- 10 inserting the following:
- 11 "Of the funds appropriated under this section,
- 12 \$24,117 shall be used to fund the position of an
- 13 information specialist."
- 14 4. By renumbering as necessary.

Roll call was requested by Van Maanen of Mahaska and Bennett of Ida.

On the question "Shall amendment H-5405, to amendment H-5397, be adopted?" (H.F. 2371)

The ayes were, 43:

Adams	Banks	Beaman	Bennett
Brammer	Buhr	Carpenter	Clark

Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Harper	Hester	Iverson	Kistler
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Nielsen	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shearer	Shoning	Siegrist	Spear
Spenner	Trent	Van Maanen	

The nays were, 48:

Arnould	Beatty	Bisignano	Black
Brand	Branstad	Brown	Chapman
Cohoon	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Ollie	Osterberg
Pavich	Peters	Poncy	Renaud
Schrader	Sherzan	Shoultz	Svoboda
Swartz	Tabor	Wise	Mr. Speaker Avenson

Absent or not voting, 9:

Blanshan	Hermann	Kremer	Pellett
Peterson, M. K.	Rosenberg	Stueland	Teaford
Tyrrell			

Amendment H—5405 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass and De Groot of Lyon on request of Van Maanen of Mahaska; Rosenberg of Story on request of Arnould of Scott, all for the remainder of the day.

Jesse of Jasper moved the adoption of amendment H—5397.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 43, nays 47.

Amendment H—5397 lost.

The House resumed consideration of amendment H—5180B.

Carpenter of Polk offered the following amendment H—5393, to amendment H—5180B, filed by her and moved its adoption:

H-5393

- 1 Amend the amendment, H-5180, to House File 2371 as
- 2 follows:
- 3 1. Page 1, by inserting after line 21 the
- 4 following:
- 5 "_____. Page 3, line 14, by striking the figure
- 6 "223,000" and inserting the following: "223,994".
- 7 2. Page 1, line 26, by striking the figure
- 8 "1,454,011" and inserting the following: "1,451,011".
- 9 3. Page 1, line 39, by striking the figure
- 10 "839,469" and inserting the following: "838,469".
- 11 4. Page 1, by inserting after line 46 the fol-
- 12 lowing:
- 13 "_____. Page 8, line 19, by striking the figure
- 14 "4.00" and inserting the following: "2.00"."

Amendment H-5393 was adopted.

Carpenter of Polk moved the adoption of amendment H-5180B, as amended.

A non-record roll call was requested.

The ayes were 27, nays 46.

Amendment H-5180B, as amended, lost.

Haverland of Polk offered amendment H-5187 filed by him and Buhr of Polk and requested division as follows:

H-5187

- 1 Amend House File 2371 as follows:

H-5187A

- 2 1. By striking page 3, line 20, through page 4,
- 3 line 20.

H-5187B

- 4 2. Page 4, line 30, by striking the figure
- 5 "1,451,000", and inserting the following:
- 6 "1,458,800".
- 7 3. Page 4, line 31, by striking the figure
- 8 "102.50", and inserting the following: "103.50".
- 9 4. Page 4, by inserting after line 31, the
- 10 following:
- 11 "Of the funds appropriated under this section,
- 12 \$7,800 shall be used to fund the position of 1
- 13 additional counselor in the vending program to provide
- 14 needed management assistance to the blind vending
- 15 operators throughout the state."

Haverland of Polk asked and received unanimous consent to withdraw amendment H—5187A.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5235 filed by her on February 20, 1990.

The House resumed consideration of amendment H—5187B.

On motion by Haverland of Polk, amendment H—5187B was adopted.

Harper of Black Hawk asked and received unanimous consent to defer action on amendment H—5358.

Haverland of Polk asked and received unanimous consent to withdraw amendment H—5321 filed by him on February 23, 1990.

Haverland of Polk offered the following amendment H—5185 filed by him and moved its adoption:

H—5185

- 1 Amend House File 2371 as follows:
- 2 1. Page 6, by striking line 29, and inserting the
- 3 following:
- 4 "For the fiscal year beginning July 1, 1990, and
- 5 ending June 30, 1991, area agencies on".
- 6 2. Page 7, line 34, by striking the word "posi-
- 7 tions" and inserting the following: "positions".
- 8 3. Page 8, line 4, by inserting after the figure
- 9 "1990," the following: "and ending June 30, 1991,".
- 10 4. Page 10, by striking line 25, and inserting
- 11 the following:
- 12 "(iv) One male and one female representative of
- 13 the homosexual community."
- 14 5. Page 11, line 7, by inserting after the word
- 15 "services" the following: "(EMS)".
- 16 6. Page 14, line 5, by inserting after the figure
- 17 "1990," the following: "and ending June 30, 1991,".

Amendment H—5185 was adopted.

Royer of Page offered the following amendment H—5144 filed by him and Harbor of Mills:

H—5144

- 1 Amend House File 2371 as follows:
- 2 1. Page 7, by striking lines 2 through 11.
- 3 2. Page 11, line 20, by striking the figure
- 4 "1,300,000" and inserting the following: "1,500,000".
- 5 3. Page 14, line 1, by striking the figure
- 6 "3,607,000" and inserting the following: "3,507,000".

- 7 4. Page 14, line 11, by striking the figure
8 "149,000", and inserting the following: "49,000".

Haverland of Polk asked and received unanimous consent to withdraw amendment H—5351, to amendment H—5144, filed by him on February 26, 1990.

On motion by Royer of Page, amendment H—5144 lost.

Jochum of Dubuque offered the following amendment H—5291 filed by him and moved its adoption:

H—5291

- 1 Amend House File 2371 as follows:
2 1. Page 10, by striking lines 19 through 21, and
3 inserting the following:
4 "(ii) A social worker experienced in working with
5 persons with acquired immune deficiency syndrome."
6 2. Page 10, by inserting after line 25, the
7 following:
8 "(v) A representative of the Black community.
9 (vi) A representative of the Hispanic community.
10 (vii) A representative of an AIDS coalition.
11 (viii) A person with acquired immune deficiency
12 syndrome or a person who has tested positive for the
13 human immunodeficiency virus.
14 (ix) A mental health worker."

Amendment H—5291 was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—5164 filed by him on February 15, 1990.

Harper of Black Hawk asked and received unanimous consent to withdraw amendment H—5362 filed by her on February 27, 1990.

Harper of Black Hawk offered the following amendment H—5388 filed by her and moved its adoption:

H—5388

- 1 Amend House File 2371 as follows:
2 1. Page 14, line 1, by striking the figure
3 "3,607,000" and inserting the following: "3,957,000".
4 2. Page 15, by inserting after line 5, the
5 following:
6 "Of the funds appropriated under this paragraph,
7 \$1,725,000 shall be used for maternal and child health
8 services, and shall be allocated for the following
9 purposes:
10 (1) For outreach services and the hiring of 4
11 half-time paraprofessionals to be located in the areas

12 surrounding Black Hawk, Tama, Woodbury, and Scott
 13 counties:
 14\$ 50,000
 15 (2) For the provision of physician care for
 16 pregnant women who are not eligible for services under
 17 the maternal and child health centers guidelines based
 18 upon their income, but whose incomes are between 185
 19 and 300 percent of the poverty guidelines published by
 20 the United States department of health and human
 21 services:
 22\$ 300,000

23 The physician services shall be subject to managed
 24 care and selective contracting provisions and shall be
 25 used to provide treatment of the pregnant women in a
 26 physician's office and shall include coverage of
 27 diagnostic procedures and prescription drugs required
 28 for the treatment. Services provided under this
 29 subparagraph shall be reimbursed according to Title
 30 XIX reimbursement rates.

31 (3) Of the funds appropriated under this paragraph
 32 for prevention services for women to decrease problems
 33 of pregnancy and to reduce the incidences of low birth
 34 weights, priorities shall be given to communities with
 35 a high concentration of minorities."

36 3. Page 24, by inserting after line 5 the
 37 following:

38 "Sec. _____. Section 135.11, subsection 19, Code
 39 Supplement 1989, is amended to read as follows:

40 19. Administer the statewide maternal and child
 41 health program and the crippled children's program by
 42 conducting mobile and regional child health specialty
 43 clinics and conducting other activities to improve the
 44 health of low-income women and children and to promote
 45 the welfare of children with actual or potential
 46 handicapping conditions and chronic illnesses in
 47 accordance with the requirements of Title V of the
 48 federal Social Security Act. The department shall
 49 provide technical assistance to encourage the
 50 coordination and collaboration of state agencies in

Page 2

1 developing outreach centers which provide publicly
 2 supported services for pregnant women, infants, and
 3 children. The department shall also, through
 4 cooperation and collaborative agreements with the
 5 department of human services and the mobile and
 6 regional child health specialty clinics, establish
 7 common intake proceedings for maternal and child
 8 health services. The department shall work in
 9 cooperation with the legislative fiscal bureau in
 10 monitoring the effectiveness of the maternal and child

- 11 health centers, including the provision of
- 12 transportation for patient appointments and the
- 13 keeping of scheduled appointments."

Amendment H—5388 was adopted.

Plasier of Sioux offered the following amendment H—5392 filed by him:

H—5392

- 1 Amend House File 2371 as follows:
- 2 1. Page 24, by inserting after line 5, the
- 3 following:
- 4 "Sec. _____. NEW SECTION. 135.23 LICENSURE OF
- 5 BLOOD COLLECTION OR PLASMAPHERESIS CENTERS.
- 6 A person shall not establish, conduct, manage, or
- 7 operate a blood collection or plasmapheresis center
- 8 without obtaining a license from the Iowa department
- 9 of public health. To obtain an Iowa license, a blood
- 10 collection or plasmapheresis center shall provide
- 11 verification of current licensure or proper
- 12 registration with the United States food and drug
- 13 administration and shall comply with all applicable
- 14 federal regulations. Each blood collection or
- 15 plasmapheresis center shall submit to the department,
- 16 on an ongoing basis, copies of the center's most
- 17 recent proficiency testing results and on-site
- 18 inspection reports. The purpose of the reports is to
- 19 ensure compliance with federal licensure or
- 20 registration requirements and to allow the department
- 21 to determine if any consultative or other action is
- 22 necessary."

Hammond of Story rose on a point of order that amendment H—5392 was not germane.

The Speaker ruled the point well taken and amendment H—5392 not germane.

Harper of Black Hawk offered amendment H—5358, previously deferred, filed by her and Haverland of Polk and requested division as follows:

H—5358

- 1 Amend House File 2371 as follows:

H—5358A

- 2 1. Page 5, line 6, by striking the figure
- 3 "506,000" and inserting the following: "540,000".

H—5358B

- 4 2. Page 5, line 7, by striking the figure "32.00"
 5 and inserting the following: "33.00".
 6 3. Page 5, line 22, by striking the figure
 7 "114,000" and inserting the following: "130,000".
 8 4. Page 9, line 16, by striking the figure
 9 "2,727,000" and inserting the following: "2,677,000".
 10 5. Page 9, line 17, by striking the figure
 11 "80.50" and inserting the following: "79.50".

Harper of Black Hawk asked and received unanimous consent to withdraw amendment H—5358A.

Haverland of Polk offered the following amendment H—5431, to amendment H—5358B, filed by him from the floor and moved its adoption:

H—5431

- 1 Amend the amendment, H—5358, to House File 2371, as
 2 follows:
 3 1. Page 1, by inserting after line 5, the
 4 following:
 5 "_____. Page 5, by striking lines 12 through 17."
 6 2. Page 1, line 7, by striking the figure
 7 "130,000" and inserting the following: "165,000".

Amendment H—5431 was adopted.

On motion by Harper of Black Hawk, amendment H—5358B, as amended, was adopted.

Haverland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2371)

The ayes were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg

Pavich	Peters	Poney	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

The nays were, 34:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
Diemer	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hester
Iverson	Kistler	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Siegrist	Spenner	Stueland
Trent	Van Maanen		

Absent or not voting, 10:

De Groot	Doderer	Hermann	Koenigs
Kremer	Neuhauser	Pellett	Peterson, M. K.
Rosenberg	Tyrrell		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (House File 2371)

Arnould of Scott asked and received unanimous consent that House File 2371 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 28, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2197, a bill for an act relating to violations of an individual's rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor rights violations, and providing a penalty.

Also: That the Senate has on February 28, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2261, a bill for an act relating to the filing of uniform commercial code financing statements by permitting a filing officer to accept for filing a copy of a signature and authorizing the adoption of rules to permit electronic filing of financing statements.

Also: That the Senate has on February 28, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2282, a bill for an act relating to the addition of family visitations to the list of appropriate conditions for allowing an inmate placed on work release status to leave the state.

Also: That the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2326, a bill for an act requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds.

Also: That the Senate has on February 28, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2376, a bill for an act relating to election administration, designating the secretary of state as the state registrar of voters, and providing properly related matters.

Also: That the Senate has on February 28, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2393, a bill for an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards.

Also: That the Senate has on February 28, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2403, a bill for an act relating to energy efficiency.

JOHN F. DWYER, Secretary

SPONSOR ADDED

(Amendment H—5301 to Senate File 2244)

Murphy of Dubuque requested to be added as a sponsor of amendment H—5301 to Senate File 2244.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, February 27, 1990. Had I been present, I would have voted "aye" on House File 2485.

OLLIE of Clinton

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 2394), relating to agricultural health and safety and providing appropriations to the state board of regents.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1990.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2031), relating to certain occupancy requirements for the homestead tax credit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1990.

AMENDMENTS FILED

H-5398	H.F.	2287	Plasier of Sioux
H-5399	H.F.	2424	Shoning of Woodbury
H-5400	H.F.	2466	Brammer of Linn
H-5401	H.F.	2503	Renaud of Polk
H-5402	H.F.	2464	Wise of Lee
			Shoultz of Black Hawk
			Renaud of Polk
H-5403	H.F.	2503	Renaud of Polk
H-5409	H.F.	2466	Groninga of Cerro Gordo
			Brammer of Linn
H-5411	S.F.	2244	Gruhn of Dickinson
H-5412	S.F.	2114	Groninga of Cerro Gordo
H-5413	H.F.	2383	Gruhn of Dickinson
H-5414	S.F.	2244	Murphy of Dubuque
			Brown of Lucas
H-5418	H.F.	2493	Muhlbauer of Crawford
			Peterson of Carroll
H-5421	S.F.	2244	Murphy of Dubuque
H-5422	S.F.	2280	Tyrrell of Iowa
H-5425	H.F.	2377	Jesse of Jasper
H-5426	H.F.	2537	Doderer of Johnson
			Garman of Story
H-5427	H.F.	2518	Beatty of Warren
H-5428	H.F.	2450	Jay of Appanoose
H-5429	H.F.	2517	Sherzan of Polk
			Fuller of Hardin
H-5430	H.F.	2524	Holveck of Polk
			Brammer of Linn
			Garman of Story

H-5432	H.F.	2417	Hatch of Polk
H-5433	H.F.	2537	Corbett of Linn
H-5434	H.F.	2508	Shearer of Louisa
H-5435	H.F.	2501	Koenigs of Mitchell
H-5436	H.F.	2537	Corbett of Linn
H-5437	H.F.	2417	Hatch of Polk
H-5438	H.F.	2487	Holveck of Polk
			McKean of Jones
			Adams of Hamilton
H-5439	H.F.	2537	Corbett of Linn
H-5440	H.F.	2377	Hibbard of Madison
H-5441	H.F.	2537	Corbett of Linn
H-5442	H.F.	2131	Brand of Benton
			Brown of Lucas
H-5443	H.F.	2537	Corbett of Linn

On motion by Arnould of Scott, the House adjourned at 8:11 p.m., until 9:00 a.m., Thursday, March 1, 1990.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day — Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 1, 1990

The House met pursuant to adjournment, Connors of Polk in the chair.

The prayer was sung by Candy Boucher, Senate Secretary, Des Moines.

The Journal of Wednesday, February 28, 1990 was approved.

CONSIDERATION OF BILLS Regular Calendar

House File 2503, a bill for an act relating to the notification or testing of persons receiving health or correctional services regarding the human immunodeficiency virus, was taken up for consideration.

Renaud of Polk offered the following amendment H—5263 filed by him and moved its adoption:

H—5263

- 1 Amend House File 2503 as follows:
- 2 1. Page 1, by inserting after line 16, the
- 3 following:
- 4 "i. A dentist."

Amendment H—5263 was adopted.

Renaud of Polk offered the following amendment H—5403 filed by him and moved its adoption:

H—5403

- 1 Amend House File 2503 as follows:
- 2 1. Page 2, by striking line 16, and inserting the
- 3 following:
- 4 "b. The physician of a person, who is a resident
- 5 of a facility licensed under chapter 135C and who is
- 6 believed to be the source of a significant exposure,
- 7 is responsible for performing the actions required in
- 8 paragraph "a", subparagraphs (1) and (2).
- 9 c. Notification required under this subsection
- 10 shall be".

Amendment H—5403 was adopted.

Renaud of Polk offered the following amendment H—5401 filed by him and moved its adoption:

H—5401

- 1 Amend House File 2503 as follows:
- 2 1. Page 2, line 19, by inserting after the word
- 3 "person." the following: "An exposed person notified
- 4 of the name of the person believed to be the source of
- 5 the significant exposure, or who otherwise discovers
- 6 the identity of such person, shall not disclose the
- 7 identity of the person except as provided in section
- 8 141.23. An exposed person who violates this paragraph
- 9 is subject to the provisions of section 141.24."

Amendment H—5401 was adopted.

McKean of Jones offered the following amendment H—5287 filed by him:

H—5287

- 1 Amend House File 2503 as follows:
- 2 1. Page 2, by inserting after line 19, the
- 3 following:
- 4 "Sec. _____. Section 246.514, unnumbered paragraph
- 5 2, Code 1989, is amended to read as follows:
- 6 Failure to comply with an order issued pursuant to
- 7 this section may result in the forfeiture of good
- 8 conduct time, not to exceed one year, earned up to the
- 9 time of the failure to comply. If good conduct time
- 10 has not been earned, the person may be determined to
- 11 be ineligible by the department to earn good conduct
- 12 time for a period of up to three months."

Renaud of Polk rose on a point of order that amendment H—5287 was not germane.

The Speaker ruled the point well taken and amendment H—5287 not germane.

McKean of Jones moved that the rules be suspended to consider amendment H—5287.

A non-record roll call was requested.

The ayes were 30, nays 47.

The motion to suspend the rules lost.

The following amendment H—5448, filed by Kremer of Buchanan from the floor, was adopted by unanimous consent:

H—5448

- 1 Amend House File 2503 as follows:
- 2 1. Page 1, line 16, by striking the word
- 3 "physician's" and inserting the word "physician".

Mertz of Kossuth in the chair at 9:51 a.m.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2503)

The ayes were, 84:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Eddie
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Murphy	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Tabor
Tyrrell	Van Maanen	Wise	Mertz
			Presiding

The nays were, 14:

Beatty	Brown	Dvorsky	Fey
Hammond	Harper	Hatch	Johnson
Neuhauser	Nielsen	Rosenberg	Schnekloth
Teaford	Trent		

Absent or not voting, 2:

Groninga	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago, until his return, on request of Maulsby of Calhoun.

House File 2505, a bill for an act relating to insurance by prohibiting certain inquiries relating to HIV testing if the test results were negative, was taken up for consideration.

Jesse of Jasper offered the following amendment H—5366 filed by him and moved its adoption:

H—5366

- 1 Amend House File 2505 as follows:
- 2 1. Page 1, by striking lines 15 through 23, and
- 3 inserting the following: "syndrome, or AIDS related
- 4 complex."

Amendment H—5366 was adopted.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2505)

The ayes were, 92:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Shoning	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Wise	Mertz
			Presiding

The nays were, 4:

Maulsby Miller Tyrrell Van Maanen

Absent or not voting, 4:

Branstad Hatch Sherzan Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 10:19 a.m.

INTRODUCTION OF BILLS

House File 2548, by committee on appropriations, a bill for an act relating to agricultural health and safety.

Read first time and placed on the **appropriations calendar**.

House File 2549, by committee on ways and means, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing a retroactive applicability date.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGES CONSIDERED

Senate File 2197, by Running, a bill for an act relating to violations of an individual's rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor rights violations, and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2261, by committee on state government, a bill for an act relating to the filing of uniform commercial code financing statements by permitting a filing officer to accept for filing a copy of a signature and authorizing the adoption of rules to permit electronic filing of financing statements.

Read first time and referred to committee on **state government**.

Senate File 2282, by committee on judiciary, a bill for an act relating to the addition of family visitations to the list of appropriate conditions for allowing an inmate placed on work release status to leave the state.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2326, by committee on education, a bill for an act requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds.

Read first time and referred to committee on **education**.

Senate File 2376, by committee on state government, a bill for an act relating to election administration, designating the secretary of state as the state registrar of voters, and providing properly related matters.

Read first time and referred to committee on **state government**.

Senate File 2393, by committee on environment and energy utilities, a bill for an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards.

Read first time and referred to committee on **energy and environmental protection**.

CONSIDERATION OF BILLS Regular Calendar

House File 2517, a bill for an act establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other related matters, and providing an effective date, was taken up for consideration.

Neuhauser of Johnson offered the following amendment H—5363 filed by her:

H—5363

- 1 Amend House File 2517 as follows:
- 2 1. Page 2, line 11, by striking the word
- 3 "establishment" and inserting the following:
- 4 "establishment, which may include but are not limited
- 5 to all of the following:
- 6 a. Community-based treatment alternatives.
- 7 b. Job placement in the youthful offenders home
- 8 community or in another community if deemed to be in
- 9 the person's best interest.
- 10 c. Evaluation of the person's needs in order to
- 11 determine the most appropriate placement.
- 12 d. Provisions to evaluate a child who has been
- 13 found to have committed a delinquent act in order to
- 14 determine whether the child should be placed in the
- 15 youthful offender program when the child becomes
- 16 eighteen years of age".

Sherzan of Polk offered the following amendment H—5429, to amendment H—5363, filed by him and Fuller of Hardin and moved its adoption:

H—5429

- 1 Amend amendment, H—5363, to House File 2517, as
- 2 follows:
- 3 1. Page 1, by inserting after line 16, the
- 4 following:
- 5 "_____. Page 2, line 15, by inserting after the
- 6 word "program." the following: "The department shall
- 7 also identify characteristics of youthful offenders to
- 8 be admitted into the youthful offender program and
- 9 determine the criteria to be used for selecting such
- 10 offenders." "
- 11 2. By renumbering as necessary.

Amendment H—5429 was adopted.

On motion by Neuhauser of Johnson, amendment H—5363, as amended, was adopted.

Harbor of Mills offered the following amendment H—5359 filed by him and moved its adoption:

H—5359

- 1 Amend House File 2517 as follows:
- 2 1. Page 2, by striking lines 23 through 27 and
- 3 inserting the following: "Eldora with regional
- 4 juvenile detention facilities. The department shall
- 5 report its".

A non-record roll call was requested.

The ayes were 29, nays 45.

Amendment H—5359 lost.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2517)

The ayes were, 61:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland

Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lykam	May	McKean
McKinney	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Spear	Spenner	Stueland	Swartz
Tabor	Teaford	Tyrrell	Wise
Mr. Speaker			
Avenson			

The nays were, 36:

Banks	Bennett	Brammer	Carpenter
Clark	Daggett	De Groot	Diemer
Eddie	Fogarty	Fuller	Garman
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lundby
Maulsby	Mertz	Metcalf	Miller
Muhlbauer	Pellett	Peters	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Siegrist	Svoboda	Trent	Van Maanen

Absent or not voting, 3:

Branstad	Corbett	Halvorson, R. A
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2417, a bill for an act relating to the establishment of a state environmental policy and establishing certain requirements relating to the state environmental policy and its implementation, was taken up for consideration.

Trent of Muscatine offered the following amendment H-5221 filed by him and moved its adoption:

H-5221

- 1 Amend House File 2417 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "government" the following: ", which are in excess of
- 4 one million dollars".

A non-record roll call was requested.

The ayes were 36, nays 44.

Amendment H—5221 lost.

Trent of Muscatine offered the following amendment H—5365 filed by him:

H—5365

- 1 Amend House File 2417 as follows:
- 2 1. Page 1, line 18, by striking the words
- 3 "violates or".
- 4 2. Page 1, line 20, by inserting after the word
- 5 "or" the following: "environmental".
- 6 3. Page 1, line 23, by striking the words
- 7 "naturally and adversely affects or".
- 8 4. Page 2, by striking lines 5 through 8 and in-
- 9 serting the following: "natural environment, and
- 10 recognizing further the critical".
- 11 5. Page 3, lines 12 and 13, by striking the words
- 12 "whether quantified or not,".
- 13 6. Page 4, line 33, by striking the word "twenty-
- 14 five" and inserting the following: "one hundred".

Arnould of Scott asked and received unanimous consent that House File 2417 be deferred and that the bill retain its place on the calendar.

(Amendment H—5365 pending.)

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2311, a bill for an act relating to unclaimed fees to conform with the uniform disposition of unclaimed property Act.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 11:48 a.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SENATE MESSAGES CONSIDERED

Senate File 2059, by Kibbie, a bill for an act authorizing merged area schools to establish a self-insurance program for the payment of workers' compensation benefits, exempting the self-insurance program from taxation, and exempting the self-insurance program from insurance regulation.

Read first time and referred to committee on **education**.

Senate File 2311, by committee on state government, a bill for an act relating to unclaimed fees to conform with the uniform disposition of unclaimed property Act.

Read first time and referred to committee on **state government**.

Senate File 2403, by committee on environment and energy utilities, a bill for an act relating to energy efficiency.

Read first time and referred to committee on **energy and environmental protection**.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2417**, a bill for an act relating to the establishment of a state environmental policy and establishing certain requirements relating to the state environmental policy and its implementation, and amendment H—5365, found on page 755 of the House Journal, previously deferred and retained on the calendar.

Division of amendment H—5365 was requested as follows:

H—5365A, lines 2 through 12.

H—5365B, lines 13 and 14.

Trent of Muscatine moved the adoption of amendment H—5365A.

A non-record roll call was requested.

The ayes were 35, nays 44.

Amendment H—5365A lost.

Hatch of Polk offered the following amendment H—5437 filed by him:

H—5437

1 Amend House File 2417 as follows:

2 1. Page 1, by inserting after line 26 the
3 following:

4 "_____. "Responsible governmental unit" means the
5 local governmental unit which has jurisdiction over
6 the land on which the project is proposed, unless the
7 project proposer is a state agency in which case the
8 responsible governmental unit is the state agency".

9 2. Page 4, line 13, by inserting after the word
10 "prepared" the following: "by the responsible

- 11 governmental unit or the project proposer".
- 12 3. Page 4, line 16, by inserting after the word
13 "the" the following: "project proposer shall prepare
14 the environmental assessment worksheet. The".
- 15 4. Page 5, by striking lines 9 and 10 and
16 inserting the following:
17 "c. The board may require preparation of an
18 environmental assessment".
- 19 5. Page 5, line 11, by striking the words
20 "responsible governmental unit" and inserting the
21 following: "project proposer".
- 22 6. Page 5, by inserting after line 13, the
23 following:
24 "d. If an environmental assessment worksheet is
25 found to be inadequate, the project proposer shall
26 have thirty days to prepare an adequate environmental
27 assessment worksheet."
- 28 7. Page 5, line 35, by inserting after the word
29 "prepared", the following: "by the responsible
30 governmental unit".
- 31 8. Page 7, by striking lines 24 through 34.
- 32 9. Page 8, by striking lines 1 and 2, and
33 inserting the following: "impact statement, the
34 responsible governmental unit shall consult with and
35 request the comments of every".
- 36 10. Page 8, by striking lines 20 through 30 and
37 inserting the following:
38 "_____. The board may approve, deny, or deny subject
39 to modification a proposed governmental action or
40 project. If the board denies a proposed governmental
41 action or project, subject to modification, the
42 responsible governmental unit may submit a modified
43 proposal within forty-five days of the board's
44 decision. Any aggrieved party may seek judicial
45 review pursuant to chapter 17A."
- 46 11. Page 9, by striking lines 3 through 22, and
47 inserting the following:
48 "A responsible governmental unit shall assess the
49 project proposer of a specific governmental action for
50 reasonable costs when the responsible governmental

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- 1 unit prepares an environmental impact statement on
2 that action required pursuant to section 455H.5. The
3 responsible governmental unit may choose to contract
4 with another person for the preparation of the
5 environmental impact statement. The responsible
6 governmental unit may require payment of the assessed
7 costs of the preparation and distribution of the
8 environmental impact statement in advance. If the
9 costs of the environmental impact statement exceed the

10 assessed costs, the project proposer shall pay the
 11 excess amount to the responsible governmental unit
 12 within thirty days of the completion of the
 13 environmental impact statement. If the assessed costs
 14 of the environmental impact statement are in excess of
 15 the actual costs, and the costs are paid in advance,
 16 the responsible governmental unit shall reimburse the
 17 project proposer for the amount which is in excess
 18 within thirty days of the completion of the
 19 environmental impact statement.

20 Sec. _____. NEW SECTION. 455H.7 COST CONTAINMENT
 21 AUTHORITY.

22 1. VALIDITY OF CONTRACTS. A contract for the
 23 preparation of an environmental impact statement is
 24 invalid unless and until the board has approved the
 25 contract as fair and equitable to the project
 26 proposer, has found that the contract terms are within
 27 the range of usual and customary rates for similar or
 28 equivalent services within the state, and has found
 29 that the services are necessary for the project
 30 proposer to comply with regulatory standards.

31 2. EXCLUSIVE CONTRACTS. The board may enter into
 32 a contract or an exclusive contract with the supplier
 33 of services required by a project proposer to supply a
 34 specified service for a gross maximum price, fixed
 35 rate, on an exclusive basis, or subject to another
 36 contract term or condition reasonably calculated to
 37 obtain services for the project proposers at a
 38 reasonable cost.

39 The board may retain an independent person to
 40 assist in the review of services required and to
 41 establish the prevailing cost of services needed.
 42 This section does not preempt the regulatory authority
 43 of the Iowa environmental protection agency."

44 12. Page 9, line 23, by striking the figure
 45 "455H.7" and inserting the following: "455H.8".

46 13. Page 9, line 31, by striking the figure
 47 "455H.8" and inserting the following: "455H.9".

48 14. Page 11, by striking lines 12 through 24, and
 49 inserting the following:

50 "Sec. _____. NEW SECTION. 455H.10 EXEMPTIONS.

Page 3

1 1. The board shall establish by rule, in
 2 accordance with chapter 17A, exemptions from the
 3 requirements of this chapter.

4 2. In addition to the exemptions established by
 5 rule of the board, the following government actions
 6 are exempt from the requirements of this chapter:

7 a. Projects for which no governmental decisions
 8 are required or upon which no governmental moneys are

- 9 expended.
- 10 b. Projects for which all governmental decisions
11 have been made prior to July 1, 1990.
- 12 c. Projects for which a governmental unit has
13 previously denied a required permit.
- 14 d. Projects for which a substantial portion of the
15 project has been completed and an environmental impact
16 statement would not influence the remaining
17 implementation or construction.
- 18 e. Projects for which environmental review has
19 already been initiated under existing rules.
- 20 f. The construction of an electric generating
21 plant or combination of plants at a single site with a
22 combined capacity of less than five megawatts.
- 23 g. Expansion of a facility for the production of
24 alcohol fuels that would have or would increase its
25 capacity by less than five hundred thousand gallons
26 per year of alcohol produced.
- 27 h. The construction of a transmission line with a
28 nominal capacity of sixty-nine kilovolts or less.
- 29 i. The construction of a facility designed for or
30 capable of transferring less than thirty tons of coal
31 per hour or with an annual throughput of less than
32 fifty thousand tons of coal from one mode of
33 transportation, or the expansion of an existing
34 facility by these amounts.
- 35 j. The construction of a facility designed for or
36 capable of storing less than seven hundred fifty tons
37 of coal, with an annual throughput of less than twelve
38 thousand five hundred tons of coal, or the expansion
39 of an existing facility by these amounts.
- 40 k. The following industrial, commercial, and
41 institutional facility projects:
- 42 (1) Construction of a new or the expansion of an
43 existing industrial, commercial, or institutional
44 facility of less than the following gross floor space,
45 if no part of the development is in a flood plain as
46 defined in section 455B.261, a federally-designated
47 wild and scenic rivers district, or a state protected
48 waters area, a protected wetland which includes type
49 3, type 4, and type 5 wetlands as described in
50 circular 39, wetlands of the United States, 1971

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- 1 edition, published by the United States department of
2 the interior or in other areas as determined by the
3 board:
- 4 (a) A city or unincorporated area with a
5 population of twenty thousand or fewer inhabitants;
6 fifty thousand square feet.
- 7 (b) A city with a population of more than twenty

8 thousand but not more than one hundred thousand
9 inhabitants; seventy-five thousand square feet.

10 (c) A city with a population of more than one
11 hundred thousand inhabitants; one hundred thousand
12 square feet.

13 (2) The construction of an industrial, commercial,
14 or institutional facility with less than four thousand
15 square feet of gross floor space, and with associated
16 parking facilities designed for twenty or fewer
17 vehicles.

18 (3) The construction of a new parking facility for
19 less than one hundred vehicles if the facility is not
20 located in a flood plain as defined in section
21 455B.261, a federally-designated wild and scenic
22 rivers district, or a state protected waters area, a
23 protected wetland which includes type 3, type 4, and
24 type 5 wetlands as described in circular 39, wetlands
25 of the United States, 1971 edition, published by the
26 United States department of the interior or in other
27 areas as determined by the board.

28 l. The construction of a new wastewater treatment
29 facility with a capacity of less than fifteen thousand
30 gallons per day average wet weather flow, or the
31 expansion of an existing wastewater treatment facility
32 by less than five thousand gallons per day average wet
33 weather flow, or the expansion of a sewage collection
34 system by less than five thousand gallons per day
35 design daily average flow, or a sewer line of one
36 thousand feet or less and eight inches in diameter or
37 less.

38 m. The following residential development projects:

39 (1) The construction of a sewer residential
40 development of the following number of units if the
41 development is not in a flood plain as defined in
42 section 455B.261, a federally-designated wild and
43 scenic rivers district, or a state protected waters
44 area, a protected wetland which includes type 3, type
45 4, and type 5 wetlands as described in circular 39,
46 wetlands of the United States, 1971 edition, published
47 by the United States department of the interior or in
48 other areas as determined by the board:

49 (a) Less than ten units in an unincorporated area.

50 (b) Less than twenty units in a city with a

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1 population of twenty thousand inhabitants or less.

2 (c) Less than forty units in a city with a
3 population of more than twenty thousand inhabitants,
4 but no more than one hundred thousand inhabitants.

5 (d) Less than eighty units in a city with a
6 population of more than one hundred thousand

7 inhabitants.

8 (2) Construction of a single residence or multiple
9 residence with four dwelling units or less and
10 accessory appurtenant structures and utilities.

11 n. The following airport projects:

12 (1) Runway, taxiway, apron, or loading ramp
13 construction or repair work including reconstruction,
14 resurfacing, marking, grooving, fillets, and jet blast
15 facilities, except where the project will create
16 environmental impacts not located on airport property.

17 (2) The installation or upgrading of airfield
18 lighting systems, including beacons and electrical
19 distribution systems.

20 (3) The construction or expansion of passenger
21 handling or parking facilities, including pedestrian
22 walkway facilities.

23 (4) Grading or removal of obstructions and erosion
24 control projects on airport property, except where the
25 projects will create environmental impacts not located
26 on airport property.

27 o. The following highway projects:

28 (1) Highway safety improvement projects with the
29 exception of projects that will create environmental
30 impacts not located on existing highway property.

31 (2) The installation of traffic control devices,
32 individual noise barriers, bus shelters and bays,
33 loading zones, and access and egress lanes for transit
34 and paratransit vehicles.

35 (3) The modernization of an existing roadway or
36 bridge by resurfacing, restoration, or rehabilitation
37 that may involve the acquisition of minimal amounts of
38 right-of-way.

39 (4) Roadway landscaping within existing right-of-
40 way, or construction of bicycle and pedestrian lanes,
41 paths, and facilities.

42 (5) Any stream diversion or channeling within the
43 right-of-way of an existing public roadway associated
44 with a bridge or culvert replacement.

45 (6) Reconstruction or modification of an existing
46 bridge structure on essentially the same alignment or
47 location that may involve the acquisition of minimal
48 amounts of right-of-way.

49 p. A new or additional permanent impoundment of
50 water creating a water surface of less than ten acres.

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1 q. Construction of private residential docks for
2 use by four or fewer boats and utilizing less than one
3 thousand five hundred square feet of water surface.

4 r. Routine maintenance or repair of a drainage
5 ditch within the limits of its original construction

6 flow capacity, performed within fifteen years of
7 construction or major repair.

8 s. Public and private forest management practices,
9 other than clearcutting or the application of
10 pesticides, that involve less than twenty acres of
11 land.

12 t. The construction of an animal feedlot facility
13 of less than one hundred head of cattle, or the
14 equivalent as determined by the board, or the
15 expansion of an existing facility by less than one
16 hundred head of cattle, or the equivalent as
17 determined by the board, no part of either of which is
18 located in a flood plain as defined in section
19 455B.261, a federally-designated wild and scenic
20 rivers district, or a state protected waters area, a
21 protected wetland which includes type 3, type 4, and
22 type 5 wetlands as described in circular 39, wetlands
23 of the United States, 1971 edition, published by the
24 United States department of the interior or in other
25 areas as determined by the board.

26 u. Agricultural and farm management practices,
27 including construction, maintenance, and repair of
28 farm buildings and structures, and land use changes
29 consistent with generally accepted best management
30 practices of agricultural land used for farming as
31 defined in section 172C.1. For the purpose of this
32 section "best management practices" means those
33 practices which are designed to minimize the impact of
34 agricultural practices on the environment.

35 v. The following utility extensions:

36 (1) Water service mains of five hundred feet or
37 less and one and one-half inches in diameter or less.

38 (2) Local electrical service lines.

39 (3) Gas service mains of five hundred feet or less
40 and one inch in diameter or less.

41 (4) Telephone service lines.

42 (5) Cable television systems.

43 (6) Telecommunications systems.

44 w. The following construction projects:

45 (1) The construction of accessory appurtenant
46 structures including garages, carports, patios,
47 swimming pools, agricultural structures excluding
48 feedlots, or other similar buildings which do not
49 change land use or density.

50 (2) Accessory signs appurtenant to any commercial,

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1 industrial, or institutional facility.

2 (3) Operation, maintenance, or repair work having
3 no substantial impact on existing structures, land
4 use, or natural resources.

- 5 (4) Restoration or reconstruction of a structure,
6 provided that the structure is not of historical,
7 cultural, architectural, or archaeological value, as
8 determined by the state historical society.
- 9 (5) Demolition or removal of buildings and related
10 structures, with the exception of buildings and
11 related structures which are of historical,
12 archaeological, or architectural significance, as
13 determined by the state historical society.
- 14 x. The following land use projects:
- 15 (1) Individual land use variances, including minor
16 lot line adjustments and side yard and setback
17 variances not resulting in the creation of a new
18 subdivided parcel of land or any change in land use
19 character or density.
- 20 (2) Minor temporary uses of land having negligible
21 or no permanent effect on the environment.
- 22 (3) Maintenance of existing landscaping, native
23 growth, and water supply reservoirs, excluding the use
24 of pesticides.
- 25 y. Basic data collection, training programs,
26 research, experimental management, and resource
27 evaluation projects that do not result in an extensive
28 or permanent disturbance to an environmental resource,
29 and do not constitute a substantial commitment to a
30 further course of action having potential for
31 significant environmental effects.
- 32 z. The following financial transaction projects:
- 33 (1) Acquisition or disposition of private
34 interests in real property, including leaseholds,
35 easements, rights-of-way, or fee interests.
- 36 (2) The purchase of operating equipment,
37 maintenance equipment, or operating supplies.
- 38 aa. The following decisions:
- 39 (1) Licensing or permitting decisions related to
40 individual persons or activities directly connected
41 with an individual's household, livelihood,
42 transportation, recreation, health, safety, and
43 welfare, including motor vehicle licensing and
44 individual park entrance permits.
- 45 (2) Licenses required under electrical, fire,
46 plumbing, heating, mechanical and safety codes and
47 regulations, but not including building permits.
- 48 bb. Proposals and enactments of the general
49 assembly, rules, or orders of governmental units,
50 executive orders or implementation of executive orders

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- 1 by state agencies or political subdivisions, judicial
2 orders, and submissions of proposals to a vote of the
3 people of the state.”
- 4 15. By renumbering as necessary.

Rosenberg of Story offered the following amendment H—5457, to amendment H—5437, filed by him from the floor and moved its adoption:

H—5457

- 1 Amend the amendment, H—5437, to House File 2417 as
- 2 follows:
- 3 1. Page 1, by striking line 31.
- 4 2. Page 3, by striking lines 8 and 9, and
- 5 inserting the following: “are required.”

Amendment H—5457 was adopted.

Trent of Muscatine offered the following amendment H—5463, to amendment H—5437, filed by him from the floor and moved its adoption:

H—5463

- 1 Amend the amendment, H—5437, to House File 2417, as
- 2 follows:
- 3 1. Page 3, line 25, by striking the words “five
- 4 hundred thousand” and inserting the following: “two
- 5 million”.

Amendment H—5463 was adopted.

Trent of Muscatine offered the following amendment H—5460, to amendment H—5437, filed by him from the floor and moved its adoption:

H—5460

- 1 Amend the amendment, H—5437, to House File 2417, as
- 2 follows:
- 3 1. Page 3, line 44, by striking the words “less
- 4 than the following gross floor space” and inserting
- 5 the following: “two hundred fifty thousand square
- 6 feet”.
- 7 2. Page 4, line 3, by striking the word “board:”
- 8 and inserting the following: “board.”
- 9 3. Page 4, by striking lines 4 through 12.

Roll call was requested by Trent of Muscatine and Bennett of Ida.

On the question “Shall amendment H—5460, to amendment H—5437, be adopted?” (H.F. 2417)

The ayes were, 36:

Beaman	Bennett	Corbett	Daggett
De Groot	Diemer	Eddie	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann

Hester	Kistler	Kremer	Lageschulte
Maulsby	McKean	Mertz	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Trent	Tyrrell	Van Maanen

The nays were, 48:

Adams	Arnould	Beatty	Black
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fey	Fogarty	Groninga
Hammond	Hansen, S. D.	Harper	Hatch
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Rosenberg	Schrader	Mr. Shultz
Tabor	Teaford	Wise	Avenson

Absent or not voting, 16:

Banks	Bisignano	Blanshan	Branstad
Carpenter	Clark	Fuller	Garman
Halvorson, R. N.	Haverland	Iverson	Lundby
Renaud	Shearer	Sherzan	Swartz

Amendment H — 5460 lost.

Bennett of Ida offered the following amendment H — 5473, to amendment H — 5437, filed by him from the floor and moved its adoption:

H — 5473

- 1 Amend the amendment, H — 5437, to House File 2417 as
- 2 follows:
- 3 1. Page 6, by striking lines 6 and 7, and
- 4 inserting the following: "flow capacity."

Amendment H — 5473 was adopted.

Trent of Muscatine offered the following amendment H — 5477, to amendment H — 5437, filed by him from the floor and moved its adoption:

H — 5477

- 1 Amend the amendment, H — 5437, to House File 2417 as
- 2 follows:
- 3 1. Page 4, by striking lines 13 through 17 and
- 4 inserting the following:

5 “(2) The construction of an industrial,
6 commercial, or institutional facility with less than
7 fifty thousand square feet of gross floor space, and
8 with associated parking facilities designed for one
9 hundred or fewer vehicles.”

Amendment H—5477 was adopted.

Petersen of Muscatine offered the following amendment H—5461, to amendment H—5437, filed by him from the floor:

H—5461

1 Amend the amendment, H—5437, to House File 2417 as
2 follows:
3 1. Page 6, line 13, by striking the words “one
4 hundred” and inserting the words “two thousand”.
5 2. Page 6, lines 15 and 16, by striking the words
6 “one hundred” and inserting the words “two thousand”.

Arnould of Scott asked and received unanimous consent that House File 2417 be deferred and that the bill retain its place on the calendar.

(Amendment H—5461 pending.)

House File 2537, a bill for an act relating to the sale of funeral services and merchandise, was taken up for consideration.

Corbett of Linn offered the following amendment H—5443 filed by him and moved its adoption:

H—5443

1 Amend House File 2537 as follows:
2 1. Page 1, line 1, by striking the figure “3
3 and” and inserting the following: “1, 3, and”.
4 2. Page 1, by inserting after line 2, the following:
5 “1. Whenever an agreement is made by any person,
6 firm, or corporation to furnish, upon the future death
7 of a person named or implied in the agreement, funeral
8 services or funeral merchandise, a minimum of eighty
9 percent of all payments made under the agreement shall
10 be and remain trust funds until occurrence of the
11 death of the person for whose benefit the funds were
12 paid, unless the funds are sooner released to the
13 person making the payment by mutual consent of the
14 parties.
15 2. Whenever an agreement is made by any person,
16 firm, or corporation to furnish, upon the future death
17 of a person named or implied in the agreement, funeral
18 or cemetery merchandise, a minimum of one hundred ten
19 percent of the wholesale cost of the merchandise,
20 based upon the current advertised prices available
21 from a manufacturer or wholesaler who has delivered

22 the same or substantially the same type of merchandise
 23 to the seller during the last twelve months, shall be
 24 and remain trust funds until purchase of the
 25 merchandise or the occurrence of the death of the
 26 person for whose benefit the funds were paid, unless
 27 the funds are sooner released to the person making the
 28 payment by mutual consent of the parties. A minimum
 29 of eighty percent of all payments made under the
 30 agreement shall be deposited in trust until the amount
 31 required by this subsection has been deposited in
 32 trust.

33 3. The seller shall keep copies of all price
 34 advertisements upon which the seller relied to
 35 determine the wholesale cost which shall be made
 36 available to the commissioner upon request. The
 37 seller shall review wholesale costs no less than
 38 annually and make additional deposits as necessary to
 39 assure that the amount held in trust is always equal
 40 to or in excess of the current one hundred ten percent
 41 of the wholesale cost of the merchandise. The seller
 42 and the manufacturer or wholesaler upon which price
 43 the seller relies to determine the wholesale cost
 44 shall not be commonly owned or affiliated. A seller
 45 shall not be restricted from obtaining products and
 46 prices from any manufacturer or wholesaler commonly
 47 providing these products to other sellers within the
 48 state.

49 4. Payments otherwise subject to this section
 50 subsection 1 or 2 are not exempt merely because they

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1 are held in certificates of deposit.

A non-record roll call was requested.

The ayes were 15, nays 38.

Amendment H—5443 lost.

Corbett of Linn offered the following amendment H—5441 filed by him and moved its adoption:

H—5441

1 Amend House File 2537 as follows:

2 1. Page 1, by striking lines 9 and 10, and
 3 inserting the following: "section shall be satisfied
 4 within thirty fifteen days after the close of the
 5 month of receipt of the funds in which payment is
 6 received".

7 2. Page 1, by striking line 32, and inserting the
 8 following: "within thirty fifteen days after the
 9 close of the month of receipt of the funds and shall
 10 be".

Amendment H—5441 was adopted.

Corbett of Linn offered the following amendment H—5381 filed by him and moved its adoption:

H—5381

- 1 Amend House File 2537 as follows:
- 2 1. Page 4, line 8, by inserting after the word
- 3 "agreement" the following: "on the death of the
- 4 agreement's beneficiary or one year after the seller
- 5 ceases to do business, whichever is sooner".

A non-record roll call was requested.

The ayes were 19, nays 40.

Amendment H—5381 lost.

Corbett of Linn asked and received unanimous consent to defer action on amendment H—5379.

Doderer of Johnson offered the following amendment H—5389 filed by her:

H—5389

- 1 Amend House File 2537 as follows:
- 2 1. Page 4, by striking lines 9 through 19.
- 3 2. Page 4, by inserting before line 20, the
- 4 following:
- 5 "Sec. _____. Section 523A.2, subsection 7, Code
- 6 Supplement 1989, is amended by adding the following
- 7 new unnumbered paragraph:
- 8 **NEW UNNUMBERED PARAGRAPH.** A funeral insurance
- 9 policy shall not discriminate on the basis of race,
- 10 color, creed, sex, religion, marital status, national
- 11 origin, or disability in the issuance, terms,
- 12 conditions, or rates of the policy."
- 13 3. Page 8, by striking lines 19 through 24 and
- 14 inserting the following: "8.33 notwithstanding."
- 15 4. Page 9, line 18, by inserting after the word
- 16 "sellers" the following: ", upon receipt of an
- 17 assessment issued by the commissioner,".
- 18 5. Page 9, line 22, by inserting after the figure
- 19 "523A.1" the following: ", as declared annually by
- 20 the seller on a report form submitted to the
- 21 commissioner. The assessment shall not apply to funds
- 22 for which the seller certifies under oath, on the
- 23 annual report form submitted to the commissioner, that
- 24 the seller did not retain any portion of payment the
- 25 seller received pursuant to those agreements to
- 26 furnish, upon the future death of a person named or
- 27 implied in the agreement, funeral services or funeral
- 28 merchandise and that the seller deposited one hundred
- 29 percent of each payment received in a financial

30 institution pursuant to section 523A.2, subsection 1".

31 6. Page 9, line 27, by striking the words "have
32 the depository".

33 7. Page 9, line 28, by striking the word "seller"
34 and inserting the following: "financial institution
35 holding the funds".

36 8. Page 9, line 29, by inserting after the word
37 "remitted." the following: "Annually, on December 31,
38 the commissioner shall determine the net value of the
39 cash and securities in the fund on that date. If the
40 commissioner determines that the moneys in the fund,
41 after deducting all claims and requests for
42 reimbursement against the fund not disposed of at the
43 date of valuation and all expenses properly chargeable
44 against the fund, equals or exceeds two million
45 dollars, an assessment shall not be issued or payable
46 for the following calendar year."

47 9. By renumbering as necessary.

Doderer of Johnson offered the following amendment H – 5426,
to amendment H – 5389, filed by her and Garman of Story and moved
its adoption:

H – 5426

1 Amend the amendment, H – 5389, to House File 2537, as
2 follows:

3 1. Page 1, by inserting after line 12, the
4 following:

5 "_____. Page 7, by striking lines 30 through 34, and
6 inserting the following:

7 "and annually thereafter, the commissioner shall allocate
8 from the fees paid pursuant to section 523A.2, one dollar
9 for each agreement reported on an establishment permit
10 holder's annual report for deposit to the regulatory fund.
11 The remainder of the fees collected pursuant to section
12 523A.2 shall be deposited into the insurance revolving
13 fund; provided, however, that if the balance of the
14 regulatory fund on that July 1 exceeds two hundred
15 thousand dollars, the allocation to the regulatory fund
16 shall not be made and the total sum of the fees paid
17 pursuant to section 523A.2 shall be deposited in the
18 insurance revolving fund."

19 _____. Page 8, line 11, by inserting after the word "state."
20 the following: "The funeral sales protection fund and
21 program are intended to provide a security mechanism to
22 assure that purchasers of funeral merchandise and funeral
23 services receive the full benefit of their contracted
24 purchases in the event of fraud, misappropriation,
25 nonperformance, or other material breach by the seller,
26 in the event that the seller is insolvent, unavailable
27 for suit, or otherwise unable to pay damages or to
28 compensate by specific performance, in whole or in part."

Amendment H—5426 was adopted.

Division of amendment H—5389, as amended, was requested as follows:

H—5389A, lines 2 and lines 13 through 47.

H—5389B, lines 3 through 12.

On motion by Doderer of Johnson, amendment H—5389A, as amended, was adopted.

Tyrrell of Iowa rose on a point of order that amendment H—5389B was not germane.

The Speaker ruled the point not well taken and amendment H—5389B germane.

Black of Jasper in the chair at 4:44 p.m.

Doderer of Johnson moved the adoption of amendment H—5389B.

A non-record roll call was requested.

The ayes were 47, nays 22.

Amendment H—5389B was adopted.

Corbett of Linn offered amendment H—5439 filed by him and requested division as follows:

H—5439

1 Amend House File 2537 as follows:

H—5439A

2 1. Page 4, by inserting after line 29, the
3 following:

4 "Sec. _____. Section 523A.9, subsection 2, paragraph
5 d, unnumbered paragraph 1, Code 1989, is amended to
6 read as follows:

7 The types of professional services or funeral
8 merchandise ~~to be sold that the applicant can actually~~
9 provide either by contractual agreement with another
10 permit holder, by purchase of merchandise from a
11 wholesaler, or by physical services of the permit
12 holder or its employees."

H—5439B

13 2. Page 6, by inserting after line 25, the
14 following:

15 "7. Sells any funeral merchandise or funeral
16 service not listed on the application for an

H-5439B

17 establishment permit or any amended application for an
18 establishment permit.

19 8. Collects, accepts, or deposits money for any
20 purpose other than funeral services or funeral
21 merchandise.

22 9. Charges a casket handling fee if the casket is
23 sold by another establishment or is provided in any
24 other way by the purchaser.

25 10. Fails to provide a casket price list to the
26 prospective purchaser for the purchaser's retention
27 prior to discussing or showing samples or photographs
28 of caskets being offered.

29 11. Fails to show sample or photographs of the
30 three least expensive caskets offered on the general
31 price list, which must correspond with the general
32 price list used for sales at the time of need.

33 12. Fails to inform customers that each of the
34 three least expensive caskets shown can be obtained in
35 other colors or fails to obtain and provide such
36 caskets in other colors upon customer request,
37 provided those colors are available from regular
38 wholesale suppliers.

39 13. Discourages a customer's purchase of any
40 funeral merchandise or service which is advertised or
41 offered for sale by the establishment permit holder or
42 other establishment permit holder with the purpose of
43 encouraging the purchase of different, additional, or
44 more expensive funeral merchandise or funeral
45 services.

46 14. Disparaging the quality or appearance of the
47 least expensive caskets or of caskets or other burial
48 containers offered by another establishment permit
49 holder, except that true factual statements concerning
50 features, design, or construction do not constitute

Page 2

1 disparagement.

2 15. Suggests directly or by implication that a
3 customer's concern for price or expressed interest in
4 inexpensive funeral merchandise or funeral services is
5 improper, inappropriate, or indicative of diminished
6 respect or affection for the deceased.

7 16. Fails to provide by telephone, upon request,
8 accurate information regarding the retail prices of
9 funeral merchandise or funeral services offered for
10 sale by that establishment permit holder.

11 17. Fails to provide a written price list by mail
12 when requested by a customer or prospective customer.

13 18. Makes any false, misleading, or
14 unsubstantiated statement or claim, directly or by

H—5439B

- 15 implication, of watertightness or airtightness of
 16 caskets or outer burial containers, sealed or
 17 unsealed.
 18 19. Makes any false, misleading, or
 19 unsubstantiated statements or claims that natural
 20 decomposition or decay of human remains can be
 21 prevented or substantially delayed by any one or more
 22 of the following:
 23 a. Embalming.
 24 b. A casket, sealed or unsealed.
 25 c. An outer burial container, sealed or unsealed.”
 26 3. By renumbering as necessary.

On motion by Corbett of Linn, amendment H—5439A was adopted.

Corbett of Linn moved the adoption of amendment H—5439B.

Roll call was requested by Corbett of Linn and Metcalf of Polk.

On the question “Shall amendment H—5439B be adopted?”
 (H.F. 2537)

The ayes were, 31:

Banks	Beaman	Bennett	Corbett
Daggett	De Groot	Diemer	Eddie
Halvorson, R. A.	Halvorson, R. N.	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Renken
Schneklath	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 59:

Adams	Arnould	Avenson, Spkr.	Beatty
Blanshan	Brammer	Brand	Brown
Buhr	Clark	Cphoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Garman	Groninga	Gruhn	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Spear	Svoboda
Tabor	Wise	Black	
		Presiding	

Absent or not voting, 10:

Bisignano	Branstad	Carpenter	Chapman
Fuller	Harbor	Royer	Shoultz
Swartz	Teaford		

Amendment H – 5439B lost.

Corbett of Linn offered the following amendment H – 5433 filed by him and moved its adoption:

H – 5433

- 1 Amend House File 2537 as follows:
- 2 1. Page 8, by striking lines 3 through 5, and
- 3 inserting the following: "authorization by the
- 4 commissioner, may only be used to pay the expenses of
- 5 receivership established pursuant to section 523A.19,
- 6 except that any funds in excess of four hundred
- 7 thousand dollars shall be used to reduce
- 8 administrative charges collected under sections
- 9 523A.2, 523A.9, and 523A.10. An annual assessment".

Amendment H – 5433 lost.

Speaker Avenson in the chair at 5:08 p.m.

Corbett of Linn offered the following amendment H – 5436 filed by him and moved its adoption:

H – 5436

- 1 Amend House File 2537 as follows:
- 2 1. Page 9, by striking lines 19 through 28 and
- 3 inserting the following: "funeral sales protection
- 4 fund a fee of two dollars per prearranged agreement
- 5 sold during the preceding calendar year, not to exceed
- 6 two hundred fifty dollars. It is the responsibility
- 7 of the seller to".
- 8 2. Page 9, by inserting after line 29, the
- 9 following:
- 10 "6. Overall responsibility for supervising and
- 11 administering the funeral sales protection fund shall
- 12 be vested in a seven member board appointed by the
- 13 governor. The board shall consist of two members from
- 14 businesses holding establishment permits under this
- 15 chapter to sell funeral services, two members holding
- 16 establishment permits under this chapter to sell
- 17 cemetery merchandise, and three public members not
- 18 connected in any way, such as by virtue of being a
- 19 supplier or a relative, with any establish permit
- 20 holder under this chapter. The board shall meet
- 21 annually, or more often at its discretion, to review
- 22 the status of the fund and issue such directions to

23 the commissioner as may be needed to administer the
 24 fund. Board members shall serve ten-year terms, be
 25 subject to reconfirmation by the senate every two
 26 years, and arrive at its decisions by majority vote
 27 with a required quorum of five members, at least one
 28 of which must be from each member category."

Amendment H—5436 lost.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—5379, previously deferred, filed by him on February 27, 1990.

Doderer of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2537)

The ayes were, 64:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Clark	Cphoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Svoboda
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

The nays were, 33:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	Daggett	De Groot
Diemer	Eddie	Halvorson, R. A.	Harbor
Hermann	Hester	Iverson	Kistler
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Siegrist	Stueland	Trent	Tyrrell
Van Maanen			

Absent or not voting, 3:

Chapman	Rosenberg	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hester of Pottawattamie, Metcalf of Polk and Miller of Cherokee, on request of Van Maanen of Mahaska; Lundby of Linn on request of Fey of Scott, all for the remainder of the day.

House File 2464, a bill for an act relating to the refund of tuition by certain institutions or other persons offering courses of instruction at the postsecondary level for profit, and imposing a penalty, was taken up for consideration.

Wise of Lee offered the following amendment H—5402 filed by Wise, et al., and moved its adoption:

H—5402

- 1 Amend House File 2464 as follows:
- 2 1. Page 1, by striking line 20, and inserting the
- 3 following: "fifty percent of the course of
- 4 instruction or term, thirty".
- 5 2. Page 1, by inserting after line 21, the
- 6 following:
- 7 "5. For a student who has completed up to and
- 8 including seventy-five percent of the course of
- 9 instruction or term, twenty percent of the tuition
- 10 charged shall be refunded."
- 11 3. Page 1, line 22, by striking the word "forty"
- 12 and inserting the following: "seventy-five".
- 13 4. Page 1, line 24, by inserting after the word
- 14 "refunded." the following: "A student who terminates
- 15 a course of instruction or term shall not be charged
- 16 any fee or other monetary penalty for terminating a
- 17 course of instruction or term other than reduction in
- 18 tuition as specified in this section."

Amendment H—5402 was adopted.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2464)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Hatch	Haverland	Hermann	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Koenigs	Kremer
Lageschulte	Lykam	Maulsby	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 3:

Carpenter	Knapp	Shoultz
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Absent or not voting, 7:

Chapman	Harper	Hester	Jay
Lundby	Metcalf	Miller	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2516, a bill for an act regulating certain motor vehicle service contracts and establishing an annual fee, was taken up for consideration.

Shoultz of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2516)

The ayes were, 92:

Adams	Arnould	Banks	Beamam
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.

Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lykam	Maulsby	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Chapman	Hester	Lundby	Metcalf
Miller	Peters	Siegrist	Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Jochum of Dubuque; Brand of Benton on request of Dvorsky of Johnson, both for the remainder of the day.

House File 2518, a bill for an act relating to licensure and discipline of certain practice professionals and providing a penalty, was taken up for consideration.

Beatty of Warren offered the following amendment H—5427 filed by her and moved its adoption:

H—5427

- 1 Amend House File 2518 as follows:
- 2 1. Page 3, by striking lines 3 through 17 and
- 3 inserting the following:
- 4 "NEW UNNUMBERED PARAGRAPH. Notwithstanding
- 5 subsection 2, if the board of medical examiners
- 6 conducts an investigation based on a complaint
- 7 received or upon its own motion, a hospital pursuant
- 8 to subpoena shall make available information and
- 9 documents requested by the board, specifically
- 10 including reports or descriptions of any complaints or
- 11 incidents concerning an individual who is the subject

12 of the board's investigation, even though the
 13 information and documents are also kept for, are the
 14 subject of, or are being used in peer review by the
 15 hospital. However, the deliberations, testimony,
 16 decisions, conclusions, findings, recommendations,
 17 evaluations, work product, or opinions of a peer
 18 review committee or its members and those portions of
 19 any documents or records containing or revealing
 20 information relating thereto shall not be subject to
 21 the board's request for information, subpoena, or
 22 other legal compulsion. All information and documents
 23 received by the board from a hospital under this
 24 section shall be confidential pursuant to section
 25 258A.6, subsection 4."

Amendment H—5427 was adopted.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2518)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lykam
Maulsby	May	McKean	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Speär
Spenner	Stueland	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 11:

Connors	Fey	Fuller	Hester
Lundby	Metcalf	Miller	Plasier
Siegrist	Svoboda	Swartz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2475, a bill for an act relating to the surcharge for dishonored instruments, was taken up for consideration.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2475)

The ayes were, 79:

Adams	Arnould	Banks	Beaman
Bennett	Black	Blanshan	Brammer
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Dvorsky	Fey
Fogarty	Fuller	Garman	Guhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Haverland	Hermann
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lykam	May	McKean	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Shoning
Shoultz	Spear	Spenner	Stueland
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 7:

Bisignano	Branstad	Eddie	Halvorson, R. N.
Maulsby	Pellett	Svoboda	

Absent or not voting, 14:

Beatty	Brand	Connors	Doderer
Groninga	Harper	Hester	Lundby
Metcalf	Miller	Plasier	Sherzan
Siegrist	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2323, a bill for an act relating to the annexation or incorporation of territory under the control of a lake association, was taken up for consideration.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2323)

The ayes were, 62:

Adams	Arnould	Banks	Beaman
Beatty	Black	Blanshan	Brammer
Branstad	Brown	Buhr	Chapman
Cohoon	Corbett	Daggett	Diemer
Eddie	Fey	Fogarty	Fuller
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Iverson	Jay	Jochum
Johnson	Kistler	Koenigs	Kremer
Lageschulte	Lykam	Maulsby	May
McKinney	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Peters	Peterson, M. K.
Renken	Royer	Schrader	Shearer
Shoning	Shoultz	Spenner	Stueland
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 24:

Bennett	Bisignano	Carpenter	Clark
De Groot	Dvorsky	Garman	Groninga
Hammond	Hanson, D. R.	Jesse	Knapp
McKean	Neuhauser	Pavich	Pellett
Petersen, D. F.	Poncy	Renaud	Rosenberg
Schneklath	Spear	Svoboda	Trent

Absent or not voting, 14:

Brand	Connors	Doderer	Hester
Hibbard	Holveck	Lundby	Mertz
Metcalf	Murphy	Plasier	Sherzan
Siegrist	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2377, a bill for an act adopting the model state commodity Code as recommended by the North American securities administrators association, regulating the commodities markets and participants, authorizing the securities bureau of the insurance division to administer the chapter, requiring licensing of commodity broker-dealers and sales representatives, authorizing civil remedies, sanctions, penalties, and imposing criminal penalties, with report of committee recommending passage was taken up for consideration.

Jesse of Jasper offered the following amendment H—5297 filed by him and moved its adoption:

H—5297

- 1 Amend House File 2377 as follows:
- 2 1. Page 4, line 16, by striking the words
- 3 "offered by and".
- 4 2. Page 5, line 4, by striking the figure "3" and
- 5 inserting the following: "III".
- 6 3. Page 5, line 13, by inserting after the word
- 7 "contract" the following: ", offered or sold by a
- 8 qualified seller as defined in subsection 2,".
- 9 4. Page 6, by inserting after line 8, the
- 10 following:
- 11 "c. For the purposes of paragraph "b", a
- 12 depository other than the seller shall not include a
- 13 financial institution which makes loans to enable the
- 14 borrower to finance the purchase of one or more
- 15 precious metals if any of the following apply:
- 16 (1) The financial institution knows that the
- 17 seller arranged for a commission, brokerage, or
- 18 referral fee for the extension of credit by the
- 19 financial institution.
- 20 (2) The financial institution is a person related
- 21 to the seller, unless the relationship is remote or is
- 22 not a factor in the transaction.
- 23 (3) The seller guarantees the loan or otherwise
- 24 assumes the risk of loss by the financial institution
- 25 upon the loan.
- 26 (4) The financial institution directly supplies
- 27 the seller with the contract document used by the
- 28 borrower to evidence the loan, and the seller has
- 29 knowledge of the credit terms and participates in the
- 30 preparation of the document.
- 31 (5) The loan is conditioned upon the borrower's
- 32 purchase of the precious metals from a particular
- 33 seller, but the financial institution's payment of
- 34 proceeds of the loan to the seller does not in itself
- 35 establish that the loan was so conditioned.
- 36 (6) The financial institution otherwise knowingly
- 37 participates with the seller in the sale. The fact

38 that the financial institution takes a security
 39 interest in the precious metals sold or makes the
 40 proceeds of the loan payable to the seller does not in
 41 itself constitute knowing participation in the sale."

42 5. Page 8, by striking line 17, and inserting the
 43 following: "waive any of the exempt transaction
 44 requirements of this section,".

45 6. Page 8, line 29, by striking the figure "3"
 46 and inserting the following: "2".

47 7. Page 11, line 21, by striking the word
 48 "employee" and inserting the following: "employ".

49 8. Page 11, by striking lines 23 through 27, and
 50 inserting the following:

Page 2

1 "_____. Make a false report or enter a false record.
 2 _____. Make an untrue statement of a material fact
 3 or omit to state a material fact necessary in order to
 4 make the statements made, in the light of the
 5 circumstances under which they were made, not
 6 misleading."

7 9. Page 14, line 20, by striking the word "of"
 8 and inserting the following: "or".

9 10. Page 14, by inserting after line 20, the
 10 following:

11 "e. An action for restitution."

12 11. Page 16, line 6, by striking the word
 13 "ancillary" and inserting the following:
 14 "ancillary".

15 12. Page 16, line 18, by striking the word
 16 "ancillary" and inserting the following:
 17 "ancillary".

18 13. Page 16, line 34, by inserting after the word
 19 "general" the following: "or the proper county
 20 attorney".

21 14. Page 17, by inserting after line 2, the
 22 following:

23 "4. This chapter does not limit the power of the
 24 state to proceed against a person for conduct which
 25 constitutes a breach of duty, a crime, or a violation
 26 under common law, rule, or another statute. An action
 27 pursuant to this chapter is not an election of
 28 remedies, and an aggrieved person or the state retains
 29 any other common law or statutory causes of action
 30 which may exist against a person alleged to have
 31 violated this chapter or against a person convicted of
 32 such a violation."

33 15. Page 17, line 20, by striking the word
 34 "which" and inserting the following: "and".

35 16. Page 17, by striking lines 22 and 23, and
 36 inserting the following:

- 37 “(1) Information obtained in an investigation
38 pursuant to section 502A.11, unless published pursuant
39 to 502A.11, subsection 2.”
40 17. Page 23, line 22, by striking the word “all”
41 and inserting the following: “the”.
42 18. By renumbering, relettering, and
43 redesignating as necessary.

Amendment H—5297 was adopted, placing out of order amendment H—5296 filed by Jesse of Jasper on February 22, 1990.

Jesse of Jasper offered the following amendment H—5425 filed by him and moved its adoption:

H—5425

- 1 Amend House File 2377 as follows:
2 1. Page 5, by striking lines 2 through 4.
3 2. Page 14, by striking lines 8 and 9.
4 3. Page 14, by striking lines 21 through 23.
5 4. Page 15, by striking lines 11 through 13.
6 5. By striking page 22, line 3 through page 29,
7 line 16.
8 6. Page 29, line 19, by striking the figure “I,”
9 and inserting the following: “I and”.
10 7. Page 29, by striking lines 20 through 21, and
11 inserting the following: “subchapter II.”
12 8. By renumbering as necessary.

Amendment H—5425 was adopted, placing out of order lines 4 and 5, page 1; lines 40 and 41, page 2, of amendment H—5297, previously adopted.

Hibbard of Madison offered the following amendment H—5440 filed by him:

H—5440

- 1 Amend House File 2377 as follows:
2 1. Page 29, by inserting after line 16, the
3 following:
4 “Sec. 100. NEW SECTION. 553.19 REMEDIES OF
5 INDIRECT AGRICULTURAL SELLERS.
6 1. A suit brought under section 553.12 for damages
7 resulting from an underpayment received on the sale of
8 cattle, hogs, sheep, grains, or soybeans shall not be
9 barred because the person seeking damages is not a
10 direct seller to the defendant. However, the person
11 seeking damages under section 553.12 must have
12 possessed the livestock or grain plant for feeding or
13 growing purposes for at least twenty-one days prior to
14 sale to assert a cause of action for remedy under
15 section 553.12.
16 2. In a suit brought under section 553.12 for

17 damages resulting from an underpayment received on the
 18 sale of cattle, hogs, sheep, grains, or soybeans, or
 19 the sale of products processed therefrom, the person
 20 seeking damages under section 553.12 shall not recover
 21 for any amount of an underpayment that has been passed
 22 on to other persons who are themselves entitled to
 23 recover damages for such underpayment under section
 24 553.12.

25 Sec. _____. Section 100 applies to all suits brought
 26 under section 553.12 which are tried on or after the
 27 effective date of this Act.

28 Sec. _____. Section 100 being deemed of immediate
 29 importance, takes effect upon enactment."

30 2. Title page, line 8, by inserting after the
 31 word "penalties" the following: ", and authorizing
 32 certain remedies for indirect sellers of agricultural
 33 grain commodities or livestock commodities, and
 34 providing an effective date".

35 3. By renumbering as necessary.

Bennett of Ida rose on a point of order that amendment H—5440 was not germane.

The Speaker ruled the point well taken and amendment H—5440 not germane.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2377)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lykam
Maulsby	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer

Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Spear	Spenner
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, none.

Absent or not voting, 11:

Brand	Connors	Hatch	Hester
Lundby	McKean	Metcalf	Miller
Plasier	Siegrist	Swartz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2524, a bill for an act relating to the final disposition of human remains and arrangements for such disposition and imposing penalties, was taken up for consideration.

Holveck of Polk offered the following amendment H—5430 filed by Holveck, et al.:

H—5430

1 Amend House File 2524 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 566A.3, Code 1989, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 5. This section applies to all
 7 sales of an interment space or lot by an organization
 8 subject to this chapter on or after July 4, 1953, but
 9 prior to the effective date of this Act.
 10 Sec. 2. Section 566.15, Code 1989, is amended to
 11 read as follows:
 12 566.15 AUTHORITY TO INVEST FUNDS.
 13 The board of supervisors, mayor and council, or
 14 board of trustees, as the case may be, shall have has
 15 the authority to receive and invest all moneys and
 16 property, so donated or bequeathed, and that portion
 17 of cemetery lot sales and permanent charges made
 18 against cemetery lots which has been set aside in a
 19 perpetual care fund in such authorized investments and
 20 in the manner prescribed in section 682.23, or as the
 21 same may be hereafter amended. Such money must be
 22 invested at the market value of such securities, and
 23 they shall use the for which they have exercised the
 24 judgment and care, under the circumstances then
 25 prevailing, which persons of prudence, discretion, and
 26 intelligence exercise in the management of their

27 affairs. The income from such the investment shall be
 28 used in caring for the property of the donor in any
 29 cemetery, or as shall be provided in the terms of such
 30 the gift or donations or agreement for sale and
 31 purchase of a cemetery lot.

32 If the board of supervisors, mayor and council, or
 33 elected governmental body, having authority to receive
 34 and invest all moneys and property, determines that
 35 the yearly income from investing funds in the
 36 perpetual care fund is not adequate to maintain the
 37 cemetery grounds, the board of supervisors, mayor and
 38 council, or elected governmental body may authorize
 39 the use of whatever portion of the perpetual care fund
 40 is then existing to meet the costs of maintenance of
 41 the cemetery, not to exceed an amount equal to twenty
 42 percent of the total expenses incurred in the previous
 43 operating year, and not to exceed ten percent of the
 44 perpetual care fund balance as of December 31 of the
 45 previous year.

46 Sec. 3. NEW SECTION. 566A.101 PERPETUAL CARE
 47 TRUST FUND DEPOSIT REQUIRED.

48 1. When an agreement is made by a person, to
 49 furnish, a perpetual care cemetery lot or burial
 50 space, public mausoleum crypt, or inurnment niche in a

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1 public columbarium, the seller shall before entering
 2 into any agreements, establish a perpetual care trust
 3 fund.

4 2. Prior to entering into any such agreements the
 5 seller shall make an initial deposit into the trust
 6 fund of twenty-five thousand dollars in cash, except a
 7 person who also maintains a guarantee fund pursuant to
 8 section 566A.3, shall not be required to capitalize
 9 the trust fund with an initial cash deposit.

10 3. The perpetual care trust fund shall be
 11 permanently set aside in trust to be administered
 12 under the jurisdiction of the district court of the
 13 county where the cemetery is located and subject to
 14 the supervision of the commissioner of insurance. The
 15 district court so having jurisdiction shall have
 16 jurisdiction over the approval of trustees, reports
 17 and accounting of trustees, amount of surety bond
 18 required, and investment of funds. The commissioner
 19 of insurance may by rule establish uniform standards
 20 for the qualification of trustees, content and form of
 21 reports, and accounting of trustees, the minimum
 22 amount and form of surety bond required, and minimum
 23 standards for the investment of funds.

24 4. The income, but not the principal, from the
 25 trust fund may be used and, if used, shall be used

26 exclusively for the care and maintenance of the
27 cemetery for which it was established.

28 5. A seller shall set aside and deposit in the
29 perpetual care trust fund not less than the following
30 amounts for lots or interment space sold or disposed
31 of on or after the effective date of this Act:

32 a. The greater of twenty-five percent of the gross
33 selling price or seventy-five dollars for each adult
34 burial space.

35 b. The greater of twenty-five percent of the gross
36 selling price or twenty-five dollars for each child
37 burial space up to sixty inches in length.

38 c. The greater of twenty-five percent of the gross
39 selling price or five hundred dollars for each crypt
40 in a public mausoleum.

41 d. The greater of twenty-five percent of the gross
42 selling price or two hundred dollars for each
43 inurnment niche in a public columbarium.

44 6. The initial deposit required to capitalize a
45 perpetual care trust fund pursuant to subsection 2
46 shall remain in an irrevocable trust fund until such
47 time as the perpetual care trust fund has reached two
48 hundred fifty thousand dollars, when it may be
49 withdrawn at the rate of one thousand dollars from the
50 original twenty-five thousand dollars initial deposit

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1 for each additional three thousand dollars added to
2 the fund, until all of the twenty-five thousand
3 dollars has been withdrawn.

4 7. If an agreement pursuant to this section is to
5 be paid in installment payments, the seller shall
6 deposit twenty-five percent of each payment in trust
7 until the full amount to be trusted has been
8 deposited. If the agreement is financed with or sold
9 to a financial institution, then the agreement shall
10 be considered paid in full and the deposit
11 requirements of this section shall be satisfied within
12 thirty days after receipt of the funds in which
13 payment is received from the financial institution.

14 **Sec. 4. NEW SECTION. 566A.102 DEPOSIT OF FUNDS —**
15 **REQUIRED RECORDS — EXAMINATIONS — REPORTS.**

16 1. a. All funds held in trust under section
17 566A.101 shall be deposited in a state or federally
18 insured bank, savings and loan association, or credit
19 union authorized to conduct business in this state, or
20 trust department of such a financial institution, or
21 in a trust company authorized to conduct business in
22 this state, within thirty days after the receipt of
23 the funds.

24 b. The seller under an agreement referred to in

25 section 566A.101 shall maintain accurate records of
26 all receipts, expenditures, interest or earnings, and
27 disbursements relating to funds held in trust, and
28 shall make these records available to the commissioner
29 for examination at any reasonable time upon request.

30 c. The seller under an agreement referred to in
31 section 566A.101 shall file with the district court
32 and with the commissioner not later than March 1 of
33 each year a report including the following
34 information:

35 (1) The name and address of the seller and the
36 name and address of the establishment that will
37 provide the cemetery lot or other covered property or
38 service under section 566A.101.

39 (2) The name of the purchaser, beneficiary, and
40 the amount of each agreement under section 566A.101
41 made in the preceding year and the date on which it
42 was made.

43 (3) The total value of agreements subject to
44 section 566A.101 entered into, the total amount paid
45 pursuant to those agreements, and the total amount
46 deposited in trust as required under section 566A.101,
47 during the preceding year.

48 (4) The amount of any payments received pursuant
49 to agreements reported in previous years in accordance
50 with subparagraphs (2) and (3) and the amount of those

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1 payments deposited in trust for each purchaser.

2 (5) The change in status of any trust account,
3 including total amount of interest or income withdrawn
4 from each trust account.

5 (6) The name and address of the financial
6 institution in which trust funds were deposited.

7 (7) The complete inventory of the cemetery lot or
8 other covered property and its location in the
9 seller's cemetery, public mausoleum, or public
10 columbarium. The inventory list shall include for
11 each cemetery lot, crypt, or niche sold or available
12 for sale, the owner or purchaser, if any.

13 (8) An affidavit attesting that no specified
14 cemetery lot, crypt, or niche has been promised to
15 more than one person. The inventory and affidavit
16 shall be in a form prescribed by the commissioner.

17 (9) Other information reasonably required by the
18 commissioner for purposes of administration of this
19 subchapter.

20 The report shall be accompanied by a filing fee
21 determined by the commissioner which shall be
22 sufficient to defray the costs of administering this
23 subchapter.

24 d. A financial institution referred to in
25 paragraph "a" shall file notice with the commissioner
26 of all funds deposited under the trust agreement. The
27 notice shall be on forms prescribed by the
28 commissioner and shall be filed not later than March 1
29 of each year.

30 e. The financial institution in which trust funds
31 are held shall not be owned or under the control of
32 the seller and shall not use any funds required to be
33 held in trust pursuant to this subchapter or chapter
34 523A to purchase an interest in any contract or
35 agreement to which the seller is a party, or otherwise
36 to invest, directly or indirectly, in the seller's
37 business operations.

38 The financial institution, or the trust department
39 of the financial institution in which trust funds are
40 held, may serve as trustee to the extent the
41 institution or department has been granted those
42 powers under the laws of this state or the United
43 States. The seller or any officer, director, agent,
44 employee, or affiliate of the seller shall not serve
45 as trustee.

46 2. In addition to complying with subsection 1,
47 each seller under an agreement referred to in section
48 566A.101 shall file annually with the commissioner an
49 authorization for the commissioner or a designee to
50 investigate, audit, and verify all funds, accounts,

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1 safe-deposit boxes, and other evidence of trust funds
2 held by or in a financial institution.

3 3. The commissioner shall adopt rules under
4 chapter 17A specifying the form, content, and cost of
5 the forms for the notices and disclosures required by
6 this section, and shall sell blank forms at that cost
7 to any person on request.

8 4. The commissioner may require the performance of
9 an audit of the seller's business by a certified
10 public accountant if the commissioner receives
11 reasonable evidence that the seller is not complying
12 with this subchapter. The audit shall be paid for by
13 the seller, and a copy of the report of audit shall be
14 delivered to the commissioner and to the seller.

15 **Sec. 5. NEW SECTION. 566A.103 SCOPE OF**
16 **SUBCHAPTER — DEFINITIONS.**

17 1. This subchapter applies only to the sale of a
18 perpetual care cemetery lot or burial space, a public
19 mausoleum crypt, an inurnment niche in a public
20 columbarium, or a combination of these.

21 2. As used in this subchapter:

22 a. "Cemetery lot" means a burial space or

23 interment space for the final disposition of a dead
24 human body.

25 b. "Commissioner" means the commissioner of
26 insurance or the deputy appointed under section
27 502.601.

28 c. "Inurnment niche in a public columbarium" means
29 a space for the final disposition of the cremated
30 remains of a dead human body within a columbarium open
31 or available for the final disposition of the cremated
32 remains of persons who were unrelated in life.

33 d. "Public mausoleum crypt" means a space in a
34 mausoleum open or available for the final disposition
35 or interment of dead human bodies, which in life were
36 unrelated persons.

37 Sec. 6. NEW SECTION. 566A.104 COMPLIANCE WITH
38 OTHER LAWS.

39 The seller of property subject to section 566A.101
40 shall comply with chapter 82 with respect to all
41 contracts that are subject to regulation under this
42 subchapter. A failure to comply is subject to the
43 remedies and penalties provided in that chapter.

44 Sec. 7. NEW SECTION. 566A.105 DISCLOSURES.

45 1. Every agreement subject to section 566A.101
46 shall be written in clear, understandable language and
47 shall be printed or typed in easy-to-read type, size,
48 and style, and shall:

49 a. Identify the seller, the purchase, and the
50 person for whom the covered property is purchased if

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1 other than the purchaser.

2 b. Specify the covered property, or both, to be
3 provided, and the cost of each item.

4 c. State clearly the conditions on which
5 substitution will be allowed.

6 d. Set forth the total purchase price and the
7 terms under which it is to be paid.

8 e. State the amount or percentage of money to be
9 placed in trust.

10 f. Explain the disposition of the interest and
11 disclose what fees and expenses may be charged if
12 incurred.

13 g. State the name and address of the commissioner.

14 2. Every agreement shall be signed by the
15 purchaser and the seller.

16 Sec. 8. NEW SECTION. 566A.106 INVESTIGATIONS.

17 The attorney general or the commissioner may, for
18 the purpose of discovering violations of subchapter I
19 or this subchapter or any rules adopted under
20 subchapter I or this subchapter:

21 1. Investigate the business and examine the books,

22 accounts, records, and files required to be maintained
23 under subchapter I or this subchapter.

24 2. Administer oaths and affirmations, subpoena
25 witnesses, receive evidence, and require the
26 production of documents and records in connection with
27 an investigation or proceeding being conducted
28 pursuant to this subchapter.

29 3. Apply to the district court for issuance of an
30 order requiring a person's appearance before the
31 commissioner or attorney general, or a designee of
32 either or both, in cases where the person has refused
33 to obey a subpoena issued by the commissioner or
34 attorney general. The person may also be required to
35 produce documentary evidence germane to the subject of
36 the investigation. Failure to obey a court order
37 under this subsection constitutes contempt of court.

38 Sec. 9. NEW SECTION. 566A.107 PROSECUTION FOR
39 VIOLATIONS OF SUBCHAPTER.

40 If the commissioner believes that grounds exist for
41 the criminal prosecution of persons subject to this
42 subchapter for violations of this subchapter or any
43 other law of this state, the commissioner may forward
44 to the attorney general or the county attorney the
45 grounds for the belief, including all evidence in the
46 commissioner's possession, in order that the attorney
47 general or the county attorney may proceed with the
48 matter as deemed appropriate. At the request of the
49 attorney general, the county attorney shall appear and
50 prosecute the action when brought in the county

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1 attorney's county.

2 Sec. 10. NEW SECTION. 566A.108 FRAUDULENT
3 PRACTICES.

4 A person who commits any of the following acts
5 commits a fraudulent practice and is punishable as
6 provided in chapter 714:

7 1. Knowingly fails to comply with any requirement
8 of subchapter I or this subchapter.

9 2. Knowingly makes, causes to be made, or
10 subscribes to a false statement or representation in a
11 report or other document required under this chapter,
12 or renders the report or document misleading through
13 the deliberate omission of information properly
14 belonging in the report or document.

15 3. Conspires to defraud in connection with the
16 sale of a cemetery lot, public mausoleum crypt, or
17 inurnment niche in a public columbarium under this
18 chapter.

19 4. Fails to deposit funds in compliance with
20 section 566A.101 or withdraws funds in a manner

21 inconsistent with subchapter I or this subchapter.

22 5. Deliberately misrepresents or omits a material
23 fact relative to the sale of a perpetual care cemetery
24 lot, public mausoleum crypt, or inurnment niche in a
25 public columbarium under this chapter.

26 Sec. 11. NEW SECTION. 566A.109 RULES.

27 The commissioner may adopt rules necessary to
28 administer and enforce subchapter I or this
29 subchapter, in accordance with chapter 17A.

30 Sec. 12. NEW SECTION. 566A.110 CEASE AND DESIST
31 ORDERS.

32 If an audit or investigation provides reasonable
33 evidence that a seller has violated any provisions of
34 this subchapter or any rule adopted under this
35 subchapter, the commissioner may issue an order
36 directed at the seller to cease and desist from
37 engaging in such act or practice.

38 Sec. 13. NEW SECTION. 566A.111 VIOLATIONS AND
39 PENALTIES.

40 A violation of this chapter or rules adopted by the
41 commissioner pursuant to this chapter is a violation
42 of section 714.16, subsection 2, paragraph "a". The
43 remedies and penalties provided by section 714.16,
44 including but not limited to, provisions relating to
45 injunctive relief and penalties, apply to violations
46 of this subchapter.

47 Sec. 14. NEW SECTION. 566A.112 RECEIVERSHIPS.

48 1. The commissioner shall notify the attorney
49 general if the commissioner finds that any seller
50 engaged in the business subject to this subchapter

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1 meets one or more of the following conditions:

2 a. Is insolvent.

3 b. Has utilized trust funds for personal or
4 business purposes in a manner inconsistent with this
5 subchapter and the amount of funds currently held in
6 trust is less than eighty percent of all payments made
7 under the agreements referred to in section 566A.101.

8 c. Has refused to pay any just claim or demand
9 based on an agreement referred to in section 566A.101.

10 d. The commissioner finds upon investigation that
11 a seller is unable to pay any just claim or demand
12 based on such agreements which have been legally
13 determined to be just and outstanding.

14 2. The attorney general may apply to the district
15 court in any county of the state for a receivership.
16 Upon proof of any of the grounds for a receivership
17 described in this section, the court may grant a
18 receivership.

19 Sec. 15. NEW SECTION. 566A.120 UNFAIR TRADE

20 PRACTICES.

21 1. A person subject to this subchapter shall not
22 advertise or represent in connection with the sale or
23 attempted sale of any covered property, that the
24 properties is or will be a desirable speculative
25 investment for resale purposes.

26 2. A person subject to this subchapter shall not
27 pay or offer to pay, and a person shall not receive
28 directly or indirectly, a commission or bonus or
29 rebate or other thing of value, for or in connection
30 with the sale of any covered property. This
31 subsection does not apply to a person employed by a
32 permitted establishment.

33 3. A person who commits any of the following acts
34 commits a fraudulent practice as defined and as
35 punishable under chapter 714:

36 a. Knowingly makes, causes to be made, or
37 subscribes to an untrue statement of a material fact
38 or omits to state a material fact necessary in order
39 to make the statements made, in the light of the
40 circumstances under which they were made, not
41 misleading.

42 b. Conspires to defraud in connection with the
43 sale of covered property.

44 4. A person who owns or operates a cemetery shall
45 not forbid a person not affiliated with the cemetery
46 from placing grave markers or monuments or performing
47 grave openings and closings and other related services
48 for the lot owner, provided that the services are
49 performed under the supervision of an employee of the
50 cemetery in conformance with any uniformly applicable

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1 rules of the cemetery. The cemetery may charge the
2 lot owner a reasonable hourly rate for the supervisory
3 services of the cemetery employee, but no further
4 charges shall be assessed against the lot owner or the
5 person performing such services.

6 Sec. 16.

7 The Code editor shall designate sections 566A.1
8 through 566A.99 as subchapter 1 of chapter 566A, and
9 the subchapter shall be entitled "Cemeteries and
10 Burial Lots".

11 Sec. 17.

12 The Code editor shall designate sections 566A.101
13 through 566A.199 as subchapter 2 of chapter 566A, and
14 the subchapter shall be entitled "Sales of Perpetual
15 Care Cemetery Lots".

Schnekloth of Scott offered the following amendment H-5444,
to amendment H-5430, filed by him from the floor and moved its
adoption:

H—5444

- 1 Amend the amendment, H—5430, to House File 2524, as
- 2 follows:
- 3 1. Page 3, by striking lines 12 and 13, and
- 4 inserting the following: "thirty days after the end
- 5 of the month in which the funds were received as part
- 6 of a payment from the financial institution."
- 7 2. Page 3, by striking lines 22 through 23, and
- 8 inserting the following: "this state, within thirty
- 9 days after the end of the month in which the funds
- 10 were received."
- 11 3. By renumbering as necessary.

Amendment H—5444 lost.

Schneklath of Scott offered the following amendment H—5453, to amendment H—5430, filed by him from the floor and moved its adoption:

H—5453

- 1 Amend the amendment H—5430, to House File 2524, as
- 2 follows:
- 3 1. Page 5, line 13, by inserting after the word
- 4 "seller" the following: ", if the audit proves
- 5 substantial noncompliance with this subchapter".

Amendment H—5453 lost.

Schneklath of Scott offered amendment H—5446, to amendment H—5430, filed by him from the floor and requested division as follows:

H—5446

- 1 Amend the amendment, H—5430, to House File 2524, as
- 2 follows:

H—5446A

- 3 1. Page 8, by striking lines 26 through 32.

H—5446B

- 4 2. By striking page 8, line 44, through page 9,
- 5 line 5.
- 6 3. By renumbering as necessary.

Schneklath of Scott asked and received unanimous consent to withdraw amendment H—5446A.

Schneklath of Scott moved the adoption of amendment H—5446B.

A non-record roll call was requested.

The ayes were 25, nays 40.

Amendment H—5446B lost.

The following amendment H—5487, to amendment H—5430, filed by Holveck of Polk from the floor was adopted by unanimous consent:

H—5487

- 1 Amend amendment H—5430, to House File 2524, as
- 2 follows:
- 3 1. Page 5, line 49, by striking the word "purchase"
- 4 and inserting the word "purchaser".

On motion by Holveck of Polk, amendment H—5430, as amended, was adopted, placing the following amendments out of order:

H—5315 filed by Holveck, et al., on February 22, 1990.

H—5364 filed by Schneklath of Scott on February 27, 1990.

H—5380 filed by Corbett of Linn on February 27, 1990.

Holveck of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2524)

The ayes were, 67:

Adams	Arnould	Banks	Beatty
Bisignano	Blanshan	Brammer	Brown
Buhr	Carpenter	Chapman	Cohoon
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 21:

Beaman	Bennett	Branstad	Corbett
Daggett	De Groot	Diemer	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Iverson
Maulsby	McKean	Pellett	Petersen, D. F.
Renken	Royer	Schneklath	Trent
Van Maanen			

Absent or not voting, 12:

Black	Brand	Clark	Connors
Hatch	Hester	Lageschulte	Lundby
Metcalf	Miller	Plasier	Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER
(House File 2323)

I move to reconsider the vote by which House File 2323 passed the House on March 1, 1990.

FOGARTY of Palo Alto

(Amendment H—5460, to amendment H—5437, to House File 2417)

I move to reconsider the vote by which amendment H—5460, to amendment H—5437, to House File 2417 failed to be adopted by the House on March 1, 1990.

TABOR of Jackson

(House File 2503)

I move to reconsider the vote by which House File 2503 passed the House on March 1, 1990.

RENAUD of Polk

(House File 2503)

I move to reconsider the vote by which House File 2503 passed the House on March 1, 1990.

DODERER of Johnson

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 1st day of March, 1990: House File 2236.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 1, 1990, he approved and transmitted to the Secretary of State the following bill:

Senate File 81, an act relating to consumer transactions involving the performance of repairs or service upon a motor vehicle, and imposing penalties.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 27, 1990. Had I been present, I would have voted "aye" on House File 2425.

ADAMS of Hamilton

I was necessarily absent from the House chamber on Wednesday, February 28, 1990. Had I been present, I would have voted "aye" on House Files 2022, 2065, 2476, 2546 and "nay" on amendment H - 5383 to House File 2546.

GRONINGA of Cerro Gordo

I was necessarily absent from the House chamber on February 28, 1990. Had I been present, I would have voted "nay" on House File 2371.

KREMER of Buchanan

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-one sixth grade students from Lenox Elementary School, Lenox, accompanied by Janet Reed. By Daggett of Adams.

Ten senior students from Albert City Truesdale High School, Albert City, accompanied by Max Grossnickle. By Eddie of Buena Vista.

SUBCOMMITTEE ASSIGNMENTS

House File 2469

State Government: Peterson of Carroll, Chair; Beatty and Shoning.

House File 2547

Education: Shoultz, Chair; Lageschulte, Neuhauser, Shearer and Siegrist.

Senate File 2003

Transportation: Cohoon, Chair; Branstad and Fogarty.

Senate File 2082

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

Senate File 2100

Small Business and Commerce: Chapman, Chair; Groninga and Halvorson of Clayton.

Senate File 2221

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

Senate File 2235

Transportation: Pavich, Chair; Fey and Pellett.

Senate File 2248

State Government: Buhr, Chair; Hammond and Lundby.

Senate File 2263

State Government: Blanshan, Chair; Peterson of Carroll and Spenner.

Senate File 2264

State Government: Carpenter, Chair; Beatty and Pavich.

Senate File 2268

State Government: Buhr, Chair; Beatty and Garman.

Senate File 2271

Small Business and Commerce: Hansen of Woodbury, Chair; Dvorsky and Kremer.

Senate File 2291

Small Business and Commerce: Renken, Chair; Chapman and Shoultz.

Senate File 2305

State Government: Halvorson of Webster, Chair; Hanson of Delaware and Pavich.

Senate File 2308

State Government: Hammond, Chair; Renaud and Shoning.

Senate File 2323

Transportation: Murphy, Chair; Brown and Harbor.

Senate File 2324

Education: Wise, Chair; Corbett and Tabor.

Senate File 2326

Education: Adams, Chair; Brand and Maulsby.

Senate File 2329

Transportation: Koenigs, Chair; Beaman, Black, De Groot, Muhlbauer, Pavich and Royer.

Senate File 2340

State Government: Buhr, Chair; Beatty and Lundby.

Senate File 2372

State Government: Pavich, Chair; Hanson of Delaware and Knapp.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House Concurrent Resolution 105, a concurrent resolution to urge the Congress of the United States, the President of the United States, the United States Secretary of Agriculture, and the Federal Crop Insurance Corporation to continue support of federal crop insurance.

Fiscal Note is not required.

Recommended **Do Pass** and laid over under Rule 25 March 1, 1990.

Senate File 2315, a bill for an act relating to a pseudorabies control program, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

Senate File 2334, a bill for an act regulating business relationships between suppliers and dealers of certain equipment and providing dates of applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

Senate File 2363, a bill for an act relating to commercial weighing and measuring.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

COMMITTEE ON APPROPRIATIONS

Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5478** March 1, 1990.

COMMITTEE ON ECONOMIC DEVELOPMENT

Senate File 2252, a bill for an act relating to the Iowa logo program and the use of the logo.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2139, a bill for an act relating to the appeal process for certain post-conviction procedures.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

AMENDMENTS FILED

H-5452	S.F.	2262	Spear of Lee
H-5456	H.F.	2513	Haverland of Polk
H-5458	H.F.	2511	Rosenberg of Story
			Jay of Appanoose
			Trent of Muscatine
H-5459	H.F.	2487	McKean of Jones
H-5462	H.F.	2417	Petersen of Muscatine
H-5464	H.F.	2417	Petersen of Muscatine
H-5465	H.F.	2417	Bennett of Ida
H-5467	S.F.	2212	Svoboda of Tama
			Jochum of Dubuque
			Peterson of Carroll
H-5468	H.F.	2432	Muhlbauer of Crawford
H-5469	S.F.	2212	Jochum of Dubuque
H-5470	S.F.	2244	Murphy of Dubuque
			Brown of Lucas
H-5471	H.F.	2417	Banks of Plymouth
H-5472	S.F.	2280	Kremer of Buchanan
			Harbor of Mills
			Tyrrell of Iowa
H-5474	H.F.	2365	Osterberg of Linn
H-5476	H.F.	2515	Shoultz of Black Hawk
H-5478	S.F.	2280	Committee on
			Appropriations
H-5479	H.F.	2487	Holveck of Polk
H-5480	H.F.	2532	Peterson of Carroll

H—5481	H.F.	2417	Hatch of Polk Trent of Muscatine
H—5482	S.F.	2280	Blanshan of Greene Gruhn of Dickinson Carpenter of Polk
H—5483	S.F.	2402	Peterson of Carroll
H—5484	H.F.	2131	Brand of Benton Brown of Lucas
H—5485	H.F.	2466	Groninga of Cerro Gordo Bisignano of Polk
H—5486	H.F.	2487	McKean of Jones
H—5488	H.F.	2528	Carpenter of Polk
H—5489	H.F.	2532	Jay of Appanoose Peterson of Carroll
H—5490	H.F.	2501	Koenigs of Mitchell
H—5491	H.F.	2500	Jay of Appanoose
H—5492	H.F.	2466	Groninga of Cerro Gordo Brammer of Linn Halvorson of Clayton Tyrrell of Iowa Schneklath of Scott
H—5493	H.F.	2417	Tabor of Jackson Hatch of Polk
H—5494	H.F.	2528	Carpenter of Polk Hatch of Polk Shearer of Louisa
H—5495	H.F.	2417	Gruhn of Dickinson
H—5496	S.F.	2212	Sherzan of Polk Peterson of Carroll

On motion by Arnould of Scott, the House adjourned at 6:20 p.m., until 9:00 a.m., Friday, March 2, 1990.

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day — Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 2, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Wayne Bennett, state representative from Ida County.

The Journal of Thursday, March 1, 1990 was approved.

PETITION FILED

The following petition was received and placed on file:

By Jesse of Jasper, from two hundred citizens across the state of Iowa favoring House Files 2534 and 2545.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 1, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2169, a bill for an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2466, a bill for an act relating to the regulation of insurers, insurance, and annuity contracts, was taken up for consideration.

Groninga of Cerro Gordo offered amendment H—5409 filed by him and Brammer of Linn and requested division as follows:

H—5409

1 Amend House File 2466 as follows:

H-5409A

2 1. Page 1, by striking lines 12 through 17, and
3 inserting the following: "premium due and to become
4 due under the contract. The deductions shall be made
5 in the manner which will qualify the annuity premiums
6 for the benefits under section 403B of the Internal
7 Revenue Code, as defined in section 422.3. The
8 employee's rights under the annuity contract are
9 nonforfeitable except for the failure to pay premiums.
10 To qualify the annuity premiums for the benefits under
11 section 403b of the Internal Revenue Code, as defined
12 in section 422.3, the deductions shall be made in the
13 manner prescribed. Except for the failure to pay
14 premiums, the employee's rights under the contract
15 shall be nonforfeitable."

H-5409B

16 2. Page 1, by inserting after line 27, the
17 following:
18 "Sec. _____. Section 296.7, unnumbered paragraph 1,
19 Code Supplement 1989, is amended to read as follows:
20 A school district or merged area school corporation
21 may contract indebtedness and issue general obligation
22 bonds or enter into insurance agreements obligating
23 the school district or corporation to make payments
24 beyond its current budget year to procure or provide
25 for a policy of insurance, a self-insurance program
26 except a self-insurance program for health benefits
27 that includes a specific or aggregate excess loss
28 coverage and except a self-insurance program for
29 health benefits that self-insures only a per-employee
30 or per-family deductible for each year and transfers
31 the risk remaining beyond this deductible, or
32 establish and maintain a local government risk pool to
33 protect the school district or corporation from tort
34 liability, loss of property, environmental hazards, or
35 any other risk associated with the operation of the
36 school district or corporation. A school district,
37 providing a self-insurance program that includes a
38 specific or aggregate excess loss coverage or that
39 self insures only a per-employee or per-family
40 deductible for each year and transfers the risk
41 remaining beyond this deductible, which pursuant to
42 this paragraph is prohibited from contracting the
43 indebtedness for the self-insurance program beyond the
44 current year, may, however, apply to the school budget
45 review committee for relief if necessitated by
46 expenses in the school district's self-insurance
47 program. Taxes for the payment of the principal,
48 premium, or interest on the bonds, the payment of the
49 premium on the insurance policy, the payment of the
50 costs of a self-insurance program, the payment of the

H—5409B

Page 2

1 costs of a local government risk pool, and the payment
2 of amounts payable under an insurance agreement
3 authorized in this section may be levied in excess of
4 any tax limitation imposed by statute. However, for a
5 school district, a tax levied under this section shall
6 be included in the district management levy under
7 section 298.4. Such a self-insurance program or local
8 government risk pool is not insurance and is not
9 subject to regulation under chapters 505 through 523C.
10 However, those self-insurance plans regulated pursuant
11 to section 509A.14 shall remain subject to the
12 requirements of section 509A.14 and rules adopted
13 pursuant to that section.”

14 3. Page 14, by inserting after line 18, the
15 following:

16 “Sec. _____. NEW SECTION. 509.17A SMALL GROUP
17 RATING.

18 1. The commissioner shall with all due diligence
19 adopt by rule the recommendations of the national
20 association of insurance commissioners concerning life
21 and accident or health insurance rating practices for
22 small employer groups, provided that the final
23 recommendations are generally consistent with the
24 following principles:

25 a. Better disclosure to the group of the insurer’s
26 group rating practices.

27 b. Limits on the amount of rate increase that can
28 be based upon the group’s own claim experience in the
29 small group market.

30 c. Actuarial certification that the insurer’s
31 rating practices meet the requirements of the national
32 association of insurance commissioners and meet
33 generally accepted actuarial practice.

34 2. Specific limitations which may be contained in
35 the rules adopted pursuant to subsection 1 include,
36 but are not limited to, the following:

37 a. The annual rate increase for a group cannot
38 exceed the change in the block’s new business rate
39 level plus a fixed percentage of the average rate
40 level for the block.

41 b. The maximum renewal rate within a block of
42 business cannot exceed the average rate for that block
43 of business by more than a fixed percentage.

44 c. The maximum renewal rate in any block of
45 business of an insurer cannot exceed the lowest new
46 business rate for any block of business for that
47 insurer by more than a fixed percentage.

48 d. Other limits on tier and duration rating

H-5409B

49 practices.

50 3. Within six months of adopting any rule pursuant

Page 3

- 1 to subsection 1, the commissioner shall prepare a
- 2 report to the general assembly regarding the success,
- 3 if any, of the rules, and make such recommendations as
- 4 necessary, including offering proposed legislation, to
- 5 effectuate the general assembly's goals of reducing
- 6 the potential for abuse in charging higher than
- 7 actuarially justified rates for some small groups and
- 8 in underpricing for new small group business."
- 9 4. By renumbering as necessary.

Groninga of Cerro Gordo asked and received unanimous consent to withdraw amendment H-5409A.

Groninga of Cerro Gordo offered the following amendment H-5492, to amendment H-5409B, filed by Groninga, et al., and moved its adoption:

H-5492

- 1 Amend the amendment, H-5409, to House File 2466, as
- 2 follows:
- 3 1. By striking page 1, line 18, through page 2,
- 4 line 13, and inserting the following:
- 5 "Sec. _____. Section 296.7, Code Supplement 1989,
- 6 is amended by striking the section and inserting in
- 7 lieu thereof the following:
- 8 296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED - TAX
- 9 LEVY.
- 10 1. A school district or merged area school
- 11 corporation may contract indebtedness and issue
- 12 general obligation bonds or enter into insurance
- 13 agreements obligating the school district or
- 14 corporation to make payments beyond its current budget.
- 15 year for one or more of the following mechanisms to
- 16 protect the school district or corporation from tort
- 17 liability, loss of property, environmental hazards, or
- 18 any other risk associated with the operation of the
- 19 school district or corporation:
- 20 a. To procure or provide for a policy of
- 21 insurance.
- 22 b. To provide a self-insurance program.
- 23 c. To establish and maintain a local government
- 24 risk pool.
- 25 However, this subsection does not apply to an
- 26 insurance program described in subsection 3.
- 27 2. For purposes of subsection 1, an employee

28 benefit plan which includes a specific or aggregate
 29 excess loss coverage or a program that self-insures
 30 only a per-employee or per-family deductible for each
 31 year and which transfers the risk remaining beyond
 32 this deductible is not a self-insurance program, but
 33 is instead an insurance program. As used in this
 34 section, an "employee benefit plan" includes, but is
 35 not limited to benefits for hospital and surgical,
 36 medical expense, major medical, dental, prescription
 37 drug, disability, or life insurance costs or benefits.

38 3. A school district, providing an insurance
 39 program as described in subsection 2, shall not
 40 contract indebtedness and issue general obligation
 41 bonds or enter into insurance agreements obligating
 42 the school district or corporation to make payments
 43 beyond its current budget year for that employee
 44 benefit plan. A school district may, however, apply
 45 to the school budget review committee for relief if
 46 necessitated by the expenses in the school district's
 47 insurance program as described in subsection 2.

48 4. Taxes may be levied in excess of any limitation
 49 imposed by statute for payment of one or more of the
 50 following authorized by subsection 1:

Page 2

1 a. Principal, premium, or interest on bonds.

2 b. Premium on an insurance policy, including a
 3 stop loss or reinsurance policy, except as limited by
 4 subsection 3.

5 c. Costs of a self-insurance program.

6 d. Costs of a local government risk pool.

7 e. Amounts payable under an insurance agreement.

8 However, for a school district, a tax levied under
 9 this section shall be included in the district
 10 management levy under section 298.4.

11 5. A self-insurance program or local government
 12 risk pool authorized by subsection 1 is not insurance
 13 and is not subject to regulation under chapters 505
 14 through 523C. However, those self-insurance plans
 15 regulated pursuant to section 509A.14 shall remain
 16 subject to the requirements of section 509A.14 and
 17 rules adopted pursuant to that section.

18 6. Notwithstanding the other provisions of this
 19 section or any other statute, the tax levy authorized
 20 by this section shall not be used to pay the costs of
 21 employee benefits, including, but not limited to costs
 22 for hospital and surgical, medical expense, major
 23 medical, dental, prescription drug, disability, or
 24 life insurance benefits.

25 7. If the board by resolution restricts the use of
 26 money in a fund as a reserve for uninsured liability

27 or a self-insurance program, the use shall be
28 restricted and unavailable for any other purpose until
29 the board removes the restriction. The removal is not
30 effective until all obligations of the restricted fund
31 have been satisfied, or the next fiscal year,
32 whichever occurs later.” ”
33 2. By renumbering as necessary.

Amendment H—5492 was adopted.

On motion by Groninga of Cerro Gordo, amendment H—5409B,
as amended, was adopted.

Brammer of Linn offered the following amendment H—5316 filed
by him and moved its adoption:

H—5316

1 Amend House File 2466 as follows:
2 1. By striking page 2, line 34, through page 3,
3 line 2, and inserting the following: “other person in
4 the business of insurance who knows or should have
5 known of a fraudulent insurance act, embezzlement,
6 theft, or violation of chapter 507B, shall report the
7 facts and”.
8 2. Page 3, by striking lines 6 through 16, and
9 inserting the following:
10 “2. For the purposes of this section, “fraudulent
11 insurance act” means an act committed by a person who,
12 knowingly and with intent to defraud, does any of the
13 following:
14 a. In connection with a written insurance
15 statement for presentation to an insurer, purported
16 insurer, broker, or any agent of the foregoing
17 persons; or in connection with obtaining, or
18 attempting to obtain, coverage or benefits under an
19 insurance policy:
20 (1) Presents, causes to be presented, or prepares
21 with knowledge or belief that it will be presented, a
22 written insurance statement which the person knows to
23 contain materially false information.
24 (2) Presents, causes to be presented, or prepares
25 with knowledge or belief that it will be presented, a
26 written insurance statement which the person knows to
27 be misleading, because of the omission of a material
28 fact.
29 b. Conceals, for the purpose of misleading, a
30 material fact from an insurer, purported insurer,
31 broker, or an agent of any of the foregoing, in
32 connection with a written insurance statement, or
33 investigation of an application or claim.
34 3. For the purposes of this section a “written

35 insurance statement" means any of the following:
 36 a. An application for the issuance of, or the
 37 rating of an insurance policy.
 38 b. A claim for payment or other benefit pursuant
 39 to an insurance policy.
 40 4. In the absence of fraud, bad faith, or malice,
 41 a person shall not be subject to civil liability for
 42 libel, slander, or any other relevant tort cause of
 43 action in connection with any of the following:
 44 a. Filing a report or furnishing other information
 45 required by law or requested by the commissioner of
 46 insurance.
 47 b. Furnishing any information relating to
 48 suspected fraudulent insurance acts to a law
 49 enforcement official, agent, or employee, or the
 50 commissioner of insurance or the commissioner's

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1 designee.
 2 c. Receiving any information relating to suspected
 3 fraudulent insurance acts from a law enforcement
 4 official, agent, or employee, or the commissioner of
 5 insurance or the commissioner's designee.
 6 d. Furnishing information relating to suspected
 7 fraudulent insurance acts to a person subject to title
 8 XX.
 9 e. Receiving information relating to suspected
 10 fraudulent insurance acts from a person subject to
 11 title XX.
 12 f. Furnishing information in a report to the
 13 insurance division, national association of insurance
 14 commissioners, or any organization established to
 15 detect and prevent fraudulent insurance acts, or to
 16 their agents, employees, or designees.
 17 g. Publishing a report or bulletin related to the
 18 official activities of the division by the
 19 commissioner or any employee of the division.
 20 This section does not abrogate or modify any common
 21 law or statutory privilege or immunity enjoyed by any
 22 person."
 23 3. By renumbering as necessary.

Amendment H—5316 was adopted.

Brammer of Linn offered the following amendment H—5361 filed by him and moved its adoption:

H—5361

1 Amend House File 2466 as follows:
 2 1. By striking page 2, line 31, through page 3,
 3 line 16, and inserting the following:

4 "Sec. _____. NEW SECTION. 505.17 FRAUDULENT
5 INSURANCE ACT - IMMUNITY.

6 1. An insurer, agent, solicitor, broker,
7 administrator, or other person engaged in the business
8 of insurance in this state who knows, or who would
9 have knowledge of sufficient facts to reasonably
10 conclude, that the commission of a fraudulent
11 insurance act, insurance embezzlement, or material
12 insurance theft has occurred in this state shall
13 report the facts and circumstances pertaining to the
14 alleged violation to the commissioner within ten
15 working days of becoming aware of the violation.

16 2. For the purposes of this section, "fraudulent
17 insurance act" means an act committed within this
18 state by a person who, knowingly and with intent to
19 defraud, does any of the following:

20 a. In connection with a written insurance
21 statement for presentation to an insurer, purported
22 insurer, broker, or any agent of the foregoing
23 persons; or in connection with obtaining, or
24 attempting to obtain, coverage or benefits under an
25 insurance policy:

26 (1) Presents, causes to be presented, or prepares
27 with knowledge or belief that it will be presented, a
28 written insurance statement which the person knows to
29 contain materially false information.

30 (2) Presents, causes to be presented, or prepares
31 with knowledge or belief that it will be presented, a
32 written insurance statement which the person knows to
33 be misleading, because of the omission of a material
34 fact.

35 b. Conceals, for the purpose of misleading, a
36 material fact from an insurer, purported insurer,
37 broker, or an agent of any of the foregoing, in
38 connection with a written insurance statement, or
39 investigation of an application or claim.

40 3. For the purposes of this section a "written
41 insurance statement" means any of the following:

42 a. An application for the issuance of, or the
43 rating of an insurance policy.

44 b. A claim for payment or other benefit pursuant
45 to an insurance policy.

46 4. In the absence of fraud, bad faith, or malice,
47 a person is not subject to civil liability for libel,
48 slander, or any other relevant tort cause of action in
49 connection with any of the following:

50 a. Filing a report or furnishing other information

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1 required by subsection 1 or other law or required by
2 the commissioner of insurance under color of law.

- 3 b. Furnishing any information relating to a
 4 suspected fraudulent insurance act, insurance
 5 embezzlement, or material insurance theft to a law
 6 enforcement official, agent, or employee.
- 7 c. Receiving information relating to a suspected
 8 fraudulent insurance act, insurance embezzlement, or
 9 material insurance theft from a law enforcement
 10 official, agent, or employee, of the commissioner of
 11 insurance or the commissioner's designee.
- 12 d. Furnishing information in a report to the
 13 insurance division, national association of insurance
 14 commissioners, or any organization established to
 15 detect and prevent fraudulent insurance acts,
 16 insurance embezzlement, or material insurance theft,
 17 or to agents, employees, or designees of such an
 18 organization.
- 19 e. Publishing a report or bulletin related to the
 20 official activities of the division by the
 21 commissioner or any employee of the division.
- 22 This subsection does not abrogate or modify any
 23 common law or statutory privilege or immunity enjoyed
 24 by any person."

Amendment H—5361 was adopted, placing out of order amend-
 ment H—5316, previously adopted.

Groninga of Cerro Gordo offered the following amendment
 H—5396 filed by him and Bisignano of Polk:

H—5396

- 1 Amend House File 2466 as follows:
 2 1. Page 14, by inserting after line 28, the
 3 following:
 4 "Sec. _____. NEW SECTION. 514B.33 EMERGENCY
 5 SERVICES.
- 6 A health maintenance organization shall directly
 7 reimburse an enrollee who receives and pays for
 8 emergency services from a nonparticipating provider,
 9 whether in or outside of the health maintenance
 10 organization's service territory. Reimbursement for
 11 emergency treatment shall not exceed the reasonable
 12 expenses for equivalent services as if provided by a
 13 participating provider. Reimbursement shall not be
 14 denied for any of the following reasons:
 15 1. Lack of a primary care physician referral.
 16 2. A secondary insurance carrier's willingness or
 17 obligation to pay, or lack thereof.
- 18 This section does not prohibit a health maintenance
 19 organization from directly reimbursing a
 20 nonparticipating provider."
 21 2. By renumbering as necessary.

Groninga of Cerro Gordo offered the following amendment H—5485, to amendment H—5396, filed by him and Bisignano of Polk:

H—5485

1 Amend the amendment H—5396, to House File 2466, as
2 follows:

3 1. Page 1, by striking lines 6 through 20, and
4 inserting the following:

5 "1. A health maintenance organization shall
6 directly reimburse an enrollee who receives and pays a
7 nonparticipating provider for covered emergency
8 services, and for which circumstances prevented the
9 enrollee from receiving the services from a
10 participating provider, whether in or outside the
11 health maintenance organization's service territory.
12 Reimbursement for emergency services received from a
13 nonparticipating provider shall not exceed the
14 reasonable expenses for similar services as if
15 provided by a participating provider. This section
16 does not prohibit a health maintenance organization
17 from directly reimbursing a nonparticipating provider.

18 2. Reimbursement shall not be denied for any of
19 the following reasons:

20 a. Lack of a primary care physician referral.

21 b. A secondary insurance carrier's willingness or
22 obligation to pay, or lack thereof.

23 3. A health maintenance organization shall not
24 fail to reimburse an enrollee for emergency services
25 received from a nonparticipating provider except by
26 written notice to the enrollee. The health
27 maintenance organization's written notice to the
28 enrollee shall state the reason for denial of
29 reimbursement, together with notification of the
30 enrollee's right to a hearing before the commissioner
31 within fifteen days as provided in section 514B.34.

32 4. The commissioner may by rule define "emergency
33 services".

34 Sec. _____. NEW SECTION. 514B.34 HEARING BEFORE
35 COMMISSIONER.

36 1. An enrollee may request a hearing before the
37 commissioner as follows:

38 a. Within fifteen days of receipt of a written
39 notice of denial of reimbursement for emergency
40 services, delivered pursuant to section 514B.33,
41 subsection 3.

42 b. Within one year from receipt of the emergency
43 services if no written notice pursuant to section
44 514B.33, subsection 3, is received.

45 2. The purposes of this hearing are limited to
46 establishing the existence of the evidence used by the
47 health maintenance organization in formulating its

48 reason for denial of reimbursement, discovering other
 49 evidence, if any, relevant to the enrollee's right to
 50 reimbursement, and determining the validity of the

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1 health maintenance organization's denial of
 2 reimbursement. The health maintenance organization
 3 shall prove by a preponderance of the evidence the
 4 reason for denial of reimbursement, and that
 5 reimbursement was not denied for any reason
 6 impermissible pursuant to section 514B.33, subsection
 7 2. If the commissioner finds that the health
 8 maintenance organization's reason for denial was not
 9 supported by the evidence, impermissible, or otherwise
 10 invalid, the commissioner shall order the health
 11 maintenance organization to reimburse the enrollee for
 12 emergency services received from a nonparticipating
 13 provider. The commissioner shall adopt rules for
 14 administering and enforcing section 514B.33 and this
 15 section."
 16 2. By renumbering as necessary.

Garman of Story rose on a point of order that amendment H—5485, to amendment H—5396, was not germane.

The Speaker ruled the point well taken and amendment H—5485 not germane.

Garman of Story rose on a point of order that amendment H—5396 was not germane.

The Speaker ruled the point well taken and amendment H—5396 not germane.

Brammer of Linn offered the following amendment H—5400 filed by him and moved its adoption:

H—5400

- 1 Amend House File 2466 as follows:
- 2 1. Page 14, by striking line 34 and inserting the
- 3 following: "and reporting practices for the following
- 4 classes of policies:
- 5 1. Medicare supplement insurance.
- 6 2. Nursing home insurance.
- 7 3. Long-term care insurance."

Amendment H—5400 was adopted.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2466)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Neuhausser	Nielsen
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 13:

Banks	Branstad	De Groot	Diemer
Eddie	Halvorson, R. A.	Hermann	Iverson
Kremer	Maulsby	Miller	Ollie
Tyrrell			

Absent or not voting, 2:

Hatch Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2313, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities, was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2313)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Bennett	Gruhn	Hatch	McKinney
Plasier	Sherzan	Shultz	Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Dvorsky of Johnson in the chair at 10:03 a.m.

House File 2486, a bill for an act relating to the regulation of tanning facilities, providing penalties, and providing for the establishment of fees, was taken up for consideration.

Fey of Scott offered the following amendment H—5278 filed by him and moved its adoption:

H—5278

- 1 Amend House File 2486 as follows:
- 2 1. Page 2, by striking lines 15 through 25.
- 3 2. Page 3, line 34, by striking the words "or
- 4 threat of violation".
- 5 3. By renumbering and redesignating sections as
- 6 necessary.

Amendment H—5278 was adopted.

Speaker Avenson in the chair at 10:11 a.m.

Carpenter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2486)

The ayes were, 71:

Adams	Arnould	Banks	Bennett
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Harper	Hester	Hibbard	Holveck
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Rosenberg
Schnekloth	Schrader	Shearer	Sherzan
Shoultz	Spear	Stueland	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 24:

Beaman	Beatty	Bisignano	Black
Branstad	Corbett	Daggett	De Groot
Fuller	Hansen, S. D.	Iverson	Jesse
Lundby	Osterberg	Petersen, D. F.	Renaud
Renken	Royer	Shoning	Siegrist
Spanner	Svoboda	Tabor	Trent

Absent or not voting, 5:

Hatch	Haverland	Hermann	Swartz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2312, a bill for an act relating to nonsubstantive Code and Act corrections, was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2312)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hester
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhausser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Hatch	Haverland	Hermann	Hibbard
Petersen, D. F.	Plasier	Royer	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2281, a bill for an act relating to grain-based fuel technology, establishing a center for grain-based fuel technology, and requiring state agencies to purchase vehicles which operate on grain-based fuel, with report of committee recommending amendment and passage was taken up for consideration.

Shearer of Louisa offered the following amendment H—5386 filed by him:

H—5386

- 1 Amend House File 2281 as follows:
- 2 1. By striking everything after the enacting
- 3 clause, and inserting the following:

4 "Section 1. NEW SECTION. 262.80 CONSORTIUM FOR
5 ETHANOL RESEARCH AND TECHNOLOGY.

6 1. A consortium for ethanol research and
7 technology is established between the university of
8 Iowa and Iowa state university of science and
9 technology. The consortium shall include a center for
10 ethanol technology at the university of Iowa.

11 2. The mission of the consortium is to further the
12 research, development, and education of ethanol
13 technology, including fuels based on ethanol and
14 equipment and vehicles operating with such fuels. The
15 principal objective of the consortium shall be to
16 further the production and transfer of ethanol
17 technology, and the consortium shall be the primary
18 entity charged to coordinate research relating to the
19 development and promotion of ethanol technology. The
20 consortium may do any of the following:

21 a. Advise the department of agriculture and land
22 stewardship regarding standards for oxygenate octane
23 enhancers regulated under chapter 214A.

24 b. Assist state or federal agencies and commercial
25 enterprises located in the state in conducting
26 research relating to the production, consumption, and
27 marketing of ethanol technology.

28 c. Prepare a state ethanol technology research
29 plan. The plan shall contain recommendations for a
30 coordinated research strategy for all agencies
31 involved in ethanol technology research.

32 d. Prepare a state research policy report. The
33 report shall contain a description of ethanol
34 technology research, an evaluation of the research and
35 research results, areas of study with promising
36 potential, and areas of current study with limited
37 potential. The report shall include a budget
38 recommendation listing priorities for research during
39 the following fiscal year. The report shall be
40 submitted each year to the state board of regents.
41 The state board of regents shall submit the report by
42 January 15 of each year to the governor and the
43 general assembly, including the committees on
44 appropriations of the senate and house of
45 representatives. The state board of regents shall
46 also submit the report to the board of directors of
47 the Wallace technology transfer foundation of Iowa,
48 the science and technology advisory council, and other
49 state agencies engaged in research or marketing of
50 ethanol technology.

Page 2

1 e. Educate persons about the use and availability
2 of ethanol technology in products, and the advantages

3 in using the products.

4 f. Cooperate with the Wallace technology transfer
5 foundation of Iowa in formulating long-range strategic
6 plans to guide state investment in applied research,
7 development, and commercial transfer of selected
8 scientific and technological innovation relating to
9 ethanol technology.

10 g. Support projects to develop the use of ethanol
11 fuels of different concentrations in various engines,
12 to study decreased threats from air pollution and
13 global warming from use of ethanol fuels, to study
14 utilization of products derived from ethanol,
15 including feedstock, and to research the creation of
16 marketing opportunities for ethanol fuels.

17 h. Serve as a clearinghouse of information
18 relating to ethanol fuels on engine manufacturing.
19 The consortium shall compile information from research
20 and monitoring of pertinent regulatory developments,
21 including governmental efforts related to air quality
22 protection.

23 i. Investigate the viability of state purchasing
24 and using vehicles powered by ethanol fuels.

25 Sec. 2. STATE VEHICLES POWERED BY ETHANOL FUEL —
26 PLAN.

27 The center for ethanol technology established
28 pursuant to section 262.80 shall develop a plan for
29 commencing and gradually increasing the purchase of
30 vehicles which operate on ethanol fuel. The plan
31 shall be submitted to the state board of regents. The
32 state board of regents shall submit the plan to the
33 general assembly and to the governor by January 1,
34 1991. The plan shall include a report on the
35 commercial availability of domestically produced motor
36 vehicles operating on ethanol fuel, the barriers to
37 the expeditious development of ethanol fuels, and
38 recommendations relating to overcoming the barriers.”

39 2. Title page, by striking lines 1 through 4, and
40 inserting the following: “An Act relating to ethanol
41 technology, by providing for a consortium for ethanol
42 research and technology.”

Petersen of Muscatine rose on a point of order that amendment
H—5386 was not germane.

The Speaker ruled the point not well taken and amendment
H—5386 germane.

Shearer of Louisa moved the adoption of amendment H—5386.

Amendment H—5386 was adopted, placing out of order the fol-
lowing amendments:

H—5232 filed by the committee on agriculture on February 20, 1990.

H—5345, to the committee amendment H—5232, filed by Swartz of Marshall on February 26, 1990.

Van Maanen of Mahaska rose on a point of order and invoked Rule 32 to refer House File 2281 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 32 not in order.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2281)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Chapman Swartz

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on energy and environmental protection.

The House stood at ease at 11:00 a.m., until the fall of the gavel.

The House resumed session at 11:50 a.m., Speaker Avenson in the chair.

CONSIDERATION OF BILLS Appropriations Calendar

Senate File 2212, a bill for an act relating to and making supplemental appropriations or decreasing appropriations to the department of human services, Iowa department of public health, state board of regents, department of general services, department of inspections and appeals, department of employment services, department of commerce, state department of transportation, department of corrections, department of public safety, department of justice, judicial department, department of elder affairs, department of agriculture and land stewardship, department of natural resources, department of cultural affairs, department of education, and college aid commission for the remainder of the fiscal year ending June 30, 1990, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Peterson of Carroll offered the following amendment H-5273 filed by the committee on appropriations:

H-5273

- 1 Amend Senate File 2212, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 5, line 24 through page 6,
- 4 line 3.
- 5 2. Page 6, by inserting before line 4 the
- 6 following:
- 7 "Sec. _____. 1989 Iowa Acts, chapter 321, section 4,
- 8 subsection 2, is amended by adding the following new
- 9 paragraph after paragraph "b":
- 10 **NEW PARAGRAPH. bb.** The division may expend up to
- 11 **\$120,000** from the fund to offset the federal
- 12 unemployment insurance shortfall."
- 13 3. Page 8, by striking lines 9 through 19.
- 14 4. By striking page 8, line 20 through page 9,
- 15 line 3.
- 16 5. Page 10, by striking lines 8 through 17.

- 17 6. Page 19, by inserting after line 25, the
- 18 following:
- 19 "Sec. _____. 1989 Iowa Acts, chapter 316, section 1,
- 20 subsection 3, is amended to read as follows:
- 21 3. Preparation of a new domestic abuse manual and
- 22 updating of the desk manual for prosecutors:
- 23 \$ 15,000
- 24 Notwithstanding section 8.33, the moneys
- 25 appropriated in this subsection that remain
- 26 unencumbered or unobligated on June 30, 1990, shall
- 27 not revert to the general fund of the state but shall
- 28 remain available for expenditure for the purposes
- 29 designated during the fiscal year beginning July 1,
- 30 1990."
- 31 7. Page 20, line 16, by striking the figure
- 32 "1,255,677" and inserting the following: "1,236,777".
- 33 8. Page 20, by striking lines 25 through 32.
- 34 9. By striking page 20, line 33 through page 21,
- 35 line 8.
- 36 10. Page 22, by striking lines 8 through 18.

Svoboda of Tama offered the following amendment H-5467, to the committee amendment H-5273, filed by Svoboda, et al., and moved its adoption:

H-5467

- 1 Amend Amendment H-5273 to Senate File 2212 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 34 and 35 and
- 5 inserting the following:
- 6 " _____ Page 21, line 3, by striking the figure
- 7 "851,671" and inserting the following: "818,571".
- 8 _____ Page 21, line 8, by striking the word
- 9 "designated" and inserting the following: "of a
- 10 statewide gypsy moth detection survey."

Amendment H-5467 was adopted.

On motion by Peterson of Carroll, the committee amendment H-5273, as amended, was adopted.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-5266 filed by Halvorson, et al., on February 21, 1990.

Jochum of Dubuque offered amendment H-5469 filed by him and requested division as follows:

H-5469

- 1 Amend Senate File 2212 as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—5469A

- 3 1. Page 4, by striking lines 10 through 18.

H—5469B

- 4 2. Page 4, line 24, by striking the figure
5 "1,977,302" and inserting the following: "1,867,302".
6 3. Page 5, line 23, by striking the figure
7 "9,300,000" and inserting the following: "9,200,000".

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—5469A.

The House stood at ease at 12:05 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5469B to Senate File 2212 at 1:52 p.m., Tabor of Jackson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 2212 be deferred and that the bill retain its place on the calendar.

(Amendment H—5469B pending.)

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton on request of Eddie of Buena Vista; Corbett of Linn on request of Banks of Plymouth; Connors of Polk and Chapman of Linn on request of Arnould of Scott, all for the remainder of the day.

Regular Calendar

House File 2500, a bill for an act relating to the enforcement of outdoor recreation and natural resource laws, by defining repeat offenders, by requiring the reporting of hunting accidents, by providing for the suspension of licenses, permits, and certificates, and by providing penalties, was taken up for consideration.

Jay of Appanoose offered the following amendment H—5491 filed by him and moved its adoption:

H—5491

- 1 Amend House File 2500 as follows:
2 1. Page 1, line 19, by inserting after the word
3 "paid" the following: "or a payment schedule is
4 established by the court".
5 2. Page 1, line 21, by inserting after the word

6 "lifted." the following: "If a payment schedule is
7 established, the suspension shall be lifted and remain
8 so unless the person fails to make a payment pursuant
9 to that schedule."

Amendment H—5491 was adopted.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2500)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Tabor	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Blanshan	Chapman	Connors	Corbett
Neuhauser	Poncy	Renaud	Shultz
Stueland			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2511, a bill for an act relating to an assault without intent to inflict serious injury which results in a serious injury, was taken up for consideration.

Rosenberg of Story offered the following amendment H—5458 filed by Rosenberg, et al., and moved its adoption:

H—5458

- 1 Amend House File 2511 as follows:
- 2 1. Page 1, lines 8 and 9, by striking the words
- 3 "a serious" and inserting the following: "an
- 4 aggravated".
- 5 2. Page 1, by inserting after line 9, the
- 6 following:
- 7 "Sec. _____. Section 708.4, Code 1989, is amended to
- 8 read as follows:
- 9 708.4 WILLFUL INJURY.
- 10 Any person who does an act which is not justified
- 11 and which is intended to cause and does cause serious
- 12 injury to another commits a class "C D" felony."
- 13 3. Title page, line 2, by inserting after the
- 14 words "serious injury" the following: ", and serious
- 15 injury constituting willful injury".
- 16 4. By renumbering as necessary.

Amendment H—5458 was adopted.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2511)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters

Petersen, D. F.	Peterson, M. K.	Plasier	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Tabor	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Blanshan	Chapman	Connors	Corbett
Hibbard	Neuhauser	Poncy	Renaud
Stueland			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Speaker Avenson in the chair at 2:15 p.m.

House File 2131, a bill for an act relating to housing cooperatives by authorizing the creation of local housing authorities to encourage and organize sweat equity housing cooperative associations with state financial assistance as available, and providing procedures and requirements, with report of committee recommending amendment and passage was taken up for consideration.

Hansen of Woodbury offered the following amendment H—5140 filed by the committee on small business and commerce and moved its adoption:

H—5140

- 1 Amend House File 2131 as follows:
- 2 1. Page 2, by striking lines 4 through 7, and
- 3 inserting the following: "finance authority."

The committee amendment H—5140 was adopted.

Brown of Lucas offered the following amendment H—5230 filed by him and Jesse of Jasper:

H—5230

- 1 Amend House File 2131 as follows:
- 2 1. Page 1, line 8, by striking the word
- 3 "shareholder" and inserting the following: "member".
- 4 2. Page 1, by inserting after line 14 the fol-
- 5 lowing:
- 6 "_____. "Sweat equity" means any contribution made
- 7 by a partner to the operations of the association,
- 8 including but not limited to physical labor."
- 9 3. Page 3, line 18, by inserting after the word

10 "partners." the following: "The program shall
 11 involve, to the greatest extent possible, persons
 12 participating as dislocated workers under the federal
 13 Job Training Partnership Act as provided in section
 14 7B.1. If a contract is executed with a person to
 15 perform skilled labor or to supervise skilled work,
 16 the person must be certified by an organization
 17 recognized as representing a membership of persons
 18 with common skills."

19 4. Page 3, by striking lines 24 through 26 and
 20 inserting the following: "the partners' committee.

21 c. Establish a program to ensure that partners are
 22 equipped with skills necessary for full participation
 23 in society, including but not limited to literacy,
 24 training, household skills, employment interviewing
 25 techniques, nutrition, and personal hygiene.

26 d. Encourage participation by partners in the
 27 activities of the community."

28 5. Page 4, by inserting after line 23 the follow-
 29 ing:

30 "Sec. _____. NEW SECTION. 499A.106 REIMBURSEMENT
 31 OF SWEAT EQUITY CONTRIBUTION.

32 The association shall establish criteria for the
 33 reimbursement of a partner terminating membership in
 34 the association, in accordance with the partner's
 35 sweat equity contribution."

36 6. By renumbering as necessary.

Metcalf of Polk offered the following amendment H—5341, to
 amendment H—5230, filed by her and Brown of Lucas and moved its
 adoption:

H—5341

1 Amend the amendment, H—5230, to House File 2131, as
 2 follows:

3 1. Page 1, by striking lines 23 through 25, and
 4 inserting the following: "in society."

Amendment H—5341 was adopted.

On motion by Brown of Lucas, amendment H—5230, as amended,
 was adopted.

Brand of Benton asked and received unanimous consent to with-
 draw amendment H—5442 filed by him and Brown of Lucas on Febru-
 ary 28, 1990.

Brand of Benton offered the following amendment H—5484 filed
 by him and Brown of Lucas and moved its adoption:

H—5484

- 1 Amend House File 2131 as follows:
- 2 1. Page 1, line 35, by striking the word "shall"
- 3 and inserting the following: "may".
- 4 2. Page 1, line 35, by striking the word
- 5 "adequate".
- 6 3. Page 2, line 1, by striking the word "moneys"
- 7 and inserting the following: "assistance".
- 8 4. Page 2, line 1, by striking the words "and
- 9 operation".
- 10 5. Page 2, by striking lines 2 through 4, and
- 11 inserting the following: "authorities from the
- 12 housing trust fund. The Iowa finance authority is
- 13 authorized".
- 14 6. By striking page 3, line 34, through page 4,
- 15 line 6, and inserting the following: "moneys, may
- 16 approve for the association state grants, loans, or
- 17 other appropriations administered by the Iowa finance
- 18 authority."

Amendment H—5484 was adopted.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2131)

The ayes were, 70:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cphoon
Daggett	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKean	McKinney
Mertz	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 23:

Bennett	De Groot	Diemer	Eddie
Gruhn	Hanson, D. R.	Hermann	Hester

Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	Metcalf	Miller
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Tyrrell	Van Maanen	

Absent or not voting, 7:

Chapman	Connors	Corbett	Neuhauser
Poncy	Renaud	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2450, a bill for an act relating to court costs to the city for certain dismissals of parking violations, was taken up for consideration.

Jay of Appanoose offered the following amendment H—5428 filed by him and moved its adoption:

H—5428

- 1 Amend House File 2450 as follows:
- 2 1. Page 1, line 5, by striking the word "waived"
- 3 and inserting the following: "two dollars".
- 4 2. Page 1, by inserting after line 5 the
- 5 following:
- 6 "Sec. _____. Section 321.236, subsection 1,
- 7 unnumbered paragraph 2, Code 1989, is amended to read
- 8 as follows:
- 9 Parking meter and overtime parking violations which
- 10 are denied shall be charged and proceed before a court
- 11 the same as other traffic violations and court costs
- 12 shall be assessed as provided in section 602.8106,
- 13 subsection 1 and section 805.6, subsection 1,
- 14 paragraph "a" for parking violation cases. Parking
- 15 violations which are admitted:
- 16 Sec. _____. Section 602.8106, subsection 1, Code
- 17 Supplement 1989, is amended to read as follows:
- 18 1. Notwithstanding section 602.8105, the fee for
- 19 the filing and docketing of a complaint or information
- 20 for a simple misdemeanor is twenty dollars except that
- 21 the filing and docketing of a complaint or information
- 22 for a nonscheduled simple misdemeanor under chapter
- 23 321 is fifteen dollars. ~~However, a~~ The fee for filing
- 24 and docketing a complaint or information shall not be
- 25 collected in cases of overtime parking is eight
- 26 dollars, effective January 1, 1991.
- 27 Sec. _____. Section 805.6, subsection 1, paragraph
- 28 a, unnumbered paragraph 1, Code Supplement 1989, is
- 29 amended to read as follows:
- 30 The commissioner of public safety and the director
- 31 of natural resources, acting jointly, shall adopt a

32 uniform, combined citation and complaint which shall
 33 be used for charging all traffic violations in Iowa
 34 under state law or local regulation or ordinance, and
 35 which shall be used for charging all other violations
 36 which are designated by section 805.8 to be scheduled
 37 violations. The court costs in cases of parking
 38 violations which are denied, and charged and collected
 39 pursuant to section 321.236, subsection 1, are eight
 40 dollars per court appearance, regardless of the number
 41 of parking violations considered at that court
 42 appearance uniform citation and complaint. The court
 43 costs in scheduled violation cases where a court
 44 appearance is not required are ten dollars. The court
 45 costs in scheduled violation cases where a court
 46 appearance is required are fifteen dollars. This
 47 subsection does not prevent the charging of any of
 48 those violations by information, by private complaint
 49 filed under chapter 804, or by a simple notice of fine
 50 where permitted by section 321.236, subsection 1.

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1 Each uniform citation and complaint shall be serially
 2 numbered and shall be in quintuplicate, and the
 3 officer shall deliver the original and a copy to the
 4 court where the defendant is to appear, two copies to
 5 the defendant, and a copy to the law enforcement
 6 agency of the officer. The court shall forward the
 7 copy of the uniform citation and complaint in
 8 accordance with section 321.207 when applicable.

9 Sec. _____. Section 805.8, subsection 2, paragraph
 10 a, Code Supplement 1989, is amended to read as
 11 follows:

12 a. For parking violations under sections 321.236,
 13 321.239, 321.358, 321.360, and 321.361, the scheduled
 14 fine is five dollars. The scheduled fine
 15 automatically increases to ten dollars if the parking
 16 violation is not paid within thirty days of the date
 17 upon which the violation occurred. For purposes of
 18 calculating the unsecured appearance bond required
 19 under section 805.6, the scheduled fine shall be five
 20 dollars. However, violations charged by a city upon
 21 simple notice of a fine instead of a uniform citation
 22 and complaint as permitted by section 321.236,
 23 subsection 1, paragraph "a", are not scheduled
 24 violations, and this section shall not apply to any
 25 offense charged in that manner. For a parking
 26 violation under section 111.38 or 321.362 the
 27 scheduled fine is ten dollars.

28 3. Title page, line 2, by inserting after the
 29 word "violations" the following: "and court costs and
 30 fees for certain parking violations."

Amendment H—5428 was adopted.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2450)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Chapman	Connors	Corbett	Hanson, D. R.
Neuhauser	Plasier	Poncy	Stueland

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Appropriations Calendar

The House resumed consideration of **Senate File 2212**, a bill for an act relating to and making supplemental appropriations or decreasing appropriations to the department of human services, Iowa department of public health, state board of regents, department of general services, department of inspections and appeals, department of employment services, department of commerce, state department of

transportation, department of corrections, department of public safety, department of justice, judicial department, department of elder affairs, department of agriculture and land stewardship, department of natural resources, department of cultural affairs, department of education, and college aid commission for the remainder of the fiscal year ending June 30, 1990, and providing an effective date, and amendment H—5469B found on page 822 of the House Journal, previously deferred and retained on the calendar.

Hansen of Woodbury in the chair at 2:47 p.m.

Jochum of Dubuque moved the adoption of amendment H—5469B.

A non-record roll call was requested.

The ayes were 47, nays 32.

Amendment H—5469B was adopted.

Sherzan of Polk offered the following amendment H—5496 filed by him and Peterson of Carroll:

H—5496

1 Amend Senate File 2212, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 10, by inserting before line 18 the
4 following:

5 "Sec. _____.

6 There is appropriated from the general fund of the
7 state to the department of corrections for the fiscal
8 year beginning July 1, 1989, and ending June 30, 1990,
9 the following amounts, or so much thereof as is
10 necessary, to be used for the purposes designated:

11 To provide for financial arrangements for the
12 acquisition or construction by lease-purchase of real
13 and personal property not exceeding a maximum cost,
14 excluding the cost of interest expense and various
15 fees associated with the acquisition of lease-purchase
16 financing, of a total project cost of \$17,032,000 for
17 land acquisition, for expanded prison facilities, for
18 consolidation of certain community-based corrections
19 district's facilities, and to supplement 1989 Iowa
20 Acts, chapter 316 in the manner provided in the
21 following subsections:
22\$ 200,000

23 1. Up to \$3,900,000 for construction of 120
24 additional medium security dormitory style beds at the
25 Rockwell City correctional facility.

26 2. Up to \$4,000,000 for construction of 100
27 additional medium security dormitory style beds at the
28 Oakdale corrections campus.

29 3. Up to \$2,363,000 for construction of 50
30 additional minimum security dormitory style beds at
31 the Mitchellville correctional facility.

32 4. Up to \$1,300,000 for construction of 60 minimum
33 security dormitory style beds located in Polk county.

34 As a condition, limitation, and qualification of
35 this appropriation, the beds shall be used for a 30-
36 to-60-day shock revocation program for parole and
37 probation violators. The beds shall be administered
38 by the state department of corrections.

39 5. Up to \$3,500,000 for the addition of 200
40 community-based corrections residential beds with the
41 locations to be determined by the state department of
42 corrections, with at least 25 residential beds being
43 dedicated for women.

44 The construction of the 200 beds shall not begin until
45 the department has notified and provided an
46 explanation for the placement of the beds to the
47 legislative council, the legislative fiscal committee,
48 the joint justice system appropriations subcommittee,
49 and the legislative fiscal bureau.

50 6. Up to \$849,000 for the remodeling of

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1 administrative offices and the consolidation of
2 certain district operations in the fifth community-
3 based correctional services district.

4 7. Up to \$120,000 to supplement funds appropriated
5 by 1989 Iowa Acts, chapter 316, section 7, subsection
6 6, for providing financing to begin construction of
7 the 36 residential beds authorized under paragraph "d"
8 for the eighth community-based correctional services
9 district.

10 8. Up to \$1,000,000 for supplementing the
11 appropriations available under subsections 4 and 5 for
12 land acquisition costs and architectural fees if the
13 appropriations available under those subsections are
14 insufficient to pay all costs of land acquisition and
15 architectural fees.

16 9. Notwithstanding the limitation on the amount
17 available for use for each of the projects designated
18 in subsections 1 through 8, the dollar limitation may
19 be exceeded for any project provided that the dollar
20 limitations for other projects are reduced in the
21 cumulative by that excess. However, a dollar
22 limitation shall not be increased unless notification
23 is provided to the legislative council, legislative
24 fiscal committee, legislative fiscal bureau, and
25 department of management prior to the increase in the
26 dollar limitation.

27 10. Notwithstanding section 453.7, interest earned
28 on the proceeds from the lease-purchase arrangement
29 are available for the projects designated in
30 subsections 1 through 8."

Dvorsky of Johnson offered the following amendment H—5504, to amendment H—5496, filed from the floor by Dvorsky, Peterson of Carroll, Brammer, Lundby, Chapman, Brand, Nielsen, Tyrrell, Corbett, Jochum and Svoboda and moved its adoption:

H—5504

1 Amend the amendment, H—5496, to Senate File 2212,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 16, by striking the figure
5 "17,032,000" and inserting the following:
6 "17,532,000".
7 2. Page 1, by inserting after line 22 the
8 following:
9 "Notwithstanding section 8.33, moneys remaining
10 unencumbered and unobligated on June 30, 1989, from
11 the appropriation made in this section shall not
12 revert but shall remain available for expenditure for
13 purposes of this section for the fiscal year beginning
14 July 1, 1990."
15 3. Page 2, by inserting after line 15 the fol-
16 lowing:
17 "8A. Up to \$500,000 for the consolidation of work
18 release, OWI, field services, and administrative
19 offices for the sixth community-based correctional
20 services district."
21 4. Page 2, line 18, by striking the figure "8"
22 and inserting the following: "8A".
23 5. Page 2, line 30, by striking the figure "8"
24 and inserting the following: "8A".

Amendment H—5504 was adopted.

Royer of Page offered the following amendment H—5499, to amendment H—5496, filed by him from the floor and moved its adoption:

H—5499

1 Amend the amendment, H—5496, to Senate File 2212, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking line 28 and inserting the
5 following: "Clarinda correctional facility."

Roll call was requested by Royer of Page and Schnekloth of Scott.

Rule 75 was invoked.

On the question "Shall amendment H—5499, to amendment H—5496, be adopted?" (S.F. 2212)

The ayes were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
McKean	Metcalf	Miller	Pavich
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 54:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Cohoon
Doderer	Dvorsky	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Harper	Hatch	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Peters
Peterson, M. K.	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Hansen, S. D.		
	Presiding		

Absent or not voting, 10:

Chapman	Connors	Corbett	Fey
Haverland	Hermann	Maulsby	Neuhauser
Poncy	Stueland		

Amendment H—5499 lost.

Royer of Page offered the following amendment H—5498, to amendment H—5496, filed by him from the floor:

H—5498

- 1 Amend the amendment, H—5496, to Senate File 2212,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 29, by striking the figure "50"
- 5 and inserting the following: "100".

Royer of Page asked for unanimous consent to defer action on amendment H—5498.

Objection was raised.

Royer of Page moved to defer action on amendment H—5498, to amendment H—5496.

A non-record roll call was requested.

The ayes were 35, nays 39.

The motion to defer amendment H—5498 lost.

Royer of Page moved the adoption of amendment H—5498, to amendment H—5496.

Amendment H—5498 lost.

Eddie of Buena Vista offered the following amendment H—5506, to amendment H—5496, filed by him from the floor:

H—5506

- 1 Amend the amendment, H—5496, to Senate File 2212,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 32, by striking the figure "60"
- 5 and inserting the following: "75".
- 6 2. Page 1, line 33, by striking the words "Polk
- 7 county" and inserting the following: "Newton".

The following amendment H—5519, to amendment H—5506, to amendment H—5496, filed by Eddie of Buena Vista from the floor was adopted by unanimous consent:

H—5519

- 1 Amend the amendment H—5506, to amendment H—5496,
- 2 to Senate File 2212, as amended, passed, and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 1, by striking lines 6 and 7, and inserting
- 5 the following:
- 6 "2. Page 1, line 33, by striking the words "in
- 7 Polk County" and inserting the words "at the correc-
- 8 tional facility in Newton"."

Speaker Avenson in the chair at 4:25 p.m.

Eddie of Buena Vista moved the adoption of amendment H—5506, as amended, to amendment H—5496.

Roll call was requested by Eddie of Buena Vista and Spenner of Henry.

On the question "Shall amendment H—5506, as amended, to amendment H—5496, be adopted?" (S.F. 2212)

The ayes were, 34:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklloth	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Cohoon	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Swoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 10:

Chapman	Connors	Corbett	Hermann
Knapp	Maulsby	Neuhauser	Poncy
Shoning	Stueland		

Amendment H—5506, as amended, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk and May of Worth, both for the remainder of the day, on request of Black of Jasper.

Shearer of Louisa in the chair at 5:08 p.m.

Clark of Cerro Gordo offered the following amendment H—5501, to amendment H—5496, filed by her from the floor and moved its adoption:

H—5501

- 1 Amend the amendment, H—5496, to Senate File 2212,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

4 1. By striking page 1, line 50, through page 2,
5 line 3.

Roll call was requested by Clark of Cerro Gordo and Van Maanen of Mahaska.

On the question "Shall amendment H—5501, to amendment H—5496, be adopted?" (S.F. 2212)

The ayes were, 32:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Hester	Iverson	Kistler
Kremer	Lageschulte	Lundby	McKean
Miller	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 55:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Cohoon
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	McKinney	Mertz
Murphy	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Renaud
Rosenberg	Schrader	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Shearer	
		Presiding	

Absent or not voting, 13:

Chapman	Connors	Corbett	Harbor
Hermann	Maulsby	May	Metcalf
Muhlbauer	Neuhauser	Pellett	Poney
Stueland			

Amendment H—5501 lost.

Speaker Avenson in the chair at 5:43 p.m.

Halvorson of Clayton offered the following amendment H—5508, to amendment H—5496, filed by him from the floor and moved its adoption:

H-5508

1 Amend the amendment, H-5496, to Senate File 2212,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 30 the
5 following:

6 "_____. Page 10, by inserting before line 18 the
7 following:

8 "Sec. _____.

9 There is appropriated from the general fund of the
10 state to the department of corrections for the fiscal
11 year beginning July 1, 1989, and ending June 30, 1990,
12 the following amount, or so much thereof as is
13 necessary, to be used for the purposes designated:

14 For capital planning and construction of
15 institutional and residential expansions as
16 designated:

17 \$ 6,900,000

18 1. For construction of an additional one hundred
19 twenty beds at the Rockwell City facility.

20 2. For construction of an additional one hundred
21 beds at the Clarinda facility.

22 3. For construction of an additional one hundred
23 beds at the Mitchellville facility.

24 4. For the addition of seventy-three community
25 corrections residential beds as determined by the
26 department of corrections." "

Roll call was requested by Arnould of Scott and Tabor of Jackson.

On the question "Shall amendment H-5508, to amendment
H-5496, be adopted?" (S.F. 2212)

The ayes were, 30:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Halvorson, R. A.	Hanson, D. R.
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	McKean	Miller
Petersen, D. F.	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Cohoon	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse

Jochum	Johnson	Knapp	Koenigs
Lykam	McKinney	Mertz	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 15:

Chapman	Connors	Corbett	Garman
Harbor	Hermann	Maulsby	May
Metcalf	Neuhauser	Pellet	Plasier
Poncy	Renaud	Stueland	

Amendment H — 5508 lost.

On motion by Sherzan of Polk, amendment H — 5496, as amended, was adopted.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2212)

The ayes were, 61:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Cohoon
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lundby	Lykam	Maulsby
McKean	McKinney	Mertz	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 28:

Banks	Bennett	Branstad	Carpenter
Clark	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Hester	Iverson	Kistler	Kremer
Lageschulte	Miller	Petersen, D. F.	Plasier

Renken	Rosenberg	Royer	Schnekloth
Siegrist	Trent	Tyrrell	Van Maanen

Absent or not voting, 11:

Chapman	Connors	Corbett	Harbor
Hermann	May	Metcalf	Neuhauser
Pellett	Poncy	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT

Diemer of Black Hawk asked and received unanimous consent to change his vote from "aye" to "nay" on Senate File 2212 and the vote was so recorded.

MOTION TO RECONSIDER PREVAILED (House File 2131)

Brown of Lucas moved to reconsider the vote by which House File 2131, a bill for an act relating to housing cooperatives by authorizing the creation of local housing authorities to encourage and organize sweat equity housing cooperative associations with state financial assistance as available, and providing procedures and requirements, passed the House on March 2, 1990.

A non-record roll call was requested.

The ayes were 51, nays 26.

The motion prevailed and the House reconsidered House File 2131.

Brown of Lucas asked for unanimous consent to reconsider the vote by which the committee amendment H—5140, found on page 825 of the House Journal, was adopted by the House on March 2, 1990.

Objection was raised.

Brown of Lucas moved to reconsider the vote by which the committee amendment H—5140 was adopted by the House on March 2, 1990.

A non-record roll call was requested.

The ayes were 41, nays 28.

The motion prevailed and the House reconsidered the committee amendment H—5140.

Brown of Lucas asked and received unanimous consent to withdraw the committee amendment H—5140.

Brown of Lucas asked and received unanimous consent to reconsider the vote by which amendment H—5484, found on page 827 of the House Journal, was adopted by the House on March 2, 1990.

Brown of Lucas offered the following amendment H—5524, to amendment H—5484, filed by him and Brand of Benton from the floor and moved its adoption:

H—5524

- 1 Amend amendment H—5484, to House File 2131 as
- 2 follows:
- 3 1. Page 1, by striking lines 10 through 13, and
- 4 inserting the following:
- 5 “5. Page 2, by striking lines 2 through 7, and
- 6 inserting the following: “authorities.””

Amendment H—5524 was adopted.

On motion by Brown of Lucas, amendment H—5484, as amended, was adopted.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2131)

The ayes were, 62:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Brand
Brown	Buhr	Clark	Cohoon
Daggett	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lundby
Lykam	McKean	McKinney	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 20:

Bennett	Branstad	Carpenter	De Groot
Diemer	Eddie	Hanson, D. R.	Hester
Kistler	Kremer	Lageschulte	Maulsby
Miller	Petersen, D. F.	Renken	Royer
Schnekloth	Trent	Tyrrell	Van Maanen

Absent or not voting, 18:

Blanshan	Brammer	Chapman	Connors
Corbett	Doderer	Halvorson, R. A.	Harbor
Hermann	May	Mertz	Metcalf
Neuhauser	Pellett	Plasier	Poncy
Shoning	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Halvorson of Clayton.

Regular Calendar

House File 2501, a bill for an act relating to grain management, by providing for the regulation of grain dealers and grain warehouse operators, providing for the indemnification of grain depositors and sellers, providing for penalties, and the retroactive applicability of a certain provision, was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—5435 filed by him:

H—5435

- 1 Amend House File 2501 as follows:
- 2 1. Page 1, by striking lines 7 and 8, and
- 3 inserting the following: "include a producer of grain
- 4 who is buying grain for the".
- 5 2. Page 3, by striking lines 7 through 9, and
- 6 inserting the following: "department has good cause
- 7 to believe that the net worth or current asset to
- 8 current liability ratio of a licensee presents a
- 9 danger to producers or sellers with whom the".
- 10 3. Page 4, by striking lines 4 through 6 and
- 11 inserting the following: "department has good cause
- 12 to believe that the net worth or current asset to
- 13 current liability ratio of a licensee presents a
- 14 danger to producers or sellers with whom the".
- 15 4. Page 6, line 19, by striking the words "within
- 16 twenty days before or" and inserting the words "on or

- 17 after the date of suspension but not later than".
- 18 5. Page 6, by inserting after line 32 the
19 following:
20 "_____. The board shall upon written demand of the
21 grain dealer file a termination statement with the
22 secretary of state, if the license of the grain dealer
23 is not revoked, terminated, or canceled after thirty
24 days from the date that the lien is perfected. Upon
25 filing the termination statement, the lien becomes
26 unperfected. The board shall also deliver a copy of
27 the termination statement to the grain dealer."
- 28 6. Page 6, line 35, by inserting after the word
29 "code." the following: "The secretary shall note the
30 filing of a termination statement with the lien
31 statement."
- 32 7. Page 9, line 5, by striking the word
33 "willfully" and inserting the word "habitually".
- 34 8. Page 9, line 7, by striking the word "The" and
35 inserting the following: "A habitual violation means
36 a violation which has occurred at least twice since
37 original licensure of the grain dealer. If a person
38 is cited as a habitual violator, the".
- 39 9. Page 9, line 10, by striking the word
40 "seventeen" and inserting the word "ten".
- 41 10. Page 9, by striking lines 11 through 20 and
42 inserting the following: "days within which to remit
43 the penalty or seek a hearing under chapter 17A. The
44 penalty shall not exceed two hundred fifty dollars for
45 each offense. Each day a person is in violation shall
46 be considered a separate violation. The department
47 shall transmit moneys".
- 48 11. Page 10, by striking lines 9 and 10 and
49 inserting the following: "concluding that the net
50 worth of a person licensed under this chapter".

Page 2

- 1 12. Page 11, line 17, by striking the words
2 "within twenty days before or" and inserting the words
3 "on or after the date of suspension but not later
4 than".
- 5 13. Page 11, by inserting after line 31 the
6 following:
7 "_____. The board shall upon written demand of the
8 warehouse operator file a termination statement with
9 the secretary of state, if the license of the grain
10 dealer is not revoked, terminated, or canceled after
11 thirty days from the date that the lien is perfected.
12 Upon filing the termination statement, the lien
13 becomes unperfected. The board shall also deliver a
14 copy of the termination statement to the warehouse
15 operator."

16 14. Page 11, line 34, by inserting after the word
 17 "code." the following: "The secretary shall note the
 18 filing of a termination statement with the lien
 19 statement."

20 15. Page 13, by striking lines 24 through 26, and
 21 inserting the following: "cause to believe that the
 22 net worth or current asset to current liability ratio
 23 of a licensee presents a danger to producers or
 24 sellers with whom the licensee deals. "Good".

25 16. Page 13, line 33, by striking the word
 26 "willfully" and inserting the word "habitually".

27 17. Page 14, line 1, by striking the word "The"
 28 and inserting the following: "A habitual violation
 29 means a violation which has occurred at least twice
 30 since original licensure of the warehouse operator.
 31 If a person is cited as a habitual violator, the".

32 18. Page 14, by striking lines 4 through 13 and
 33 inserting the following: "the person has ten days
 34 within which to remit the penalty or seek a hearing
 35 under chapter 17A. The penalty shall not exceed two
 36 hundred fifty dollars for each offense. Each day the
 37 person is in violation shall be considered a separate
 38 violation. The department".

39 19. Page 16, line 16, by striking the words "that
 40 the board denied" and inserting the words "of final
 41 action by the board denying".

42 20. Page 16, line 24, by striking the words "or
 43 lien" and inserting the following: ", lien statement,
 44 or termination".

45 21. Page 16, line 24, by inserting after the
 46 figure "542" the following: "or 543".

47 22. Page 16, by striking line 25 and inserting
 48 the following: "dealer or warehouse operator as a
 49 debtor, the address of the grain dealer's or warehouse
 50 operator's principal".

Page 3

1 23. By renumbering as necessary.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—5490, to amendment H—5435, filed by him on March 1, 1990.

Koenigs of Mitchell offered amendment H—5500, to amendment H—5435, filed by him from the floor and requested division as follows:

H—5500

1 Amend the amendment, H—5435, to House File 2501 as
 2 follows:

H-5500A

- 3 1. Page 1, by inserting after line 31 the
4 following:
5 "_____. Page 7, line 4, by striking the words "A
6 lien".
7 _____. Page 7, by striking lines 5 through 7."
8 2. Page 1, line 36, by striking the words "twice
9 since".
10 3. Page 1, by striking line 37, and inserting the
11 following: "three times in a five-year period. If a
12 person".

H-5500B

- 13 4. Page 1, by striking lines 41 through 47.

H-5500A

- 14 5. Page 2, by inserting after line 19 the
15 following:
16 "_____. Page 12, line 3, by striking the words "A
17 lien".
18 _____. Page 12, by striking lines 4 through 6."
19 6. Page 2, line 29, by striking the word "twice".
20 7. Page 2, by striking line 30, and inserting the
21 following: "three times in a five-year period."

H-5500B

- 22 8. Page 2, by striking lines 32 through 38 and
23 inserting the following:
24 "_____. Page 14, line 7, by striking the word
25 "seventeen" and inserting the following: "ten".
26 9. By renumbering as necessary.

On motion by Koenigs of Mitchell, amendment H-5500A was adopted.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-5500B.

On motion by Koenigs of Mitchell, amendment H-5435, as amended, was adopted.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2501)

The ayes were, 81:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black

Brand	Branstad	Brown	Buhr
Carpenter	Clark	Cohoon	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	McKean	McKinney	Mertz
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Renaud	Renken
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shultz	Siegrist	Spear
Spenner	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 19:

Blanshan	Brammer	Chapman	Connors
Corbett	Doderer	Harbor	Hatch
Hermann	May	Metcalf	Neuhauser
Pellett	Plasier	Poncy	Rosenberg
Shoning	Stueland	Swartz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2494, a bill for an act relating to the financing of water treatment plant and waste water treatment plant projects, was taken up for consideration.

Dvorsky of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2494)

The ayes were, 82:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brand	Branstad	Brown	Buhr
Carpenter	Clark	Cohoon	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.

Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	McKean	McKinney	Mertz
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Renaud
Renken	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 18:

Blanshan	Brammer	Chapman	Connors
Corbett	Doderer	Hanson, D. R.	Harbor
Hermann	May	Metcalf	Neuhauser
Pellett	Poncy	Rosenberg	Shoning
Stueland	Trent		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2305, a bill for an act eliminating certain filings requirements of a sheriff in an action for condemnation of property, with report of committee recommending passage was taken up for consideration.

Hibbard of Madison offered the following amendment H—5350 filed by him and moved its adoption:

H—5350

- 1 Amend House File 2305 as follows:
- 2 1. Page 1, by striking lines 14 through 19 and
- 3 inserting the following:
- 4 "5. A written statement by the sheriff of
- 5 listing all money received in payment of damages, from
- 6 whom received, the date of receipt, to whom the
- 7 warrants or checks are payable, to whom paid, and the
- 8 damages are disbursed, the amount paid to each
- 9 claimant, the description of the property condemned,
- 10 and reference to the application for condemnation by
- 11 book and page or instrument number and the date the
- 12 application was filed with the county recorder. This
- 13 section does not prohibit the applicant from filing
- 14 with the county recorder any document concerning a
- 15 condemnation."

Amendment H—5350 was adopted.

Peters of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2305)

The ayes were, 82:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brand	Branstad	Brown	Buhr
Carpenter	Clark	Cohoon	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	McKean	McKinney
Mertz	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renaud	Renken	Schneklath	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 18:

Blanshan	Brammer	Chapman	Connors
Corbett	Doderer	Harbor	Hermann
May	Metcalf	Neuhauser	Pellett
Poncy	Rosenberg	Royer	Shoning
Stueland	Trent		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2514, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters and providing an effective date.

Also: That the Senate has on March 2, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2036, a bill for an act relating to the issuance of prisoner of war registration plates to the surviving spouse of a prisoner of war.

Also: That the Senate has on March 2, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act relating to games of skill and games of chance.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on Friday morning, March 2, 1990. Had I been present, I would have voted "aye" on House File 2486.

HERMANN of Scott

I was necessarily absent from the House chamber on Thursday afternoon, March 1, 1990. Had I been present, I would have voted "aye" on House Files 2516, 2518, 2323, 2377 and 2475; "nay" on House File 2524.

SIEGRIST of Pottawattamie

PRESENTATION OF VISITORS

Groninga of Cerro Gordo presented to the House foreign exchange student Pamela Vega-Lemus, of Santiago, Chile. She is staying with Jim and Jean Scharff and their family of Mason City.

The Speaker announced that the following visitors were present in the House chamber:

Eighteen second through twelfth grade students from Ames Baptist Church Academy, Ames, accompanied by Ray Coffey. By Rosenberg and Hammond of Story.

SUBCOMMITTEE ASSIGNMENTS

Senate File 298

Natural Resources and Outdoor Recreation: Diemer, Chair; Johnson and Lykam.

Senate File 2064

Natural Resources and Outdoor Recreation: Pellett, Chair; Gruhn and May.

Senate File 2366

Local Government: Fogarty, Chair; Black and Royer.

Senate File 2393

Energy and Environmental Protection: Adams, Chair; Dvorsky and Trent.

Senate File 2403

Energy and Environmental Protection: Johnson, Chair; McKean and Rosenberg.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Senate File 2158, a bill for an act permitting the shared ownership, operation, or cooperative use of publicly owned petroleum storage facilities by more than one public agency or political subdivision.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

COMMITTEE ON HUMAN RESOURCES

Senate File 2201, a bill for an act relating to the family support subsidy program.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

Senate File 2257, a bill for an act relating to the distribution of lists of certified ophthalmic dispensers.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

Senate File 2259, a bill for an act relating to juvenile substance abuse programs licensed by the Iowa department of public health by requiring criminal record and child abuse registry screening of persons employed by the programs.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

Senate File 2343, a bill for an act relating to clinical privileges of certain health practitioners.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

COMMITTEE ON STATE GOVERNMENT

Senate File 2165, a bill for an act abolishing the duty of the treasurer of state to approve increases in the maximum deposit limit of a local government in a depository financial institution.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1990.

AMENDMENTS FILED

H — 5497	H.F. 2503	Hammond of Story
H — 5502	S.F. 2363	Mertz of Kossuth
		May of Worth
H — 5503	H.F. 2349	Corbett of Linn
Hanson of Delaware		Harbor of Mills
Renken of Grundy		McKean of Jones
Petersen of Muscatine		Tyrrell of Iowa
De Groot of Lyon		Royer of Page
Branstad of Winnebago		Shoning of Woodbury
Spenner of Henry		Maulsby of Calhoun
H — 5505	H.F. 2432	Muhlbauer of Crawford
		Jay of Appanoose
H — 5507	H.F. 2287	Ollie of Clinton
H — 5509	S.F. 2323	Murphy of Dubuque
H — 5510	H.F. 2314	Fogarty of Palo Alto
H — 5511	H.F. 2528	Shearer of Louisa
H — 5512	H.F. 2514	Senate Amendment
H — 5513	H.F. 2455	Lundby of Linn
H — 5514	H.F. 2438	Shearer of Louisa
H — 5515	H.F. 2438	Rosenberg of Story
		Jay of Appanoose
H — 5516	H.F. 2438	Shearer of Louisa
H — 5517	H.F. 2515	Shoultz of Black Hawk
H — 5518	H.F. 2515	Shoultz of Black Hawk
H — 5520	H.F. 2528	Swartz of Marshall
H — 5521	H.F. 2528	Swartz of Marshall
H — 5522	H.F. 2528	Swartz of Marshall
H — 5523	H.F. 2528	Swartz of Marshall
H — 5525	H.F. 2499	Trent of Muscatine

On motion by Arnould of Scott, the House adjourned at 6:46 p.m., until 10:00 a.m., Monday, March 5, 1990.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day — Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 5, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Ron Corbett, state representative from Linn County.

The Journal of Friday, March 2, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Teaford of Black Hawk, until her arrival, on request of Harper of Black Hawk.

SENATE MESSAGES CONSIDERED

Senate File 2036, by Scott, a bill for an act relating to the issuance of prisoner of war registration plates to the surviving spouse of a prisoner of war.

Read first time and referred to committee on **transportation**.

Senate File 2169, by Sturgeon, a bill for an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 2269, by committee on state government, a bill for an act relating to games of skill and games of chance.

Read first time and referred to committee on **state government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 1, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2085, a bill for an act relating to solid waste disposal generated on agricultural land, and providing an effective date.

Also: That the Senate has on March 1, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2286, a bill for an act relating to satisfaction of a support order by direct payment to a person who is to receive the payment.

JOHN F. DWYER, Secretary

UNANIMOUS CONSENT

Holveck of Polk asked and received unanimous consent to change his vote from "aye" to "nay" on House File 2502, found on page 636 of the House Journal.

IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 2131, 2281, 2305, 2312, 2313, 2450, 2466, 2486, 2494, 2500, 2501 and 2511; and Senate File 2212 be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Regular Calendar

House File 2342, a bill for an act relating to jurisdictional transfers of roads to cities and counties, was taken up for consideration.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2342)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf

Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Daggett

Absent or not voting, 4:

Chapman	Jay	Swartz	Teaford
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2528, a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, and by requiring an election under certain conditions for land or a building and providing an applicability date, was taken up for consideration.

Shearer of Louisa offered the following amendment H—5511 filed by him:

H—5511

- 1 Amend House File 2528 as follows:
- 2 1. Page 2, by inserting after line 2 the
- 3 following:
- 4 "(1) The board must follow substantially the
- 5 authorization procedures of section 331.443 to
- 6 authorize a lease or lease-purchase contract which is
- 7 general fund for any purpose other
- 8 than to finance land or buildings."
- 9 2. Page 2, line 3, by striking the figure "(1)"
- 10 and inserting the following: "(2)".
- 11 3. Page 2, lines 5 and 6, by striking the words
- 12 "for land or a building which is payable from the
- 13 general fund" and inserting the following: "which is
- 14 payable from the general fund to finance land or
- 15 buildings".
- 16 4. Page 2, line 21, by striking the figure "(2)"
- 17 and inserting the following: "(3)".
- 18 5. Page 2, lines 22 and 23, by striking the words
- 19 "for land or a building which is payable from the
- 20 general fund" and inserting the following: "which is
- 21 payable from the general fund to finance land or

22 buildings”.

23 6. Page 2, line 25, by striking the figure “(1)”
24 and inserting the following: “(2)”.

25 7. Page 4, by inserting after line 35 the
26 following:

27 “(1) The board must follow substantially the
28 authorization procedures of section 331.443 to
29 authorize a loan agreement which is payable from the
30 general fund for any purpose other than to finance
31 land or buildings.”

32 8. Page 5, line 1, by striking the figure “(1)”
33 and inserting the following: “(2)”.

34 9. Page 5, line 3, by striking the words “for
35 land or buildings which is payable from the general
36 fund” and inserting the following: “which is payable
37 from the general fund to finance land or buildings”.

38 10. Page 5, line 19, by striking the figure “(2)”
39 and inserting the following: “(3)”.

40 11. Page 5, lines 20 and 21, by striking the
41 words “for land or buildings which is payable from the
42 general fund” and inserting the following: “which is
43 payable from the general fund to finance land or
44 buildings”.

45 12. Page 5, line 23, by striking the figure “(1)”
46 and inserting the following: “(2)”.

47 13. Page 7, by inserting after line 27 the
48 following:

49 “(1) The governing body must follow substantially
50 the authorization procedures of section 384.25 to

Page 2

1 authorize a lease or lease-purchase contract which is
2 payable from the general fund for any purpose other
3 than to finance land or buildings.”

4 14. Page 7, line 28, by striking the figure “(1)”
5 and inserting the following: “(2)”.

6 15. Page 7, lines 30 and 31, by striking the
7 words “for land or a building which is payable from
8 the general fund” and inserting the following: “which
9 is payable from the general fund to finance land or
10 buildings”.

11 16. Page 8, line 6, by striking the figure “(2)”
12 and inserting the following: “(3)”.

13 17. Page 8, lines 7 and 8, by striking the words
14 “for land or a building which is payable from the
15 general fund” and inserting the following: “which is
16 payable from the general fund to finance land or
17 buildings”.

18 18. Page 8, line 10, by striking the figure “(1)”
19 and inserting the following: “(2)”.

20 19. Page 10, by inserting after line 24 the

21 following:

22 "a) The governing body must follow substantially
23 the authorization procedures of section 384.25 to
24 authorize a loan agreement which is payable from the
25 general fund for any purpose other than to finance
26 land or buildings."

27 20. Page 10, line 25, by striking the figure
28 "(a)" and inserting the following: "(b)".

29 21. Page 10, lines 27 and 28, by striking the
30 words "for land or a building which is payable from
31 the general fund" and inserting the following: "which
32 is payable from the general fund to finance land or
33 buildings".

34 22. Page 11, line 2, by striking the figure "(b)"
35 and inserting the following: "(c)".

36 23. Page 11, lines 3 and 4, by striking the words
37 "for land or a building which is payable from the
38 general fund" and inserting the following: "which is
39 payable from the general fund to finance land or
40 buildings".

41 24. Page 11, line 6, by striking the figure "(a)"
42 and inserting the following: "(b)".

43 25. Page 12, line 13, by inserting after the word
44 "lease-purchase" the following: "contract".

45 26. Title page, line 3, by striking the words
46 "for land or a building" and inserting the following:
47 "to finance land and buildings".

Arnould of Scott asked and received unanimous consent that House File 2528 be deferred and that the bill retain its place on the calendar.

(Amendment H—5511 pending.)

House File 2391, a bill for an act increasing the penalty for a person convicted of driving without a valid motor vehicle or chauffeur's license if the person has three or more such convictions within a five-year period, was taken up for consideration.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2391)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connors	Corbett	Daggett

De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Chapman	Gruhn	Jay	Jochum
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2531, a bill for an act to require a business, as a condition of the receipt of state financial assistance for economic development purposes, to meet certain requirements relating to federal and state environmental protection laws and the disposal of solid and hazardous waste, was taken up for consideration.

Nielsen of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2531)

The ayes were, 69:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cphoon
Connors	Corbett	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jesse	Jochum	Johnson

Knapp	Koenigs	Lageschulte	Lykam
May	McKean	McKinney	Mertz
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schneklath	Schrader
Shearer	Shoultz	Spear	Stueland
Svoboda	Tabor	Teaford	Wise
Mr. Speaker Avenson			

The nays were, 25:

Banks	Beaman	Bennett	Branstad
Carpenter	Daggett	De Groot	Diemer
Halvorson, R. A.	Harbor	Iverson	Kistler
Kremer	Lundby	Maulsby	Metcalf
Petersen, D. F.	Renken	Royer	Shoning
Siegrist	Spenner	Trent	Tyrrell
Van Maanen			

Absent or not voting, 6:

Clark	Hermann	Jay	Peters
Sherzan	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN (House File 2481)

Ollie of Clinton and Iverson of Wright asked and received unanimous consent to withdraw the motions to reconsider House File 2481, a bill for an act extending the waiver provisions relating to educational standards for guidance programs and media services for one additional year, filed by them on February 26, 1990.

House File 2287, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business, with report of committee recommending amendment and passage was taken up for consideration.

Ollie of Clinton asked and received unanimous consent to withdraw the committee on labor and industrial relations amendment H-5169 filed on February 16, 1990, placing out of order the following amendments, to the committee amendment H-5169:

H-5256 filed by Tyrrell, et al., on February 21, 1990.

H-5398 filed by Plasier of Sioux on February 28, 1990.

Ollie of Clinton offered the following amendment H—5507 filed by him:

H—5507

1 Amend House File 2287 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 96.7, subsection 2, paragraph
5 b, unnumbered paragraph 1, Code Supplement 1989, is
6 amended to read as follows:

7 If an enterprise or business, or a clearly
8 segregable and identifiable part of an enterprise or
9 business, for which contributions have been paid is
10 sold or transferred to a subsequent employing unit, or
11 if one or more employing units have been reorganized
12 or merged into a single employing unit, and the
13 successor employer, having qualified as an employer as
14 defined in section 96.19, subsection 5, paragraph "b",
15 continues to operate the enterprise or business, the
16 successor employer shall assume the position of the
17 predecessor employer or employers with respect to the
18 ~~predecessors' predecessor employer's or employers'~~
19 payrolls, contributions, accounts, and contribution
20 rates to the same extent as if no change had taken
21 place in the ownership or control of the enterprise or
22 business.

23 For acquisitions of the whole nonconstruction small
24 enterprise or business as defined in section 15.102,
25 the successor employer which is not a subject employer
26 prior to the succession shall not assume the position
27 of the predecessor employer's or employers' payrolls,
28 contributions, accounts, and contribution rates which
29 are attributable to the whole enterprise or business
30 acquired, if the successor employer applies for a
31 waiver of the transfer within thirty days of the date
32 of the determination of employer liability,
33 demonstrates that the ownership or control of the
34 successor employer's enterprise or business is not the
35 same as the ownership or control of the predecessor
36 employer's or employers' enterprise or business, and
37 the waiver is approved by the division.

38 PARAGRAPH DIVIDED. However, For partial
39 acquisitions the successor employer shall not assume
40 the position of the predecessor employer or employers
41 with respect to the predecessor employer's or
42 employers' payrolls, contributions, accounts, and
43 contribution rates which are attributable to that part
44 of the enterprise or business transferred acquired,
45 unless the successor employer applies to the division
46 within sixty days from the date of the partial
47 transfer acquisition, and the succession is approved
48 by the predecessor employer or employers and the
49 division."

Tyrrell of Iowa offered the following amendment H—5528, to amendment H—5507, filed by him and Ollie of Clinton from the floor and moved its adoption:

H—5528

1 Amend amendment, H—5507, to House File 2287, as
2 follows:
3 1. Page 1, line 37, by inserting after the word
4 “division.” the following: “However, if the
5 predecessor employer or employers had a lower
6 contribution rate than the new contribution rate to be
7 assigned to the successor employer, the lower
8 contribution rate shall be assigned to the successor
9 employer.”

Amendment H—5528 was adopted.

Plasier of Sioux offered the following amendment H—5529, to amendment H—5507, filed by him from the floor and moved its adoption:

H—5529

1 Amend the amendment H—5507, to House File 2287 as
2 follows:
3 1. Page 1, line 37, by inserting after the word
4 “division.” the following: “The predecessor employer
5 or employers shall disclose to the successor employer
6 the predecessor employer's or employers' record of
7 charges of benefits payments. A predecessor employer
8 who fails to disclose or willfully discloses incorrect
9 information to a successor employer regarding the
10 predecessor employer's record of charges of benefits
11 payments is liable to the successor employer for any
12 actual damages and attorney fees incurred by the
13 successor employer as a result of the predecessor
14 employer's failure to disclose or disclosure of
15 incorrect information. The division shall include
16 notice of the requirement of disclosure in the
17 division's quarterly notification given to each
18 employer pursuant to section 96.7, subsection 2,
19 paragraph “a”, subparagraph (6).”

Amendment H—5529 was adopted.

On motion by Ollie of Clinton, amendment H—5507, as amended, was adopted.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2287)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Haverland	Jay	Metcalf	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SPECIAL PRESENTATION

In celebration of Women's History Month, the Iowa Commission on the Status of Women, the Iowa Department of Education and the Iowa State Historical Society sponsored a "Write Women Back Into History" essay contest.

Metcalf of Polk introduced the following winners who were present in the House chamber:

Sixth-seventh grade winners:

Jessica Lea Swats, Urbandale — First Place (Metcalf of Polk)

Lisa Downing, Charles City — Second Place (Clark of Cerro Gordo)

Amy Nielsen, Battle Creek — Third Place (Bennett of Ida)

Jessica Lea Swats also received the Edith Sackett Memorial Award.

Eighth-ninth grade winners:

Rachel Bilyeu, Nevada — Second Place (Rosenberg of Story)
Tiffany Wickersham, Des Moines — Third Place (Renaud of Polk)

Trent of Muscatine presented the following winner:

Eighth-ninth grade:

Heather Kramer, Muscatine — First Place (Trent of Muscatine)

The students were accompanied by their parents and teachers.

The House rose and expressed its congratulations.

House File 2432, a bill for an act relating to the removal of trees, brush, and underbrush, and other growth within the highway right-of-way, was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—5468 filed by him:

H—5468

- 1 Amend House File 2432 as follows:
- 2 1. Page 1, line 17, by striking the word
- 3 "Neither" and inserting the following: "Except for
- 4 acts or omissions constituting gross negligence,
- 5 neither".

Muhlbauer of Crawford offered the following amendment H—5505, to amendment H—5468, filed by him and Jay of Appanoose:

H—5505

- 1 Amend the amendment, H—5468, to House File 2432 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 5 and
- 4 inserting the following:
- 5 "_____. Page 1, line 21, by inserting after the
- 6 word "right-of-way" the following: "unless the
- 7 failure to remove the trees, shrubs, underbrush, and
- 8 other growth creates a condition hazardous to persons
- 9 traveling on the highway"."

Arnould of Scott asked and received unanimous consent that House File 2432 be deferred and that the bill retain its place on the calendar.

(Amendment H—5505, to amendment H—5468, pending.)

On motion by Arnould of Scott, the House was recessed at 12:05 p.m., until 5:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2003, a joint resolution proposing the establishment of a state office of disability prevention activities and requiring certain state agencies to perform various activities and to submit a report relating to coordination of disability prevention programs.

Also: That the Senate has on March 5, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2287, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a retail sales tax and the certification of a property tax levy, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

Also: That the Senate has on March 5, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2319, a bill for an act relating to private farm railway crossings.

JOHN F. DWYER, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo on request of Van Maanen of Mahaska; Groninga of Cerro Gordo on request of Dvorsky of Johnson; Beatty of Warren on request of Spear of Lee, all for the remainder of the day.

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 2003, by Rensink, a joint resolution proposing the establishment of a state office of disability prevention activities and requiring certain state agencies to perform various activities and to submit a report relating to coordination of disability prevention programs.

Read first time and referred to committee on **state government**.

Senate File 2085, by committee on agriculture, a bill for an act relating to solid waste disposal generated on agricultural land, and providing an effective date.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 2286, by committee on judiciary, a bill for an act relating to satisfaction of a support order by direct payment to a person who is to receive the payment.

Read first time and referred to committee on **human resources**.

Senate File 2287, by Deluhery, Tinsman and Rife, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a retail sales tax and the certification of a property tax levy, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

Read first time and referred to committee on **ways and means**.

The House stood at ease at 5:14 p.m., until the fall of the gavel.

The House resumed session at 5:25 p.m., Speaker Avenson in the chair.

MOTIONS TO RECONSIDER WITHDRAWN (House File 2412)

Adams of Hamilton and Hibbard of Madison asked and received unanimous consent to withdraw the motions to reconsider House File 2412, a bill for an act providing for the enactment of municipal infractions relating to the environment and providing penalties, filed by them on February 22, 1990, placing out of order amendment H—5352 filed by Hibbard of Madison on February 26, 1990.

MOTION TO RECONSIDER PREVAILED (House File 2503)

Renaud of Polk called up for consideration the motion to reconsider House File 2503, filed on March 1, 1990, and moved to reconsider the vote by which House File 2503, a bill for an act relating to the notification or testing of persons receiving health or correctional services regarding the human immunodeficiency virus, passed the House and was placed on its last reading on March 1, 1990.

A non-record roll call was requested.

The ayes were 55, nays 31.

The motion prevailed and the House reconsidered House File 2503, placing out of order the motion to reconsider filed by Doderer of Johnson on March 1, 1990.

Hammond of Story offered the following amendment H—5497 filed by her and moved its adoption:

H—5497

- 1 Amend House File 2503 as follows:
- 2 1. Page 3, line 29, by inserting after the word
- 3 "procedures" the following: ", in accordance with the
- 4 recommendations of the center for disease control of
- 5 the United States health service,".

Amendment H—5497 was adopted.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2503)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Bennett	Black	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Teaford	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 3:

Hammond	Rosenberg	Trent
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Absent or not voting, 10:

Beatty	Bisignano	Blanshan	Clark
Groninga	Hibbard	Jesse	Kistler
Neuhauser	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper, until his return, on request of Hibbard of Madison; Kistler of Jefferson, for the remainder of the day, on request of Bennett of Ida.

Regular Calendar

The House resumed consideration of **House File 2528**, a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, and by requiring an election under certain conditions for land or a building and providing an applicability date, and amendment H—5511, found on pages 855 through 857 of the House Journal, previously deferred and retained on the calendar.

Carpenter of Polk offered the following amendment H—5531, to amendment H—5511, filed by her from the floor and moved its adoption:

H—5531

- 1 Amend the amendment, H—5511, to House File 2528 as
- 2 follows:
- 3 1. By striking page 1, line 2 through page 2,
- 4 line 47, and inserting the following:
- 5 "_____. Page 2, line 5, by striking the words "for
- 6 land or a building".
- 7 _____. Page 2, lines 22 and 23, by striking the
- 8 words "for land or a building".
- 9 _____. Page 5, line 3, by striking the words "for
- 10 lands or buildings".
- 11 _____. Page 5, line 20, by striking the words "for
- 12 lands or buildings".
- 13 _____. Page 7, line 30, by striking the words "for
- 14 land or a building".
- 15 _____. Page 8, lines 7 and 8, by striking the words
- 16 "for land or a building".
- 17 _____. Page 10, line 27, by striking the words "for
- 18 land or a building".
- 19 _____. Page 11, lines 3 and 4, by striking the
- 20 words "for land or a building".

21 _____ Title page, line 3, by striking the words
 22 "for land or a building".

Amendment H—5531 was adopted.

On motion by Shearer of Louisa, amendment H—5511, as amended, was adopted.

Shearer of Louisa offered the following amendment H—5387 filed by Shearer, et al.:

H—5387

- 1 Amend House File 2528 as follows:
- 2 1. Page 2, line 32, by striking the word "ten"
- 3 and inserting the following: "twenty".
- 4 2. Page 3, by striking lines 9 through 11, and
- 5 inserting the following: "paragraph, the petition
- 6 shall require the signatures of three percent of the
- 7 qualified electors, except that no fewer than two
- 8 hundred fifty and no more than three thousand
- 9 signatures are required. Notice of the election and
- 10 its conduct".
- 11 3. Page 5, line 29, by striking the word "ten"
- 12 and inserting the following: "twenty".
- 13 4. Page 6, by striking lines 5 through 7, and
- 14 inserting the following: "the petition shall require
- 15 the signatures of three percent of the qualified
- 16 electors, except that no fewer than two hundred fifty
- 17 and no more than three thousand signatures are
- 18 required. Notice of the election and its conduct".
- 19 5. Page 8, line 18, by striking the word "ten"
- 20 and inserting the following: "twenty".
- 21 6. Page 8, by striking lines 31 through 33, and
- 22 inserting the following: "paragraph, the petition
- 23 shall require the signatures of three percent of the
- 24 qualified electors, except that no fewer than one
- 25 hundred and no more than three thousand signatures are
- 26 required. Notice of the election and its conduct".
- 27 7. Page 11, line 13, by striking the word "ten"
- 28 and inserting the following: "twenty".
- 29 8. Page 11, by striking lines 26 through 28, and
- 30 inserting the following: "petition shall require the
- 31 signatures of three percent of the qualified electors,
- 32 except that no fewer than one hundred and no more than
- 33 three thousand signatures are required. Notice of the
- 34 election and its conduct".

Arnould of Scott asked and received unanimous consent that House File 2528 be deferred and that the bill retain its place on the calendar.

(Amendment H—5387 pending.)

The House resumed consideration of **House File 436**, a bill for an act relating to the foreclosure and sale of real property, previously deferred and retained on the calendar.

Svoboda of Tama asked and received unanimous consent to withdraw the following amendments filed by her:

H-3890, H-3891, H-3892, H-3898, H-3899 and H-3900 all filed April 6, 1989, as well as H-3902, (filed by her and Peters of Woodbury) on April 6, 1989.

H-3917, H-3918 and H-3919 filed April 7, 1989.

H-3948, H-3949 and H-3950 filed April 10, 1989.

H-3968 filed April 11, 1989.

Osterberg of Linn offered the following amendment H-3894 filed by him and moved its adoption:

H-3894

- 1 Amend House File 436 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "wherein" the following: "completed prior to January
- 4 1, 1989,".
- 5 2. Page 1, line 16, by inserting after the word
- 6 "with" the following: ", unless prior to the
- 7 effective date of this Act a suit has been initiated
- 8 complaining of the error, or the error has been raised
- 9 in the course of another suit".
- 10 3. Page 1, line 20, by inserting after the word
- 11 "which" the following: "completed prior to January 1,
- 12 1989,".
- 13 4. Page 2, line 3, by inserting after the word
- 14 "sales" the following: ", unless prior to the
- 15 effective date of this Act a suit has been initiated
- 16 complaining of the error, or the error has been raised
- 17 in the course of another suit".

Amendment H-3894 was adopted.

Peterson of Carroll asked and received unanimous consent to withdraw amendment H-3947 filed by him on April 10, 1989.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 436)

The ayes were, 80:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Brand

Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Iverson
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Pavich
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 12:

Brammer	Branstad	Hammond	Hatch
Hibbard	Holveck	Mertz	Osterberg
Peters	Rosenberg	Svoboda	Teaford

Absent or not voting, 8:

Banks	Beatty	Clark	Groninga
Jesse	Kistler	Neuhauser	Stueland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST (House File 2422)

Halvorson of Webster called up for consideration the motion to reconsider House File 2422, filed by him and Corbett of Linn on February 19, 1990, and moved to reconsider the vote by which House File 2422, a bill for an act relating to retroactive modifications of support orders, passed the House and was placed on its last reading on February 19, 1990.

A non-record roll call was requested.

The ayes were 45, nays 46.

The motion to reconsider lost, placing out of order amendment H—5271 filed by Halvorson of Webster, et al., on February 21, 1990.

Regular Calendar

House File 2314, a bill for an act relating to property tax by providing for monthly or quarterly payments and providing an applicability date, was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—5510 filed by him and moved its adoption:

H—5510

1 Amend House File 2314 as follows:

2 1. Page 1, by striking lines 3 through 16, and
3 inserting the following:

4 "As an alternative to the semiannual or annual
5 payment of taxes, the county treasurer may accept
6 partial payments of current year real estate and real
7 property taxes. A minimum payment amount shall be
8 established by the county treasurer. The treasurer
9 shall transfer amounts from each taxpayer's account to
10 be applied to each semiannual tax installment prior to
11 the delinquency dates specified in section 445.37.

12 If, prior to the due date of each semiannual
13 installment, the account balance is insufficient to
14 fully satisfy the installment, the treasurer shall
15 transfer and apply the entire account balance, leaving
16 an unpaid balance of the installment. Interest shall
17 attach on the unpaid balance in accordance with
18 section 445.39. Unless funds sufficient to fully
19 satisfy the delinquency are received, the treasurer
20 shall collect the unpaid balance as provided in
21 chapter 446. Any remaining balance in a taxpayer's
22 account in excess of the amount needed to fully
23 satisfy an installment shall remain in the account to
24 be applied toward the next semiannual installment.
25 Any interest income derived from the account shall be
26 deposited in the county's general fund to cover
27 administrative costs. The county treasurer shall send
28 a notice with the tax statement or by separate mail to
29 each taxpayer stating that, upon request to the
30 treasurer, the taxpayer may make partial payments of
31 current year real estate and real property taxes.

32 Sec. _____. Section 135D.24, Code 1989, is amended
33 by adding the following new subsection:

34 **NEW SUBSECTION. 7.** As an alternative to the
35 semiannual or annual payment of taxes, the county
36 treasurer may accept partial payments of current year
37 mobile home taxes. A minimum payment amount shall be
38 established by the county treasurer. The treasurer
39 shall transfer amounts from each taxpayer's account to
40 be applied to each semiannual tax installment prior to
41 the delinquency dates specified in section 445.37.

42 If, prior to the due date of each semiannual
 43 installment, the account balance is insufficient to
 44 fully satisfy the installment, the treasurer shall
 45 transfer and apply the entire account balance, leaving
 46 an unpaid balance of the installment. Interest shall
 47 attach on the unpaid balance in accordance with
 48 section 445.39. Unless funds sufficient to fully
 49 satisfy the delinquency are received, the treasurer
 50 shall collect the unpaid balance as provided in

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1 chapter 446. Any remaining balance in a taxpayer's
 2 account in excess of the amount needed to fully
 3 satisfy an installment shall remain in the account to
 4 be applied toward the next semiannual installment.
 5 Any interest income derived from the account shall be
 6 deposited in the county's general fund to cover
 7 administrative costs. The county treasurer shall send
 8 a notice with the tax statement or by separate mail to
 9 each taxpayer stating that, upon request to the
 10 treasurer, the taxpayer may make partial payments of
 11 current year mobile home taxes."

12 2. Page 1, line 18, by inserting after the word
 13 "taxes" the following: "and mobile home taxes".

14 3. Title page, line 1, by striking the word "tax"
 15 and inserting the following: "taxes and mobile home
 16 taxes".

17 4. By renumbering as necessary.

Amendment H—5510 was adopted.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2314)

The ayes were, 57:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Gruhn	Halvorson, R. N.	Hammond
Harper	Hatch	Haverland	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Spenner	Svoboda

Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 32:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	De Groot	Diemer
Garman	Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Jay	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Pellett
Peters	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Van Maanen

Absent or not voting, 11:

Beatty	Clark	Daggett	Eddie
Groninga	Kistler	Osterberg	Petersen, D. F.
Stueland	Trent	Tyrrell	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2513, a bill for an act relating to medical support for children receiving child support and certain dependents, was taken up for consideration.

Haverland of Polk offered the following amendment H—5456 filed by him and moved its adoption:

H—5456

- 1 Amend House File 2513 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "plan" the following: ", including a group or
- 4 employment-related or an individual health benefit
- 5 plan, or a health benefit plan provided pursuant to
- 6 chapter 514E,".
- 7 2. Page 1, by striking line 33 and inserting the
- 8 following: "paid."
- 9 3. By striking page 2, line 5 through page 3,
- 10 line 22, and inserting the following:
- 11 "The entry of an order, pursuant to chapter 234,
- 12 252A, 252C, 598, or 675, requiring the provision of
- 13 coverage under a health benefit plan is authorization
- 14 for enrollment of the dependent if the dependent is
- 15 otherwise eligible to be enrolled. The dependent's
- 16 eligibility and enrollment for coverage under such a
- 17 plan shall be governed by all applicable terms and
- 18 conditions, including, but not limited to, eligibility
- 19 and insurability standards. The dependent, if
- 20 eligible, shall be provided the same coverage as the
- 21 obligor."

- 22 4. Page 3, line 25, by striking the words "The
23 court" and inserting the following: "For cases for
24 which services are being provided pursuant to chapter
25 252B, the order".
- 26 5. Page 3, line 33, by striking the word "court".
- 27 6. Page 3, line 35, by striking the word "court".
- 28 7. Page 4, line 5, by striking the word "court".
- 29 8. Page 4, line 15, by striking the word "court".
- 30 9. Page 6, line 18, by striking the word
31 "Termination" and inserting the following: "For cases
32 for which services are being provided pursuant to
33 chapter 252B, termination".
- 34 10. Page 6, line 23, by striking the words "a
35 court" and inserting the following: "an".
- 36 11. Page 6, line 25, by striking the words "a
37 court" and inserting the following: "an".
- 38 12. Page 8, line 27, by striking the word "An"
39 and inserting the following: "For cases for which
40 services are being provided pursuant to chapter 252B,
41 an".
- 42 13. Page 8, line 34, by striking the word "The"
43 and inserting the following: "For cases for which
44 services are being provided pursuant to chapter 252B,
45 the".
- 46 14. Page 9, line 12, by striking the word "The"
47 and inserting the following: "For cases for which
48 services are being provided pursuant to chapter 252B,
49 the".
- 50 15. Page 9, by striking lines 14 and 15, and

Page 2

- 1 inserting the following: "support."
- 2 16. Page 9, by striking lines 22 through 24 and
3 inserting the following:
4 "For the purposes of enforcement pursuant to
5 chapter 252B, medical support may be reduced to a
6 dollar amount and may be collected through the same
7 remedies available for the".
- 8 17. Page 9, by striking lines 34 and 35, and
9 inserting the following:
10 "2. In addition, if an administrative order
11 entered pursuant to chapter 252C".
- 12 18. Page 10, line 1, by striking the words "the
13 Code".
- 14 19. Page 10, line 1, by striking the words
15 "pursuant to" and inserting the following: "as
16 defined in".
- 17 20. Page 10, line 8, by striking the words "court
18 specifically orders" and inserting the following:
19 "order specifies".

- 20 21. Page 10, line 14, by inserting after the word
21 "chapter" the following: "for cases for which
22 services are being provided pursuant to chapter 252B".
23 22. Page 10, by striking lines 19 through 28.
24 23. Page 10, by striking lines 30 through 35, and
25 inserting the following:
26 "1. The provisions of this chapter take effect
27 July 1, 1990, for all support orders entered pursuant
28 to chapter 234, 252A, 252C, 598, or 675.
29 2. If an obligor was ordered to provide a health
30 benefit plan or insurance coverage under an order
31 entered prior to July 1, 1990, but did not comply with
32 the order, insurers are not liable for medical
33 expenses incurred prior to July 1, 1990. However,
34 such an order may be implemented pursuant to the
35 provisions of this chapter following its enactment.
36 This chapter shall not be implemented".
37 24. Page 11, line 9, by striking the word
38 "provided" and inserting the following: "defined".
39 25. Page 11, line 17, by striking the words
40 "pursuant to" and inserting the following: "as
41 defined in".
42 26. Page 11, line 29, by inserting after the word
43 "plan" the following: ", including a group or
44 employment-related or an individual health benefit
45 plan, or a health benefit plan provided pursuant to
46 chapter 514E".
47 27. Page 11, line 35, by striking the words
48 "pursuant to chapter 252E".
49 28. Page 12, line 3, by inserting after the word
50 "an" the following: "administrative".

Page 3

- 1 29. Page 12, lines 4 and 5, by striking the words
2 "pursuant to" and inserting the following: "as
3 defined in".
4 30. Page 12, line 7, by striking the words
5 "pursuant to" and inserting the following: "as
6 defined in".
7 31. Page 12, line 16, by striking the words
8 "pursuant to" and inserting the following: "as
9 defined in".
10 32. Page 13, lines 6 and 7, by striking the words
11 "within twenty days of the date of service," and
12 inserting the following: "within twenty days of the
13 date of service,".
14 33. Page 13, line 8, by inserting after the word
15 "shall" the following: ", within twenty days of the
16 date of service".
17 34. Page 13, line 25, by inserting after the word
18 "chapter" the following: "598 and rules adopted
19 pursuant to chapter".

20 35. Page 14, line 3, by striking the words "court
21 order or".

22 36. Page 14, line 17, by striking the figure and
23 words "1. CHILD SUPPORT."

24 37. Page 14, by striking lines 20 through 28.

25 38. Page 15, line 1, by striking the words
26 "established pursuant to" and inserting the following:
27 "as defined in".

28 39. Page 16, by inserting after line 3, the
29 following:

30 "Sec. _____. Section 598.21, subsection 4, paragraph
31 a, Code Supplement 1989, is amended by adding the
32 following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. Until such time as the
34 supreme court incorporates the provision of medical
35 support in the guidelines as required by paragraph
36 "c", the court shall order as child medical support a
37 health benefit plan as defined in chapter 252E if
38 available to either parent at a reasonable cost. A
39 health benefit plan is considered reasonable in cost
40 if it is employment-related or other group health
41 insurance, regardless of the service delivery
42 mechanism. The premium cost of the health benefit
43 plan may be considered by the court as a reason for
44 varying from the child support guidelines. If a
45 health benefit plan is not available at a reasonable
46 cost, the court may order any other provisions for
47 medical support as defined in chapter 252E.

48 Sec. _____. Section 598.21, subsection 4, Code
49 Supplement 1989, is amended by adding the following
50 new paragraph:

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1 NEW PARAGRAPH. c. The guidelines prescribed by
2 the supreme court shall incorporate provisions for
3 medical support as defined in chapter 252E to be
4 effective on or before January 1, 1991."

5 40. Page 16, by inserting after line 27, the
6 following:

7 "Sec. _____. RULES.

8 The department may adopt administrative rules under
9 section 17A.4, subsection 2, and section 17A.5,
10 subsection 2, paragraph "b", to implement this chapter
11 and the rules may be made effective on or after July
12 1, 1990."

13 41. By renumbering as necessary.

Amendment H — 5456 was adopted.

Haverland of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2513)

The ayes were, 81:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 8:

Jay	Knapp	Maulsby	McKean
Pellett	Renken	Schnekloth	Van Maanen

Absent or not voting, 11:

Beatty	Clark	Daggett	Eddie
Groninga	Kistler	Petersen, D. F.	Shoultz
Stueland	Trent	Tyrrell	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED
(House File 2438)

Halvorson of Clayton called up for consideration the motion to reconsider House File 2438, filed on February 21, 1990, and moved to reconsider the vote by which House File 2438, a bill for an act relating to the crime victim reparation and victim assistance programs, specifying that the crime victim reparation program may be included

in a restitution plan, establishing a priority for payment in a restitution plan, relieving the clerk of the supreme court of victim notification requirements on appeals and transferring those duties to the department of justice, providing confidentiality requirements concerning victims and witnesses with certain exceptions, permitting victims of simple misdemeanors to participate in the crime victim reparation program, and permitting certain victims of crimes committed outside of this state to participate in the crime victim reparation program, passed the House and was placed on its last reading on February 21, 1990.

A non-record roll call was requested.

The ayes were 59, nays 4.

The motion prevailed and the House reconsidered House File 2438, placing out of order the motion to reconsider filed by Shearer of Louisa on February 21, 1990.

Rosenberg of Story offered the following amendment H—5515 filed by him and Jay of Appanoose and moved its adoption:

H—5515

1 Amend House File 2438 as follows:
 2 1. Page 1, by inserting after line 4 the
 3 following:
 4 "Sec. _____. Section 22.7, subsection 18, paragraph
 5 c, Code Supplement 1989, is amended to read as
 6 follows:
 7 c. Information contained in the communication is a
 8 public record to the extent that it indicates the
 9 date, time, specific location, and immediate facts and
 10 circumstances surrounding the occurrence of a crime or
 11 other illegal act, except to the extent that its
 12 disclosure would plainly and seriously jeopardize a
 13 continuing investigation, ~~or would~~ pose a clear and
 14 present danger to the safety of any person, ~~or would~~
 15 reveal, prior to the filing of an information or
 16 indictment as provided in section 802.8, the residence
 17 or business address or telephone number of any victim
 18 or witness to a violent crime against a person or a
 19 crime using a dangerous weapon, as defined in section
 20 702.7. In any action challenging the failure of the
 21 lawful custodian to disclose any particular
 22 information of the kind enumerated in this paragraph,
 23 the burden of proof is on the lawful custodian to
 24 demonstrate that the disclosure of that information
 25 would jeopardize such an investigation, ~~or would~~ pose
 26 such a clear and present danger, ~~or would~~ reveal such

27 identifying information prior to the filing of an
28 information or indictment. The communication shall be
29 disclosed after removal of the information which is
30 not to be disclosed pursuant to this paragraph."

31 2. By striking page 3, line 8 through page 5,
32 line 7.

33 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 47, nays 31.

Amendment H—5515 was adopted.

Shearer of Louisa offered the following amendment H—5514 filed by him:

H—5514

1 Amend House File 2438 as follows:

2 1. Page 1, by striking lines 1 through 12 and
3 inserting the following:

4 "Section 1. Section 13.31, Code Supplement 1989,
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 5. Administer payment for sexual
7 abuse medical examinations pursuant to section 709.10.

8 Sec. 2. Section 709.10, Code 1989, is amended to
9 read as follows:

10 709.10 COST OF MEDICAL EXAMINATION IN CRIMES OF
11 SEXUAL ABUSE.

12 The cost of a medical examination for the purpose
13 of gathering evidence and the cost of treatment for
14 the purpose of preventing venereal disease shall be
15 borne by the Iowa department of public health justice.

16 Sec. 3. Section 811.2, Code 1989, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 1A. ADDITIONAL CONDITION FOR
19 RELEASE. In addition to any other condition imposed
20 by the court under subsection 1, the court shall order
21 the defendant to refrain from any act of physical
22 harassment, intimidation, or threats of such act
23 against any victim or witness related to the charge
24 pending against the defendant. Such order shall apply
25 to any act by the defendant or an act by any other
26 person on behalf of, or at the request of, the
27 defendant."

28 2. By striking page 3, line 8 through page 5,
29 line 7.

30 3. Renumber as necessary.

Van Maanen of Mahaska rose on a point of order that amendment H—5514 was not germane.

The Speaker ruled the point well taken and amendment H—5514 not germane.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—5516 filed by him on March 2, 1990.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2438)

The ayes were, 88:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Cohoon	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKear
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 12:

Beatty	Branstad	Clark	Daggett
Eddie	Groninga	Harbor	Kistler
Petersen, D. F.	Svoboda	Trent	Tyrrell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Svoboda of Tama on request of McKinney of Dallas; Harbor of Mills on request of Halvorson of Clayton, both for the remainder of the day.

MOTION TO RECONSIDER LOST
(House File 2531)

Nielsen of Linn called up for consideration the motion to reconsider House File 2531 filed by her from the floor and moved to reconsider the vote by which **House File 2531**, a bill for an act to require a business, as a condition of the receipt of state financial assistance for economic development purposes, to meet certain requirements relating to federal and state environmental protection laws and the disposal of solid and hazardous waste, passed the House and was placed on its last reading on March 5, 1990.

A non-record roll call was requested.

The ayes were 31, nays 46.

The motion to reconsider lost, placing out of order the motion to reconsider filed by Corbett of Linn from the floor.

Regular Calendar

House File 2487, a bill for an act relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee, was taken up for consideration.

Holveck of Polk offered the following amendment H—5438 filed by Holveck, et al.:

H—5438

- 1 Amend House File 2487 as follows:
- 2 1. Page 1, by striking lines 20 through 22 and
- 3 inserting the following:
- 4 "1. The board of directors of the Iowa academy of
- 5 science shall submit a listing of potential nominees
- 6 for the position of environmental advocate to the
- 7 governor. The governor may select a person from the
- 8 listing of nominees or may select a person of the
- 9 governor's choosing who is not named in the submitted
- 10 listing to fill the position of environmental
- 11 advocate. The".
- 12 2. By striking page 2, line 7, through page 3,
- 13 line 10, and inserting the following:
- 14 "The office of the environmental advocate shall:
- 15 1. Make recommendations to the natural resource
- 16 commission, the environmental protection commission,
- 17 or any other governmental agency which has an impact
- 18 on the environment of the state through rulemaking and
- 19 shall review and, if the advocate deems it to be in
- 20 the public interest, appeal the rulemaking decisions
- 21 of the natural resource commission, the environmental
- 22 protection commission, or any other governmental
- 23 agency which has an impact on the environment of the

24 state.

25 2. Institute judicial review of final actions of
26 the environmental protection commission and the
27 natural resource commission, if the review is deemed
28 to be in the public interest.

29 3. Represent the environmental interests of the
30 public, generally, where action is necessary for the
31 protection of public rights in the environment."

32 3. Page 3, by striking lines 14 and 15 and in-
33 serting the following: "autonomous state agency."

34 4. Page 3, by striking lines 23 through 33 and
35 inserting the following:

36 "2. The environmental advocate may employ
37 personnel as necessary to carry out the duties and
38 responsibilities of the office of environmental
39 advocate consistent with the provisions of chapter
40 19A. However, employees of the office of the
41 environmental advocate are exempt from the merit
42 system provisions of chapter 19A and the provisions of
43 chapter 20."

44 5. Page 3, line 35, by striking the words
45 "attorney general" and inserting the following:
46 "governor".

47 6. By striking page 4, line 13, through page 5,
48 line 7, and inserting the following:

49 "The Iowa academy of science shall appoint seven
50 members to an environmental advocate advisory

Page 2

1 committee to meet at the request of the environmental
2 advocate for consultation regarding the protection of
3 public rights in water and other natural resources. A
4 member shall be appointed from each congressional
5 district with the appointee residing within the
6 congressional district at the time of appointment.
7 The remaining appointees shall be members at large.
8 Members shall be appointed which represent the various
9 sectors of the population. No more than four members
10 shall belong to the same political party as provided
11 in section 69.16. Not more than a simple majority of
12 the members shall be of the same gender as provided in
13 section 69.16A. The members shall serve four-year
14 terms and their appointments are not subject to
15 confirmation. A vacancy shall be filled in the same
16 manner as the original appointment for the unexpired
17 portion of the member's term. Members of the
18 committee shall serve without compensation, but shall
19 be reimbursed for actual expenses from funds
20 appropriated to the office of the environmental
21 advocate."

Holveck of Polk offered the following amendment H—5479, to amendment H—5438, filed by him and moved its adoption:

H—5479

- 1 Amend the amendment, H—5438, to House File 2487 as
- 2 follows:
- 3 1. Page 1, line 20, by inserting after the word
- 4 "rulemaking" the following: "or contested case".
- 5 2. Page 1, line 25, by inserting after the word
- 6 "final" the following: "or interlocutory".

Amendment H—5479 was adopted.

McKean of Jones offered the following amendment H—5486, to amendment H—5438, filed by him and moved its adoption:

H—5486

- 1 Amend the amendment, H—5438, to House File 2487, as
- 2 follows:
- 3 1. Page 1, line 37, by striking the words "as
- 4 necessary" and inserting the following: "to fill four
- 5 full-time equivalent positions".
- 6 2. Page 1, line 40, by inserting after the figure
- 7 "19A." the following: "The environmental advocate may
- 8 employ consultants as expert witnesses or technical
- 9 advisors pursuant to contract in any proceeding in
- 10 which the office of the environmental advocate is a
- 11 party."

Amendment H—5486 was adopted, placing out of order amendment H—5459, to amendment H—5438, filed by McKean of Jones on March 1, 1990.

On motion by Holveck of Polk, amendment H—5438, as amended, was adopted.

Lundby of Linn offered amendment H—5354 filed by her. Division was requested as follows:

H—5354

- 1 Amend House File 2487 as follows:

H—5354A

- 2 1. Page 2, by striking lines 10 and 11 and
- 3 inserting the following: "the environmental
- 4 protection commission."
- 5 2. Page 2, line 13, by striking the word
- 6 "commission," and inserting the following:
- 7 "commission or".

H—5354A

- 8 3. Page 2, by striking lines 14 and 15 and
 9 inserting the following: "protection commission, if
 10 the environmental".
- 11 4. Page 2, by striking lines 20 and 21 and
 12 inserting the following: "commission or the
 13 environmental protection commission which has an
 14 impact on the environment of".
- 15 5. Page 2, line 25, by inserting after the word
 16 "state" the following: "environmental".
- 17 6. By striking page 2, line 35, through page 3,
 18 line 6, and inserting the following: "initiative,
 19 formally initiate or intervene in any proceeding under
 20 the jurisdiction of the natural resource commission or
 21 the environmental protection commission for the
 22 protection of public rights in water or other natural
 23 resources."

H—5354B

- 24 7. Page 4, by striking lines 5 through 7 and
 25 inserting the following: "in proceedings before the
 26 natural resource commission or the environmental
 27 protection commission and".
- 28 8. Page 4, line 10, by striking the words "or
 29 governmental agency".

The Speaker announced that amendment H—5354A was out of order with the previous adoption of amendment H—5438, as amended.

On motion by Lundby of Linn, amendment H—5354B lost.

Holveck of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2487)

The ayes were, 53:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Connors
Doderer	Dvorsky	Fey	Fuller
Gruhn	Halvorson, R. N.	Hammond	Harper
Hatch	Haverland	Hibbard	Holveck
Jesse	Jochum	Johnson	Knapp
Lykam	May	McKean	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 33:

Banks	Beaman	Bennett	Carpenter
Corbett	De Groot	Diemer	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Hermann
Hester	Iverson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	Mertz
Metcalf	Miller	Pellett	Peters
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stueland
Van Maanen			

Absent or not voting, 14:

Beatty	Branstad	Clark	Daggett
Eddie	Groninga	Hansen, S. D.	Harbor
Jay	Kistler	Petersen, D. F.	Svoboda
Trent	Tyrrell		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent to immediately message the following bills to the Senate: House Files 436, 2287, 2314, 2342, 2391, 2412, 2422, 2438, 2487, 2503 and 2531.

SENATE AMENDMENT CONSIDERED

Hammond of Story called up for consideration **House File 2514**, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5512:

H—5512

- 1 Amend House File 2514 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 27 the
- 4 following:
- 5 "_____. As a condition, qualification, and
- 6 limitation of the funds appropriated in this section,
- 7 the department shall work with the United States
- 8 department of health and human services to develop a
- 9 waiver to exempt income received by a participant in
- 10 the "dollar-a-day" program under an adolescent
- 11 pregnancy prevention grant, in determining the
- 12 participant's eligibility for aid to dependent
- 13 children."
- 14 2. Page 3, line 3, by striking the figure

15 "215,705,169" and inserting the following:

16 "215,605,169".

17 3. Page 5, by inserting after line 5 the fol-
18 lowing:

19 "_____. As a condition, limitation, and
20 qualification of the funds appropriated in this
21 section, the differential reimbursement amount paid to
22 hospitals which provide a disproportionate share of
23 care to medical assistance recipients shall be
24 doubled. Of the funds appropriated in House File
25 2418, 1990 Iowa Acts, if enacted by the Seventy-third
26 General Assembly, to the university of Iowa hospitals
27 and clinics for treatment of indigent patients,
28 \$740,000 shall be transferred to the department of
29 human services to be used as additional funds for the
30 purposes designated for medical assistance in this
31 appropriation, provided the differential reimbursement
32 amount is changed in accordance with this subsection."

33 4. Page 5, by inserting before line 6 the
34 following:

35 "Sec. _____. NURSING FACILITY REIMBURSEMENT — APRIL
36 1991 ADJUSTMENT.

37 There is appropriated from the general fund of the
38 state to the department of human services for the
39 fiscal year beginning July 1, 1990, and ending June
40 30, 1991, the following amount or so much thereof as
41 is necessary, to be used for the purpose designated:

42 For adjustment of nursing facility reimbursement
43 rates in accordance with this section:
44\$ 1,247,000

45 Effective April 1, 1991, the maximum reimbursement
46 rate for nursing facilities shall be the 74th
47 percentile of facility costs as calculated from the
48 March 31, 1991, unaudited compilation of cost and
49 statistical data."

50 5. Page 7, line 24, by striking the figure

Page 2

1 "300,000" and inserting the following: "400,000".

2 6. Page 8, by striking lines 18 through 21, and
3 inserting the following:

4 "The funds appropriated in this subsection shall be
5 allocated and administered as provided in sections
6 237A.13 through 237A.18. However, \$50,000 shall be
7 used for start-up grants to child day care facilities
8 located in rural counties with a population of less
9 than 20,000 or in cities with a population of less
10 than 5,000. A child day care program established by a
11 school pursuant to section 279.49 may receive a grant.
12 The order of priority for granting funds appropriated
13 in this subsection is as follows: start-up; fire

14 safety; and equipment. If available, the funds
15 appropriated in this subsection shall be matched with
16 federal funds. The department shall adopt rules to
17 implement this subsection, including a provision that
18 the maximum amount granted to a grantee is \$10,000."

19 7. Page 10, line 32, by striking the word
20 "require" and inserting the following: "make
21 reasonable efforts to encourage and increase the use
22 of".

23 8. Page 11, line 1, by striking the word "There"
24 and inserting the following: "If the Seventy-third
25 General Assembly, 1990 Session, enacts authorizing
26 legislation for the collection services center to
27 remain in the department of human services, there".

28 9. Page 17, line 18, by striking the figure
29 "2.00" and inserting the following: "4.00".

30 10. Page 17, lines 19 and 20, by striking the
31 words "to fund a full-time equivalent position".

32 11. Page 17, by inserting after line 24 the
33 following:
34 " FTEs 1.00".

35 12. Page 18, line 12, by striking the figure
36 "20,000" and inserting the following: "10,000".

37 13. Page 21, line 33, by striking the figure
38 "150,000" and inserting the following: "100,000".

39 14. Page 22, by inserting after line 6 the
40 following:
41 "Of the funds appropriated in this section, at
42 least \$50,000 shall be used to provide additional
43 pregnancy prevention grants. Preference in grant
44 awards shall be given to programs which, in addition
45 to other services, provide counseling to mixed gender
46 groups of adolescents. The grants shall be
47 administered in accordance with the provisions for
48 adolescent pregnancy prevention grants, except for
49 requirements to target certain geographic areas in the
50 state."

Page 3

1 15. Page 23, by inserting after line 2, the
2 following:
3 "As a condition, qualification, and limitation of
4 the funds appropriated in this section, the department
5 shall submit quarterly reports to the fiscal committee
6 of the legislative council which provide the
7 expenditures of the funds appropriated in this section
8 for each county."

9 16. Page 23, by inserting after line 31 the
10 following:
11 "As a condition, qualification, and limitation of
12 the funds appropriated in this subsection, up to

13 \$850,000 shall be used to phase-in new residential
 14 treatment programs for adolescents who are substance
 15 abusers and to develop secure beds for juveniles
 16 placed at the state mental health institute at
 17 Cherokee."

18 17. Page 26, by inserting after line 29 the
 19 following:

20 "_____. As a condition, qualification, and
 21 limitation of the funds appropriated in this section,
 22 the department shall adopt rules pursuant to chapter
 23 17A providing for reimbursement under state
 24 supplementary assistance to pay for supervised
 25 apartment living and cooperative housing arrangements
 26 for persons with mental retardation, mental illness,
 27 or developmental disabilities. The rules shall take
 28 effect July 1, 1991."

29 18. Page 35, line 34, by striking the figure
 30 "355.95" and inserting the following: "349.95".

31 19. Page 39, by inserting after line 7 the
 32 following:

33 "_____. The department may transfer up to \$20,013 of
 34 the funds appropriated and 1 FTE authorized for field
 35 operations in this Act to be used, in addition to the
 36 funds appropriated and full-time equivalent positions
 37 authorized in the appropriation made in this section,
 38 for the purpose of managing and monitoring early
 39 preventive screening, diagnosis, and treatment
 40 outreach service efforts.

41 _____. Of the funds appropriated in this section, up
 42 to \$80,000 shall be used for staff and support costs
 43 required to implement section 35 of this Act, relating
 44 to development of children's programs in community
 45 settings. The number of staff persons shall be
 46 limited to not more than 3 FTEs and the full-time
 47 equivalent positions are considered to be in addition
 48 to the full-time equivalent position limit authorized
 49 in this section."

50 20. Page 39, by inserting before line 8 the

Page 4

1 following:

2 "_____. As a condition, qualification, and limita-
 3 tion of the funds appropriated in this section, the
 4 department shall seek additional funds through supple-
 5 mental appropriation if in relation to the
 6 appropriations for field operations in this Act, the
 7 expected federal cost allocation share is less than
 8 expected, the average base salary and support cost is
 9 more than expected, or the vacancy factor is lower
 10 than expected. The department shall report monthly to
 11 the fiscal committee of the legislative council, the

12 chairpersons and ranking members of the joint human
13 services appropriations subcommittee, and the
14 legislative fiscal bureau regarding the projections of
15 expenditures relating to the appropriations in this
16 Act, and regarding any changes that occur relating to
17 the federal cost allocation share, the average base
18 salary and support cost, and the vacancy factor which
19 affect the appropriation for field operations."

20 21. Page 41, line 14, by inserting after the
21 words " "nursing facility"." the following: "Effective
22 October 1, 1990, nursing facilities shall be allowed
23 an increase in their per diem reimbursement rates
24 based on budgeted costs related to meeting nursing
25 home reform requirements pursuant to the federal
26 Omnibus Budget Reconciliation Act of 1987, Pub. L. No.
27 100-203. To be considered for per diem reimbursement
28 rate adjustment, a nursing facility's budget for costs
29 related to meeting the nursing home reform
30 requirements must be received by the department on or
31 before August 31, 1990. Reports of actual costs
32 related to meeting the nursing home reform
33 requirements shall subsequently be submitted to the
34 department.

35 Subject to the maximum per diem reimbursement rate
36 for nursing facilities in effect on October 1, 1990,
37 the department shall reconcile the nursing facility's
38 actual costs relative to its budgeted costs and adjust
39 the facilities per diem reimbursement rate
40 accordingly."

41 22. Page 43, line 21, by inserting after the word
42 "overtime." the following: "If, after review of the
43 study recommendations, the department of human
44 services decides to establish the position of "human
45 resource specialist" at the state hospital-schools,
46 the positions shall be established within the
47 department of personnel and the department of human
48 services may transfer to the department of personnel
49 the associated full-time equivalent positions and
50 moneys equal to the salary costs for the positions."

Page 5

1 23. Page 45, by striking lines 6 through 17.

2 24. Page 45, by striking lines 18 through 27.

3 25. Page 47, by inserting after line 23, the
4 following:

5 "Sec. _____. COMPUTERIZATION — ASSESSMENT OF
6 FINANCIAL IMPACT.

7 In order to assess the financial impact of
8 computerizing functions within the department of human
9 services, the department of general services,
10 information services division, shall monitor the

11 utilization of the central processing unit resources
 12 maintained by the division, and shall provide
 13 quarterly reports to the fiscal committee of the
 14 legislative council and the legislative fiscal bureau.
 15 The quarterly reports shall contain an analysis of the
 16 central processing unit resources utilized by the
 17 department of human services by each computerized
 18 application within the department. The reports shall
 19 also contain information on computerized applications
 20 which are under development, and shall project the
 21 central processing unit utilization which will occur
 22 in six, twelve, eighteen, and twenty-four months. The
 23 reports shall be designed to enable the fiscal
 24 committee and the legislative fiscal bureau to assess
 25 the fiscal impact of various computerized
 26 applications, with emphasis upon the need for the
 27 division to purchase additional computer hardware."

28 26. Page 47, line 29, by striking the figures and
 29 words "4, and section 30" and inserting the following:
 30 "4, relating to increasing the schedule of basic needs
 31 under the aid to dependent children program; section
 32 2, subsection 7, relating to the costs of
 33 transportation connected with the health of a resident
 34 of a health care facility reimbursed under medical
 35 assistance; section 4, unnumbered paragraph 3,
 36 relating to increasing the personal needs allowance of
 37 certain persons; section 5, unnumbered paragraph 3,
 38 relating to the tribal council's usage of appropriated
 39 funds for administrative purposes; section 6,
 40 subsection 3, relating to allocating funds
 41 appropriated for protective and state child care
 42 assistance; section 7, subsection 3, relating to
 43 grants to fund costs relating to child day care start-
 44 up, fire safety, and equipment; section 17, unnumbered
 45 paragraph 3, relating to increasing income guidelines
 46 for certain persons; section 23, subsections 1 through
 47 4, relating to financing certain facilities, to
 48 providing supplemental per diems to certain
 49 facilities, and to providing for costs and
 50 reimbursements relating to certain community living

Page 6

1 arrangements; and section 30, relating to
 2 reimbursements of providers,".

3 27. Page 47, by inserting after line 33 the
 4 following:

5 "Sec. _____. Section 249A.3, subsection 1, paragraph
 6 f, Code Supplement 1989, is amended to read as
 7 follows:

8 f. Is a child who is less than ~~six~~ seven years of
 9 age and who meets the income and resource requirements

- 10 of the aid to dependent children program under chapter
 11 239.”
 12 28. By renumbering, relettering, or redesignating
 13 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 45, nays 28.

The motion prevailed and the House concurred in the Senate amendment H—5512.

Hammond of Story moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2514)

The ayes were, 57:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Gruhn	Halvorson, R. N.	Hammond
Harper	Hatch	Haverland	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Lundby	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhausser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Shoning	Shoultz	Spear
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 28:

Banks	Beaman	Bennett	Carpenter
Corbett	De Groot	Diemer	Garman
Halvorson, R. A.	Hanson, D. R.	Hermann	Hester
Iverson	Kremer	Lageschulte	Maulsby
McKean	Metcalf	Miller	Pellett
Plasier	Renken	Royer	Schneklath
Siegrist	Spenner	Stueland	Van Maanen

Absent or not voting, 15:

Beatty	Branstad	Clark	Daggett
Eddie	Groninga	Hansen, S. D.	Harbor

Jay
Svoboda

Kistler
Trent

Petersen, D. F.
Tyrrell

Shearer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

OBJECTION TO IMMEDIATE MESSAGE
(House File 2514)

Arnould of Scott asked for unanimous consent that House File 2514 be immediately messaged to the Senate.

Objection was raised.

MOTION TO RECONSIDER LOST
(House File 2514)

Hammond of Story moved to reconsider the vote by which House File 2514 passed the House and was placed on its last reading on March 5, 1990.

A non-record roll call was requested.

The ayes were 31, nays 54.

The motion to reconsider lost, placing out of order the motion to reconsider filed by Lundby of Linn from the floor.

MOTIONS TO RECONSIDER
(House File 2513)

I move to reconsider the vote by which House File 2513 passed the House on March 5, 1990.

HAVERLAND of Polk

(House File 2513)

I move to reconsider the vote by which House File 2513 passed the House on March 5, 1990.

HANSEN of Woodbury

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 2, 1990. Had I been present, I would have voted "aye" on House Files 2131, 2305, 2450, 2494, 2500, 2501, 2511 and Senate File 2212.

PONCY of Wapello

I was necessarily absent from the House chamber on Friday afternoon, March 2, 1990. Had I been present, I would have voted "aye" on House Files 2131, 2305, 2494 and 2501.

SHONING of Woodbury

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 5, 1990, he approved and transmitted to the Secretary of State the following bill:

House File 2236, an act to increase the percentage of the state ceiling allocated to qualified small issue bonds issued for first-time farmers, and providing an effective date.

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

DEPARTMENT OF CORRECTIONS

A report which assesses and evaluates an attitude, motivation and education program for offenders or ex-offenders, pursuant to Chapter 225.9, 1989 Acts of the Seventy-third General Assembly.

DEPARTMENT OF NATURAL RESOURCES

A report of a study to investigate the feasibility of expanding and modernizing the public water supply system in Winterset, Iowa, pursuant to Chapter 311.6 (1)(k), 1989 Acts of the Seventy-third General Assembly.

DEPARTMENT OF PUBLIC HEALTH

A report regarding the Homemaker-home Health Aide Program, pursuant to Chapter 1277.5(11)(d) 1988 Acts of the Seventy-second General Assembly.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN

Chief Clerk of the House

- | | |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 1990-23 | Jody L. Fink, Lansing — Receiving the Boy Scouts of America Eagle Scout Award. |
| 1990-24 | John L. Scholtes, Lansing — Receiving the Boy Scouts of America Eagle Scout Award. |
| 1990-25 | Boy Scout Troop 47, Lansing — Recognition for having nine members elevated to the rank of Eagle Scout at the Court of Honor on June 24, 1990. |
| 1990-26 | Christopher Troendle, Lansing — Receiving the Boy Scouts of America Eagle Scout Award. |
| 1990-27 | Tom Costello, Lansing — Receiving the Boy Scouts of America Eagle Scout Award. |

- 1990-28 Tim Connelly, Lansing — Receiving the Boy Scouts of America Eagle Scout Award.
- 1990-29 Patrick J. Connelly, Lansing — Receiving the Boy Scouts of America Eagle Scout Award.
- 1990-30 Andy Christoffer, Lansing — Receiving the Boy Scouts of America Eagle Scout Award.
- 1990-31 Jared Francis Winters, Lansing — Receiving the Boy Scouts of America Eagle Scout Award.
- 1990-32 Aaron P. Strub, Lansing — Receiving the Boy Scouts of America Eagle Scout Award.
- 1990-33 Mr. and Mrs. Harvey Bunting, What Cheer — Celebrated their 65th wedding anniversary on December 24, 1989.
- 1990-34 Wrestling Team of West Delaware County Community School — Recognition for winning the WAMAC Conference Wrestling Championship.
- 1990-35 Lisa Downing, Charles City — Won second place in the 6th-7th grade division of the statewide "Write Women Back Into History" contest.
- 1990-36 Heather Kramer, Muscatine — Won first place in the 8th-9th grade division of the statewide "Write Women Back Into History" contest.
- 1990-37 Amy Nielsen, Battle Creek — Won third place in the 6th-7th grade division of the statewide "Write Women Back Into History" contest.
- 1990-38 Rachel Bilyen, Nevada Junior High School — Being a winner in the "Write Women Back Into History" contest.
- 1990-39 Tiffany Wickersham, Des Moines — Won third place in the 8th-9th grade division of the statewide "Write Women Back Into History" contest.
- 1990-40 Charles Douglas Chervek, Sioux City — Receiving the Boy Scouts of America Eagle Scout Award.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 823 Ways and Means

Relating to the investment by the state and political subdivisions of bond proceeds and sinking funds in tax-exempt bonds.

H.S.B. 824 Ways and Means

Relating to the formation of community commonwealths by certain governmental units for the joint exercise of powers.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2015

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

Senate File 2036

Transportation: Muhlbauer, Chair; Pavich and Royer.

Senate File 2155

Labor and Industrial Relations: Ollie, Chair; Harper and Tyrrell.

Senate File 2159

Labor and Industrial Relations: Wise, Chair; Brammer and Diemer.

Senate File 2173

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

Senate File 2187

Labor and Industrial Relations: Blanshan, Chair; Diemer and Wise.

Senate File 2197

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

Senate File 2233

Judiciary and Law Enforcement: Harbor, Chair; Hibbard and Kremer.

Senate File 2261

State Government: Beatty, Chair; Buhr and Garman.

Senate File 2282

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

Senate File 2290

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

Senate File 2296

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Harbor and Hibbard.

Senate File 2302

Judiciary and Law Enforcement: Siegrist, Chair; Poncey and Renaud.

Senate File 2309

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

Senate File 2350

Judiciary and Law Enforcement: Poncey, Chair; Peterson of Carroll and Plasier.

Senate File 2368

Judiciary and Law Enforcement: Jay, Chair; Rosenberg and Siegrist.

Senate File 2387

Judiciary and Law Enforcement: Hibbard, Chair; Harbor and Peterson of Carroll.

Senate Concurrent Resolution 116

Labor and Industrial Relations: Halvorson of Webster, Chair; Brammer and Hester.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

Senate File 2277, a bill for an act relating to tourist-oriented signs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5533** March 5, 1990.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Senate File 2181, a bill for an act altering the penalty for late payment of the solid waste tonnage fee.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1990.

Senate File 2393, a bill for an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2137, a bill for an act providing for the disposal of forfeited weapons.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1990.

Senate File 2156, a bill for an act giving federal law enforcement officials peace officer status in certain instances.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1990.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 2018, a bill for an act relating to the membership of the public safety commission of a unified law enforcement district.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1990.

Senate File 2163, a bill for an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1990.

Senate File 2230, a bill for an act relating to membership qualifications of the board of review.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5530** March 5, 1990.

Senate File 2366, a bill for an act establishing councils of governments and providing certain duties.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1990.

AMENDMENTS FILED

H—5526	S.F.	2280	Kremer of Buchanan
H—5527	H.F.	2130	Blanshan of Greene
			Poncy of Wapello
			Buhr of Polk
			Lundby of Linn
H—5530	S.F.	2230	Committee on Local Government
H—5532	H.F.	2323	Halvorson of Webster
			Dvorsky of Johnson
H—5533	S.F.	2277	Committee on Economic Development
H—5534	H.F.	2323	Halvorson of Webster
			Dvorsky of Johnson
H—5535	H.F.	2323	Halvorson of Webster
			Dvorsky of Johnson
H—5536	S.F.	2163	Fuller of Hardin
H—5537	H.F.	2365	Halvorson of Clayton
			Jay of Appanoose
			Trent of Muscatine
H—5538	S.F.	2280	Blanshan of Greene

H—5539	H.F.	2515	Shoultz of Black Hawk
H—5540	H.F.	2528	Halvorson of Webster Osterberg of Linn
H—5541	H.F.	2258	Hermann of Scott
H—5542	H.F.	2528	Halvorson of Webster Osterberg of Linn
H—5544	H.F.	2508	Lundby of Linn
H—5545	H.F.	2497	Schrader of Marion McKean of Jones May of Worth
H—5546	H.F.	2323	Halvorson of Webster Dvorsky of Johnson
H—5547	H.F.	2417	Hatch of Polk

On motion by Arnould of Scott, the House adjourned at 8:42 p.m., until 9:00 a.m., Tuesday, March 6, 1990.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day — Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 6, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend David Ray, pastor of the United Church of Christ Congregational Church, Emmetsburg.

The Journal of Monday, March 5, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton on request of Harbor of Mills; Diemer of Black Hawk on request of Kremer of Buchanan and McKinney of Dallas on request of Brand of Benton, both until their return.

SENATE MESSAGE CONSIDERED

Senate File 2319, by committee on transportation, a bill for an act relating to private farm railway crossings.

Read first time and referred to committee on **transportation**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2011, a bill for an act providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public.

Also: That the Senate has on March 5, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2184, a bill for an act relating to the use of red flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable.

Also: That the Senate has on February 20, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2245, a bill for an act relating to bids for certain specialized highway or bridge construction projects.

Also: That the Senate has on March 5, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2385, a bill for an act establishing a new agricultural products and processes program and creating a state fund to support the program.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 2497, a bill for an act regulating dealers of liquefied petroleum gas, was taken up for consideration.

Groninga of Cerro Gordo in the chair at 9:29 a.m.

Schrader of Marion offered the following amendment H—5545 filed by Schrader, et al.:

H—5545

- 1 Amend House File 2497 as follows:
- 2 1. Page 1, line 1, by striking the words "DEALER
- 3 INVENTORIES OF" and inserting the following: "OPTIONS
- 4 PROGRAM FOR RESIDENTIAL CUSTOMERS OF".
- 5 2. Page 1, by striking lines 12 through 28, and
- 6 inserting the following:
- 7 "2. A dealer shall display and make available to
- 8 residential customers of liquefied petroleum gas the
- 9 most current publication provided by the department of
- 10 an awareness guide that contains information relating
- 11 to the purchase of liquified petroleum gas by
- 12 residential customers, including but not limited to
- 13 options commonly offered by dealers to such customers.
- 14 The description of commonly offered options shall
- 15 include benefits of selecting extended payment plans,
- 16 purchasing gas during periods of low demand, and
- 17 executing contracts for the supply of gas at
- 18 predetermined prices.
- 19 3. The department shall adopt rules under chapter
- 20 17A requiring a dealer to provide to residential
- 21 customers of liquefied petroleum gas an offer to
- 22 purchase gas by contract. The contract shall provide
- 23 for the purchase of a supply of gas during periods of
- 24 high demand at a predetermined price."

Speaker Avenson in the chair at 9:50 a.m.

Schrader of Marion moved the adoption of amendment H—5545.

Roll call was requested by Schrader of Marion and Renaud of Polk.

On the question "Shall amendment H—5545 be adopted?"
(H.F. 2497)

The ayes were, 60:

Adams	Arnould	Beatty	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connors	Corbett
De Groot	Doderer	Dvorsky	Fey
Fuller	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	May	McKean	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Shoultz	Spear
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 31:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	Eddie
Garman	Gruhn	Harbor	Hermann
Iverson	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Shoning	Siegrist
Spenner	Stueland	Svoboda	

Absent or not voting, 9:

Bisignano	Black	Diemer	Fogarty
Halvorson, R. A.	Hibbard	Lykam	McKinney
Sherzan			

Amendment H—5545 was adopted.

Schrader of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 2497)

The ayes were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fuller
Groninga	Halvorson, R. N.	Hammond	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson

Lundby	Lykam	May	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Shoultz	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

The nays were, 44:

Banks	Beaman	Bennett	Blanshan
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Eddie	Fogarty
Garman	Gruhn	Hansen, S. D.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Stueland
Svoboda	Trent	Tyrrell	Van Maanen

Absent or not voting, 4:

Diemer	Halvorson, R. A.	McKinney	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2365, a bill for an act relating to facsimiles, the filing of certain public records by facsimile, the transmission of unsolicited advertising by facsimile, and providing a criminal penalty and a civil remedy, was taken up for consideration.

Jay of Appanoose offered the following amendment H—5537 filed by Halvorson, et al., and moved its adoption:

H—5537

- 1 Amend House File 2365 as follows:
- 2 1. Page 1, by striking lines 2 through 16 and
- 3 inserting in lieu thereof the following:
- 4 "1. A state, city or county department or agency
- 5 may accept facsimile or other electronically
- 6 transmitted documents as a document for purposes of
- 7 filing public records.
- 8 2. Each department or agency that agrees to accept
- 9 documents pursuant to subsection 1 shall adopt rules
- 10 for the acceptance of such documents. The rules may
- 11 require the original document to be subsequently
- 12 forwarded to the department or agency accepting the

13 facsimile or other electronically transmitted
14 document, or to be maintained by the person
15 transmitting the facsimile or other electronically
16 transmitted document.”

Amendment H—5537 was adopted.

Osterberg of Linn offered the following amendment H—5349 filed by him and Trent of Muscatine:

H—5349

1 Amend House File 2365 as follows:
2 1. Page 1, by inserting before line 17 the
3 following:
4 “Sec. _____. NEW SECTION. 476.57 LIMITATIONS ON
5 USE OF ADAD EQUIPMENT — PENALTY.
6 1. DEFINITION. As used in this section, “ADAD
7 equipment” or “automatic dialing-announcing device
8 equipment” means a device or system of devices which
9 is used, either alone or in conjunction with other
10 equipment, for the purpose of automatically selecting
11 or dialing telephone numbers to disseminate
12 prerecorded messages to the numbers selected or dialed
13 without the use of a live operator.
14 2. PROHIBITION.
15 a. Except as provided in paragraph “b”, it is
16 unlawful for a person to use, to employ or direct
17 another person to use, or to contract for the use of
18 ADAD equipment.
19 b. Paragraph “a” does not apply to any of the
20 following:
21 (1) Calls made with ADAD equipment by a nonprofit
22 organization or by an individual using the calls other
23 than for commercial profit-making purposes, if the
24 calls do not involve the advertisement or offering for
25 sale, lease, or rental of goods, services, or
26 property.
27 (2) Calls made with ADAD equipment relating to
28 payment for, service of, or warranty coverage of
29 previously ordered or purchased goods or services or
30 to persons or organizations with a prior business
31 relationship with the persons or organizations using
32 the calls.
33 (3) Calls made with ADAD equipment relating to the
34 collection of lawful debts.
35 (4) Calls made with ADAD equipment to members or
36 employees of the organization using the calls.
37 3. PENALTY. A violation of this section is a
38 serious misdemeanor.”

- 39 2. Title page, line 3, by inserting after the
 40 word "facsimile" the following: "or automatic
 41 dialing-announcing device equipment".
 42 3. Renumber sections as necessary.

Osterberg of Linn offered the following amendment H—5474, to amendment H—5349, filed by him and moved its adoption:

H—5474

- 1 Amend amendment, H—5349, to House File 2365 as
 2 follows:
 3 1. Page 1, by inserting after line 36, the
 4 following:
 5 "(5) Calls made with ADAD equipment which use
 6 prerecorded messages no longer than ten seconds in
 7 length and which are followed by a live operator."

Amendment H—5474 was adopted.

Van Maanen of Mahaska rose on a point of order that amendment H—5349, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5349 not germane.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2365)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken

Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, none.

Absent or not voting, 3:

Diemer	Halvorson, R. A.	McKinney
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2473, a bill for an act requiring certain information to be provided to adopting parents, was taken up for consideration.

Spenner of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2473)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Diemer

Halvorson, R. A.

Jay

McKinney

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2270, a bill for an act relating to the department of human rights, was taken up for consideration.

Buhr of Polk offered the following amendment H—5100 filed by her and Carpenter of Polk and moved its adoption:

H—5100

1 Amend House File 2270 as follows:

2 1. Page 1, by inserting before line 1 the

3 following:

4 "Section 1. Section 7E.5, subsection 1, paragraph
5 t, Code Supplement 1989, is amended to read as
6 follows:

7 t. The department of human rights, created in
8 section 601K.1, which has primary responsibility for
9 services relating to ~~Spanish speaking people~~ Latino
10 persons, children, youth, and families, women, persons
11 with disabilities, community action agencies, criminal
12 and juvenile justice planning, the status of blacks,
13 and deaf persons.

14 Sec. 2. Section 601K.1, subsection 1, Code
15 Supplement 1989, is amended to read as follows:

16 1. Division of ~~Spanish speaking people~~ Latino
17 affairs."

18 2. Page 3, by inserting after line 1, the
19 following:

20 "Sec. _____. Section 601K.11, Code 1989, is amended
21 to read as follows:

22 601K.11 DEFINITIONS.

23 For purposes of this subchapter, unless the context
24 otherwise requires:

25 1. "Commission" means the commission of ~~Spanish-~~
26 ~~speaking people~~ Latino affairs.

27 2. "Division" means the division of ~~Spanish-~~
28 ~~speaking people~~ Latino affairs of the department of
29 human rights.

30 3. "Administrator" means the administrator of the
31 division of ~~Spanish speaking people~~ Latino affairs of
32 the department of human rights.

33 Sec. _____. Section 601K.12, Code 1989, is amended
34 to read as follows:

35 601K.12 COMMISSION OF SPANISH SPEAKING PEOPLE
36 LATINO AFFAIRS — TERMS — COMPENSATION.

37 The commission of Spanish-speaking people Latino
38 affairs consists of nine members, appointed by the
39 governor from a list of nominees submitted by the
40 governor's Spanish-speaking peoples task force. The
41 members of the commission shall be appointed during
42 the month of June and shall serve for terms of two
43 years commencing July 1 of each odd-numbered year.
44 Members appointed shall continue to serve until their
45 respective successors are appointed. Vacancies in the
46 membership of the commission shall be filled by the
47 original appointing authority and in the manner of the
48 original appointments. Members shall receive actual
49 expenses incurred while serving in their official
50 capacity. Members may also be eligible to receive

Page 2

1 compensation as provided in section 7E.6.

2 Sec. _____. Section 601K.14, Code 1989, is amended
3 to read as follows:

4 **601K.14 COMMISSION EMPLOYEES.**

5 The commission may employ personnel who shall be
6 qualified by ~~experience~~ to assume the responsibilities
7 of their several offices. The administrator shall be
8 the administrative officer of the commission and shall
9 serve the commission by gathering and disseminating
10 information, forwarding proposals and evaluations to
11 the governor, the general assembly, and state
12 agencies, carrying out public education programs,
13 conducting hearings and conferences, and performing
14 other duties necessary for the proper operation of the
15 commission. The administrator shall carry out
16 programs and policies as determined by the commission.

17 Sec. _____. Section 601K.15, subsections 1 through
18 7, Code 1989, are amended to read as follows:

19 1. Coordinate, assist, and cooperate with the
20 efforts of state departments and agencies to serve the
21 needs of Spanish-speaking Latino persons in the fields
22 of education, employment, health, housing, welfare,
23 and recreation.

24 2. Develop, coordinate, and assist other public
25 organizations which serve Spanish-speaking Latino
26 persons.

27 3. Evaluate existing programs and proposed
28 legislation affecting Spanish-speaking Latino persons,
29 and propose new programs.

30 4. Stimulate public awareness of the problems of
31 Spanish-speaking Latino persons by conducting a
32 program of public education and encouraging the
33 governor and the general assembly to develop programs
34 to deal with these problems.

35 5. Conduct training programs for Spanish-speaking

- 36 Latino persons to enable them to assume leadership
 37 positions on the community level.
 38 6. Conduct a survey of the Spanish-speaking Latino
 39 people in Iowa in order to ascertain their needs.
 40 7. Work to establish a Spanish-speaking Latino
 41 information center in the state of Iowa."
 42 3. By renumbering as necessary.

Amendment H—5100 was adopted.

Carpenter of Polk offered the following amendment H—5124 filed by her and moved its adoption:

H—5124

- 1 Amend House File 2270 as follows:
 2 1. Page 1, line 16, by striking the word
 3 "coordinator" and inserting the following:
 4 "~~coordinator~~ director".
 5 2. Page 1, line 28, by striking the word
 6 "council" and inserting the following: "councils".
 7 3. Page 1, lines 31 and 32, by striking the words
 8 "commission, commissions, or council" and inserting
 9 the following: "commissions or councils".
 10 4. Page 1, lines 33 and 34, by striking the words
 11 "commission, commissions, or council" and inserting
 12 the following: "commissions or councils".
 13 5. Page 2, line 8, by inserting after the word
 14 "RIGHTS" the following: "ADMINISTRATIVE-
 15 COORDINATING".
 16 6. Page 2, line 9, by striking the words "policy
 17 administrative coordinating" and inserting the
 18 following: "policy coordinating administrative-
 19 coordinating".

Amendment H—5124 was adopted.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5082 filed by her on February 5, 1990.

Carpenter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2270)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett

Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	Mertz	Metcalf
Miller	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker Avenson	

The nays were, none.

Absent or not voting, 5:

Diemer	Halvorson, R. A.	McKinney	Muhlbauer
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2536, a bill for an act relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements, was taken up for consideration.

Spenner of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2536)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor

Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Diemer	Halvorson, R. A.	McKinney	Swartz
Wise			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2455, a bill for an act relating to state chartered legal entities, especially nonprofit corporations and cooperative associations, by altering requirements and procedure for filing corporate documents in the office of the secretary of state and by requiring corporations organized under or subject to Iowa Code chapter 504 to convert to chapter 504A within a certain period of time, was taken up for consideration.

Lundby of Linn offered the following amendment H—5513 filed by her and moved its adoption:

H—5513

- 1 Amend House File 2455 as follows:
- 2 1. Page 1, lines 17 through 19, by striking the
- 3 words and figures "Issuance of such stock in an amount
- 4 exceeding twenty-five thousand dollars shall be
- 5 governed by the law as found in sections 492.6 and
- 6 492.7." and inserting the following: "Issuance of
- 7 such stock in an amount exceeding twenty-five thousand
- 8 dollars shall be governed by the law as found in
- 9 sections 492.6 and 492.7."
- 10 2. Page 1, lines 19 and 20, by striking the words
- 11 "in amounts smaller than twenty-five thousand dollars"
- 12 and inserting the following: "in amounts smaller

13 than twenty five thousand dollars”.

14 3. Page 1, line 22, by striking the word
15 “director” and inserting the following: “director
16 directors”.

17 4. Page 1, by striking lines 23 through 28, and
18 inserting the following: “competent appraiser
19 employed by the directors. Within thirty days after
20 such issue, the association shall file with the
21 secretary of state a verified report containing an
22 accurate detailed description of the thing purchased,
23 the valuation thereof by the directors, and the amount
24 of preferred stock thus issued. Such preferred stock
25 shall be”.

26 5. Page 3, line 19, by striking the word “must”
27 and inserting the following: “may”.

28 6. Page 3, line 25, by striking the words “and
29 explain the cause for”.

30 7. Page 3, line 25, by striking the word
31 “defective” and inserting the following: “incorrect”.

32 8. Page 3, line 26, by striking the word
33 “incorrect” and inserting the following: “defective”.

34 9. Page 3, line 26, by striking the words “the
35 defective” and inserting the following: “the
36 incorrect”.

Amendment H—5513 was adopted.

Lundby of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2455)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters

Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Diemer	Fuller	Halvorson, R. A.	McKinney
Mertz	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT

Kremer of Buchanan asked and received unanimous consent to change his vote from "nay" to "aye" on House File 2455 and the vote was so recorded.

The House resumed consideration of **House File 2508**, a bill for an act relating to the commitment and treatment of chronic substance abusers, previously deferred and retained on the calendar.

Lundby of Linn offered the following amendment H—5544 filed by her:

H—5544

- 1 Amend House File 2508 as follows:
- 2 1. Page 1, by inserting after line 15, the
- 3 following:
- 4 "Sec. _____. Section 125.2, subsections 2 and 11,
- 5 Code Supplement 1989, are amended to read as follows:
- 6 2. "Chemical substance" means alcohol, wine,
- 7 spirits, and beer as defined in chapter 123 and ~~drugs~~
- 8 controlled substances as defined in section ~~203B-2~~
- 9 204.101, subsection 7, which when used improperly
- 10 could result in chemical dependency.
- 11 11. "Interested person" means a person who, in the
- 12 discretion of the court, is legitimately concerned
- 13 that a respondent receive substance abuse treatment
- 14 services is a member of the respondent's family or
- 15 household, is a law enforcement officer, or is an
- 16 official or employee of the department of human
- 17 services."

The following amendment H—5549, to amendment H—5544, filed by Lundby of Linn from the floor was adopted by unanimous consent:

H—5549

- 1 Amend H—5544, to House File 2508, as follows:
- 2 1. Page 1, by striking lines 11 through 17.

On motion by Lundby of Linn, amendment H—5544, as amended, was adopted.

Shearer of Louisa offered the following amendment H—5434 filed by him and moved its adoption:

H—5434

- 1 Amend House File 2508 as follows:
- 2 1. Page 12, line 14, by inserting after the word
- 3 "facility" the following: "or under the care of a
- 4 suitable facility on an outpatient basis".
- 5 2. Page 12, line 16, by inserting after the word
- 6 "admission" the following: "or outpatient placement".
- 7 3. Page 12, line 20, by inserting after the word
- 8 "to" the following: "or placed under the care of".

Amendment H—5434 was adopted.

Hibbard of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2508)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth

Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 3:

Brammer	Brown	Murphy
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Absent or not voting, 4:

Diemer	Halvorson, R. A.	McKinney	Svoboda
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST (House File 2497)

Schrader of Marion called up for consideration the motion to reconsider House File 2497, filed by him from the floor and moved to reconsider the vote by which House File 2497, a bill for an act regulating dealers of liquefied petroleum gas, passed the House and was placed on its last reading on March 6, 1990.

A non-record roll call was requested.

The ayes were 32, nays 42.

The motion to reconsider lost, placing out of order the motion to reconsider filed from the floor by Lundby of Linn.

Regular Calendar

House File 268, a bill for an act relating to grandparent visitation rights and a determination that the visitations are in the best interests of the child, with report of committee recommending amendment and passage was taken up for consideration.

Brammer of Linn offered the following amendment H—3419 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3419

- 1 Amend House File 268 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "f. In any other case when the court determines
- 5 grandchild visitation to be in the best interests of
- 6 the child, provided there has not been a termination

- 7 of parental rights or an adoption of the child."
- 8 2. By striking page 1, line 33 through page 2,
- 9 line 33, and inserting the following: "the parent-
- 10 child relationship.
- 11 3. The court may modify an order granting or
- 12 denying".
- 13 3. Page 3, by inserting after line 2, the
- 14 following:
- 15 "4. Nothing in this section limits the rights and
- 16 responsibilities of a parent as legal custodian of the
- 17 child."

The committee amendment H—3419 was adopted.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 268)

The ayes were, 90:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spenner	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 5:

Beaman	Halvorson, R. N.	Hammond	Holveck
Spear			

Absent or not voting, 5:

Carpenter Diemer Halvorson, R. A. Hatch
Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2515, a bill for an act relating to waste volume reduction and recycling, establishing a fee, and providing a penalty, was taken up for consideration.

Shultz of Black Hawk offered the following amendment H—5517 filed by him:

H—5517

- 1 Amend House File 2515 as follows:
- 2 1. Page 1, by striking lines 1 through 13 and
- 3 inserting the following:
- 4 "Section 1. NEW SECTION. 455D.11A TIRE
- 5 DOCUMENTATION AND DISPOSAL PROGRAM.
- 6 1. As used in this section unless the context
- 7 otherwise requires:
- 8 a. "Chit" means the documentation issued by the
- 9 department as receipt for payment of a tire regis-
- 10 tration fee which may be returned to the department,
- 11 following disposal of a waste tire, for a refund.
- 12 b. "Consumer" means a person who purchases a new
- 13 tire or a vehicle which requires tires for the use of
- 14 the vehicle.
- 15 c. "Processing site" means processing site as
- 16 defined in section 455D.11.
- 17 d. "Tire dealer" means a person who is a retailer
- 18 as defined pursuant to section 422.42, who offers for
- 19 sale or sells tires or who sells vehicles which
- 20 require tires for the use of the vehicle.
- 21 e. "Tire processor" means tire processor as
- 22 defined in section 455D.11.
- 23 f. "Waste tire" means waste tire as defined in
- 24 section 455D.11.
- 25 2. The department in cooperation with the
- 26 department of revenue and finance, shall establish and
- 27 implement a new tire documentation program to provide
- 28 for the proper disposal of waste tires by January 1,
- 29 1991.
- 30 3. The documentation program shall provide for the
- 31 following:
- 32 a. The sale of chits to tire dealers. The depart-
- 33 ment shall require a fee of three dollars per chit to
- 34 be paid by the tire dealer for tires which are less
- 35 than nineteen inches in diameter, and a fee of five

36 dollars per chit to be paid by the tire dealer for
37 tires which are nineteen or more inches in diameter.
38 b. A tire dealer shall provide a chit for each
39 tire to be sold or for each tire used for a vehicle
40 offered for sale or sold by a tire dealer.
41 c. A consumer shall obtain a chit from a tire
42 dealer for each tire purchased from the dealer or for
43 each tire required for the use of a vehicle purchased.
44 d. A tire dealer shall accept waste tires
45 accompanied by chits from consumers, and shall deliver
46 the waste tires collected to a processing site which
47 is licensed by the state. The processing site shall
48 only accept chits accompanied by waste tires.
49 e. The processing site shall return the chits
50 collected to the department for reimbursement in the

Page 2

1 amount of the respective fee based upon the diameter
2 of the tire for each chit returned.
3 4. A tire documentation account is established in
4 the state treasury. Moneys received by the department
5 from tire dealers for the purchase of chits shall be
6 deposited in the state treasury to the credit of the
7 fund. Notwithstanding section 8.33, any unexpended
8 balance in the fund at the end of each fiscal year
9 shall be retained in the fund. Any interest and
10 earnings on investments from moneys in the fund shall
11 be credited to the fund, section 453.7 notwithstand-
12 ing. Moneys in the fund are appropriated to and may
13 be used by the department to establish, implement, and
14 administer the tire documentation program.
15 5. The department shall establish by rule,
16 pursuant to chapter 17A, exemptions to the requirement
17 of the purchase of a chit for each tire offered for
18 sale or sold by a tire dealer, including but not
19 limited to bicycle tires, and tires or vehicles for
20 which tires are required for the use of the vehicle
21 which are purchased by the state or its political
22 subdivisions.
23 6. A tire dealer who does not provide a chit for
24 each tire offered for sale or sold or a tire processor
25 who accepts chits without an accompanying waste tire
26 is subject to a civil penalty of two thousand five
27 hundred dollars.”

Shoultz of Black Hawk offered the following amendment H—5539,
to amendment H—5517, filed by him and moved its adoption:

H—5539

1 Amend amendment, H—5517, to House File 2515, as
2 follows:
3 1. Page 2, line 22, by inserting after the word

4 "subdivisions." the following: "The exemption
5 provided under this subsection relative to the state
6 or its political subdivisions does not apply if the
7 state or a political subdivision offers for sale or
8 sells tires or vehicles for which tires are required
9 for use of the vehicle. If the state or a political
10 subdivision sells or offers for sale tires or vehicles
11 requiring tires for use of the vehicles, the state or
12 a political subdivision shall provide a chit for each
13 tire to be sold or for each tire used for a vehicle
14 offered for sale or sold."

Amendment H—5539 was adopted.

Arnould of Scott asked and received unanimous consent that House File 2515 be deferred and that the bill retain its place on the calendar.

(Amendment H—5517, as amended, pending.)

IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2270, 2365, 2455, 2473, 2497 and 2508.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2052, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date.

Also: That the Senate has on March 6, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2265, a bill for an act relating to medical examiners' certifications prior to cremations.

Also: That the Senate has on March 6, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2344, a bill for an act relating to modification of child support orders.

JOHN F. DWYER, Secretary

MOTIONS TO RECONSIDER
(House File 2536)

I move to reconsider the vote by which House File 2536 passed the House on March 6, 1990.

SPENNER of Henry

(House File 2536)

I move to reconsider the vote by which House File 2536 passed the House on March 6, 1990.

OLLIE of Clinton

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, March 5, 1990. Had I been present, I would have voted "aye" on House Files 2314, 2438 and 2514; "nay" on House Files 2487 and 2513.

EDDIE of Buena Vista

I was necessarily absent from the House chamber on Monday afternoon, March 5, 1990. Had I been present, I would have voted "aye" on House Files 436, 2314, 2438, 2487, 2503, 2513 and 2514.

GRONINGA of Cerro Gordo

I was necessarily absent from the House chamber on Wednesday, February 28, 1990. Had I been present, I would have voted "aye" on House File 2371.

PETERSON of Carroll

PRESENTATION OF VISITORS

Rosenberg of Story presented to the House Nikolai Atamanichenko, Agricultural Economist, from Stavropolski, Union of Soviet Socialist Republics. He is presently engaged in research at Iowa State University, Ames.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five 4-H youth from Jones County, accompanied by Varlyn Fink. By McKean of Jones.

Thirteen seventh and eighth grade students from Peoria Christian School, Pella, accompanied by Connie Stout. By Van Maanen of Mahaska.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 6th day of March, 1990: House File 2514.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2080**

Agriculture: Osterberg, Chair; Gruhn and Stueland.

Senate File 2169

Labor and Industrial Relations: Sherzan, Chair; Diemer and Jochum.

Senate File 2197 (Reassigned)

Judiciary and Law Enforcement: Rosenberg, Chair; Brammer and Trent.

Senate File 2311

State Government: Buhr, Chair; Beatty and Lundby.

Senate File 2379

Agriculture: Schrader, Chair; Bennett and McKinney.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON TRANSPORTATION

Senate File 2323, a bill for an act relating to the attorney general's access to confidential motor vehicle accident reports.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5548** March 5, 1990.

AMENDMENTS FILED

H-5548

S.F. 2323

Committee on
Transportation

H—5551	S.F.	2097	Poncy of Wapello Buhr of Polk Lundby of Linn Blanshan of Greene
H—5552	S.F.	2084	Tyrrell of Iowa McKean of Jones
H—5553	S.F.	2163	Schnekloth of Scott
H—5554	H.F.	2536	Spenner of Henry Ollie of Clinton

On motion by Arnould of Scott, the House adjourned at 11:29 a.m., until 9:00 a.m., Wednesday, March 7, 1990.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day — Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 7, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Greg Spenner, state representative from Henry County.

The Journal of Tuesday, March 6, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nielsen of Linn on request of Arnould of Scott; Brown of Lucas on request of Holveck of Polk; Svoboda of Tama on request of McKinney of Dallas, all until their arrival.

SENATE MESSAGES CONSIDERED

Senate File 2184, by Hultman and Taylor, a bill for an act relating to the use of red flashing lights on privately owned motor vehicles of certain emergency medical care providers and making penalties applicable.

Read first time and referred to committee on **transportation**.

Senate File 2245, by committee on transportation, a bill for an act relating to bids for certain specialized highway or bridge construction projects.

Read first time and referred to committee on **transportation**.

Senate File 2385, by committee on small business and economic development, a bill for an act establishing a new agricultural products and processes program and creating a state fund to support the program.

Read first time and referred to committee on **economic development**.

REFERRED TO COMMITTEE ON WAYS AND MEANS (House File 2515)

Arnould of Scott asked and received unanimous consent to refer House File 2515, presently on the **regular calendar**, to the committee on **ways and means**.

MOTION TO RECONSIDER PREVAILED
(House File 2536)

Spenner of Henry called up for consideration the motion to reconsider House File 2536, filed on March 6, 1990, and moved to reconsider the vote by which House File 2536, a bill for an act relating to the regulation of persons providing courses of instruction for profit, by revising requirements for corporate surety bonds, and repealing certain disclosure requirements, passed the House and was placed on its last reading on March 6, 1990.

A non-record roll call was requested.

The ayes were 64, nays none.

The motion prevailed and the House reconsidered House File 2536, placing out of order the motion to reconsider filed by Ollie of Clinton on March 6, 1990.

Spenner of Henry offered the following amendment H—5554 filed by him and Ollie of Clinton and moved its adoption:

H—5554

- 1 Amend House File 2536 as follows:
- 2 1. Page 3, by striking line 6 and inserting the
- 3 following:
- 4 "Sec. 3. Section 714.25, unnumbered paragraph 2,
- 5 Code Supplement 1989, is amended to read as follows:
- 6 A proprietary school located within the state
- 7 shall, prior to the time a student is obligated for
- 8 payment of any moneys, inform the student of all of
- 9 the following:"

Amendment H—5554 was adopted.

Spenner of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2536)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann

Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brown	Hanson, D. R.	Nielsen	Rosenberg
Shoultz	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 268 and 2536 be immediately messaged to the Senate.

Regular Calendar

The House resumed consideration of **House File 2528**, a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, and by requiring an election under certain conditions for land or a building and providing an applicability date, and amendment H—5387, found on page 868 of the House Journal.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—5542, to amendment H—5387, filed by him and Osterberg of Linn on March 5, 1990.

Black of Jasper in the chair at 9:40 a.m.

On motion by Shearer of Louisa, amendment H—5387 was adopted.

Swartz of Marshall asked and received unanimous consent to defer action on amendment H—5523.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—5335 filed by her on February 23, 1990.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5488 filed by her on March 1, 1990, placing out of order amendment H—5522, to amendment H—5488, filed by Swartz of Marshall on March 2, 1990.

Carpenter of Polk offered the following amendment H—5494 filed by Carpenter, et al.:

H—5494

1 Amend House File 2528 as follows:

2 1. Page 4, by inserting after line 7 the fol-
3 lowing:

4 “(h) Notwithstanding provisions of subparagraph
5 subdivisions (a) through (d), if the lease or lease-
6 purchase contract is part of the funding mechanism to
7 enable a for profit or nonprofit corporation to
8 acquire, operate, or otherwise receive the benefit of
9 real or personal property subject to the lease or
10 lease-purchase contract, the county shall call a
11 county special election to vote upon the question of
12 entering into such contract. The county shall not
13 enter into such contract unless the vote in favor of
14 entering into such contract is equal to at least sixty
15 percent of the vote cast on the proposition.”

16 2. Page 6, by inserting after line 25 the fol-
17 lowing:

18 “(f) Notwithstanding provisions of subparagraph
19 subdivisions (a) through (d), if the loan agreement is
20 part of the funding mechanism to enable a for profit
21 or nonprofit corporation to acquire, operate, or
22 otherwise receive the benefit of real or personal
23 property, the county shall call a county special
24 election to vote upon the question of entering into
25 such loan agreement. The county shall not enter into
26 such agreement unless the vote in favor of entering
27 into such agreement is equal to at least sixty percent
28 of the vote cast on the proposition.”

29 3. Page 9, by inserting after line 30 the fol-
30 lowing:

31 “(g) Notwithstanding provisions of subparagraph
32 subdivisions (a) through (c), if the lease or lease-
33 purchase contract is part of the funding mechanism to
34 enable a for profit or nonprofit corporation to
35 acquire, operate, or otherwise receive the benefit of
36 real or personal property subject to the lease or
37 lease-purchase contract, the city shall call a city
38 special election to vote upon the question of entering

39 into such contract. The city shall not enter into
 40 such contract unless the vote in favor of entering
 41 into such contract is equal to at least sixty percent
 42 of the vote cast on the proposition."

43 4. Page 12, by inserting after line 11 the fol-
 44 lowing:

45 "4. Notwithstanding provisions of subparagraph b,
 46 if the loan agreement is part of the funding mechanism
 47 to enable a for profit or nonprofit corporation to
 48 acquire, operate, or otherwise receive the benefit of
 49 real or personal property, the city shall call a city
 50 special election to vote upon the question of entering

Page 2

1 into such loan agreement. The city shall not enter
 2 into such agreement unless the vote in favor of
 3 entering into such agreement is equal to at least
 4 sixty percent of the vote cast on the proposition."

Swartz of Marshall offered the following amendment H—5521, to amendment H—5494, filed by him and moved its adoption:

H—5521

1 Amend the amendment, H—5494, to House File 2528, as
 2 follows:

3 1. Page 1, lines 14 and 15, by striking the words
 4 "sixty percent" and inserting the following: "a
 5 majority".

6 2. Page 1, line 27, by striking the words "sixty
 7 percent" and inserting the following: "a majority".

8 3. Page 1, line 41, by striking the words "sixty
 9 percent" and inserting the following: "a majority".

10 4. Page 2, line 4, by striking the words "sixty
 11 percent" and inserting the following: "a majority".

Roll call was requested by Carpenter of Polk and Maulsby of Calhoun.

On the question "Shall amendment H—5521, to amendment H—5494, be adopted?" (H.F. 2528)

The ayes were, 38:

Adams	Arnould	Avenson, Spkr.	Beatty
Blanshan	Brammer	Brand	Chapman
Cohoon	Corbett	Dvorsky	Fey
Groninga	Halvorson, R. N.	Hammond	Harper
Haverland	Holveck	Jay	Jesse
Jochum	Lykam	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Renaud
Rosenberg	Schrader	Shearer	Siegrist
Spenner	Stueland	Swartz	Tabor
Teaford	Black		
	Presiding		

The nays were, 58:

Banks	Beaman	Bennett	Bisignano
Branstad	Buhr	Carpenter	Clark
Connors	Daggett	De Groot	Diemer
Doderer	Eddie	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Hatch	Hermann
Hester	Hibbard	Iverson	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renken	Royer	Schnekloth	Sherzan
Shoning	Spear	Svoboda	Trent
Tyrrell	Van Maanen		

Absent or not voting, 4:

Brown	Osterberg	Shoultz	Wise
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Amendment H—5521 lost.

On motion by Carpenter of Polk, amendment H—5494 was adopted.

Shearer of Louisa offered the following amendment H—5309 filed by him and moved its adoption:

H—5309

- 1 Amend House File 2528 as follows:
- 2 1. Page 5, line 33, by inserting after the word
- 3 "asking" the following: "that".
- 4 2. Page 9, line 15, by striking the word
- 5 "association" and inserting the following:
- 6 "associations".

Amendment H—5309 was adopted.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—5520 filed by him on March 2, 1990.

Halvorson of Webster offered the following amendment H—5540 filed by him and Osterberg of Linn and requested whether or not the amendment was germane.

H—5540

- 1 Amend House File 2528 as follows:
- 2 1. Page 6, by inserting after line 25 the
- 3 following:
- 4 "Sec. _____. Section 331.402, Code 1989, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. 4. A county shall only enter into
7 a loan agreement to lend five hundred thousand dollars
8 or more to or for the benefit of a licensee or
9 facility licensed under chapter 99D or 99F in
10 accordance with the following terms and procedures:

11 a. A loan agreement entered into by a county may
12 contain provisions similar to those sometimes found in
13 loan agreements between private parties, including the
14 issuance of notes to evidence its obligations.

15 b. The board must institute proceedings for
16 entering into the loan agreement by causing a notice
17 of the proposal to enter into the loan agreement,
18 including a statement of the principal amount and
19 purpose of the loan agreement, and the right to
20 petition for an election, to be published as provided
21 in section 331.305 at least ten days prior to the
22 meeting at which it is proposed to take the action.

23 c. If at any time before the date fixed for taking
24 the action a petition is filed with the auditor in the
25 manner provided by section 331.306 asking that the
26 question of entering into the loan agreement be
27 submitted to the qualified electors of the county, the
28 board shall either by resolution declare the proposal
29 to enter into the loan agreement to have been aban-
30 doned or shall direct the county commissioner of
31 elections to call a special election upon the question
32 of entering into the loan agreement. However, for
33 purposes of this paragraph the petition shall require
34 the signatures of three percent of the qualified
35 electors, except that no fewer than two hundred fifty
36 and no more than three thousand signatures are
37 required. Notice of the election and its conduct
38 shall be in the manner provided in section 331.442,
39 subsections 2 through 4.

40 d. If no petition is filed, or if a petition is
41 filed and the proposition of entering into the loan
42 agreement is approved at an election, the board may
43 proceed and enter into the loan agreement.”

44 2. Page 12, by inserting after line 11 the
45 following:

46 “Sec. _____. NEW SECTION. 384.24B LOAN AGREEMENTS.

47 A city shall only enter into a loan agreement to
48 lend five hundred thousand dollars or more to or for
49 the benefit of a licensee or facility licensed under
50 chapter 99D or 99F in accordance with the following

Page 2

1 terms and procedures:

2 1. A loan agreement entered into by a city may
3 contain provisions similar to those sometimes found in

4 loan agreements between private parties, including the
5 issuance of notes to evidence its obligations.

6 2. The governing body must institute proceedings
7 to enter into the loan agreement by causing a notice
8 of the proposal to enter into the loan agreement,
9 including a statement of the principal amount and
10 purpose of the loan agreement, and the right to
11 petition for an election, to be published at least
12 once in a newspaper of general circulation within the
13 city at least ten days prior to the meeting at which
14 it is proposed to take action to enter into the loan
15 agreement.

16 3. If any time before the date fixed for taking
17 action to enter into the loan agreement, a petition is
18 filed with the clerk of the city in the manner
19 provided by section 362.4, asking that the question of
20 entering into the loan agreement be submitted to the
21 qualified electors of the city, the governing body
22 shall either by resolution declare the proposal to
23 enter into the loan agreement to have been abandoned
24 or shall direct the county commissioner of elections
25 to call a special election upon the question of
26 entering into the loan agreement. However, for
27 purposes of this subsection, the petition shall
28 require the signatures of three percent of the
29 qualified electors, except that no fewer than two
30 hundred fifty and no more than three thousand
31 signatures are required. Notice of the election and
32 its conduct shall be in the manner provided in section
33 384.26, subsections 2 through 4.

34 4. If no petition is filed, or if a petition is
35 filed and the proposition of entering into the loan
36 agreement is approved at an election, the governing
37 body may proceed and enter into the loan agreement.”

The Speaker ruled amendment H—5540 not germane.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—5523, previously deferred, filed by him on March 2, 1990.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2528)

The ayes were, 95:

- | | | | |
|---------|----------------|-----------|----------|
| Arnould | Avenson, Spkr. | Banks | Beaman |
| Beatty | Bennett | Bisignano | Blanshan |
| Brammer | Brand | Branstad | Brown |

Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Black	
		Presiding	

The nays were, 4:

Adams	Dvorsky	Neuhauser	Swartz
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Absent or not voting, 1:

Doderer

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House resumed consideration of **House File 2250**, a bill for an act relating to the importation of bees and bee-related items, increasing certain fees, and providing penalties, previously deferred and retained on the calendar.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2250)

The ayes were, 66:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brand
Brown	Chapman	Cohoon	Connors
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Harbor	Harper

Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schrader
Shearer	Shoning	Shoultz	Spear
Spenner	Stueland	Tabor	Teaford
Wise	Black		
	Presiding		

The nays were, 30:

Banks	Beaman	Bennett	Branstad
Buhr	Carpenter	Clark	Corbett
Daggett	De Groot	Garman	Hammond
Hansen, S. D.	Hanson, D. R.	Hermann	Iverson
Kistler	Maulsby	McKean	Mertz
Metcalf	Miller	Petersen, D. F.	Plasier
Renken	Schnekloth	Siegrist	Trent
Tyrrell	Van Maanen		

Absent or not voting, 4:

Doderer	Sherzan	Svoboda	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 10:36 a.m.

IMMEDIATE MESSAGE (House File 2250)

Arnould of Scott asked and received unanimous consent that House File 2250 be immediately messaged to the Senate.

SENATE MESSAGES CONSIDERED

Senate File 2011, by Hannon, a bill for an act providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public.

Read first time and referred to committee on **state government**.

Senate File 2052, by Hutchins, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date.

Read first time and referred to committee on **agriculture**.

Senate File 2265, by committee on state government, a bill for an act relating to medical examiners' certifications prior to cremations.

Read first time and referred to committee on **state government**.

Senate File 2344, by committee on human resources, a bill for an act relating to modification of child support orders.

Read first time and referred to committee on **human resources**.

PASSED ON FILE
(Senate File 2319)

The Speaker announced that Senate File 2319, previously referred to the committee on **transportation**, was **passed on file**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2298, a bill for an act relating to zoning regulations for homes for developmentally disabled persons.

Also: That the Senate has on February 28, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2383, a bill for an act relating to the issuance of general permits for environmental quality control purposes by the department of natural resources, and subjecting violators to existing penalties.

Also: That the Senate has on March 1, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2408, a bill for an act relating to and making appropriations to the justice system.

JOHN F. DWYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday morning, March 7, 1990. Had I been present, I would have voted "aye" on House File 2536.

BROWN of Lucas

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-two fifth grade students from Hanawalt Elementary School, Des Moines, accompanied by Karen Bush. By Carpenter of Polk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 825 Ways and Means

Authorizing the board of supervisors to certify supplemental levies for services taken over by the county from a taxing body located wholly or partly within the county, including services taken over as a result of consolidation of city and county governments.

H.S.B. 826 Ways and Means

Relating to the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2059

Education: Shearer, Chair; Corbett and Nielsen.

Senate File 2164

State Government: Knapp, Chair; Pavich and Renken.

Senate File 2184

Transportation: Fey, Chair; Branstad and Koenigs.

Senate File 2245

Transportation: Murphy, Chair; De Groot and Muhlbauer.

Senate File 2286

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

Senate File 2287

Ways and Means: Fey, Chair; Schneklath and Tabor.

Senate File 2349

Natural Resources and Outdoor Recreation: Gruhn, Chair; Jay and McKean.

Senate File 2377

State Government: Blanshan, Chair; Connors and Hanson of Delaware.

Senate File 2388

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 823**

Ways and Means: Brand, Chair; Metcalf and Wise.

House Study Bill 824

Ways and Means: Murphy, Chair; May and Schnekloth.

House Study Bill 825

Ways and Means: Doderer, Chair; Hanson of Delaware and Osterberg.

House Study Bill 826

Ways and Means: Tabor, Chair; Groninga, Metcalf, Schnekloth and Wise.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2240, a bill for an act relating to the transfer of racing dogs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5557** March 6, 1990.

COMMITTEE ON EDUCATION

Senate File 2306, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5555** March 6, 1990.

Senate File 2322, a bill for an act relating to participation in extracurricular inter-scholastic contests and competitions by certain children.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

Senate File 2324, a bill for an act repealing a requirement that area education agencies utilize federally funded health care programs for services provided to cer-

tain children requiring special education and providing effective dates.

Fiscal Note is required.

Recommended **Do Pass** March 6, 1990.

Pursuant to Rule 31.7, Senate File 2324 was referred to the committee on appropriations.

COMMITTEE ON HUMAN RESOURCES

Senate File 2082, a bill for an act to indefinitely extend the effect of the Code chapter relating to persons with mental illness, mental retardation, or developmental disabilities and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

Senate File 2221, a bill for an act requiring the department of inspections and appeals to adopt rules establishing a special license classification for an intermediate care facility, skilled nursing facility, or nursing facility or a special unit within the facility providing care to persons who suffer from chronic confusion or a dementing illness, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

Senate File 2348, a bill for an act relating to the assignment of support rights for children receiving foster care services.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate File 298, a bill for an act relating to planting of vegetation by persons on public lands.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 2271, a bill for an act specifying the required contents of a plan for bank merger or consolidation.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

Senate File 2291, a bill for an act relating to the interest rate charged in connection with a renewal or extension of time under a retail motor vehicle installment contract.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

COMMITTEE ON STATE GOVERNMENT

Senate File 368, a bill for an act relating to procedures for accepting offers from federal agencies for full or partial cession or retrocession of federal jurisdiction over lands in federal enclaves within the state.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

Senate File 2057, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5556** March 6, 1990.

Senate File 2094, a bill for an act providing rulemaking authority to the auditor of state to establish a fee schedule for certain services.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

Senate File 2248, a bill for an act relating to certain advertising by a hearing aid dealer.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

Senate File 2309, a bill for an act relating to the issuance of class "A" liquor licenses to veterans organizations.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1990.

AMENDMENTS FILED

H-5555	S.F.	2306	Committee on Education
H-5556	S.F.	2057	Committee on State Government
H-5557	S.F.	2240	Committee on Agriculture
H-5558	S.C.R.	111	Muhlbauer of Crawford
H-5559	H.F.	2540	Wise of Lee
H-5560	S.F.	2244	Murphy of Dubuque Brown of Lucas
H-5561	S.F.	2244	De Groot of Lyon Gruhn of Dickinson

On motion by Arnould of Scott, the House adjourned at 10:40 a.m., until 9:00 a.m., Thursday, March 8, 1990.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day — Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 8, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Hugo Schnekloth, state representative from Scott County.

The Journal of Wednesday, March 7, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper on request of Beatty of Warren; Corbett of Linn on request of Lundby of Linn; Harbor of Mills on request of Halvorson of Clayton, all until their arrival; Clark of Cerro Gordo on request of Garman of Story.

SENATE MESSAGES CONSIDERED

Senate File 2298, by Szymoniak, a bill for an act relating to zoning regulations for homes for developmentally disabled persons.

Read first time and referred to committee on **local government**.

Senate File 2383, by committee on environment and energy utilities, a bill for an act relating to the issuance of general permits for environmental quality control purposes by the department of natural resources, and subjecting violators to existing penalties.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 2408, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system.

Read first time and referred to committee on **appropriations**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2418, 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.

Also: That the Senate has on March 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 431, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers and applicators, providing registration requirements, and providing for fees and civil penalties.

Also: That the Senate has on March 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2010, a bill for an act relating to disposal of solid waste on agricultural land and making penalties applicable.

Also: That the Senate has on March 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales.

Also: That the Senate has on March 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2113, a bill for an act relating to reporting ingredients of pesticides, making penalties applicable, and providing penalties.

Also: That the Senate has on March 5, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2369, a bill for an act relating to the historic resource development program.

Also: That the Senate has on March 7, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2404, a bill for an act relating to the accessibility and confidentiality of certain information.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Ways and Means Calendar

House File 2540, a bill for an act relating to and providing a temporary property tax exemption for certain increased valuation of historic property, providing a phase-in of increased valuation, and providing an applicability date, was taken up for consideration.

Wise of Lee offered the following amendment H—5367 filed by Wise, et al., and moved its adoption:

H—5367

- 1 Amend House File 2540 as follows:
- 2 1. Page 1, by striking lines 3 through 11 and

3 inserting the following:

4 "1. The board of supervisors shall annually
5 designate real property in the county for a historic
6 property tax exemption.

7 2. Application for the exemption shall be filed
8 with the board, not later than April 15 of the
9 assessment year, on forms provided by the department
10 of revenue and finance. The exemption application
11 shall include an approved application for certified
12 substantial rehabilitation from the state historic
13 preservation officer and documentation of additional
14 property tax relief or financial assistance currently
15 allowed for the real property. Upon receipt of the
16 application, the board shall certify whether or not
17 the property is eligible to receive the exemption.

18 3. Before the board may designate real property
19 for the exemption, the board shall establish
20 priorities for which an exemption may be granted. The
21 priorities shall be based upon financial assistance or
22 property tax relief the owner is receiving for the
23 property or for which the property is eligible. A
24 public hearing shall be held with notice given as
25 provided in section 23.2 at which the proposed
26 priority list shall be presented. However, a public
27 hearing is not required if the proposed priorities are
28 the same as those established for the previous year.
29 After the public hearing, the board shall adopt by
30 resolution the proposed priority list or another
31 priority list.

32 4. After receipt of an exemption application with
33 an accompanying approved application from the state
34 historic preservation officer, and the establishment
35 of a priority list, the board shall grant a tax
36 exemption under this section using the adopted
37 priority list. The board shall notify an owner in
38 writing of a denial of the exemption under this
39 section and an explanation of the denial.

40 5. Real property designated for the tax exemption
41 shall be designated by May 15 of the assessment year
42 in which the fiscal year begins for which the
43 exemption is granted. Notification shall be sent to
44 the county auditor and the applicant.

45 6. The owner shall apply for an exemption and the
46 exemption may be approved for a period of not more
47 than four years."

48 2. Page 1, line 25, by striking the word "either"
49 and inserting the following: "the greater of".

50 3. Page 1, by striking lines 28 through 30 and

Page 2

1 inserting the following: "the acquisition cost of the.

- 2 property to the taxpayer; less the value of the land;
 3 less depreciation taken or one-half the current
 4 assessed valuation of the property, whichever is
 5 greater; plus the cost of additions or improvements to
 6 the property since its acquisition.”
 7 4. Page 2, lines 12 and 13, by striking the words
 8 “meet the definition of historic property” and
 9 inserting the following: “be certified by the state
 10 historic preservation officer”.
 11 5. By renumbering as necessary.

Amendment H—5367 was adopted.

Wise of Lee offered the following amendment H—5559 filed by him and moved its adoption:

H—5559

- 1 Amend House File 2540 as follows:
 2 1. Page 2, line 35, by inserting after the word
 3 and figure “6 and” the following: “under subsection
 4 8”.

Amendment H—5559 was adopted.

Schnekloth of Scott offered the following amendment H—5290 filed by him and moved its adoption:

H—5290

- 1 Amend House File 2540 as follows:
 2 1. Page 3, line 6, by inserting after the figure
 3 “1991” the following: “, for substantial
 4 rehabilitation to historic property begun after July
 5 1, 1990”.

Amendment H—5290 was adopted.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2540)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.

Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, 1:

Doderer

Absent or not voting, 5:

Banks	Clark	Corbett	Harbor
Jesse			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 2383, a bill for an act relating to parking fines, handicapped parking spaces, and handicapped identification devices, was taken up for consideration.

SENATE FILE 2244 SUBSTITUTED FOR HOUSE FILE 2383

Gruhn of Dickinson asked and received unanimous consent to substitute Senate File 2244 for House File 2383.

Senate File 2244, a bill for an act relating to parking fines, handicapped parking spaces, and handicapped identification devices, was taken up for consideration.

De Groot of Lyon offered the following amendment H—5561 filed by him and Gruhn of Dickinson and moved its adoption:

H—5561

- 1 Amend Senate File 2244, 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 321.34, subsection 7, Code
6 Supplement 1989, is amended to read as follows:
7 7. HANDICAPPED PLATES. The owner of a motor
8 vehicle subject to registration pursuant to section
9 321.109, subsection 1, light delivery truck, panel
10 delivery truck, or pickup, who is a handicapped
11 person, or who is the parent or guardian of a child
12 who resides with the parent or guardian owner and who
13 is a handicapped person, as defined in section 321L.1,
14 may, upon written application to the department, order
15 handicapped registration plates designed by the
16 department bearing the international symbol of
17 accessibility. The handicapped registration plates
18 shall only be issued if the application is accompanied
19 with a statement from a physician licensed under
20 chapter 148, 149, 150, or 150A, or a chiropractor
21 licensed under chapter 151, written on the physician's
22 or chiropractor's stationery, stating the nature of
23 the applicant's or the applicant's child's handicap
24 and such additional information as required by rules
25 adopted by the department, including proof of
26 residency of a child who is a handicapped person. If
27 the application is approved by the department the
28 handicapped registration plates shall be issued to the
29 applicant in exchange for the previous registration
30 plates issued to the person. The fee for the
31 handicapped plates is five dollars which is in
32 addition to the regular annual registration fee. The
33 department shall validate the handicapped plates in
34 the same manner as regular registration plates are
35 validated under this section at the regular annual
36 registration fee. However, the handicapped plates
37 shall not be renewed without the applicant furnishing
38 evidence to the department that the owner of the motor
39 vehicle or the owner's child is still a handicapped
40 person as defined in section 321L.1, unless the
41 applicant has previously provided satisfactory
42 evidence to the department that the owner of the
43 vehicle or the owner's child is permanently
44 handicapped in which case the furnishing of additional
45 evidence shall not be required for renewal. However,
46 an owner who has a child who is a handicapped person
47 shall provide satisfactory evidence to the department
48 that the handicapped child continues to reside with
49 the owner. The handicapped registration plates shall
50 be surrendered in exchange for regular registration

Page 2

1 plates when the owner of the motor vehicle or the
2 owner's child no longer qualifies as a handicapped
3 person as defined in section 321L.1 or when the

4 owner's child who is a handicapped person no longer
5 resides with the owner."

6 2. Page 1, by inserting after line 19 the
7 following:

8 "Sec. _____. Section 321L.1, subsection 3, Code
9 Supplement 1989, is amended to read as follows:
10 3. "Handicapped identification device" or "device"
11 means an identification device bearing the
12 international symbol of accessibility issued by the
13 department, and includes a handicapped registration
14 plate issued to or for a handicapped person under
15 section 321.34, subsection 7, a handicapped
16 identification sticker affixed to a registration plate
17 issued to a disabled veteran under section 321.166,
18 subsection 6, and a handicapped identification hanging
19 device which is a placard for hanging from the
20 rearview mirror when the motor vehicle is parked."
21

3. By renumbering as necessary.

Amendment H—5561 was adopted.

The following amendments were withdrawn by unanimous consent:

H—5303 filed by Brown, et al., on February 22, 1990.

H—5414 filed by Murphy of Dubuque and Brown of Lucas on February 28, 1990.

H—5421 filed by Murphy of Dubuque on February 28, 1990.

Brown of Lucas offered amendment H—5301 filed by him and Shearer of Louisa. Division was requested as follows:

H—5301

1 Amend Senate File 2244, as amended, passed, and
2 reprinted by the Senate, as follows:

H—5301A

3 1. Page 5, line 18, by striking the word "may"
4 and inserting the following: "shall".

H—5301B

5 2. Page 5, by striking lines 24 through 27 and
6 inserting the following: "parking review committee
7 shall consist of one administrative staff person
8 appointed by the political subdivision, one elected
9 official, one member of the general public, and three
10 handicapped persons as defined in section 321L.1. The
11 handicapped parking review committee shall".

12 3. Page 5, by striking line 28 and inserting the
13 following: "have the discretion to increase the
14 numbers of or to relocate the".

H-5301B

15 4. Page 5, by inserting after line 34 the
16 following:

17 "The handicapped parking review committee shall
18 meet as soon as possible after the designation of
19 handicapped parking spaces is made. A report of the
20 committee's findings shall be sent to the political
21 subdivision and to the department of human rights."

22 5. Page 6, by inserting after line 5 the
23 following:

24 "The handicapped parking review committee shall
25 meet thereafter, as necessary, but not less than once
26 per year to review the overall utilization of existing
27 handicapped parking spaces and redesignate amounts and
28 locations of handicapped parking spaces, if
29 necessary."

Brown of Lucas asked and received unanimous consent to withdraw amendments H-5301A and H-5301B.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-5470 filed by him and Brown of Lucas on March 1, 1990, placing out of order amendment H-5560, to amendment H-5470, filed by Murphy of Dubuque and Brown of Lucas on March 7, 1990.

Gruhn of Dickinson offered the following amendment H-5411 filed by her and moved its adoption:

H-5411

1 Amend Senate File 2244, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 17 the fol-
4 lowing:

5 "Sec. _____. EFFECTIVE DATE.

6 The provisions in section 3 of this Act which
7 authorize the department to issue permanent
8 handicapped identification devices to an organization
9 transporting the handicapped or elderly and to a
10 person in the business of transporting the handicapped
11 or elderly take effect January 1, 1991."

12 2. Title page, line 2, by inserting after the
13 word "devices" the following: "and providing an
14 effective date".

15 3. By renumbering as necessary.

Amendment H-5411 was adopted.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2244)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Brown

Absent or not voting, 4:

Clark	Doderer	Harbor	Jesse
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Ways and Means Calendar

House File 2549, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing a retroactive applicability date, was taken up for consideration.

Brand of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2549)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Maulsby

Absent or not voting, 4:

Clark	Harbor	Jesse	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:27 a.m., until the fall of the gavel.

The House resumed session at 11:20 a.m., Speaker Avenson in the chair.

SENATE MESSAGES CONSIDERED

Senate File 431, by committee on environment and energy utilities, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers and applicators, providing registration requirements, and providing for fees and civil penalties.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 2010, by Fraise, a bill for an act relating to disposal of solid waste on agricultural land and making penalties applicable.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 2093, by committee on state government, a bill for an act to reduce the markup percentage on state alcoholic liquor sales.

Read first time and referred to committee on **state government**.

Senate File 2113, by committee on environment and energy utilities, a bill for an act relating to reporting ingredients of pesticides, making penalties applicable, and providing penalties.

Read first time and referred to committee on **energy and environmental protection**.

Senate File 2369, by committee on state government, a bill for an act relating to the historic resource development program.

Read first time and referred to committee on **state government**.

Senate File 2404, by committee on judiciary, a bill for an act relating to the accessibility and confidentiality of certain information.

Read first time and referred to committee on **judiciary and law enforcement**.

The House stood at ease at 11:22 a.m., until the fall of the gavel.

The House resumed session at 1:45 p.m., Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 28, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 18, a bill for an act relating to the time period within which an information or indictment for sexual abuse with a child under the age of twelve shall be found.

Also: That the Senate has on March 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2031, a bill for an act relating to vacation leave sharing by state employees.

Also: That the Senate has on March 6, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2249, a bill for an act relating to workers' health, safety, and welfare, by providing an expedited hearing process for certain contested cases, requiring payment of medical expenses of an injured employee in certain circumstances, staying debt collection proceedings against an employee by a person providing treatment pending resolution of a contested case before the industrial commissioner, altering certain formulas for the calculation of benefits, establishing initial hearing deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, exempting union agents and employees from certain tort liability, and providing applicability and effective dates.

Also: That the Senate has on March 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2375, a bill for an act relating to access to official meetings open to the public by persons with disabilities.

Also: That the Senate has on March 8, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2395, a bill for an act relating to the protection of trade secrets and providing remedies.

JOHN F. DWYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 18, by Corning, a bill for an act relating to the time period within which an information or indictment for sexual abuse with a child under the age of twelve shall be found.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2031, by Running, a bill for an act relating to vacation leave sharing by state employees.

Read first time and referred to committee on **state government**.

Senate File 2249, by committee on business and labor relations, a bill for an act relating to workers' health, safety, and welfare, by providing an expedited hearing process for certain contested cases, requiring payment of medical expenses of an injured employee in certain circumstances, staying debt collection proceedings against an employee by a person providing treatment pending resolution of a contested case before the industrial commissioner, altering certain formulas for the calculation of benefits, establishing initial hearing

deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, exempting union agents and employees from certain tort liability, and providing applicability and effective dates.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 2375, by committee on state government, a bill for an act relating to access to official meetings open to the public by persons with disabilities.

Read first time and referred to committee on **state government**.

Senate File 2395, by committee on judiciary, a bill for an act relating to the protection of trade secrets and providing remedies.

Read first time and referred to committee on **judiciary and law enforcement**.

PASSED ON FILE
(Senate File 2164)

The Speaker announced that Senate File 2164, previously referred to the committee on **state government**, was **passed on file**.

UNANIMOUS CONSENT

Brown of Lucas asked and received unanimous consent to change his vote from "aye" to "nay" on Senate File 2244 and the vote was so recorded.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass, until his return, on request of Iverson of Wright.

CONSIDERATION OF BILLS
Regular Calendar

House File 2130, a bill for an act relating to the mediation of disputes between dentists and patients by the board of dental examiners, with report of committee recommending amendment and passage was taken up for consideration.

SENATE FILE 2097 SUBSTITUTED FOR HOUSE FILE 2130

Poncy of Wapello asked and received unanimous consent to substitute Senate File 2097 for House File 2130.

Senate File 2097, a bill for an act relating to the mediation of disputes between dentists and patients by the board of dental examiners, was taken up for consideration.

Poncy of Wapello offered the following amendment H—5551 filed by Poncy, et al., and moved its adoption:

H—5551

- 1 Amend Senate File 2097 as follows:
- 2 1. Page 1, lines 6 and 7, by striking the words
- 3 "to mediate disputes between dentists and their
- 4 patients" and inserting the following: "to provide
- 5 for mediation of disputes between licensees and their
- 6 patients when specifically recommended by the board".
- 7 2. Page 1, line 8, by inserting after the word
- 8 "chapter," the following: "to provide for restitution
- 9 to patients".
- 10 3. Page 1, by inserting after line 9 the
- 11 following:
- 12 "Subsequent to an investigation by the board, the
- 13 board may appoint a disinterested third party to
- 14 mediate disputes between licensees and patients.
- 15 Referral of a matter to mediation shall not preclude
- 16 the board from taking disciplinary action against the
- 17 affected licensee."
- 18 4. Title page, line 1, by striking the word
- 19 "dentists" and inserting the following: "licensees".
- 20 5. By renumbering as necessary.

Amendment H—5551 was adopted.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2097)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Cphoon
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam

Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brammer	Clark	Connors	Daggett
Fey	Pellett		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2470, a bill for an act relating to licensure to practice veterinary medicine, was taken up for consideration.

SENATE FILE 2262 SUBSTITUTED FOR HOUSE FILE 2470

Poncy of Wapello asked and received unanimous consent to substitute Senate File 2262 for House File 2470.

Senate File 2262, a bill for an act relating to licensure to practice veterinary medicine without an examination, was taken up for consideration.

Poncy of Wapello offered the following amendment H — 5317 filed by him and moved its adoption:

H—5317

- 1 Amend Senate File 2262 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 169.8, Code 1989, is amended
- 5 by adding the following new unnumbered paragraph after
- 6 unnumbered paragraph 2:
- 7 NEW UNNUMBERED PARAGRAPH. Based upon an
- 8 applicant's education, experience, and training, the
- 9 board may grant a limited license to an applicant to
- 10 perform a restricted range of activities within the
- 11 practice of veterinary medicine, as specified by the
- 12 board."
- 13 2. Page 1, line 4, by striking the words "WITHOUT

14 EXAMINATION" and inserting the following: "BY
15 ENDORSEMENT".

16 3. Page 1, line 9, by striking the word "holds"
17 and inserting the following: "has received".

18 4. Page 1, line 10, by inserting after the word
19 "certificate" the following: "at least five years
20 prior to application".

21 5. Page 1, line 26, by striking the word
22 "diplomat" and inserting the following: "diplomate".

23 6. Title page, line 2, by striking the words
24 "without an examination".

Amendment H—5317 was adopted.

Spear of Lee offered the following amendment H—5452 filed by him and moved its adoption:

H—5452

1 Amend Senate File 2262, as passed by the Senate, as
2 follows:

3 1. Page 1, line 9, by striking the word "an" and
4 inserting the following: "a certificate from the".

5 2. Page 1, line 10, by striking the word
6 "certificate".

7 2. By renumbering as necessary.

Amendment H—5452 was adopted.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2262)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie

Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Clark	Connors	Daggett	Fey
Groninga	Osterberg	Pellett	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE AMENDMENT CONSIDERED

Hatch of Polk called up for consideration **House File 2418**, 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, amended by the Senate amendment H—5566 as follows:

H—5566

- 1 Amend House File 2418 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by striking the figure
- 4 "398,735" and inserting the following: "468,735".
- 5 2. Page 1, by inserting after line 14, the
- 6 following:
- 7 "Of the funds appropriated in this subsection,
- 8 \$70,000 shall be allocated by the department to a
- 9 nonprofit organization for purposes of conducting a
- 10 feasibility study of a midwest regional space center."
- 11 3. Page 2, line 21, by striking the figure
- 12 "211,581" and inserting the following: "241,581".
- 13 4. Page 2, line 22, by striking the figure "5.25"
- 14 and inserting the following: "5.75".
- 15 5. Page 2, line 25, by striking the figure
- 16 "1,530,655" and inserting the following: "1,605,655".
- 17 6. Page 2, line 29, by striking the figure
- 18 "286,600" and inserting the following: "356,600".
- 19 7. Page 2, by inserting after line 29, the
- 20 following:
- 21 "As a condition, limitation, and qualification of
- 22 the appropriation in this subsection, the Iowa peace
- 23 institute shall expend \$70,000 for conducting a

- 24 feasibility study of the establishment of an
- 25 international museum.”
- 26 8. Page 3, line 23, by striking the figure
- 27 “313,271” and inserting the following: “326,271”.
- 28 9. Page 3, line 24, by striking the figure “6.24”
- 29 and inserting the following: “8.05”.
- 30 10. Page 4, line 2, by striking the figure
- 31 “570,100” and inserting the following: “620,100”.
- 32 11. Page 4, line 9, by inserting after the word
- 33 “program,” the following: “\$50,000 shall be expended
- 34 on the physician’s loan program,”. •
- 35 12. Page 4, line 14, by striking the figure
- 36 “250,000” and inserting the following: “350,000”.
- 37 13. Page 5, line 26, by striking the figure
- 38 “2,400,000” and inserting the following: “2,350,000”.
- 39 14. Page 6, line 23, by striking the figure
- 40 “2,571,447” and inserting the following: “2,815,748”.
- 41 15. Page 6, line 24, by striking the figure
- 42 “31.23” and inserting the following: “32.52”.
- 43 16. Page 7, line 7, by striking the figure
- 44 “6,120,093” and inserting the following: “6,170,093”.
- 45 17. Page 7, line 8, by striking the figure
- 46 “129.75” and inserting the following: “130.75”.
- 47 18. Page 9, by striking lines 3 through 8.
- 48 19. Page 9, by inserting after line 8 the
- 49 following:
- 50 “_____ VOCATIONAL AGRICULTURE YOUTH ORGANIZATION.

Page 2

- 1 To assist a vocational agriculture youth organi-
- 2 zation sponsored by the schools to support the
- 3 foundation established by that vocational agriculture
- 4 youth organization.
- 5\$ 50,000”.
- 6 20. Page 9, by striking lines 30 through 32, and
- 7 inserting the following: “penal system. A
- 8 computerized learning system which would support the
- 9 continuity of instruction shall be used in combination
- 10 with an information management system, that is
- 11 available throughout the state, to track student
- 12 progress.”
- 13 20. Page 9, by striking line 33 and inserting the
- 14 following: “The computerized learning system shall
- 15 establish an individual educational”.
- 16 21. Page 10, line 29, by striking the figure “10”
- 17 and inserting the following: “20”.
- 18 22. Page 10, line 32, by striking the figure
- 19 “368,413” and inserting the following: “643,053”.
- 20 23. Page 21, by striking lines 1 through 10.
- 21 24. Page 21, line 16, by striking the figure
- 22 “165,093,389” and inserting the following:

23 "164,843,389".

24 25. Page 31, by inserting after line 12 the
25 following:

26 "Sec. _____.

27 There is appropriated from the general fund of the
28 state to the Iowa department of public health for the
29 fiscal year beginning July 1, 1990, and ending June
30 30, 1991, the following amount, or so much thereof as
31 may be necessary, to be used for purposes of
32 administering a graduate nursing grant program at
33 accredited private colleges or universities:

34\$ 250,000

35 As a condition, limitation, and qualification of
36 the funds appropriated in this section the Iowa
37 department of public health shall adopt rules for
38 administration of the graduate nursing grant program."

39 26. Page 31, by inserting after line 18 the
40 following:

41 "Sec. _____.

42 Notwithstanding section 267.5, for the fiscal year
43 beginning July 1, 1990, and ending June 30, 1991,
44 there is appropriated to and the college of veterinary
45 medicine at Iowa state university of science and
46 technology shall use \$25,000 from the livestock
47 disease research fund, established pursuant to section
48 267.8, for research into the causes of and available
49 treatment for an unknown reproductive and neonatal
50 disease generally known as "mysterious pig disease",

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1 currently afflicting swine in this state."

2 27. Page 31, line 33, by inserting after the word
3 "administrators," the following: "school board mem-
4 bers, members of the general public,".

5 28. Page 32, line 3, by striking the word
6 "conduct" and inserting the following: "work with the
7 laboratory in the conduct of".

8 29. Page 32, line 24, by striking the word
9 "consortium" and inserting the following:
10 "laboratory".

11 30. Page 32, line 25, by striking the word
12 "laboratory" and inserting the following:
13 "consortium".

14 31. Page 33, by inserting after line 1, the
15 following:

16 "Sec. _____. The department of education shall
17 conduct a study of and develop recommendations for an
18 administrators's excellence program. The department's
19 recommendations shall include components which address
20 issues relating to recruitment, skill enhancement, and
21 retention of administrators. In developing

22 recommendations, the department shall consult with an
23 education associations or organizations which have
24 developed recommendations relating to an
25 administrator's excellence program. The department
26 shall submit its recommendations in a report to the
27 General Assembly by January 1, 1991."

28 32. Page 33, by inserting after line 9, the
29 following:

30 "Sec. _____.

31 Notwithstanding section 282.10, boards of school
32 districts with existing whole-grade sharing agreements
33 which wish to include sixth grade as one of the grades
34 in which the pupils of the districts may attend school
35 in other districts under the agreement, but which have
36 failed to meet the February 1, 1990, deadline for the
37 signing of agreements that are to begin during the
38 1990-1991 school year, shall be permitted to amend the
39 existing whole-grade sharing agreements to include the
40 sixth grade, provided that the school districts meet
41 all of the other requirements contained in chapter 282
42 relating to the signing of whole-grade agreements and
43 the addition of the sixth grade to the current
44 agreement is signed by the board, under chapter 282 by
45 July 1, 1990."

46 33. Page 33, by inserting after line 29, the
47 following:

48 "Sec. _____. 1989 Iowa Acts, chapter 135, section
49 130, is amended to read as follows:

50 SEC. 130. The department of education is directed

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1 to conduct a survey of school districts to determine
2 the academic, cocurricular, and extracurricular fees
3 charged to students as a requirement for enrollment in
4 the schools, or participation in an activity, of the
5 school district. Both districtwide and building fees
6 shall be included in the survey. The survey shall
7 include the procedures used by the district for
8 payment of fees for low-income pupils. The survey
9 shall provide information listing the total of fees
10 collected and of fees waived. The department of
11 education shall report the results of the survey to
12 the chairpersons and members of the house and senate
13 committees on education by ~~January 15~~ July 1, 1990."

14 34. Page 34, line 23, by inserting after the word
15 "plan." the following: "If the narrowcast system
16 advisory committee finds that a grant request is
17 inconsistent with the telecommunications plan, the
18 grant request shall be denied."

19 35. Page 34, by inserting after line 23, the
20 following:

21 "Sec. _____. Section 255.1, Code 1989, is amended to
22 read as follows:

23 255.1 COMPLAINT.

24 Any An adult resident of the state may file a
25 complaint in the office of the clerk of any the
26 juvenile court, charging alleging that any a legal
27 resident of Iowa residing in the county where the
28 complaint is filed or a person who is eligible to
29 receive benefits under the Economic Dislocation and
30 Workers Adjustment Assistance Act, Pub. L. No. 100-
31 418, 102 Stat. 1107, in the county or who is a member
32 of the person's immediate family, is pregnant or is
33 suffering from some malady or deformity an illness or
34 physical condition that can probably be improved or
35 cured or advantageously treated by medical or surgical
36 treatment or hospital care, and that neither such the
37 person nor or persons legally chargeable with the
38 person's support are not able to pay therefor for the
39 person's treatment or care.

40 Sec. _____. Section 255.6, Code 1989, is amended to
41 read as follows:

42 255.6 INVESTIGATION AND REPORT.

43 When such a complaint is filed, the clerk of
44 juvenile court shall furnish the county attorney and
45 board of supervisors with a copy thereof of the
46 complaint, and said the board shall, by instruct the
47 general relief director or such other agent as it may
48 select, person to make a thorough investigation of
49 facts as to the legal residence of the patient, and
50 the ability of the patient or others person chargeable

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1 with the patient's support to pay the expense of such
2 the patient's treatment and care; and. The general
3 relief director or other person shall first ascertain
4 from the local office of the department of human
5 services if the patient would qualify for medical
6 assistance or the medically needy program without the
7 spend-down provision under chapter 249A. If the
8 patient qualifies, the patient shall be certified for
9 medical assistance and shall not be considered to be
10 part of the county's quota under this chapter.
11 Transportation shall be provided at no charge to a
12 patient who is certified for medical assistance under
13 chapter 249A. The general relief director shall file
14 a report of such the investigation in the office of
15 the clerk, at or before the time of hearing.

16 Sec. _____. Section 255.8, unnumbered paragraph 1,
17 Code 1989, is amended to read as follows:

18 The county attorney and the general relief
19 director, or other agent of the board of supervisors

20 of the county where the hearing is held, shall appear
 21 ~~thereat at the hearing.~~ The complainant, the county
 22 attorney, the general relief director or other agent
 23 of the board of supervisors, and the patient, or any
 24 person representing the patient, may introduce
 25 evidence and be heard. If the court finds that ~~said~~
 26 the patient is a legal resident of Iowa or a person
 27 who is eligible to receive benefits under the Economic
 28 Dislocation and Workers Adjustment Assistance Act,
 29 Pub. L. No. 100-418, 102 Stat. 1107, in the county, or
 30 who is a member of the person's immediate family, and
 31 is pregnant or is suffering from a malady or deformity
 32 an illness or physical condition which can probably be
 33 improved or cured or advantageously treated by medical
 34 or surgical treatment or hospital care, and that
 35 neither the patient nor any or person legally
 36 chargeable with the patient's support is not able to
 37 pay the expenses thereof for the patient's treatment
 38 or care, then the clerk of court, except in
 39 obstetrical cases and cases of crippled children,
 40 shall immediately ascertain from the admitting
 41 physician at the university hospital whether such the
 42 person can be received as a patient within a period of
 43 thirty days, and if. If the patient can be so
 44 received, the court, or in the event of no actual
 45 contest, the clerk of the court, shall then enter an
 46 order directing that said the patient shall be sent to
 47 the university hospital for proper medical and
 48 surgical treatment and hospital care. If the court
 49 ascertain, excepting determines, except in obstetrical
 50 cases and orthopedic cases, that a the person of the

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1 age or sex of the patient, or afflicted by the
 2 complaint, disease or deformity with which such person
 3 is affected cannot be received as a patient at the
 4 university hospital within the period of thirty days,
 5 then the court or the clerk shall enter an order
 6 directing the board of supervisors of the county to
 7 provide adequate treatment at county expense for the
 8 patient at the patient's home or in a hospital.
 9 Obstetrical cases and orthopedic cases may be
 10 committed to the university hospital without regard to
 11 the limiting period of thirty days.

12 Sec. _____. Section 255.16, Code 1989, is amended to
 13 read as follows:

14 255.16 COUNTY QUOTAS.

15 Subject to subsequent qualifications in this
 16 section, there shall be treated at the university
 17 hospital during each fiscal year a number of committed

18 indigent patients from each county which shall bear
 19 bears the same relation to the total number of
 20 committed indigent patients admitted during the year
 21 as the population of ~~such~~ the county shall bear bears
 22 to the total population of the state according to the
 23 last preceding official census. This standard shall
 24 apply to indigent patients, the expenses of whose
 25 commitment, transportation, care and treatment shall
 26 be borne by appropriated funds and shall not govern
 27 the admission of ~~either~~ obstetrical patients under
 28 chapter 255A, ~~or~~ obstetrical or orthopedic patients
 29 under this chapter in accordance with eligibility
 30 standards pursuant to section 255A.5, or a person who
 31 is eligible to receive benefits under the Economic
 32 Dislocation and Workers Adjustment Assistance Act,
 33 Pub. L. No. 100-418, 102 Stat. 1107, in the county, or
 34 who is a member of the person's immediate family. If
 35 the number of patients admitted from any county shall
 36 exceed ~~exceeds~~ by more than ten percent the county
 37 quota as fixed and ascertained under the first
 38 sentence of this section, the charges and expenses of
 39 the care and treatment of such patients in excess of
 40 ten percent of the quota shall be paid from the funds
 41 of such county at actual cost; but if the number of
 42 excess patients from any county shall does not exceed
 43 ten percent, all costs, expenses, and charges incurred
 44 in their behalf shall be paid from the appropriation
 45 for the support of the hospital."

46 36. Page 34, line 26, by striking the word
 47 "autism" and inserting the following: "the disorders
 48 of autism and attention deficit".

49 37. Page 34, lines 28 and 29, by striking the
 50 words "a broad general category" and inserting the

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1 following: "broad general categories".

2 38. Page 34, line 30, by inserting after the word
 3 "autism" the following: "and the attention deficit
 4 disordered".

5 39. Page 34, line 32, by inserting after the word
 6 "autism" the following: "and with attention deficit
 7 disorder".

8 40. Page 34, by inserting after line 32 the
 9 following:

10 "Sec. _____. Section 256.11, unnumbered paragraph 1,
 11 Code Supplement 1989, is amended to read as follows:

12 The state board shall adopt rules under chapter 17A
 13 and a procedure for accrediting all public and
 14 nonpublic schools in Iowa offering instruction at any
 15 or all levels from the prekindergarten level through
 16 grade twelve. The rules of the state board shall

17 require that a multicultural, nonsexist approach is
 18 used by schools and school districts. The educational
 19 program shall be taught from a multicultural,
 20 nonsexist approach. Global perspectives shall be
 21 incorporated into all levels of the educational
 22 program."

23 41. Page 35, by inserting after line 10 the
 24 following:

25 "Sec. _____. NEW SECTION. 256.43 AMBASSADOR TO
 26 EDUCATION.

27 The department of education shall establish within
 28 the department the position of ambassador to education
 29 to act as an education liaison to primary and
 30 secondary schools in this state. The ambassador to
 31 education position shall be filled by the educator
 32 selected as teacher of the year by the governor, but
 33 only if that person agrees to fill the ambassador to
 34 education position.

35 The ambassador to education's duties shall be
 36 established by the director of the department and
 37 shall be tailored to the relative skills and
 38 educational background of the person designated as
 39 ambassador. Duties of the ambassador may include, but
 40 are not limited to, providing seminars and workshops
 41 in the subject matter area in which the ambassador
 42 possesses expertise, accompanying the director of the
 43 department of education in the exercise of the
 44 director's duties in the state, and speaking at public
 45 gatherings in the state.

46 The ambassador to education shall receive, in lieu
 47 of compensation from the district in which the
 48 ambassador is regularly employed, a salary which is
 49 equal to the amount of salary received by the person
 50 during the previous school year or thirty thousand

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1 dollars, whichever amount is greater. The ambassador
 2 shall also be compensated for actual expenses incurred
 3 as a result of the performance of duties under this
 4 section.

5 The district which employs the person selected as
 6 the ambassador to education shall grant the person a
 7 one-year sabbatical in order to allow the person to be
 8 the ambassador to education. The person selected as
 9 the ambassador to education shall be entitled to
 10 return to the person's same or a comparable position
 11 without loss of accrued benefits or seniority."

12 42. Page 35, by inserting after line 10 the
 13 following:

14 "Sec. 200. NEW SECTION. 257.37 FUNDING MEDIA AND
 15 EDUCATIONAL SERVICES.

16 For the fiscal year beginning July 1, 1991, and
17 ending June 30, 1992, media services and educational
18 services provided through the area education agencies
19 shall be funded, to the extent provided, by an
20 addition to the district cost of each school district,
21 determined as follows:

22 1. The amount to be funded in each area for media
23 services in the budget year is equal to eight and
24 four-tenths of one percent of the state cost per pupil
25 for the budget year, multiplied by the enrollment
26 served in the area for the budget year. Thirty
27 percent of the budget of an area for media services
28 shall be expended for media resource material which
29 shall only be used for the purchase or replacement of
30 material required in section 273.6, subsection 1,
31 paragraphs "a", "b", and "c". Funds shall be paid to
32 area education agencies as provided in section 257.35.
33 The costs shall be allocated to school districts in
34 the area based upon the proportion of the enrollment
35 served that resides in the district.

36 2. The amount to be funded in each area for
37 educational services in the budget year is equal to
38 nine and six-tenths of one percent of the state cost
39 per pupil for the budget year, multiplied by the
40 enrollment served in the area for the budget year.
41 Funds shall be paid to area education agencies as
42 provided in section 257.35. The costs shall be
43 allocated to school districts in the area based upon
44 the proportion of the enrollment served that resides
45 in the district.

46 3. "Enrollment served" means the basic enrollment
47 plus the number of nonpublic school pupils served with
48 media services or educational services, as applicable,
49 except that if a nonpublic school pupil or a pupil
50 attending another district under a whole grade sharing

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1 agreement or open enrollment receives services through
2 an area other than the area of the pupil's residence,
3 the pupil shall be deemed to be served by the area of
4 the pupil's residence, which shall by contractual
5 arrangement reimburse the area through which the pupil
6 actually receives services. Each school district
7 shall include in the third Friday in September
8 enrollment report the number of nonpublic school
9 pupils within each school district for media and
10 educational services served by the area.

11 4. If an area education agency does not serve
12 nonpublic school pupils in a manner comparable to
13 services provided public school pupils for media and
14 educational services, as determined by the state board

15 of education, the state board shall instruct the
 16 department of management to reduce the funds for media
 17 services and educational services one time by an
 18 amount to compensate for such reduced services. The
 19 media services budget shall be reduced by an amount
 20 equal to the product of the cost per pupil in basic
 21 enrollment for the budget year for media services
 22 times the difference between the enrollment served and
 23 the basic enrollment recorded for the area. The
 24 educational services budget shall be reduced by an
 25 amount equal to the product of the cost per pupil in
 26 basic enrollment for the budget year for educational
 27 services times the difference between the enrollment
 28 served and the basic enrollment recorded for the area.

29 This subsection applies only to media and
 30 educational services which cannot be diverted for
 31 religious purposes.

32 Notwithstanding this subsection, an area education
 33 agency shall distribute to nonpublic schools media
 34 materials purchased wholly or partially with federal
 35 funds in a manner comparable to the distribution of
 36 such media materials to public schools as determined
 37 by the director of the department of education."

38 43. Page 35, by inserting before line 11, the
 39 following:

40 "Sec. 201. NEW SECTION. 257.37A ADDITIONAL
 41 FUNDING FOR MEDIA AND EDUCATIONAL SERVICES.

42 For the fiscal year beginning July 1, 1991, and
 43 ending June 30, 1992, media services and educational
 44 services provided through the area education agencies
 45 shall receive additional funding, for purposes of
 46 equipment replacement for media services and program
 47 implementation for educational services, by an
 48 addition to the district cost of each school district,
 49 determined as follows:

50 1. The amount funded in each area for equipment

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1 replacement for media services in the budget year is
 2 equal to one and seven-tenths of one percent of the
 3 state cost per pupil for the budget year, multiplied
 4 by the enrollment served in the area for the budget
 5 year. Funds shall be paid to area education agencies
 6 as provided in section 257.35. The costs shall be
 7 allocated to school districts in the area based upon
 8 the proportion of the enrollment served that resides
 9 in the district.

10 2. The amount funded for program implementation
 11 for educational services in each area in the budget
 12 year is equal to one and seven-tenths of one percent
 13 of the state cost per pupil for the budget year,

14 multiplied by the enrollment served in the area for
 15 the budget year. Funds shall be paid to area
 16 education agencies as provided in section 257.35. The
 17 costs shall be allocated to school districts in the
 18 area based upon the proportion of the enrollment
 19 served that resides in the district.

20 3. "Enrollment served" means "enrollment served"
 21 as defined in section 257.37, subsection 3."

22 44. Page 35, by inserting after line 10, the
 23 following:

24 "Sec. _____. Section 261.2, Code Supplement 1989, is
 25 amended by adding the following new subsection:

26 NEW SUBSECTION. 14. Adopt rules relating to
 27 allocation of moneys in the tuition replacement to
 28 area schools fund for purposes of providing tuition
 29 replacement moneys to area schools for students who
 30 are eligible to attend an area school on a tuition
 31 free basis. Rules adopted shall provide that area
 32 schools which provide instruction to students who are
 33 eligible to receive benefits under the Economic
 34 Dislocation and Workers Adjustment Assistance Act,
 35 Pub. L. No. 100-418, 102 Stat. 1107 shall be
 36 reimbursed for fees and charges associated with a
 37 period of instruction not exceeding two years.

38 Sec. _____. NEW SECTION. 261.5 TUITION REPLACEMENT
 39 TO AREA SCHOOLS.

40 A tuition replacement to area schools fund is
 41 created in the office of the treasurer of state.
 42 There is appropriated annually from the general fund
 43 of the state to the college aid commission to be
 44 credited to the tuition replacement to area schools
 45 fund, an amount sufficient to make the payments to
 46 area schools required under section 261.2, subsection
 47 14 and section 280A.23, subsection 15."

48 45. Page 40, by inserting after line 1, the
 49 following:

50 "Sec. _____. NEW SECTION. 262.34A ATHLETIC

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1 COMPENSATION POLICY.

2 The state board of regents shall investigate,
 3 review, and adopt a policy permitting the compensation
 4 of collegiate athletes, who are enrolled in any of the
 5 universities and participating in a university-
 6 sponsored athletic program, by the university, alumni,
 7 or other interested person. Compensation shall
 8 include, but not be limited to, scholarships,
 9 available financial awards or resources, motor
 10 vehicles, real or personal property, or anything of
 11 value. The state board shall urge the national
 12 collegiate athletic association to adopt rules to

13 permit the compensation of collegiate athletes. The
 14 state board shall provide the policy to the
 15 presidents, athletic directors, and the departments of
 16 athletics of the three institutions of higher
 17 education under its control. The state board shall
 18 review, update, and reissue the policy annually.
 19 However, the state board shall delay implementation of
 20 the policy until the national collegiate athletic
 21 association adopts a similar policy permitting
 22 compensation of athletes."

23 46. Page 40, by inserting after line 24, the
 24 following:

25 "Sec. _____. Section 280A.23, Code 1989, is amended
 26 by adding the following new subsection:

27 NEW SUBSECTION. 15. Notwithstanding subsection 2,
 28 adopt rules which permit students who meet the
 29 requirements for receipt of benefits under the
 30 Economic Dislocation and Workers Adjustment Assistance
 31 Act to attend instruction at the area school for a
 32 period not exceeding two academic years on a tuition
 33 free basis. Rules adopted shall include a method of
 34 identification of affected students, identification of
 35 fees and charges associated with instruction of the
 36 students, and certification of fees and charges to the
 37 college aid commission."

38 47. Page 41, by inserting after line 28, the
 39 following:

40 "Sec. _____. Section 282.28, Code 1989, is amended
 41 to read as follows:

42 282.28 CHILDREN AT ELDORA AND TOLEDO.
 43 Annually, the area education agency in which the
 44 state training school and the Iowa juvenile home are
 45 located and the department of human services on behalf
 46 of the training school and juvenile home shall submit
 47 an annual joint application by January 1 for the next
 48 succeeding school year to the department of education
 49 describing the proposed special education
 50 instructional and support programs and service

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1 improvements for the training school and juvenile
 2 home. The department of education shall review and
 3 approve or modify the program and proposed budget by
 4 February 1 and shall notify the department of revenue
 5 and finance, the area education agency, and the
 6 department of human services of the approved budget
 7 amount. The moneys for the approved budget shall
 8 supplement and not supplant moneys equal to the moneys
 9 expended for education for the fiscal year beginning
 10 July 1, 1986 by the department of human services. The
 11 moneys for the approved budget shall be used to ensure

12 that the training school and juvenile home comply with
 13 appropriate administrative rules relating to special
 14 education adopted by the department of education. The
 15 department of revenue and finance shall pay the
 16 approved budget amount for an area education agency in
 17 monthly installments beginning on September 15 and
 18 ending on June 15 of the next succeeding school year.
 19 The installments shall be as nearly equal as possible
 20 as determined by the department of management, taking
 21 into consideration the relative budget and cash
 22 position of the state's resources. The department of
 23 revenue and finance shall transfer the approved budget
 24 amount for an area education agency from the moneys
 25 appropriated under section 442.26 or section 257.16
 26 and make the payment to the area education agency.
 27 The area education agency shall submit a claim an
 28 accounting to the department of education by August 1
 29 following the school year for the actual costs of the
 30 special education programs and services provided at
 31 the training school and juvenile home. The department
 32 shall review and approve or modify the claims
 33 accounting by September 1 and shall notify the
 34 department of revenue and finance of the approved
 35 claim accounting amount. The total amount of the
 36 approved claim shall be paid by the department of
 37 revenue and finance to the area education agency by
 38 October 1. The total amount The department of
 39 revenue and finance shall adjust the September payment
 40 to the area education agency for the next fiscal year
 41 by the difference between the amount of the proposed
 42 budget paid to the area education agency and the
 43 amount of the actual costs as reflected in the area
 44 education agency's accounting. Any amount paid by the
 45 department of revenue and finance shall be deducted
 46 monthly from the state foundation aid paid under
 47 section 442.26 or section 257.16 during the remainder
 48 of that fiscal year to all school districts in the
 49 state. The portion of the total amount of the
 50 approved claim accounting amount that shall be

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1 deducted from the state aid of a school district shall
 2 be the same as the ratio that the budget enrollment
 3 for the budget year of the school district bears to
 4 the total budget enrollment in the state for that
 5 budget year. The department of revenue and finance
 6 shall transfer the total amount of the approved claim
 7 from the moneys appropriated under section 442.26 for
 8 payment to the area education agency.
 9 Sec. _____. Section 282.31, subsection 1, Code 1989,
 10 is amended to read as follows:

11 1. a. A child who lives in a facility pursuant to
 12 section 282.30, subsection 1, paragraph "a", and who
 13 is not enrolled in the educational program of the
 14 district of residence of the child, shall receive
 15 appropriate educational services. The area education
 16 agency shall submit a proposed program and budget to
 17 the department of education by January 1 for the next
 18 succeeding school year. The department of education
 19 shall review and approve or modify the program and
 20 proposed budget and shall notify the department of
 21 revenue and finance and the area education agency of
 22 its action by February 1. The area education agency
 23 shall submit a claim to the department of education by
 24 August 1 following the school year for the actual cost
 25 of the program. The department of revenue and finance
 26 shall pay the approved budget amount for an area
 27 education agency in monthly installments beginning
 28 September 15 and ending June 15 of the next succeeding
 29 school year. The installments shall be as nearly
 30 equal as possible as determined by the department of
 31 management, taking into consideration the relative
 32 budget and cash position of the state's resources.
 33 The department of revenue and finance shall transfer
 34 the approved budget amount for an area education
 35 agency from the moneys appropriated under section
 36 442.26 or section 257.16 and make the payment to the
 37 area education agency. The area education agency
 38 shall submit an accounting for the actual cost of the
 39 program to the department of education by August 1 of
 40 the following school year. The department shall
 41 review and approve or modify all expenditures incurred
 42 in compliance with the guidelines pursuant to section
 43 256.7, subsection 12, and shall notify the department
 44 of revenue and finance of the approved claim
 45 accounting amount by September 1. The total amount of
 46 the approved claim accounting amount shall be compared
 47 with any amounts paid by the department of revenue and
 48 finance to the area education agency by October 1 and
 49 any differences added to or subtracted from the
 50 September payment made under this paragraph for the

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1 next school year. The total amount Any amount paid by
 2 the department of revenue and finance shall be
 3 deducted monthly from the state foundation aid paid
 4 under section 442.26 or section 257.16 during the
 5 remainder of that fiscal year to all school districts
 6 in the state. The portion of the total amount of the
 7 approved claims budget that shall be deducted from the
 8 state aid of a school district shall be the same as

9 the ratio that the budget enrollment for the budget
 10 year of the school district bears to the total budget
 11 enrollment in the state for that budget year. The
 12 department of revenue and finance shall transfer the
 13 total amount of the approved claims from the moneys
 14 appropriated under section 442.26 for payment to the
 15 area education agencies.

16 b. A child who lives in a facility or home
 17 pursuant to section 282.19, and who does not require
 18 special education and who is not enrolled in the
 19 educational program of the district of residence of
 20 the child, shall be included in the basic enrollment
 21 of the school district in which the facility or home
 22 is located.

23 However, on June 30 of a school year, if the board
 24 of directors of a school district determines that the
 25 number of children under this paragraph who were
 26 counted in the basic enrollment of the school district
 27 on the third Friday of September of that school year
 28 is fewer than the sum of the number of months all
 29 children were enrolled in the school district under
 30 this paragraph during the school year divided by nine,
 31 the secretary of the school district may submit a
 32 claim to the department of education by August 1
 33 following the school year for an amount equal to the
 34 district cost per pupil of the district for the
 35 previous school year multiplied by the difference
 36 between the number of children counted and the number
 37 of children calculated by the number of months of
 38 enrollment. The amount of the claim shall be paid by
 39 the department of revenue and finance to the school
 40 district by October 1 in the same manner as the claims
 41 are paid under paragraph "a". The department of
 42 revenue and finance shall transfer the total amount of
 43 the approved claim of a school district from the
 44 moneys appropriated under section 442.26 or under
 45 section 257.16 and the amount paid shall be deducted
 46 monthly from the state foundation aid paid during the
 47 remainder of that fiscal year to all school districts
 48 in the state in the manner provided in paragraph "a"."

49 48. Page 41, by inserting after line 28 the
 50 following:

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1 "Sec. _____. NEW SECTION. 282.22 CHILDREN IN
 2 ENHANCED FOSTER CARE FACILITIES.

3 A child who lives in a licensed foster care
 4 facility as defined in section 237.1 which receives
 5 enhanced foster care funding shall receive appropriate
 6 educational services. Notwithstanding section 282.19,
 7 the local school district where the facility is

8 located shall submit a proposed program and budget to
9 the department of education by January 1, 1991, for
10 the next succeeding school year. The department of
11 education shall review and approve or modify the
12 program and proposed budget and shall notify the
13 department of revenue and finance and the local school
14 district of its action by February 1, 1991. The
15 department of revenue and finance shall pay the
16 difference between the approved budget and the
17 anticipated special education instructional costs
18 which are reimbursed according to section 282.31,
19 subsection 2 or 3, in monthly installments beginning
20 September 15, 1991, and ending June 15, 1992. The
21 installments shall be as nearly equal as possible as
22 determined by the department of management, taking
23 into consideration the relative budget and cash
24 position of the state's resources. The department of
25 revenue and finance shall transfer the approved budget
26 amount from the moneys appropriated under section
27 257.16 for payment to the local school district. The
28 the local school district shall submit an accounting
29 for the actual cost of the program to the department
30 of education by August 1, 1992. The department shall
31 review and approve or modify all expenditures incurred
32 in compliance with the guidelines pursuant to section
33 256.7, subsection 12, and shall notify the department
34 of revenue and finance of the approved accounting
35 amount. The approved accounting amount shall be
36 compared with any amounts paid by the department of
37 revenue and finance to the local school district and
38 any differences shall be added or subtracted from the
39 September payment for the next school year. Any
40 amount paid by the department of revenue and finance
41 shall be deducted monthly from the state foundation
42 aid paid under section 257.16 during the remainder of
43 that fiscal year to all school districts in the state.
44 The state board shall adopt rules, for the
45 implementation of this section.
46 The department shall develop recommendations
47 relating to development of appropriate funding, for
48 children who live in licensed foster care facilities
49 which receive enhanced foster care funding and report
50 the results of the study to the state board and the

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1 general assembly by January 1, 1991."
2 49. Page 43, by inserting after line 17, the
3 following:
4 "Sec. _____. Section 294A.25, Code Supplement 1989,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 4A. Commencing with the fiscal

7 year beginning July 1, 1990, the amount of sixty
8 thousand dollars for the ambassador to education
9 program under section 256.43."

10 50. Page 43, by inserting after line 17 the
11 following:

12 "Sec. _____. Section 301.30, unnumbered paragraph 4,
13 Code Supplement 1989, is amended to read as follows:

14 Claims for reimbursement shall be made to the
15 department of education by the public school district
16 providing textbook services during a school year on a
17 form prescribed by the department, and the claim shall
18 state the services provided and the actual costs
19 incurred. Claims shall be accompanied by an affidavit
20 of an officer of the public school district affirming
21 the accuracy of the claim. By February 1 and by July
22 15 of each year the department shall certify to the
23 director of revenue and finance the amounts of
24 approved claims to be paid, and the director of
25 revenue and finance shall draw warrants payable to
26 school districts which have established claims. The
27 public school district in which the pupil resides may
28 contract with the public school district of attendance
29 to have the latter school shall furnish the services
30 and shall receive reimbursement for the payment of
31 said contract; however, said from the state. However,
32 the services must be comparable to the services of the
33 district of residence attendance and cannot exceed the
34 per pupil cost of the program of the district of
35 residence attendance."

36 51. Page 43, line 32, by inserting after the word
37 "society." the following: "This appointment shall be
38 consistent with all other university employment
39 practices."

40 52. Page 43, line 35, by striking the words
41 "American studies, education,".

42 53. Page 44, line 1, by striking the word
43 "thorough".

44 54. Page 44, lines 30 and 31, by striking the
45 words "subject to the approval of" and inserting the
46 following: "in consultation with".

47 55. Page 48, by inserting after line 18 the fol-
48 lowing:

49 "Sec. _____.

50 Sections 200 and 201 of this Act take effect July

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1 1, 1990, for the purpose of computations required for
2 payment of state aid to and levying of property taxes
3 by school districts for the budget year beginning July
4 1, 1991."

5 56. By renumbering, relettering, or redesignating
6 and correcting internal references as necessary.

Brammer of Linn in the chair at 2:08 p.m.

Metcalf of Polk offered the following amendment H—5575, to the Senate amendment H—5566, filed by her and Harper of Black Hawk from the floor and moved its adoption:

H—5575

- 1 Amend the Senate amendment H—5566 to House File
- 2 2418 as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by striking lines 16 through 19.

A non-record roll call was requested.

The ayes were 21, nays 50.

Amendment H—5575 lost.

Hatch of Polk offered the following amendment H—5574, to the Senate amendment H—5566, filed by him from the floor:

H—5574

- 1 Amend the Senate amendment, H—5566, to House File
- 2 2418, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, line 22, by striking the word “an”.
- 5 2. Page 3, by striking line 30, and inserting the
- 6 following: “Sec. 300.”
- 7 3. Page 3, line 32, by striking the word “whole-
- 8 grade” and inserting the following: “whole grade”.
- 9 4. Page 3, line 39, by striking the word “whole-
- 10 grade” and inserting the following: “whole grade”.
- 11 5. Page 3, line 42, by striking the word “whole-
- 12 grade” and inserting the following: “whole grade”.
- 13 6. Page 5, line 5, by inserting after the word
- 14 “qualify” the following: “under chapter 249A”.
- 15 7. Page 5, line 6, by striking the words “or the”
- 16 and inserting the following: “or for the medical
- 17 assistance”.
- 18 8. Page 5, line 7, by striking the words and
- 19 figure “under chapter 249A”.
- 20 9. Page 6, line 33, by striking the word “in”
- 21 and inserting the following: “, in”.
- 22 10. Page 7, line 7, by striking the word
- 23 “disorder” and inserting the following: “disorders”.
- 24 11. Page 16, by inserting after line 46, the
- 25 following:
- 26 “_____ Page 48, by inserting after line 13, the
- 27 following:
- 28 “Sec. _____. 1989 Iowa Acts, Chapter 135, sections
- 29 88, 89, and 90 are repealed.”
- 30 _____ Page 48, line 17, by striking the word and
- 31 figure “and 56” and inserting the following: “56, and
- 32 300.”

Hatch of Polk asked and received unanimous consent to defer action on amendment H—5574.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Banks of Plymouth, for the remainder of the day, on request of Garman of Story.

Corbett of Linn offered the following amendment H—5576, to the Senate amendment H—5566, filed by him from the floor and moved its adoption:

H—5576

- 1 Amend the Senate amendment, H—5566, to House File
- 2 2418, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 7, by striking lines 8 through 22.
- 5 2. By renumbering as necessary.

Amendment H—5576 lost.

The House resumed consideration of amendment H—5574, previously deferred.

On motion by Hatch of Polk, amendment H—5574, to the Senate amendment H—5566, was adopted.

Arnould of Scott asked and received unanimous consent that House File 2418 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—5566, as amended, pending.)

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House Files 2429 and 2474.

House File 2429, a bill for an act relating to the date of publication of the report of state employee salaries, was taken up for consideration.

SENATE FILE 2164 SUBSTITUTED FOR HOUSE FILE 2429

Pavich of Pottawattamie asked and received unanimous consent to substitute Senate File 2164 for House File 2429.

Senate File 2164, a bill for an act relating to the date of publication and distribution of the report of state employee salaries, was taken up for consideration.

Speaker Avenson in the chair at 2:30 p.m.

Arnould of Scott asked and received unanimous consent that Senate File 2164 be deferred and placed on the calendar under unfinished business.

House File 2474, a bill for an act relating to private farm railway crossings, was taken up for consideration.

SENATE FILE 2319 SUBSTITUTED FOR HOUSE FILE 2474

Black of Jasper asked and received unanimous consent to substitute Senate File 2319 for House File 2474.

Senate File 2319, a bill for an act relating to private farm railway crossings, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2319 be deferred and placed on the calendar under unfinished business.

House File 2484, a bill for an act relating to the administration of small estates, was taken up for consideration.

SENATE FILE 2374 SUBSTITUTED FOR HOUSE FILE 2484

Chapman of Linn asked and received unanimous consent to substitute Senate File 2374 for House File 2484.

Senate File 2374, a bill for an act relating to the administration of small estates, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2374 be deferred and placed on the calendar under unfinished business.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2543.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 2543, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1990.

House File 2543, a bill for an act relating to the administration and benefits for certain public retirement systems, and providing for the applicability of the Act, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 2543 be deferred and placed on the calendar under unfinished business.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent that the rules be suspended for the following committees to meet upon recess: Committees on Small Business and Commerce, Human Resources, and Natural Resources and Outdoor Recreation.

The House stood at ease at 2:43 p.m., until the fall of the gavel.

The House resumed session at 4:41 p.m., Speaker Avenson in the chair.

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 2418**, 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 the Senate amendment H—5566, as amended, found on pages 953 through 969 of the House Journal, previously deferred.

Halvorson of Webster offered the following amendment H—5578, to the Senate amendment H—5566, filed by him from the floor and moved its adoption:

H—5578

- 1 Amend the Senate amendment, H—5566, to House File
- 2 2418, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 35 and 36.

A non-record roll call was requested.

The ayes were 26, nays 41.

Amendment H—5578 lost.

Osterberg of Linn offered the following amendment H—5580, to the Senate amendment H—5566, filed by him and Hatch of Polk from the floor:

H—5580

- 1 Amend the Senate amendment, H—5566, to House File
- 2 2418, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 4, line 21, through page 6,
- 5 line 11.
- 6 2. Page 6, by striking lines 30 through 34 and
- 7 inserting the following: “standards pursuant to sec-
- 8 tion 255A.5. If”.
- 9 3. Page 6, line 45, by inserting after the word
- 10 “hospital.” the following: “Notwithstanding the quota
- 11 established for a county under this section, the
- 12 governor, upon a finding of necessity due to unusual
- 13 economic circumstances, may increase a county’s quota
- 14 of the number of committed indigent patients admitted
- 15 to the university hospital.”
- 16 4. Page 10, by striking lines 27 through 37 and
- 17 inserting the following: “the administration of a
- 18 displaced workers tuition replacement program under
- 19 section 261.5.”
- 20 5. Page 10, by striking lines 38 through 47 and
- 21 inserting the following:
- 22 “Sec. 250. NEW SECTION. 261.5 DISPLACED WORKERS
- 23 TUITION REPLACEMENT PROGRAM.
- 24 A displaced workers tuition replacement program is
- 25 established to provide free or reduced tuition for
- 26 attendance of displaced workers at a state board of
- 27 regents’ institution, an area community college or
- 28 area vocational school, or an accredited private
- 29 institution as defined in section 261.9. The free or
- 30 reduced tuition shall be provided under the program
- 31 within three years of the date of closing of a
- 32 worker’s place of employment and for a period of not
- 33 exceeding two academic years.
- 34 The commission shall establish an application
- 35 process for the program. Displaced workers eligible
- 36 for receipt of moneys under this section shall receive
- 37 a voucher from the commission for the payment of
- 38 tuition at the institution of higher education in
- 39 which the displaced worker is enrolled.
- 40 The moneys paid to a displaced worker for an
- 41 academic term shall not exceed the lesser of the
- 42 tuition at the institution of higher education in
- 43 which the individual is enrolled or the highest
- 44 tuition at any area community college or area

45 vocational school.

46 Institutions of higher education shall receive the
47 tuition moneys from the college aid commission upon
48 the presentation of the voucher.

49 For the purpose of this section, "displaced worker"
50 means an unemployed individual who was formerly

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1 employed by a person who slaughtered live hogs if that
2 person employed five hundred or more workers at any
3 time during the six-month period immediately preceding
4 the date on which the person ceased slaughtering
5 operations and if the person ceased slaughtering
6 operations between January 1, 1989, and December 31,
7 1990.

8 Sec. _____. NEW SECTION. 261.6 TUITION REPLACEMENT
9 FUND.

10 A tuition replacement fund is created in the office
11 of the treasurer of state. There is appropriated
12 annually commencing July 1, 1990, an amount sufficient
13 to make the payments to institutions of higher
14 education under section 261.5.

15 Sec. 251.

16 Notwithstanding the allocation of moneys under the
17 community economic betterment account in section
18 99E.32, for the fiscal year commencing July 1, 1989,
19 and ending June 30, 1990, \$250,000 shall be allocated
20 from unobligated moneys in the community economic
21 betterment account to the department of economic
22 development to be used for services to displaced
23 workers for the following programs and services:

24 1. Financial counseling for workers eligible to
25 receive benefits under the Economic Dislocation and
26 Workers Adjustment Assistance Act, Pub. L. No. 100-
27 418, 102 Stat. 1107 to be conducted to the extent
28 possible at either the location of the worker's former
29 place of employment or the site of the worker's labor
30 union headquarters.

31 2. Continued operation of the merged area X
32 dislocated worker center.

33 3. Payment to the college aid commission for the
34 displaced workers tuition replacement program under
35 section 261.5."

36 6. Page 16, by inserting after line 46 the
37 following:

38 "_____. Page 48, line 17, by striking the word and
39 figure "and 56" and inserting the following: "56,
40 250, and 251"."

41 7. By designating and redesignating as necessary.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott, until his return, on request of Miller of Cherokee.

Osterberg of Linn moved the adoption of amendment H—5580, to the Senate amendment H—5566.

Roll call was requested by Osterberg of Linn and Hatch of Polk.

On the question "Shall amendment H—5580, to the Senate amendment H—5566, be adopted?" (H.F. 2418)

The ayes were, 60:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Corbett	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lundby	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Spear	Svoboda
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 27:

Beaman	Bennett	Carpenter	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Harbor	Hester	Iverson	Kistler
Kremer	Maulsby	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklloth	Siegrist	Spenner
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 13:

Banks	Branstad	Clark	Connors
Daggett	Halvorson, R. N.	Hermann	Lageschulte
McKean	Mertz	Shoultz	Swartz
Trent			

Amendment H—5580 was adopted, placing out of order lines 13 through 21 of amendment H—5574, previously adopted.

Hatch of Polk moved that the House concur in the Senate amendment H—5566, as amended.

A non-record roll call was requested.

The ayes were 51, nays 26.

The motion prevailed and the House concurred in the Senate amendment H—5566, as amended.

Hatch of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2418)

The ayes were, 62:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connors	Corbett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	May	McKinney
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Spear	Svoboda	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 27:

Bennett	Branstad	Carpenter	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hester	Iverson	Kistler
Kremer	Maulsby	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Siegrist	Spenner
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 11:

Banks	Clark	Daggett	De Groot
Hermann	Lageschulte	McKean	Mertz
Shoultz	Swartz	Trent	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 2418)

Arnould of Scott asked and received unanimous consent that House File 2418 be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 8, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 124, a concurrent resolution to amend subsection 2, unnumbered paragraph 2, of Joint Rule 20, by advancing the second deadline date in that paragraph.

JOHN F. DWYER, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 124

Arnould of Scott asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 124 as follows, and moved its adoption:

- 1 Senate Concurrent Resolution 124
2 By Committee On Rules And Administration
3 A Concurrent Resolution to amend subsection 2,
4 unnumbered paragraph 2, of Joint Rule 20, by
5 advancing the second deadline date in that
6 paragraph.
7 *Be It Resolved By The Senate, The House Concurring,*
8 That the Joint Rules of the Senate and House for the
9 Seventy-third General Assembly, are amended as
10 follows:
11 Rule 20
12 Time of Committee Passage and Consideration of Bills
13 1. This rule does not apply to concurrent or
14 simple resolutions, joint resolutions nullifying
15 administrative rules, senate confirmations, or bills
16 passed by both houses in different forms. Subsection
17 2 of this rule does not apply to appropriations bills,
18 ways and means bills, legalizing acts, administrative
19 rules review committee bills, bills cosponsored by
20 majority and minority floor leaders of one house,
21 bills in conference committee, and companion bills
22 sponsored by the majority floor leaders of both houses
23 after consultation with the respective minority floor
24 leaders. For the purposes of this rule, a joint
25 resolution is considered as a bill. To be considered
26 an appropriations or ways and means bill for the
27 purposes of this rule, the appropriations committee or

28 the ways and means committee must either be the
29 sponsor of the bill or the committee of first referral
30 in the originating house.

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1 2. To be placed on the calendar in the house of
2 origin, a bill must be first reported out of the
3 committee of first referral by Friday of the 10th week
4 of the first session and the 8th week of the second
5 session. To be placed on the calendar in the other
6 house, a bill must be first reported out of the
7 committee of first referral by Friday of the 13th week
8 of the first session and the 11th week of the second
9 session.

10 However, for the second session of the Seventy-
11 third General Assembly only, to be placed on the
12 calendar in the house of origin a bill must be first
13 reported out of the committee of first referral by
14 Friday of the 6th week, and to be placed on the
15 calendar in the other house, a bill must be first
16 reported out of the committee of first referral by
17 Friday of the 9th week the end of business on Monday
18 of the 10th week.

19 3. During the 11th week of the first session and
20 the 9th week of the second session, each house shall
21 consider only bills originating in that house and
22 unfinished business. During the 14th week of the
23 first session and the 12th week of the second session,
24 each house shall consider only bills originating in
25 the other house and unfinished business. Beginning
26 with the 15th week of the first session and the 13th
27 week of the second session, each house shall consider
28 only bills passed by both houses, bills exempt from
29 subsection 2 and unfinished business.

30 However, for the second session of the Seventy-

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1 third General Assembly only, during the 7th week each
2 house shall consider only bills originating in that
3 house and unfinished business, during beginning on
4 Tuesday of the 10th week each house shall consider
5 only bills originating in the other house and
6 unfinished business, and beginning with the 11th week
7 each house shall consider only bills passed by both
8 houses, bills exempt from subsection 2, and unfinished
9 business.

10 4. A motion to reconsider filed and not disposed
11 of on an action taken on a bill or resolution which is
12 subject to a deadline under this rule may be called up
13 at any time before or after the day of the deadline by
14 the person filing the motion or after the deadline by
15 the majority floor leader, notwithstanding any other
16 rule to the contrary.

A non-record roll call was requested.

The ayes were 58, nays 7.

The motion prevailed and the resolution was adopted.

MOTIONS TO RECONSIDER

(Senate File 2244)

I move to reconsider the vote by which Senate File 2244 passed the House on March 8, 1990.

GRUHN of Dickinson

(Senate File 2244)

I move to reconsider the vote by which Senate File 2244 passed the House on March 8, 1990.

MURPHY of Dubuque

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 8, 1990, he approved and transmitted to the Secretary of State the following bill:

Senate Joint Resolution 2002, a joint resolution suspending for a limited period of time the enforcement of state banking laws, including branch banking restrictions, to the extent such law may conflict or interfere with the administration of the federal financial institutions reform, recovery, and enforcement act of 1989, and providing an effective date.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

March 7, 1990

The Honorable Donald Avenson
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

House File 2514, an act relating to human service and making appropriations to the department of human services and other properly related matters and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

I have decided to take this action because it would be fiscally irresponsible to do otherwise until the State's revenue projections are updated and a general understanding of the overall budget is reached, based on those revenue projections. We have agreed to avoid major tax increases, and we must consider the State's revenue before we authorize spending.

Actual State revenues through February are nearly one percent below those projected by the Revenue Estimating Conference last December. If this rate of growth is maintained for the remaining four months of this fiscal year, revenues would be approximately \$25 million less than current projections, and the corresponding impact through next year would be a reduction of the FY 1991 ending balance by nearly \$50 million. Earlier this week, the economists on the Iowa Economic Forecasting Council confirmed this moderate rate of growth should be expected to continue. Given these concerns, I believe it is prudent to wait until after the revenue picture for fiscal years 1990 and 1991 becomes clearer. As you know, that will occur next Tuesday, March 13, when the Revenue Estimating Conference is scheduled to reconsider its current revenue projections for fiscal years 1990 and 1991.

In the three years since the legislature created the Revenue Estimating Conference, no major appropriation bills have been presented to me until after the Conference reviews revenue in the middle of the session. Allowing the Revenue Estimating Conference to meet before authorizing spending will give us all more information on which we can base our decisions. Previously, the earliest a DHS appropriation bill has been sent to me was on April 11 during the 1988 session. No other major appropriation bill has ever been submitted to me prior to the month of April. However, your sending this bill to me on March 6, less than a week before the Revenue Estimating Conference reviews and, if necessary, revises the revenue estimates, has left me with no other reasonable alternative than the course of action I am now taking.

By this veto, I am not passing on the merits of the bill, but rather I am concerned that the overall level of spending is too high. My own recommendations increased the budget of the Department of Human Services by \$42 million or 7.8 percent. This bill exceeds my recommendation by nearly \$13 million and doubles the increase in staffing I proposed. Considering the State's current revenue situation, I don't believe we can afford an increase of that magnitude.

Next week, after the Revenue Estimating Conference takes action on the revenue estimates, it is essential that we begin immediately to work together to assure that the State is not committed to spending more money than it is expected to receive. Rather, let's commit ourselves to working together on a comprehensive budget plan which serves the needs of all Iowans — including its most vulnerable — but within the resources that will be available.

For the above reasons, I hereby respectfully disapprove House File 2514.

Sincerely,
Terry E. Branstad
Governor

PRESENTATION OF VISITORS

De Groot of Lyon presented to the House the Honorable John Timmer, Sioux Falls, member of the South Dakota House of Representatives representing District 13.

Holveck of Polk presented to the House the Honorable Jay Menenga, former member of the House representing Clinton County.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2003

State Government: Carpenter, Chair; Buhr and Hammond.

Senate File 18

Judiciary and Law Enforcement: Beatty, Chair; Brammer, Clark, Rosenberg and Trent.

Senate File 2011

State Government: Teaford, Chair; Blanshan and Lundby.

Senate File 2052

Agriculture: Svoboda, Chair; Petersen of Muscatine and Schrader.

Senate File 2265

State Government: Poncy, Chair; Knapp and Spenner.

Senate File 2298

Local Government: Bisignano, Chair; Brown, Diemer, Haverland and Hester.

Senate File 2324

Appropriations: Halvorson of Webster, Chair; Buhr and Corbett.

Senate File 2344

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

Senate File 2395

Judiciary and Law Enforcement: McKinney, Chair; Peterson of Carroll and Trent.

Senate File 2404

Judiciary and Law Enforcement: Jay, Chair; Renaud and Siegrist.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate Concurrent Resolution 111, a concurrent resolution to urge the Congress of the United States, the President of the United States, and the United States Secretary of Agriculture, to enact and implement legislation to ensure that the United States is the world's preeminent supplier of grains.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H — 5562 and laid over under Rule 25 March 6, 1990.

COMMITTEE ON ECONOMIC DEVELOPMENT

Senate File 2385, a bill for an act establishing a new agricultural products and processes program and creating a state fund to support the program.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 148, a bill for an act prohibiting certain actions against police service dogs, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1990.

Senate File 182, a bill for an act relating to the commencement in the district court of certain civil rights actions involving administrative closures.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1990.

Senate File 417, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5569** March 7, 1990.

Senate File 424, a bill for an act relating to the enforcement of child custody and visitation orders.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5568** March 7, 1990.

Senate File 460, a bill for an act relating to obtaining depositions in a foreign jurisdiction.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1990.

Senate File 503, a bill for an act relating to alimony.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5570** March 7, 1990.

Senate File 2015, a bill for an act relating to training requirements for reserve peace officers and providing for the Act's applicability.

Fiscal Note is not required.

Recommended Do Pass March 7, 1990.

Senate File 2173, a bill for an act relating to the competency of a witness by amending the Iowa rules of evidence.

Fiscal Note is not required.

Recommended Do Pass March 7, 1990.

Senate File 2197, a bill for an act relating to violations of an individual's rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor rights violations, and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5571 March 7, 1990.

Senate File 2233, a bill for an act relating to the prosecution of persons violating provisions regulating grain dealers or warehouse operators.

Fiscal Note is not required.

Recommended Do Pass March 7, 1990.

Senate File 2282, a bill for an act relating to the addition of family visitations to the list of appropriate conditions for allowing an inmate placed on work release status to leave the state.

Fiscal Note is not required.

Recommended Do Pass March 7, 1990.

Senate File 2290, a bill for an act relating to the theft of fish from private fish hatcheries.

Fiscal Note is not required.

Recommended Do Pass March 7, 1990.

Senate File 2296, a bill for an act relating to informal dispute resolution, establishing a council for dispute resolution, and relieving the office of prosecuting attorneys training coordinator of the department of justice of responsibility for the dispute resolution program.

Fiscal Note is required.

Recommended Do Pass March 7, 1990.

Senate File 2350, a bill for an act relating to the uniform management of institutional funds Act.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1990.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 2155, a bill for an act relating to the computation of workers' compensation benefits for elected and appointed officials.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1990.

Senate File 2159, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code regulating occupational safety and health, amusement ride and boiler inspections, asbestos removal and encapsulation, the division of labor services, wage payment collection, and construction contractors, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5563** March 7, 1990.

Senate File 2169, a bill for an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5573** March 7, 1990.

Senate File 2187, a bill for an act relating to workers' health, safety, and welfare, and effecting funding for the second injury fund.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1990.

COMMITTEE ON TRANSPORTATION

Senate File 2329, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semi-annual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5581** March 7, 1990.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 654), relating to taxes administered by the department of revenue and finance including technical corrections, payment and liability for certain sales and use taxes, income tax, franchise tax, inheritance tax, and providing for certain retroactive applicability and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1990.

Committee Bill (Formerly House Study Bill 822), prohibiting the tax levy authorized a school district, merged area, city, or county for tort liability, property insurance, and costs of self-insurance or local government risk pool from being used for certain employee benefits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1990.

AMENDMENTS FILED

H-5562	S.C.R.	111	Committee on Agriculture
H-5563	S.F.	2159	Committee on Labor and Industrial Relations
H-5564	S.F.	2159	Wise of Lee Chapman of Linn McKinney of Dallas
H-5565	S.F.	2306	Siegrist of Pottawattamie Corbett of Linn
H-5567	S.F.	2328	Halvorson of Webster
H-5568	S.F.	424	Committee on Judiciary and Law Enforcement
H-5569	S.F.	417	Committee on Judiciary and Law Enforcement
H-5570	S.F.	503	Committee on Judiciary and Law Enforcement
H-5571	S.F.	2197	Committee on Judiciary and Law Enforcement
H-5572	H.F.	2267	Brammer of Linn Renken of Grundy
H-5573	S.F.	2169	Committee on Labor and Industrial Relations
H-5577	S.F.	2287	Schneklath of Scott Fey of Scott
H-5579	S.F.	2277	Jesse of Jasper Lageschulte of Bremer
H-5581	S.F.	2329	Committee on Transportation
H-5582	S.F.	2245	Murphy of Dubuque
H-5583	H.F.	2267	Brammer of Linn
H-5584	S.F.	2169	Hermann of Scott
H-5585	S.F.	2328	Jochum of Dubuque

H—5586	S.F.	2408	Maulsby of Calhoun
			Spenner of Henry
			Gruhn of Dickinson
			Stueland of Clinton
			Schnekloth of Scott
			Beaman of Clarke
			Petersen of Muscatine
			Plasier of Sioux
			Halvorson of Clayton
			Hibbard of Madison
H—5587	S.F.	2084	Hatch of Polk

On motion by Arnould of Scott, the House adjourned at 5:54 p.m., until 10:00 a.m., Monday, March 12, 1990.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day — Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 12, 1990

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by Reverend Daird Korth, pastor of Redeemer Lutheran Church, Ventura.

The Journal of Thursday, March 8, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, until his arrival, on request of Eddie of Buena Vista; Schnekloth of Scott on request of De Groot of Lyon and Teaford of Black Hawk on request of Harper of Black Hawk.

RULE 31.8 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments for bills listed on the Monday, March 12, Daily Debate Calendar, excluding Senate Files 2374, 2164, 2319 and 2139.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2315, a bill for an act relating to a pseudorabies control program, and making penalties applicable, with report of committee recommending passage was taken up for consideration.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2315)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller

Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 7:

Avenson, Spkr.	Jay	Jesse	Petersen, D. F.
Schnekloth	Stueland	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2363, a bill for an act relating to commercial weighing and measuring, with report of committee recommending passage was taken up for consideration.

Mertz of Kossuth offered the following amendment H—5502 filed by her and May of Worth and moved its adoption:

H—5502

- 1 Amend Senate File 2363, as passed, by the Senate,
- 2 as follows:
- 3 1. Page 2, by inserting after line 23, the
- 4 following:
- 5 "Sec. _____.
- 6 This Act, being deemed of immediate importance,
- 7 takes effect upon enactment."
- 8 2. Title page, line 1, by inserting after the
- 9 word "measuring" the following: ", and providing an
- 10 effective date".

Amendment H—5502 was adopted.

May of Worth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2363)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Avenson, Spkr.	Jay	Jesse	Schnekloth
Stueland	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2158, a bill for an act permitting the shared ownership, operation, or cooperative use of publicly owned petroleum storage facilities by more than one public agency or political subdivision, with report of committee recommending passage was taken up for consideration.

The following amendment H – 5598, filed by Kremer of Buchanan from the floor was adopted by unanimous consent:

H—5598

- 1 Amend Senate File 2158, as passed by the Senate,
- 2 as follows:
- 3 1. Title page, line 3, by inserting after the
- 4 word "subdivision" the words "and providing for the
- 5 applicability of the Act".

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2158)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schrader	Shearer	Shoning	Shultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Avenson, Spkr.	Gruhn	Jay	Jesse
Neuhauser	Schnekloth	Sherzan	Stueland
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2165, a bill for an act abolishing the duty of the treasurer of state to approve increases in the maximum deposit limit of

a local government in a depository financial institution, with report of committee recommending passage was taken up for consideration.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2165)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

Avenson, Spkr.	Jay	Jesse	Neuhauser
Schneklath	Sherzan	Stueland	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2343, a bill for an act relating to clinical privileges of certain health practitioners, with report of committee recommending passage was taken up for consideration.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2343)

The ayes were, 72:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Hermann	Hester	Hibbard
Holveck	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tabor
Trent	Tyrrell	Wise	Connors
			Presiding

The nays were, 19:

Banks	Bennett	Branstad	Corbett
Daggett	Diemer	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Iverson	Kistler
Kremer	Maulsby	Metcalf	Miller
Pellett	Renken	Van Maanen	

Absent or not voting, 9:

Avenson, Spkr.	Haverland	Jay	Jesse
Muhlbauer	Schnekloth	Stueland	Swartz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2156, a bill for an act giving federal law enforcement officials peace officer status in certain instances, with report of committee recommending passage was taken up for consideration.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2156)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Hibbard
Holveck	Iverson	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, 3:

Doderer	Svoboda	Trent
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Absent or not voting, 11:

Avenson, Spkr.	Groninga	Haverland	Jay
Jesse	Plasier	Schnekloth	Stueland
Swartz	Tabor	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Pellett of Cass in the chair at 10:55 a.m.

Senate File 2163, a bill for an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Royer of Page offered the following amendment H—5553 filed by Schnekloth of Scott and moved its adoption:

H—5553

- 1 Amend Senate File 2163, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 17, by inserting after the word
- 4 "persons" the following: "who are not council
- 5 members".

A non-record roll call was requested.

The ayes were 44, nays 46.

Amendment H—5553 lost.

Fuller of Hardin offered the following amendment H—5536 filed by him and moved its adoption:

H—5536

- 1 Amend Senate File 2163, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 32, by striking the words ", two,
- 4 and three" and inserting the following: "and two".

A non-record roll call was requested.

The ayes were 46, nays none.

Amendment H—5536 was adopted.

Arnould of Scott asked and received unanimous consent that Senate File 2163 be deferred and that the bill retain its place on the calendar.

Senate File 2257, a bill for an act relating to the distribution of lists of certified ophthalmic dispensers, with report of committee recommending passage was taken up for consideration.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2257)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.

Hammond	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Trent	Tyrrell	Van Maanen
Wise	Pellett		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Avenson, Spkr.	Beatty	Fuller	Hansen, S. D.
Jay	Jesse	Schnekloth	Stueland
Swartz	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2323, a bill for an act relating to the attorney general's access to confidential motor vehicle accident reports, with report of committee recommending amendment and passage was taken up for consideration.

Murphy of Dubuque offered the following amendment H—5548 filed by the committee on transportation and moved its adoption:

H—5548

- 1 Amend Senate File 2323, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 321.271, unnumbered paragraph
- 6 1, Code 1989, is amended to read as follows:
- 7 All accident reports filed by a driver of a vehicle
- 8 involved in an accident as required under section
- 9 321.266 shall be in writing. The report shall be
- 10 without prejudice to the individual so reporting and
- 11 shall be for the confidential use of the department,
- 12 except that upon the request of any person involved in
- 13 the accident, the person's insurance company or its
- 14 agent, or the attorney for such person, the department
- 15 shall disclose the identity and address of the person

16 involved in the accident. The department, upon
 17 written request of the person making the report, shall
 18 provide the person with a copy of that person's
 19 report. The written report filed with the department
 20 shall not be admissible in or used in evidence in any
 21 civil or criminal case arising out of the facts on
 22 which the report is based.”
 23 2. Title page, by striking lines 1 and 2 and
 24 inserting the following: “An Act relating to vehicle
 25 accident reports.”
 26 3. By renumbering as necessary.

The committee amendment H—5548 was adopted, placing out of order amendment H—5509 filed by Murphy of Dubuque on March 2, 1990.

Murphy of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2323)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Iverson	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Tabor	Trent	Tyrrell
Van Maanen	Pellett		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Avenson, Spkr.	Hibbard	Jay	Jesse
Royer	Schneklloth	Stueland	Swartz
Teaford	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 368, a bill for an act relating to procedures for accepting offers from federal agencies for full or partial cession or retrocession of federal jurisdiction over lands in federal enclaves within the state, with report of committee recommending passage was taken up for consideration.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 368)

The ayes were, 84:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Holveck
Iverson	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Tabor	Trent
Tyrrell	Van Maanen	Wise	Pellett
			Presiding

The nays were, none.

Absent or not voting, 16:

Avenson, Spkr.	Brown	Connors	Eddie
Hatch	Hibbard	Jay	Jesse
Metcalf	Murphy	Neuhauser	Plasier
Schneklloth	Stueland	Swartz	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2082, a bill for an act to indefinitely extend the effect of the Code chapter relating to persons with mental illness, mental retardation, or developmental disabilities and providing an effective date, with report of committee recommending passage was taken up for consideration.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2082)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Iverson	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Ronken	Rosenberg	Royer
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Tabor	Trent	Tyrrell	Van Maanen
Wise	Pellett		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Avenson, Spkr.	Hibbard	Jay	Jesse
Neuhauser	Schnekloth	Sherzan	Stueland
Swartz	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Connors of Polk in the chair at 11:41 a.m.

Senate File 2094, a bill for an act providing rulemaking authority to the auditor of state to establish a fee schedule for certain services, with report of committee recommending passage was taken up for consideration.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2094)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Svoboda	Tabor	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Avenson, Spkr.	Hibbard	Jay	Jesse
Schnekloth	Shoultz	Stueland	Swartz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2252, a bill for an act relating to the Iowa logo program and the use of the logo, with report of committee recommending passage was taken up for consideration.

Lykam of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2252)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Tabor	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Avenson, Spkr.	Fey	Hibbard	Jay
Schneklath	Stueland	Svoboda	Swartz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2248, a bill for an act relating to certain advertising by a hearing aid dealer, with report of committee recommending passage was taken up for consideration.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2248)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carper	Chapman	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Tabor
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 11:

Avenson, Spkr.	Brammer	Fey	Groninga
Hermann	Hibbard	Jay	Schnekloth
Stueland	Swartz	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED
(House File 2370)

Shoultz of Black Hawk called up for consideration the motion to reconsider House File 2370, filed on February 21, 1990, and moved to reconsider the vote by which House File 2370, a bill for an act relating to indemnification of art exhibitors by the Iowa arts council, passed the House and was placed on its last reading on February 20, 1990.

A non-record roll call was requested.

The ayes were 54, nays 1.

The motion prevailed and the House reconsidered House File 2370.

SENATE FILE 2232 SUBSTITUTED FOR HOUSE FILE 2370

Shoultz of Black Hawk asked and received unanimous consent to substitute Senate File 2232 for House File 2370.

Senate File 2232, a bill for an act relating to indemnification of art exhibitors by the Iowa arts council, was taken up for consideration.

Shoultz of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2232)

The ayes were, 92:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

Avenson, Spkr.	Beaman	Hibbard	Jay
Metcalf	Schnekloth	Stueland	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 2550, by committee on ways and means, a bill for an act restricting the tax levy authorized a school district or merged area for tort liability, property loss, and other operational risks from being used for costs of certain employee benefits.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 120, a concurrent resolution to urge the immediate repeal of federal regulations inhibiting the sale of recyclable pesticide containers.

Also: That the Senate has on March 12, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 121, a concurrent resolution encouraging the selection of Iowa as an evaluation state for a national study of welfare reform.

Also: That the Senate has on March 12, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 123, a concurrent resolution relating to manipulative practices by the Chicago Board of Trade and the Commodity Futures Commission causing hardship on agricultural economies, and emphasizing the need to support fair and equitable pricing of agricultural commodities.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 12:01 p.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has

on March 12, 1990 concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2418, 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.

Also: That the Senate has on March 12, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2227, a bill for an act relating to public improvements, by authorizing counties to create special assessment districts in areas of the county outside cities or within cities for certain public improvements, to assess the cost of the improvements to the benefited property within the districts, to establish and collect rates and charges to maintain and operate the improvements, and by providing an effective date.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House File 2551, by committee on ways and means, a bill for an act relating to taxes administered and fees collected by the department of revenue and finance including technical corrections, payment and liability for certain sales and use taxes, special fuel taxes, income tax, franchise tax, inheritance tax, and providing for certain retroactive applicability and effective dates.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2227, by Szymoniak, a bill for an act relating to public improvements, by authorizing counties to create special assessment districts in areas of the county outside cities or within cities for certain public improvements, to assess the cost of the improvements to the benefited property within the districts, to establish and collect rates and charges to maintain and operate the improvements, and by providing an effective date.

Read first time and referred to committee on **local government**.

MOTION TO RECONSIDER

(Senate File 2156)

I move to reconsider the vote by which Senate File 2156 passed the House on March 12, 1990.

NEUHAUSER of Johnson

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday morning, March 7, 1990. Had I been present, I would have voted "aye"

on House File 2536 and "nay" on amendment H—5521, to amendment H—5494, to House File 2528.

BROWN of Lucas

PRESENTATION OF VISITORS

Trent of Muscatine presented to the House the Honorable Betty Hoffmann-Bright, former member of the House representing Muscatine County.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five sixth, seventh and eighth grade students from Weeks Middle School, Des Moines, accompanied by Steve Seid. By Bisignano of Polk.

Seventy eighth grade students from Dallas Center-Grimes Community School, Grimes, accompanied by Bill Wineland. By Haverland of Polk and McKinney of Dallas.

Fifty-five twelfth grade students from St. Ansgar Community School, St. Ansgar, accompanied by Dena Meeks. By Koenigs of Mitchell and May of Worth.

SUBCOMMITTEE ASSIGNMENTS

Senate File 431

Energy and Environmental Protection: Johnson, Chair; Petersen of Muscatine and Schrader.

Senate File 2010

Energy and Environmental Protection: Schrader, Chair; May and Siegrist.

Senate File 2031

State Government: Blanshan, Chair; Connors and Hanson of Delaware.

Senate File 2085

Energy and Environmental Protection: Schrader, Chair; May and Petersen of Muscatine.

Senate File 2093

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

Senate File 2113

Energy and Environmental Protection: Osterberg, Chair; Johnson and McKean.

Senate File 2369

State Government: Beatty, Chair; Buhr and Garman.

Senate File 2375

State Government: Blanshan, Chair; Connors and Hanson of Delaware.

Senate File 2383

Energy and Environmental Protection: Adams, Chair; Holveck and Trent.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

- 1990-41 Jean Olson, Wallingford — Participation in and selection as a finalist in the Pillsbury Bake-Off Contest.
- 1990-42 Sally Ewoltdt, Davenport — Being named Iowa Mother of the Year.
- 1990-43 Bryan Doherty, Bettendorf — Receiving the Boy Scouts of America Eagle Scout Award.
- 1990-44 Girls Basketball Team of Dubuque Senior High School — Participating in the Girls State Basketball Tournament.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2052, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1990.

Senate File 2080, a bill for an act providing for the sale, offer for sale, or distribution of sterile varieties of purple loosestrife.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5597** March 8, 1990.

Senate File 2317, a bill for an act relating to issuing permits for regulated uses of water by the department of natural resources.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1990.

Senate File 2379, a bill for an act relating to anaerobic lagoons, making penalties applicable, and providing for applicability of the Act.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1990.

COMMITTEE ON APPROPRIATIONS

Senate File 2328, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing and gaming commission, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5595** March 7, 1990.

Senate File 2364, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, the department of natural resources, and the state racing commission, and changing the distribution of certain fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5593** March 8, 1990.

Senate File 2402, 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5588** March 8, 1990.

COMMITTEE ON EDUCATION

Senate File 2059, a bill for an act authorizing merged area schools to establish a self-insurance program for the payment of workers' compensation benefits, exempting the self-insurance program from taxation, and exempting the self-insurance program from insurance regulation.

Fiscal Note is required.

Recommended **Do Pass** March 8, 1990.

Senate File 2326, a bill for an act requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5591** March 8, 1990.

COMMITTEE ON HUMAN RESOURCES

Senate File 2344, a bill for an act relating to modification of child support orders.

Fiscal Note is not required.

Recommended Do Pass March 8, 1990.

Senate File 2388, a bill for an act relating to administrative procedures for the establishment, determination, and collection of certain spousal support debts.

Fiscal Note is not required.

Recommended Do Pass March 8, 1990.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

Senate File 2349, a bill for an act relating to scheduled fines and court procedures for certain violations of snowmobile and all-terrain vehicle regulations, game and fish regulations, and parks.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5612 March 8, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 2100, a bill for an act relating to fraternal benefit societies, imposing penalties, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5590 March 8, 1990.

COMMITTEE ON STATE GOVERNMENT

House File 2469, a bill for an act relating to state administrative rules, providing for style and form and for the assignment of identification numbers, specifying official citations, providing a pilot project for the separate publication of certain rules, and making an appropriation.

Fiscal Note is not required.

Recommended Do Pass March 8, 1990.

Senate Joint Resolution 2003, a joint resolution proposing the establishment of a state office of disability prevention activities and requiring certain state agencies to perform various activities and to submit a report relating to coordination of disability prevention programs.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5592 March 8, 1990.

Senate File 2198, a bill for an act relating to the sale of the United States flag in Iowa.

Fiscal Note is not required.

Recommended Do Pass March 8, 1990.

Senate File 2206, a bill for an act relating to campaign finance by specifying that restrictions on corporate campaign activities do not apply to certain political corporations.

Fiscal Note is not required.

Recommended Do Pass March 8, 1990.

Senate File 2261, a bill for an act relating to the filing of uniform commercial code financing statements by permitting a filing officer to accept for filing a copy of a signature and authorizing the adoption of rules to permit electronic filing of financing statements.

Fiscal Note is not required.

Recommended Do Pass March 8, 1990.

Senate File 2263, a bill for an act authorizing a board of trustees of certain public hospitals to establish a separate fund for depreciation.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5594 March 8, 1990.

Senate File 2268, a bill for an act changing the time deadlines for submission of state agency affirmative action plans and annual reports and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 8, 1990.

Senate File 2311, a bill for an act relating to unclaimed fees to conform with the uniform disposition of unclaimed property Act.

Fiscal Note is not required.

Recommended Do Pass March 8, 1990.

Senate File 2340, a bill for an act relating to the disposition of unclaimed property.

Fiscal Note is not required.

Recommended Do Pass March 8, 1990.

Senate File 2372, a bill for an act relating to the 1991 redistricting process for the election of senators in conformity with article III, section 6 of the Constitution of the State of Iowa.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5596 March 8, 1990.

COMMITTEE ON WAYS AND MEANS

Senate File 2287, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a retail sales tax and the certification of a property tax levy, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5589 March 8, 1990.

RESOLUTIONS FILED

SCR 120, by committee on agriculture, a concurrent resolution to urge the immediate repeal of federal regulations inhibiting the sale of recyclable pesticide containers.

Laid over under **Rule 25.**

SCR 121, by committee on appropriations, a concurrent resolution encouraging the selection of Iowa as an evaluation state for a national study of welfare reform.

Laid over under **Rule 25**.

SCR 123, by committee on agriculture, a concurrent resolution relating to manipulative practices by the Chicago Board of Trade and the Commodity Futures Commission causing hardship on agricultural economies, and emphasizing the need to support fair and equitable pricing of agricultural commodities.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-5588	S.F.	2402	Committee on Appropriations
H-5589	S.F.	2287	Committee on Ways and Means
H-5590	S.F.	2100	Committee on Small Business and Commerce
H-5591	S.F.	2326	Committee on Education
H-5592	S.J.R.	2003	Committee on State Government
H-5593	S.F.	2364	Committee on Appropriations
H-5594	S.F.	2263	Committee on State Government
H-5595	S.F.	2328	Committee on Appropriations
H-5596	S.F.	2372	Committee on State Government
H-5597	S.F.	2080	Committee on Agriculture
H-5599	S.F.	2403	Hibbard of Madison Neuhauser of Johnson
H-5600	S.F.	332	Hibbard of Madison
H-5601	S.F.	2328	Garman of Story Halvorson of Clayton
H-5602	S.F.	2057	Osterberg of Linn
H-5603	S.F.	2114	Metcalf of Polk
H-5604	S.F.	2328	Halvorson of Webster
H-5605	S.F.	2328	Halvorson of Webster
H-5606	S.F.	2159	Tyrrell of Iowa

H-5607	S.F.	2169	Tyrrell of Iowa
			Hermann of Scott
H-5608	S.F.	2329	Koenigs of Mitchell
H-5609	S.F.	2306	Maulsby of Calhoun
H-5610	S.F.	2169	Diemer of Black Hawk
H-5611	S.F.	2169	Renken of Grundy
H-5612	S.F.	2349	Committee on Natural Resources and Outdoor Recreation

On motion by Arnould of Scott, the House adjourned at 3:10 p.m., until 9:00 a.m., Tuesday, March 13, 1990.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day — Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 13, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Dan Petersen, state representative from Muscatine County.

The Journal of Monday, March 12, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Teaford of Black Hawk on request of Harper of Black Hawk.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 57, a bill for an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow, with report of committee recommending amendment and passage was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—5145 filed by the committee on natural resources and outdoor recreation:

H—5145

- 1 Amend Senate File 57, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 1, by inserting after the word
- 4 "Code" the following: "Supplement".
- 5 2. Page 1, by striking lines 4 through 13 and
- 6 inserting the following: "rule permitting a crossbow
- 7 to be used only by handicapped individuals physically
- 8 incapable of using a bow and arrow. The commission
- 9 shall prepare an application to be used by an
- 10 individual requesting the status. The application
- 11 shall require the individual's physician to sign a
- 12 statement declaring that the individual is not
- 13 physically able to use a bow and arrow."

Fogarty of Palo Alto offered the following amendment H—5160, to the committee amendment H—5145, filed by him and moved its adoption:

H—5160

- 1 Amend the Committee amendment, H—5145, to Senate
- 2 File 57, as passed by the Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "arrow" the following: "under the conditions in which
- 5 a bow and arrow is permitted".

Amendment H—5160 was adopted.

On motion by Fogarty of Palo Alto, the committee amendment H—5145, as amended, was adopted.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 57)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 8:

Doderer	Fey	Gruhn	Halvorson, R. N.
Hammond	Miller	Peterson, M. K.	Shoultz

Absent or not voting, 5:

Black	Jay	Muhlbauer	Neuhauser
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2139, a bill for an act relating to the appeal process for certain postconviction procedures, with report of committee recommending passage was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2139)

The ayes were, 95:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Adams	Harper	Jay	Shoultz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2084, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Schrader of Marion offered the following amendment H—5113 filed by the committee on natural resources and outdoor recreation:

H—5113

- 1 Amend Senate File 2084, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 34 and 35 and
- 4 inserting the following: "this chapter and chapters
- 5 84, 93, 106, 108, 108A, 109, 109A, 110, 110A, 110B,
- 6 111, 111B, 111D, 112, 305, 321G, 455D, and 469."
- 7 2. Page 3, by striking lines 31 and 32 and
- 8 inserting the following: "this chapter and chapters
- 9 84, 93, 106, 108, 108A, 109, 109A, 110, 110A, 110B,
- 10 111, 111B, 111D, 112, 305, 321G, 455D, and 469."
- 11 3. Page 4, by striking lines 1 and 2 and
- 12 inserting the following: "this chapter and chapters
- 13 84, 93, 106, 108, 108A, 109, 109A, 110, 110A, 110B,
- 14 111, 111B, 111D, 112, 305, 321G, 455D, and 469."
- 15 4. Page 4, by striking lines 8 and 9 and
- 16 inserting the following: "the programs authorized by
- 17 this chapter and chapters 84, 93, 106, 108, 108A, 109,
- 18 109A, 110, 110A, 110B, 111, 111B, 111D, 112, 305,
- 19 321G, 455D, and 469."
- 20 5. Page 4, by inserting after line 32, the
- 21 following and relettering:
- 22 "f. Energy and geological resources division which
- 23 is responsible for programs relating to energy,
- 24 geological survey, and oil and gas production.
- 25 g. Waste management authority."
- 26 6. Page 5, by inserting after line 12 the
- 27 following:
- 28 "**NEW SECTION. 107.8 BRUSHY CREEK RECREATION AREA**
- 29 **TRAILS ADVISORY BOARD.**
- 30 1. The Brushy Creek recreation trails advisory
- 31 board shall be organized within the parks and
- 32 preserves division of the department and shall be
- 33 composed of nine members including the following: the
- 34 director of the department or the director's designee
- 35 who shall serve as a nonvoting ex officio member, the
- 36 park ranger responsible for the Brushy Creek
- 37 recreation area, a member of the state advisory board
- 38 for preserves established under chapter 111B, a person
- 39 appointed by the governor, and six persons appointed

40 by the legislative council. Each person appointed by
41 the governor or legislative council must actively
42 participate in recreational trail activities such as
43 hiking, an equestrian sport, or a winter sport at the
44 Brushy Creek recreation area. The voting members
45 shall elect a chairperson at the board's first meeting
46 each year.

47 2. Each member of the board shall serve three
48 years, and shall be eligible for reappointment.
49 However, the park ranger responsible for Brushy Creek
50 shall be replaced by the ranger's successor. The

Page 2

1 person representing the state advisory board for
2 preserves shall serve at the pleasure of the board.
3 The members, other than the director or the director's
4 designee and the park ranger, are entitled to actual
5 expenses incurred in performance of the duties of the
6 board. A majority of members constitutes a quorum,
7 and the affirmative vote of a majority present is
8 necessary for any action taken by the board, except
9 that a lesser number may adjourn a meeting. A vacancy
10 in the membership of the board does not impair the
11 rights of a quorum to exercise all rights and perform
12 all duties of the board. The board shall meet as
13 required, but at least twice a year. The board shall
14 meet upon call of the chairperson, or upon written
15 request of three members of the board. Written notice
16 of the time and place of the meeting shall be given to
17 each member.

18 3. The board shall advise the department and the
19 natural resource commission regarding issues and
20 recommendations relating to the development and
21 maintenance of trails and related activities at or
22 adjacent to the Brushy Creek recreation area."

23 7. Page 6, lines 24 and 25, by striking the words
24 "congressional district" and inserting the following:
25 "council of governments area".

26 8. By striking page 16, line 3, through page 18,
27 line 4, and inserting the following:

28 "Sec. _____. Section 455A.1, Code Supplement 1989,
29 is amended by striking the section and inserting in
30 lieu thereof the following:

31 455A.1 DEFINITIONS.

32 As used in this chapter unless the context
33 otherwise requires:

34 1. "Agency" means the Iowa environmental
35 protection agency.

36 2. "Board" means the environmental protection
37 board.

38 3. "Director" means the chairperson of the Iowa

39 environmental protection board.

40 Sec. _____. Section 455A.2, Code 1989, is amended by
41 striking the section and inserting in lieu thereof the
42 following:

43 455A.2 IOWA ENVIRONMENTAL PROTECTION AGENCY.

44 An Iowa environmental protection agency is created,
45 which has the primary responsibility for protecting
46 the environment in this state.

47 Sec. _____. Section 455A.4, Code 1989, is amended to
48 read as follows:

49 455A.4 GENERAL POWERS AND DUTIES OF THE DIRECTOR.

50 1. Except as otherwise provided by law and subject

Page 3

1 to rules adopted by the ~~natural resource commission~~
2 ~~and the environmental protection commission board~~, the
3 director shall:

4 a. Plan, direct, coordinate, and execute the
5 functions vested in the ~~department agency~~.

6 b. Provide overall supervision, direction, and
7 coordination of functions to be administered by the
8 administrators under chapters ~~84, 93, 106, 107, 108,~~
9 ~~108A, 109, 109A, 110, 110A, 110B, 111, 111B, 111D,~~
10 ~~112, 305, 321G, 455B, 455C, 455E, 455F, and 469 455G.~~

11 c. Annually compile a comprehensive program budget
12 which reflects all fiscal matters related to the
13 operation of the ~~department agency~~ and each program,
14 subprogram, and activity in the ~~department agency~~ in
15 accordance with section 8.23.

16 d. Submit a biennial or an annual report to the
17 governor and the general assembly, in accordance with
18 chapter 17.

19 e. Employ personnel as necessary to carry out the
20 functions vested in the ~~department agency~~ consistent
21 with chapter 19A unless the positions are exempt from
22 that chapter.

23 f. Devote full time to the duties of the
24 director's office.

25 g. Not be a candidate for nor hold any other
26 public office or trust, nor be a member of a political
27 committee.

28 h. Maintain an office at the state capitol
29 complex, which is open at all reasonable times for the
30 conduct of public business.

31 i. Adopt rules in accordance with chapter 17A as
32 necessary or desirable for the organization or
33 reorganization of the ~~department agency~~.

34 2. All powers and duties vested in the director
35 may be delegated by the director to an employee of the
36 ~~department agency~~, but the director retains the
37 responsibility for an employee's acts within the scope

38 of the delegation.

39 3. The director and other officers and employees
40 of the department agency are entitled to receive, in
41 addition to salary, their actual and necessary travel
42 and related expenses incurred in the performance of
43 official business.

44 4. The director shall obtain an adequate public
45 employees fidelity bond to cover those officers and
46 employees of the department agency accountable for
47 property or funds of this state.

48 Sec. _____. Section 455A.6, Code Supplement 1989, is
49 amended by striking the section and inserting in lieu
50 thereof the following:

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1 455A.6 IOWA ENVIRONMENTAL PROTECTION BOARD.

2 1. The policymaking body for the agency is the
3 Iowa environmental protection board which is created
4 within the agency. The board is composed of three
5 members appointed by the governor and subject to
6 confirmation by the senate, not more than two of whom
7 shall be from the same political party. Members
8 appointed shall be knowledgeable in the area of
9 environmental protection. Each member appointed shall
10 serve for six-year staggered terms beginning and
11 ending as provided by section 69.19. Vacancies shall
12 be filled for the unexpired portion of the term in the
13 same manner as full-term appointments are made.

14 2. Subject to confirmation by the senate, the
15 governor shall appoint a member as the chairperson of
16 the board. The appointment as chairperson shall be
17 for a two-year term which begins and ends as provided
18 in section 69.19. The board may employ personnel as
19 it finds necessary.

20 3. The board may in all cases conduct its
21 proceedings, when not otherwise prescribed by law, in
22 such manner as will best conduce to the proper
23 dispatch of business and the attainment of justice.

24 4. A majority of the board shall constitute a
25 quorum for the transaction of business, but no member
26 shall participate in any hearing or proceeding in
27 which the member has any pecuniary interest.

28 5. The board may from time to time make or amend
29 such general rules or orders as may be necessary for
30 the preservation of order and the regulation of
31 proceedings before it, including forms of notice and
32 the service of notice, which shall conform as nearly
33 as may be to those in use in the courts of the state.

34 6. Any party may appear before the board and be
35 heard in person or by attorney. Every vote and
36 official action thereof shall be entered of record,

37 and, upon the request of either party or person
38 interested, its proceedings shall be public.

39 7. The board shall have a seal, of which courts
40 shall take judicial notice.

41 8. The board shall have an office at the seat of
42 government and each member shall devote the member's
43 whole time to the duties of the office, and the
44 members and secretary and other employees shall
45 receive their actual necessary traveling expenses
46 while in the discharge of their official duties away
47 from the general offices.

48 9. The board shall employ a competent attorney to
49 serve as its general counsel, and assistants to the
50 general counsel as it finds necessary for the full and

Page 5

1 efficient discharge of its duties. The general
2 counsel is the attorney for, and legal advisor of, the
3 board and is exempt from the merit system provisions
4 of chapter 19A. Assistants to the general counsel are
5 subject to the merit system provisions of chapter 19A.
6 The general counsel or an assistant to the general
7 counsel shall provide the necessary legal advice to
8 the board in all matters and represent the board in
9 all actions instituted in a state or federal court
10 challenging the validity of a rule or order of the
11 board. The existence of a fact which disqualifies a
12 person from election or from acting as a board member
13 disqualifies the person from employment as general
14 counsel or assistant general counsel. The general
15 counsel shall devote full time to the duties of the
16 office. During employment the counsel shall not be a
17 member of a political committee, contribute to a
18 political campaign fund other than through the income
19 tax checkoff for contributions to the Iowa election
20 campaign fund and the presidential election campaign
21 fund, participate in a political campaign, or be a
22 candidate for a political office.

23 10. Except as otherwise provided by law, the board
24 shall:

25 a. Establish policy for the agency and adopt
26 rules, pursuant to chapter 17A, necessary to provide
27 for the effective administration of chapters 455B,
28 455C, 455E, 455F, and 455G.

29 b. Hear appeals in contested cases pursuant to
30 chapter 17A on matters relating to actions taken by
31 the director under chapters 455C, 455E, 455F, and
32 455G.

33 c. Approve or disapprove the issuance of hazardous
34 waste disposal site licenses under chapter 455B.

35 d. Approve the budget request prepared by the

36 director for the programs authorized by chapters 455B,
37 455C, 455E, 455F, and 455G. The board may increase,
38 decrease, or strike any item within the agency budget
39 request for the specified programs before granting
40 approval.

41 e. Appoint and fix the salary of the director.

42 Sec. _____. Section 455A.7, Code 1989, is amended by
43 striking the section and inserting in lieu thereof the
44 following:

45 455A.7 DIVISIONS CREATED — ADMINISTRATORS
46 APPOINTED BY DIRECTOR.

47 1. The following divisions are created within the
48 agency:

49 a. An environmental protection division which is
50 responsible for programs relating to wastewater

Page 6

1 treatment, water supply, hazardous wastes, air and
2 land, and field services.

3 b. A waste disposal division which is responsible
4 for programs relating to the safe storage, treatment,
5 and disposal of solid, hazardous, and low-level
6 radioactive wastes.

7 2. The director shall appoint a designee who shall
8 be in charge of the agency in the absence of the
9 director. The appointment shall be based on the
10 appointee's training, experience, and capabilities.

11 3. The director shall appoint an administrator for
12 each division created under subsection 1. The
13 director shall make the appointment based on the
14 appointee's training, experience, and capabilities.
15 Each administrator has the responsibility of
16 administering the programs assigned the division under
17 subsection 1 and other programs assigned by the
18 director. Each administrator shall carry out the
19 duties and responsibilities of office under the
20 general direction and supervision of the director."

21 9. Page 18, by striking lines 17 and 18, and
22 inserting the following: "and forests, ~~protecting the~~
23 ~~environment,~~ and managing energy, fish, wildlife, and
24 land and water resources."

25 10. Page 18, by striking lines 21 through 25, and
26 inserting the following:

27 "NEW PARAGRAPH. v. The Iowa environmental
28 protection agency created in section 455A.2, which has
29 primary responsibility for protecting the environment
30 and disposal of waste."

31 11. Page 19, by striking lines 1 through 7, and
32 inserting the following:

33 "NEW PARAGRAPH. o. Hearings and appeals relative
34 to the administration of the Iowa environmental

35 protection agency. Decisions of the division in this
 36 area are subject to review by the Iowa environmental
 37 protection agency and may be appealed to the
 38 environmental protection board. The decision of the
 39 board constitutes final agency action for the purposes
 40 of judicial review."

41 12. Page 19, by striking lines 10 and 11 and
 42 inserting the following:

43 "NEW SUBSECTION. 15. Director of the Iowa
 44 environmental protection agency."

45 13. Page 19, lines 22 and 23, by striking the
 46 words "department of environmental protection" and in-
 47 sserting the following: "Iowa environmental protection
 48 agency".

49 14. Page 19, by inserting after line 23 the
 50 following:

Page 7

1 "Sec. _____. Section 84.2, subsections 16 and 21,
 2 Code 1989, are amended to read as follows:

3 16. "Department" means the department of natural
 4 resources ~~created under section 455A.2.~~

5 21. "Commission" means the environmental protection
 6 natural resource commission of the
 7 department.

8 Sec. _____. Section 93.1, subsections 1 and 5, Code
 9 1989, are amended to read as follows:

10 1. "Department" means the department of natural
 11 resources ~~created under section 455A.2.~~

12 5. "Commission" means the environmental protection
 13 natural resource commission of the department."

14 15. Page 19, by striking lines 29 and 30 and
 15 inserting the following: "the environmental
 16 protection division of the ~~department of natural~~
 17 resources Iowa environmental protection agency
 18 certifying that the".

19 16. Page 19, by striking lines 34 and 35 and
 20 inserting the following:

21 "The environmental protection ~~commission board~~ of
 22 the department of natural resources Iowa environmental
 23 protection agency shall adopt".

24 17. Page 20, by striking lines 14 and 15 and
 25 inserting the following: "environmental protection
 26 commission board of the ~~department of natural~~
 27 resources Iowa environmental protection agency."

28 18. Page 20, line 27, by striking the words "~~each~~
 29 year" and inserting the following: "each year".

30 19. Page 20, line 29, by striking the word
 31 "~~first~~" and inserting the following: "first".

32 20. Page 20, by striking lines 32 and 33 and
 33 inserting the following: "division of the ~~department~~

34 ~~of natural resources Iowa environmental protection~~
35 ~~agency and a copy of the plan for the construction of~~
36 ~~the~~".

37 21. Page 21, line 3, by striking the word
38 "~~annually~~" and inserting the following: "annually".

39 22. Page 21, by striking lines 9 through 18 and
40 inserting the following: "to the district court. As
41 used in this".

42 23. Page 21, by striking lines 26 through 32, and
43 inserting the following:

44 "Sec. _____. Sections 15.284, 18.18, 258A.1, 268.4,
45 427.1, 455B.474, 455E.11, 455G.4 through 455G.6,
46 455G.9, 455G.13, and 455G.17, Code Supplement 1989,
47 are amended by striking the words "department of
48 natural resources" where they occur in those sections
49 and inserting the words "Iowa environmental protection
50 agency".

Page 8

1 Sec. _____. Section 455B.101, Code 1989, is amended
2 to read as follows:

3 455B.101 DEFINITIONS.

4 As used in this chapter, unless the context
5 otherwise requires:

6 1. "Department" means the department of natural
7 resources created under section 455A.2 Iowa
8 environmental protection agency.

9 2. "Director" means the director of the department
10 chairperson of the environmental protection board or a
11 designee.

12 3. "Commission" means the environmental protection
13 commission created under section 455A.6 board.

14 Sec. _____. Section 455C.1, subsections 7 through 9,
15 Code Supplement 1989, are amended to read as follows:

16 7. "Director" means the director chairperson of
17 the department Iowa environmental protection agency.

18 8. "Department" means the department of natural
19 resources created under section 455A.2 Iowa
20 environmental protection agency.

21 9. "Commission" means the environmental protection
22 commission of the department board.

23 Sec. _____. Section 455D.1, subsections 1, 2, and 4,
24 Code Supplement 1989, are amended to read as follows:

25 1. "Commission" means the environmental protection
26 commission board.

27 2. "Department" means the department of natural
28 resources created pursuant to section 455A.2 Iowa
29 environmental protection agency.

30 4. "Director" means the director chairperson of
31 the department environmental protection board.

32 Sec. _____. Section 455E.2, subsections 2, 5, and 6,

33 Code 1989, are amended to read as follows:

34 2. "Commission" means the environmental protection
35 ~~commission created under section 455A.6 board.~~

36 5. "Department" means the department of natural
37 resources created under section 455A.2 Iowa
38 environmental protection agency.

39 6. "Director" means the director chairperson of
40 the department Iowa environmental protection agency.

41 Sec. _____. Section 455F.1, subsections 1 and 2,
42 Code 1989, are amended to read as follows:

43 As used in this chapter unless the context
44 otherwise requires:

45 1. "Commission" means the ~~state environmental~~
46 ~~protection commission board.~~

47 2. "Department" means the department of natural
48 resources Iowa environmental protection agency."

49 24. By striking page 21, line 33, through page
50 22, line 7, and inserting the following:

Page 9

1 "Sec. _____. Sections 28G.6, 89B.17, 101.10, 123.26,
2 135.105, 159.28, 159.29, 170.10, 170A.8, 170B.9,
3 206.2, 206.12, 206.25, 220.131, 263.17, 266.39,
4 279.44, 307.12, 331.653, 357A.1, 455B.107, 455B.441,
5 455B.473, 455B.482, 455B.483, 455F.11, 467C.5, 467E.1,
6 558.69, and 716B.1, Code 1989, are amended by striking
7 the words "department of natural resources" where they
8 occur in those sections and inserting the words "Iowa
9 environmental protection agency"."

10 25. Page 22, by inserting after line 7 the
11 following:

12 "Sec. _____. Sections 28G.4, 28G.6, and 469.17, Code
13 1989, are amended by striking the words "environmental
14 protection commission" where they occur in those
15 sections and inserting the words "natural resource
16 commission".

17 Sec. _____. Section 108.7, 109.15, 111.4, 111.62,
18 112.3, 308.1, 455B.101, and 455B.486, Code 1989, are
19 amended by striking the words "environmental
20 protection commission" where they occur in those
21 sections and inserting the words "environmental
22 protection board".

23 Sec. _____. Chapter 455G, Code Supplement 1989, is
24 amended by striking the words "department of natural
25 resources" where they occur in that chapter and
26 inserting the words "Iowa environmental protection
27 agency"."

28 26. Page 22, by striking lines 8 and 9 and
29 inserting the following:

30 "Sec. _____. Sections 455A.3, Code 1989, is
31 repealed. Sections 455A.5, 455A.8, and 455A.15

32 through 455A.20, Code Supplement 1989, are repealed."

33 27. Page 22, line 32, by striking the word
34 "commission" and inserting the following: "board".

35 28. Page 22, lines 33 and 34, by striking the
36 words "department of environmental protection" and
37 inserting the following: "Iowa environmental pro-
38 tection agency".

39 29. Page 23, lines 1 and 2, by striking the words
40 "department of environmental protection" and inserting
41 the following: "Iowa environmental protection
42 agency".

43 30. Page 23, by striking line 4 and inserting the
44 following: "confirmation, and the Iowa environmental
45 protection agency".

46 31. Page 23, line 13, by striking the words
47 "protection commission" and inserting the following:
48 "protection board".

49 32. Page 23, line 15, by striking the words
50 "department of environmental protection" and inserting

Page 10

1 the following: "Iowa environmental protection
2 agency".

3 33. Page 23, line 20, by striking the
4 "commission" and inserting the following: "board".

5 34. Title page, line 2, by striking the words
6 "two separate departments" and inserting the
7 following: "a department and an agency".

8 35. Title page, line 3, by striking the words
9 "two departments" and inserting the following:
10 "department and agency".

Tyrrell of Iowa offered the following amendment H—5552, to the committee amendment H—5113, filed by him and McKean of Jones and moved its adoption:

H—5552

1 Amend the amendment, H—5113, to Senate File 2084,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, lines 26 and 27, by striking the word
5 and figures "18, line 4" and inserting the following:
6 "17, line 12".

7 2. Page 2, line 36, by striking the word "Board"
8 and inserting the following: "Commission".

9 3. Page 2, line 37, by striking the word "board"
10 and inserting the following: "commission".

11 4. Page 2, line 38, by striking the word
12 "chairperson" and inserting the following:
13 "director".

14 5. Page 2, line 39, by striking the word "board"

15 and inserting the following: "agency".

16 6. Page 3, line 2, by striking the words
17 "~~commission board~~" and inserting the following:
18 "commission".

19 7. By striking page 3, line 48 through page 5,
20 line 41.

21 8. Page 6, by inserting after line 20 the
22 following:

23 "_____. By striking page 17, line 13 through page
24 18, line 4, and inserting the following:

25 "Sec. _____. Section 455A.6, subsection 6, Code
26 Supplement 1989, is amended to read as follows:

27 6. Except as otherwise provided by law, the
28 commission shall:

29 a. Establish policy for the ~~department~~ agency and
30 adopt rules, pursuant to chapter 17A, necessary to
31 provide for the effective administration of ~~chapter~~
32 chapters 455B, 455C, or 469 455E, and 455G.

33 b. Hear appeals in contested cases pursuant to
34 chapter 17A on matters relating to actions taken by
35 the director under ~~chapter 84, 93, chapters~~ 455C, or
36 469 455E, 455F, and 455G.

37 c. Approve or disapprove the issuance of hazardous
38 waste disposal site licenses under chapter 455B.

39 d. Approve the budget request prepared by the
40 director for the programs authorized by chapters 455B,
41 455C, 455E, ~~and 455F,~~ and 455G. The commission may
42 increase, decrease, or strike any item within the
43 department budget request for the specified programs
44 before granting approval." "

45 9. Page 6, line 38, by striking the word "board"
46 and inserting the following: "commission".

47 10. Page 6, line 39, by striking the word "board"
48 and inserting the following: "commission".

49 11. Page 7, line 21, by striking the words
50 "~~commission board~~" and inserting the following:

Page 2

1 "commission".

2 12. Page 7, line 26, by striking the words
3 "~~commission board~~" and inserting the following:
4 "commission".

5 13. Page 8, by striking lines 9 and 10 and
6 inserting the following:

7 "2. "Director" means the director of the
8 ~~department~~ Iowa environmental protection agency or a
9 designee."

10 14. Page 8, by striking line 13 and inserting the
11 following: "commission created under section 455A.6."

12 15. Page 8, line 16, by striking the word
13 "~~director chairperson~~" and inserting the following:

- 14 "director".
- 15 16. Page 8, by striking line 22 and inserting the
16 following: "commission of the department."
- 17 17. Page 8, by striking line 26 and inserting the
18 following: "commission."
- 19 18. Page 8, line 30, by striking the words
20 "~~director chairperson~~" and inserting the following:
21 "director".
- 22 19. Page 8, line 31, by striking the word "board"
23 and inserting the following: "agency".
- 24 20. Page 8, by striking line 35 and inserting the
25 following: "commission ~~created under section 455A.6.~~"
- 26 21. Page 8, line 39, by striking the words
27 "~~director chairperson~~" and inserting the following:
28 "director".
- 29 22. Page 8, line 46, by striking the words
30 "~~commission board~~" and inserting the following:
31 "commission".
- 32 23. Page 9, by striking lines 17 through 22.
- 33 24. Page 9, by striking lines 33 and 34.
- 34 25. Page 9, by striking lines 46 through 48.
- 35 26. Page 10, by striking lines 3 and 4.
- 36 27. By renumbering sections as necessary.

Roll call was requested by Tyrrell of Iowa and Black of Jasper.

Rule 75 was invoked.

On the question "Shall amendment H—5552, to the committee amendment H—5113, be adopted?" (S.F. 2084)

The ayes were, 45:

Banks	Beaman	Bennett	Brand
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Pellet
Petersen, D. F.	Plasier	Renken	Royer
Schneklloth	Shoning	Siegrist	Spenner
Stueland	Svoboda	Trent	Tyrrell
Van Maanen			

The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper

Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Swartz	Tabor
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 1:

Teaford

Amendment H—5552 lost.

Schrader of Marion offered the following amendment H—5624, to the committee amendment H—5113, filed by him from the floor and moved its adoption:

H—5624

1 Amend the Committee amendment, H—5113, to Senate
 2 File 2084, as amended, passed, and reprinted by the
 3 Senate, as follows:
 4 1. Page 6, by inserting after line 6 the follow-
 5 ing:
 6 "c. Additional divisions deemed necessary for the
 7 effective and efficient administration of the agency."
 8 2. Page 9, by striking lines 33 through 45 and
 9 inserting the following:
 10 "_____. By striking page 22, line 31, through page
 11 23, line 6, and inserting the following:
 12 "2. After May 1, 1990, the governor shall appoint
 13 the members of the environmental protection board and
 14 authorize the board to meet as necessary for the
 15 purposes of planning and preparing for the
 16 organization and operation of the environmental
 17 protection agency, including the appropriate division
 18 of supplies and equipment and the assignment of
 19 personnel, of the new environmental protection agency
 20 as provided in this Act. The chairperson and members
 21 of the board shall take office, subject to senate
 22 confirmation, and the environmental protection agency
 23 shall become operational on July 1, 1990. The term of
 24 office of the members of the board shall be six years
 25 commencing May 1, 1991. The terms of office of the
 26 members of the environmental protection commission who
 27 are serving unexpired terms of office immediately
 28 preceding July 1, 1990, expire on July 1, 1990." "

Amendment H—5624 was adopted.

Schrader of Marion offered the following amendment H—5623, to the committee amendment H—5113, filed by him from the floor and moved its adoption:

H—5623

- 1 Amend the Committee amendment, H—5113, to Senate
- 2 File 2084, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 6, by striking lines 36 and 37, and
- 5 inserting the following: "area are subject to review
- 6 by the".

Amendment H—5623 was adopted.

Schrader of Marion moved the adoption of the committee amendment H—5113, as amended.

A non-record roll call was requested.

The ayes were 51, nays 36.

The committee amendment H—5113, as amended, was adopted.

Hatch of Polk offered the following amendment H—5587 filed by him:

H—5587

- 1 Amend Senate File 2084, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 21, by inserting after line 25, the
- 4 following:
- 5 "Sec. _____. NEW SECTION. 455H.1 DEFINITIONS.
- 6 For the purposes of this chapter, unless the
- 7 context otherwise requires:
- 8 1. "Board" means the environmental protection
- 9 board established pursuant to section 455A.6.
- 10 2. "Environmental assessment worksheet" means a
- 11 brief document which is designed to set out the basic
- 12 facts necessary to determine whether an environmental
- 13 impact statement is required for a proposed
- 14 governmental action.
- 15 3. "Governmental action" means activities,
- 16 including projects wholly or partially conducted,
- 17 permitted, assisted, financed, regulated, or approved
- 18 by a government unit, including the federal
- 19 government.
- 20 4. "Governmental unit" means a state agency, city,
- 21 county, township, or school district.
- 22 5. "Pollution, impairment, or destruction" means
- 23 any of the following:
- 24 a. Conduct by a person which violates or is likely

25 to violate an environmental quality standard,
26 limitation, rule, order, license, stipulation
27 agreement, or permit of the state, a state
28 instrumentality, or political subdivision which was
29 issued prior to the date of the alleged or likely
30 violation.

31 b. Conduct which naturally and adversely affects
32 or is likely to naturally and adversely affect the
33 environment.

34 6. "Project proposer" means a person who initiates
35 a governmental action which affects the environment.

36 7. "Responsible governmental unit" means the local
37 governmental unit which has jurisdiction over the land
38 on which the project is proposed, unless the project
39 proposer is a state agency in which case the
40 responsible governmental unit is the state agency.

41 Sec. _____. NEW SECTION. 455H.2 PURPOSE.

42 The purposes of this chapter are to establish a
43 state policy that will encourage productive and
44 enjoyable harmony between human beings and their
45 environment, to promote efforts that will prevent or
46 eliminate damage to the environment and biosphere and
47 stimulate the health and welfare of human beings, and
48 to enrich the understanding of the ecological systems
49 and natural resources important to the state and the
50 nation.

Page 2

1 Sec. _____. NEW SECTION. 455H.3 ESTABLISHMENT OF
2 THE STATE ENVIRONMENTAL POLICY.

3 The general assembly, recognizing the profound
4 impact of human activity on the interrelations of all
5 components of the natural environment, particularly
6 the profound influences of population growth, high
7 density urbanization, industrial expansion, resources
8 exploitation, and new and expanding technological
9 advances, and recognizing further the critical
10 importance of restoring and maintaining environmental
11 quality to the overall welfare and development of
12 human beings, declares that it is the continuing
13 policy of the state, in cooperation with federal and
14 local governments, and other concerned public and
15 private organizations, to use all practicable means
16 and measures, including financial and technical
17 assistance, in a manner calculated to foster and
18 promote the general welfare, to create and maintain
19 conditions under which human beings and nature can
20 exist in productive harmony, and fulfill the social,
21 economic, and other requirements of present and future
22 generations of the state's people.

23 In order to carry out the policy set forth in this

24 chapter, it is the continuing responsibility of this
25 state to use all practicable means, consistent with
26 other essential considerations of state policy, to
27 improve and coordinate state plans, functions,
28 programs, and resources to that end.

29 Sec. _____. NEW SECTION. 455H.4 ACTIONS BY
30 GOVERNMENTAL UNITS.

31 1. The general assembly directs that, to the
32 fullest extent practicable, the rules and laws of the
33 state shall be interpreted and administered in
34 accordance with the policies set forth in this
35 chapter.

36 2. All governmental units shall:

37 a. On a continuous basis, seek to strengthen
38 relationships between state, regional, local, and
39 federal-state environmental planning, development, and
40 management programs.

41 b. Utilize a systematic, interdisciplinary
42 approach that will ensure the integrated use of the
43 natural and social sciences and the environmental arts
44 in planning and in decision making which may have an
45 impact on the environment. As an aid in accomplishing
46 this purpose, advisory councils or other forums for
47 consultation with persons in appropriate fields of
48 specialization may be established so as to ensure that
49 the latest and most authoritative findings will be
50 considered in administrative and regulatory decision

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1 making as quickly and as amply as possible.

2 c. Identify and develop methods and procedures
3 that will ensure that environmental amenities and
4 values, whether quantified or not, will be given at
5 least equal consideration in decision making, along
6 with economic and technical considerations.

7 d. Study, develop, and describe appropriate
8 alternatives to recommended courses of action in any
9 proposal which involves unresolved conflicts
10 concerning alternative uses of available resources.

11 e. Recognize the worldwide and long-range
12 character of environmental problems and, when
13 consistent with the policy of this state, lend
14 appropriate support to initiatives, resolutions, and
15 programs designed to maximize interstate, national,
16 and international cooperation in anticipating and
17 preventing a decline in the quality of the world
18 environment.

19 f. Make available to the federal government,
20 counties, municipalities, institutions, and
21 individuals, information useful in restoring,
22 maintaining, and enhancing the quality of the

23 environment, and in meeting the policies of the state
24 as set forth in this chapter.

25 g. Initiate the gathering and utilization of
26 ecological information in the planning and development
27 of resource-oriented projects.

28 h. Undertake, contract for, or fund research as is
29 needed in order to determine and clarify effects by
30 known or suspected pollutants which may be detrimental
31 to human health or to the environment, as well as to
32 evaluate the feasibility, safety, and environmental
33 effects of various methods of dealing with pollutants.

34 i. Practice thrift in the use of energy and
35 maximize the use of energy efficient systems for the
36 utilization of energy, and minimize the environmental
37 impact from energy production and use.

38 Sec. _____. NEW SECTION. 455H.5 ENVIRONMENTAL
39 ASSESSMENT WORKSHEETS AND ENVIRONMENTAL IMPACT
40 STATEMENTS.

41 1. The board shall establish, by rule, categories
42 of actions for which environmental impact statements
43 and for which environmental assessment worksheets
44 shall be prepared by the responsible governmental unit
45 or the project proposer as well as categories of
46 actions for which no environmental review is required
47 under this section. The categories established by the
48 board shall include but are not limited to actions
49 which are in a flood plain as defined in section
50 455B.261, a federally designated wild and scenic

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1 rivers district, or a state protected waters area, a
2 protected wetland which includes type 3, type 4, and
3 type 5 wetlands as described in circular 39, wetlands
4 of the United States, 1971 edition published by the
5 United States department of the interior or in other
6 areas as determined by the board; actions which are in
7 excess of one million dollars; and actions near state
8 or county park areas.

9 a. The project proposer shall prepare the
10 environmental assessment worksheet. The responsible
11 governmental unit shall promptly publish notice of the
12 completion of an environmental assessment worksheet in
13 a manner to be determined by the board and shall
14 provide copies of the environmental assessment
15 worksheet to the board. Comments on the need for an
16 environmental impact statement may be submitted to the
17 board during a thirty-day period following publication
18 of the notice that an environmental assessment
19 worksheet has been completed. The decision by the
20 board on the need for an environmental impact
21 statement shall be based on the environmental

22 assessment worksheet and the comments received during
23 the comment period, and shall be made within fifteen
24 days after the close of the comment period. The board
25 may extend the fifteen-day period by not more than
26 fifteen additional days upon the request of the
27 responsible governmental unit.

28 b. An environmental assessment worksheet shall
29 also be prepared for a proposed action if evidence
30 accompanying a petition by not less than twenty-five
31 persons, submitted before the proposed project has
32 received final approval by the board, demonstrates
33 that, because of the nature or location of a proposed
34 governmental action, a potential for significant
35 environmental effects may exist. Petitions requesting
36 the preparation of an environmental assessment
37 worksheet shall be submitted to the board, and a
38 decision on the need for an environmental assessment
39 worksheet shall be made by the board within fifteen
40 days after the petition is received. The board may
41 extend the fifteen-day period by not more than fifteen
42 additional days.

43 c. The board may require preparation of an
44 environmental assessment worksheet by a project
45 proposer for any action where environmental review
46 under this section has not been specifically provided
47 for by rule or otherwise initiated.

48 d. If an environmental assessment worksheet is
49 found to be inadequate, the project proposer shall
50 have thirty days to prepare an adequate environmental

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1 assessment worksheet.

2 2. An early and open process shall be utilized to
3 limit the scope of the environmental impact statement
4 to a discussion of those impacts which, because of the
5 nature or location of the project, have the potential
6 for significant environmental effects. The process
7 shall be utilized to determine the form, content, and
8 level of detail of the statement as well as the
9 alternatives which are appropriate for consideration
10 in the statement. In addition, the permits which will
11 be required for the proposed action shall be
12 identified during the process. The process shall
13 identify those permits for which information will be
14 developed concurrently with the environmental impact
15 statement. The board shall provide in its rules for
16 the expeditious completion of the process. The
17 determinations reached in the process shall be
18 incorporated into the order requiring the preparation
19 of an environmental impact statement.

20 a. If practical, information needed by a

21 governmental unit for making final decisions on
22 permits or other actions required for a proposed
23 project shall be developed in conjunction with the
24 preparation of an environmental impact statement.
25 b. An environmental impact statement shall be
26 prepared by a responsible governmental unit and its
27 adequacy determined within one hundred eighty days
28 after notice of its preparation unless the time is
29 extended by consent of the parties or by the board for
30 good cause. The board shall determine the adequacy of
31 an environmental impact statement. If an
32 environmental impact statement is found to be
33 inadequate, the responsible governmental unit shall
34 have sixty days to prepare an adequate environmental
35 impact statement.
36 3. If an environmental assessment worksheet or an
37 environmental impact statement is required for a
38 governmental action, a project shall not be started
39 and a final governmental decision shall not be made to
40 grant a permit, approve a project, or begin a project,
41 until one of the following occurs:
42 a. A petition for an environmental assessment
43 worksheet is dismissed.
44 b. A negative declaration has been issued on the
45 need for an environmental impact statement.
46 c. The environmental impact statement has been
47 approved as adequate.
48 d. A variance has been granted from making an
49 environmental impact statement by the board.
50 4. Within ninety days after final approval by the

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1 board of an environmental impact statement, final
2 decisions shall be made by the appropriate
3 governmental units on those permits which were
4 identified as required and for which information was
5 developed concurrently with the preparation of the
6 environmental impact statement. Provided, however,
7 that the ninety-day period may be extended if a longer
8 period is required by federal law or state statute or
9 is consented to by the permit applicant. The permit
10 decision shall include the reasons for the decision,
11 including any conditions under which the permit is
12 issued, together with a final order granting or
13 denying the permit.
14 5. The board shall adopt rules to establish the
15 following:
16 a. The form and content of environmental
17 assessment worksheets.
18 b. A procedure for identifying the permits
19 necessary for a proposed governmental action and a

20 process for coordinating review of appropriate permits
21 with the preparation of the environmental impact
22 statement.
23 c. A standard format for environmental impact
24 statements.
25 d. Standards for determining the alternatives to
26 be discussed in an environmental impact statement.
27 e. Alternative forms of environmental review.
28 f. Procedures to reduce paperwork and unnecessary
29 delay through intergovernmental cooperation and the
30 elimination of unnecessary duplication of
31 environmental reviews, including federally mandated
32 reviews.
33 g. A procedure for early notice to the board and
34 the public of natural resources management and
35 development permit applications and other impending
36 state actions having significant environmental
37 effects.
38 h. Any additional rules which are necessary to
39 carry out the requirements of this section.
40 i. Procedures for expediting the selection of
41 consultants by the governmental unit responsible for
42 the preparation of an environmental impact statement.
43 6. State action significantly affecting the
44 quality of the environment shall not be allowed and a
45 permit for natural resources management and
46 development shall not be granted if such action or
47 permit has caused or is likely to cause pollution,
48 impairment, or destruction of natural resources
49 located within the state, provided a feasible and
50 prudent alternative exists which is consistent with

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1 the reasonable requirements of the public health,
2 safety, and welfare and the state's paramount concern
3 for the protection of its natural resources from
4 pollution, impairment, or destruction. Economic
5 considerations alone shall not justify such conduct.
6 7. Prior to the preparation of a final
7 environmental impact statement, the responsible
8 governmental unit shall consult with and request the
9 comments of every governmental unit which has
10 jurisdiction by law or special expertise with respect
11 to any environmental effect involved. Copies of the
12 drafts of such statements and the comments and views
13 of the appropriate governmental units shall be made
14 available to the public. The final detailed
15 environmental impact statement and the comments
16 received shall precede final decisions on the proposed
17 governmental action and shall accompany the proposal
18 through an administrative review process.

19 8. Regardless of whether a detailed written
20 environmental impact statement is required by the
21 board to accompany an application for a permit for
22 natural resources management and development, or a
23 recommendation, project, or program for governmental
24 action, officials responsible for issuance of permits
25 or for other activities described in this chapter
26 shall give due consideration to the provisions of this
27 chapter, in the execution of their duties.

28 9. The board may approve, deny, or deny subject to
29 modification a proposed governmental action or
30 project. If the board denies a proposed governmental
31 action or project, subject to modification, the
32 responsible governmental unit may submit a modified
33 proposal within forty-five days of the board's
34 decision. Any aggrieved party may seek judicial
35 review pursuant to chapter 17A.

36 10. This chapter may be enforced by injunction,
37 action to compel performance, or other appropriate
38 action in the district court of the county where the
39 violation takes place. Upon request of the board, the
40 attorney general may bring an action.

41 Sec. _____. NEW SECTION. 455H.6 ENVIRONMENTAL
42 IMPACT STATEMENTS – COSTS.

43 A responsible governmental unit shall assess the
44 project proposer of a specific governmental action for
45 reasonable costs when the responsible governmental
46 unit prepares an environmental impact statement on
47 that action required pursuant to section 455H.5. The
48 responsible governmental unit may choose to contract
49 with another person for the preparation of the
50 environmental impact statement. The responsible

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1 governmental unit may require payment of the assessed
2 costs of the preparation and distribution of the
3 environmental impact statement in advance. If the
4 costs of the environmental impact statement exceed the
5 assessed costs, the project proposer shall pay the
6 excess amount to the responsible governmental unit
7 within thirty days of the completion of the
8 environmental impact statement. If the assessed costs
9 of the environmental impact statement are in excess of
10 the actual costs, and the costs are paid in advance,
11 the responsible governmental unit shall reimburse the
12 project proposer for the amount which is in excess
13 within thirty days of the completion of the
14 environmental impact statement.

15 Sec. _____. NEW SECTION. 455H.7 COST CONTAINMENT
16 AUTHORITY.

17 1. VALIDITY OF CONTRACTS. A contract for the

18 preparation of an environmental impact statement is
19 invalid unless and until the board has approved the
20 contract as fair and equitable to the project
21 proposer, has found that the contract terms are within
22 the range of usual and customary rates for similar or
23 equivalent services within the state, and has found
24 that the services are necessary for the project
25 proposer to comply with regulatory standards.

26 2. EXCLUSIVE CONTRACTS. The board may enter into
27 a contract or an exclusive contract with the supplier
28 of services required by a project proposer to supply a
29 specified service for a gross maximum price, fixed
30 rate, on an exclusive basis, or subject to another
31 contract term or condition reasonably calculated to
32 obtain services for the project proposers at a
33 reasonable cost.

34 The board may retain an independent person to
35 assist in the review of services required and to
36 establish the prevailing cost of services needed.
37 This section does not preempt the regulatory authority
38 of the Iowa environmental protection agency.

39 Sec. _____. NEW SECTION. 455H.8 EFFECT OF EXISTING
40 OBLIGATIONS.

41 Nothing in this chapter shall affect the statutory
42 obligations of a governmental unit to comply with
43 criteria or standards of environmental quality,
44 coordinate or consult with a state or federal agency,
45 or act or refrain from acting contingent upon the
46 recommendations or certification of a state or federal
47 agency.

48 Sec. _____. NEW SECTION. 455H.9 ANNUAL REPORT
49 REQUIRED.

50 The board in cooperation with other appropriate

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1 state agencies shall, annually by January 15, submit
2 an environmental quality report to the general
3 assembly. The report shall include all of the
4 following:

5 1. The status and condition of the environment of
6 the state including but not limited to the air, the
7 aquatic, and the terrestrial environment including but
8 not limited to the forest, dryland, wetland, range,
9 urban, suburban, and rural environment.

10 2. Current and foreseeable trends in the quality,
11 management, and utilization of the environments and
12 the effects of those trends on the social, economic,
13 and other requirements of the state.

14 3. The adequacy of available natural resources for
15 fulfilling human and economic requirements of the
16 state in the light of expected population pressures.

17 4. A review of the programs and activities,
 18 including regulatory activities, of the federal
 19 government in the state, the state and local
 20 governments, and nongovernmental entities or
 21 individuals with particular reference to their effect
 22 on the environment and on the conservation,
 23 development, and utilization of natural resources.

24 5. A program for remedying the deficiencies of
 25 existing programs and activities, together with
 26 recommendations for legislation.

27 6. A review of identified, potentially feasible
 28 programs and projects for solving existing and future
 29 natural resources problems.

30 7. Measures which may be necessary to bring state
 31 government statutory authority, administrative rules,
 32 and current policies into conformity with the intent,
 33 purposes, and procedures set forth in this chapter.

34 8. The status of statewide natural resources
 35 plans.

36 9. A statewide inventory of natural resources
 37 projects consisting of a description of all existing
 38 and proposed public natural resources works or
 39 improvements to be undertaken in the coming year by
 40 governmental units or with state funds; an annual
 41 tabulation of initial investment costs and operation
 42 and maintenance costs for both existing and proposed
 43 projects; an analysis of the relationship of existing
 44 state projects to all existing public natural
 45 resources works of improvement undertaken by local,
 46 regional, state-federal, and federal agencies with
 47 funds other than state funds; and an analysis of the
 48 relationship of proposed state projects to local,
 49 regional, state-federal, and federal plans.

50 The purpose of this environmental quality report is

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1 to provide the information necessary for the general
 2 assembly to assess the existing and possible future
 3 economic impact on state government of capital
 4 investments in and maintenance costs of natural
 5 resources works of improvement."

Trent of Muscatine offered the following amendment H—5628, to amendment H—5587, filed by him from the floor and moved its adoption:

H—5628

1 Amend the amendment, H—5587, to Senate File 2084,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by striking lines 42 through 50 and

5 inserting the following:

6 "The purposes of this chapter are to establish a
7 state policy that will promote efforts that prevent or
8 eliminate damage to the environment and biosphere,
9 stimulate the health and welfare of human beings, and
10 enrich the understanding of ecological systems and
11 natural resources important to the state."

12 2. Page 2, by striking lines 3 through 22 and
13 inserting the following:

14 "The general assembly, recognizing the profound
15 impact of human activity on the natural environment
16 and recognizing further the critical importance of
17 restoring and maintaining environmental quality to the
18 overall welfare and development of human beings,
19 declares that it is the continuing policy of the
20 state, in cooperation with federal and local
21 governments, to protect the environment and encourage
22 wise use of natural resources."

23 3. Page 2, line 40, by inserting after the word
24 "programs" the following: "related to protection of
25 the environment and natural resources".

26 4. By striking page 2, line 41 through page 3,
27 line 1.

28 5. Page 3, lines 3 and 4, by striking the words
29 "environmental amenities and values, whether
30 quantified or not," and inserting the following:
31 "environment".

32 6. By striking page 3, line 41 through page 8,
33 line 38 and inserting the following:

34 "A responsible governmental unit shall consider
35 environmental factors involved in a governmental
36 action. Each responsible governmental unit may
37 develop rules and procedures to ensure the environment
38 will receive consideration in evaluating any
39 governmental action. The following governmental
40 actions shall require the preparation of either an
41 environmental assessment worksheet or an environmental
42 impact statement:

43 1. Governmental actions which are in a flood
44 plain.

45 2. Governmental actions in a federally designated
46 wild and scenic rivers district, or a state protected
47 waters district.

48 3. Governmental actions in a protected wetlands
49 area.

50 4. Governmental actions within one mile of a state

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1 or county park.

2 Environmental assessment worksheets or

3 environmental impact statements shall not be required

4 by a responsible governmental unit if the worksheets
5 or statements are already required under any
6 applicable federal, state, or local law, rule,
7 ordinance, or permitting procedures. The worksheets
8 or statements shall only be required for governmental
9 actions which have a total cost in excess of one
10 million dollars.

11 Environmental assessment worksheets or
12 environmental impact statements shall be prepared by,
13 and at the expense of, a project proposer. Worksheets
14 or statements shall be reviewed by the responsible
15 governmental unit involved in a governmental action
16 and shall be part of the public record. However, if
17 trade secret, confidential, or proprietary information
18 is included in the worksheet or statement, the
19 information shall be held confidential. A standard
20 format for environmental assessment worksheets and
21 environmental impact statements shall be established
22 by the board and shall be provided to responsible
23 governmental units for the use of a project proposer."

24 7. Page 8, line 39, by striking the figure
25 "455H.8" and inserting the following: "455H.6".

26 8. Page 8, line 48, by striking the figure
27 "455H.9" and inserting the following: "455H.7".

Amendment H—5628 was adopted.

Diemer of Black Hawk rose on a point of order that amendment H—5587 was not germane.

The Speaker ruled the point well taken and amendment H—5587 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—5587, as amended.

A non-record roll call was requested.

The ayes were 53, nays 32.

The motion prevailed and the rules were suspended.

Hatch of Polk moved the adoption of amendment H—5587, as amended.

A non-record roll call was requested.

The ayes were 35, nays 20.

Amendment H—5587, as amended, was adopted.

Schrader of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2084)

The ayes were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Fuller	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Swartz	Tabor	Wise	Mr. Speaker
			Avenson

The nays were, 41:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gruhn	Hanson, D. R.	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Shoning	Siegrist	Spenner
Stueland	Svoboda	Trent	Tyrrell
Van Maanen			

Absent or not voting, 3:

Halvorson, R. A.	Harbor	Teaford
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SPECIAL PRESENTATIONS

Hanson of Delaware presented to the House eight elementary education major students from the Leningrad State Pedagogical Institute, Soviet Union, who are studying elementary education at the University of Northern Iowa. They were accompanied by Dr. Olga Zebrova, from the Soviet Union, and Dr. Marian Krogman and five students from the University of Northern Iowa.

Connors of Polk presented to the House twelve students from the University of Leningrad who are in Iowa to study American methods of substance abuse treatment. They were accompanied by Semyon Simbirtsev.

The House rose and expressed its welcome to both groups.

Senate File 2291, a bill for an act relating to the interest rate charged in connection with a renewal or extension of time under a retail motor vehicle installment contract, with report of committee recommending passage was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2291)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 4:

Halvorson, R. N.	Holveck	Osterberg	Rosenberg
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Absent or not voting, 7:

Carpenter	Gruhn	Halvorson, R. A.	Harbor
Jay	Shultz	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2156)

Neuhauser of Johnson asked and received unanimous consent to withdraw the motion to reconsider Senate File 2156, a bill for an act giving federal law enforcement officials peace officer status in certain instances, filed by her on March 12, 1990.

IMMEDIATE MESSAGE
(Senate File 2084)

Arnould of Scott asked and received unanimous consent that Senate File 2084 be immediately messaged to the Senate.

RULES SUSPENDED

Arnould of Scott asked for unanimous consent to suspend the rules for the immediate consideration of the following bills: Senate Files 148, 182, 424, 460, 503, 2155, 2159, 2169, 2173, 2187, 2197, 2233, 2282, 2290, 2296, 2350 and 2385.

Objection was raised.

Arnould of Scott moved to suspend the rules for the immediate consideration of the above named bills.

A non-record roll call was requested.

The ayes were 53, nays 35.

The motion prevailed and the rules were suspended.

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments on Senate Files: 148, 182, 424, 460, 503, 2155, 2159, 2169, 2173, 2187, 2197, 2233, 2282, 2290, 2296, 2350 and 2385.

On motion by Arnould of Scott, the House was recessed at 11:44 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Fogarty of Palo Alto in the chair.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 2322, a bill for an act relating to participation in extracurricular interscholastic contests and competitions by certain children, with report of committee recommending passage was taken up for consideration.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2322)

The ayes were, 90:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Tyrrell	Van Maanen
Wise	Fogarty		
	Presiding		

The nays were, 1:

Maulsby

Absent or not voting, 9:

Doderer	Harbor	Hibbard	Jesse
Plasier	Rosenberg	Shoultz	Teaford
Trent			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2186, a bill for an act relating to the receipt of assistance under certain economic development programs and providing civil penalties for certain violations, with report of committee recommending amendment and passage was taken up for consideration.

Neuhauser of Johnson offered the following amendment H—5146 filed by the committee on economic development:

H—5146

- 1 Amend Senate File 2186, 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. NEW SECTION. 28.171 PUBLIC ECONOMIC
- 6 DEVELOPMENT ASSISTANCE — VIOLATIONS — CRIMINAL
- 7 PENALTIES.
- 8 A person who engages in deception and knowingly
- 9 makes or causes to be made, directly or indirectly, a
- 10 false statement in writing, for the purpose of
- 11 procuring economic development assistance from a state
- 12 agency or political subdivision, for the benefit of
- 13 the person or for whom the person is acting, is guilty
- 14 of a fraudulent practice in the first degree as
- 15 defined in section 714.9. For purposes of this
- 16 section, "deception" means deception as defined in
- 17 section 702.9."
- 18 2. Title page, line 2, by striking the word
- 19 "civil" and inserting the following: "criminal".

Metcalf of Polk offered the following amendment H—5632, to the committee amendment H—5146, filed by her from the floor and moved its adoption:

H—5632

- 1 Amend the amendment, H—5146, to Senate File 2186,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 14 and 15 and in-
- 4 serting the following: "of a fraudulent practice as
- 5 defined in section 714.8 and is guilty of a class "D"
- 6 felony. For purposes of this".

A non-record roll call was requested.

The ayes were 34, nays 50.

Amendment H—5632 lost.

On motion by Neuhauser of Johnson, the committee amendment H—5146 was adopted.

Neuhauser of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2186)

The ayes were, 82:

Arnould	Avenson, Spkr.	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Chapman	Clark	Cohoon	Connors
Corbett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Iverson	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Schnecloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Trent	Tyrrell
Wise	Fogarty		
	Presiding		

The nays were, 13:

Banks	Bennett	Carpenter	Daggett
De Groot	Kistler	Kremer	Maulsby
Mertz	Metcalf	Miller	Renken
Van Maanen			

Absent or not voting, 5:

Adams	Hermann	Jesse	Shoultz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2334, a bill for an act regulating business relationships between suppliers and dealers of certain equipment and providing dates of applicability, with report of committee recommending passage was taken up for consideration.

Fuller of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2334)

The ayes were, 95:

Arnould	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Siegnkloth
Schrader	Sherzan	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Fogarty	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Adams	Jesse	Shearer	Shoultz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2221, a bill for an act requiring the department of inspections and appeals to adopt rules establishing a special license classification for an intermediate care facility, skilled nursing facility, or nursing facility or a special unit within the facility providing care to persons who suffer from chronic confusion or a dementing illness, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2221)

The ayes were, 53:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Fey	Fuller	Groninga
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jochum
Kistler	Knapp	Koenigs	Lageschulte
Lundby	McKinney	Mertz	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Renaud	Schrader	Shearer	Sherzan
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Trent	Wise
Fogarty			
Presiding			

The nays were, 46:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Iverson
Jesse	Johnson	Kremer	Lykam
Maulsby	May	McKean	Metcalf
Miller	Neuhauser	Pellett	Petersen, D. F.
Poncy	Renken	Rosenberg	Royer
Schnekloth	Shoning	Shoultz	Stueland
Tyrrell	Van Maanen		

Absent or not voting, 1:

Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2271, a bill for an act specifying the required contents of a plan for bank merger or consolidation, with report of committee recommending passage was taken up for consideration.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2271)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Metcalf
Miller	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Trent	Tyrrell	Van Maanen
Wise	Fogarty		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Chapman	Connors	Mertz	Muhlbauer
Swartz	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shearer of Louisa, for the remainder of the day, on request of Hansen of Woodbury.

Senate File 2018, a bill for an act relating to the membership of the public safety commission of a unified law enforcement district, with report of committee recommending passage was taken up for consideration.

Connors of Polk asked and received unanimous consent that Senate File 2018 be deferred and that the bill retain its place on the calendar.

Senate File 2137, a bill for an act providing for the disposal of forfeited weapons, with report of committee recommending passage was taken up for consideration.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2137)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Trent	Tyrrell	Van Maanen
Wise	Fogarty		
	Presiding		

The nays were, 1:

Doderer

Absent or not voting, 5:

Jay	Muhlbauer	Shearer	Swartz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2181, a bill for an act altering the penalty for late payment of the solid waste tonnage fee, with report of committee recommending passage was taken up for consideration.

Shultz of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2181)

The ayes were, 92:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Trent	Tyrrell	Van Maanen	Fogarty Presiding

The nays were, none.

Absent or not voting, 8:

Daggett	Fey	Jay	Muhlbauer
Shearer	Tabor	Teaford	Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 148, a bill for an act prohibiting certain actions against police service dogs, and providing penalties, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 148)

The ayes were, 90:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schrader	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Trent	Tyrrell	Van Maanen
Wise	Fogarty		
	Presiding		

The nays were, 3:

Doderer	Halvorson, R. N.	Schnekloth
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Absent or not voting, 7:

Jay	Muhlbauer	Shearer	Sherzan
Shoultz	Tabor	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 182, a bill for an act relating to the commencement in the district court of certain civil rights actions involving administrative closures, with report of committee recommending passage was taken up for consideration.

Petersen of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 182)

The ayes were, 90:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Trent	Tyrrell	Van Maanen
Wise	Fogarty		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Carpenter	Chapman	Hatch	Jay
Mertz	Shearer	Sherzan	Shoultz
Tabor	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 460, a bill for an act relating to obtaining depositions in a foreign jurisdiction, with report of committee recommending passage was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 460)

The ayes were, 56:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Black	Blanshan

Brammer	Brand	Brown	Chapman
Cohoon	Connors	Daggett	Dvorsky
Fey	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Joehum	Johnson
Knapp	Koenigs	Kremer	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Schrader	Siegrist	Svoboda
Swartz	Tabor	Wise	Fogarty Presiding

The nays were, 36:

Bennett	Bisignano	Branstad	Buhr
Carpenter	Clark	Corbett	De Groot
Diemer	Doderer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Hermann	Hester
Iverson	Kistler	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Neuhauser	Pellet	Petersen, D. F.	Renken
Rosenberg	Royer	Schnekloth	Shoning
Spenner	Stueland	Tyrrell	Van Maanen

Absent or not voting, 8:

Halvorson, R. N.	Plasier	Shearer	Sherzan
Shoultz	Spear	Teaford	Trent

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2155, a bill for an act relating to the computation of workers' compensation benefits for elected and appointed officials, with report of committee recommending passage was taken up for consideration.

The House stood at ease at 3:44 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2155 at 3:49 p.m., Fogarty of Palo Alto in the chair.

Maulsby of Calhoun offered the following amendment H—5641 filed by him from the floor:

H—5641

- 1 Amend Senate File 2155, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 12 the fol-
- 4 lowing:
- 5 "Sec. _____. Section 96.19, subsection 12, Code Sup-

- 6 plement 1989, is amended by adding the following new
- 7 paragraph:
- 8 NEW PARAGRAPH. e. The amount of remuneration paid
- 9 to officers of a farm corporation."
- 10 2. By renumbering as necessary.

Connors of Polk rose on a point of order that amendment H—5641 was not germane.

The Speaker ruled the point well taken and amendment H—5641 not germane.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2155)

The ayes were, 87:

Arnould	Avenson, Spkr.	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schnekloth	Schrader	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Trent	Tyrrell
Van Maanen	Wise	Fogarty	
		Presiding	

The nays were, none.

Absent or not voting, 13:

Adams	Beatty	Doderer	Harper
Hermann	Lykam	Mertz	Neuhauser
Rosenberg	Shearer	Sherzan	Tabor
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2230, a bill for an act relating to membership qualifications of the board of review, with report of committee recommending amendment and passage was taken up for consideration.

Royer of Page offered the following amendment H—5530 filed by the committee on local government and moved its adoption:

H—5530

- 1 Amend Senate File 2230, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, lines 15 and 16, by striking the words
- 4 "an adjoining assessor jurisdiction" and inserting the
- 5 following: "the same county in which the assessor
- 6 jurisdiction is located".

The committee amendment H—5530 was adopted.

Royer of Page moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2230)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Johnson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Fogarty		
	Presiding		

The nays were, 1:

Hammond

Absent or not voting, 5:

Jochum
Teaford

Knapp

Shearer

Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 4:00 p.m.

Senate File 2187, a bill for an act relating to workers' health, safety, and welfare, and effecting funding for the second injury fund, with report of committee recommending passage was taken up for consideration.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2187)

The ayes were, 88:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schrader	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 6:

Branstad
Schneklath

Garman
Stueland

Maulsby

Pellett

Absent or not voting, 6:

Hansen, S. D.	Lykam	Ollie	Shearer
Sherzan	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2233, a bill for an act relating to the prosecution of persons violating provisions regulating grain dealers or warehouse operators, with report of committee recommending passage was taken up for consideration.

Harbor of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2233)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Shearer	Sherzan	Teaford
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2173, a bill for an act relating to the competency of a witness by amending the Iowa rules of evidence, with report of committee recommending passage was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2173)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Harbor	Ollie	Shearer	Swartz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2290, a bill for an act relating to the theft of fish from private fish hatcheries, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2290)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schnekloth	Schrader	Shoning
Siegrist	Spenner	Stueland	Svoboda
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 5:

Kistler	Pellett	Peters	Renken
Spear			

Absent or not voting, 9:

Doderer	Harbor	Jesse	Ollie
Shearer	Sherzan	Shoultz	Swartz
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2385, a bill for an act establishing a new agricultural products and processes program and creating a state fund to support the program, with report of committee recommending passage was taken up for consideration.

Connors of Polk asked and received unanimous consent that Senate File 2385 be deferred and placed on the calendar under unfinished business.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for bills eligible March 15, 1990 on the Regular Calendar to be considered March 14, 1990, and to also suspend Rule 31.8 on those bills.

MOTIONS TO RECONSIDER

(Senate File 148)

I move to reconsider the vote by which Senate File 148 passed the House on March 13, 1990.

KNAPP of Dubuque

(Senate File 148)

I move to reconsider the vote by which Senate File 148 passed the House on March 13, 1990.

BISIGNANO of Polk

(Amendment H—5553 to Senate File 2163)

I move to reconsider the vote by which amendment H—5553 to Senate File 2163 failed to be adopted by the House on March 12, 1990.

CARPENTER of Polk

(Senate File 2230)

I move to reconsider the vote by which Senate File 2230 passed the House on March 13, 1990.

DODERER of Johnson

(Senate File 2233)

I move to reconsider the vote by which Senate File 2233 passed the House on March 13, 1990.

KOENIGS of Mitchell

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13th day of March, 1990: House File 2418.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Mary Huggins and Joan Strentz. By Carpenter of Polk.

Thirteen eighth grade students from St. Theresa's School, Des Moines, accompanied by Linda Thompson. By Holveck of Polk.

Seven second grade students from West Liberty Elementary School, West Liberty, accompanied by Kris Clark. By Petersen of Muscatine.

Fifteen eighth grade students from Holy Family School, Des Moines, accompanied by Dennis Elings. By Sherzan of Polk.

Thirty senior students from English Valleys High School, North English, accompanied by Brian Newell. By Tyrrell of Iowa.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 827 Ways and Means

Relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN

Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2365, a bill for an act relating to and making appropriations to the department of human services and the Iowa department of public health and providing other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5616** March 12, 1990.

Committee Bill (Formerly House File 2493), relating to waste volume reduction and recycling, increasing the solid waste tonnage fee, and providing for appropriation of the solid waste tonnage fees collected.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1990.

Committee Bill (Formerly House File 2544), relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1990.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Senate File 431, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers and applicators, providing registration requirements, and providing for fees and civil penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5656** March 12, 1990.

Senate File 2010, a bill for an act relating to disposal of solid waste on agricultural land and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5645** March 12, 1990.

Senate File 2085, a bill for an act relating to solid waste disposal generated on agricultural land, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5646** March 12, 1990.

Senate File 2113, a bill for an act relating to reporting ingredients of pesticides, making penalties applicable, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1990.

Senate File 2403, a bill for an act relating to energy efficiency.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5655 March 12, 1990.

COMMITTEE ON HUMAN RESOURCES

Senate File 2049, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5615 March 12, 1990.

Senate File 2286, a bill for an act relating to satisfaction of a support order by direct payment to the person who is to receive the payment.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5614 March 8, 1990.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 18, a bill for an act relating to the time period within which an information or indictment for sexual abuse with a child under the age of twelve shall be found.

Fiscal Note is not required.

Recommended Do Pass March 12, 1990.

Senate File 2395, a bill for an act relating to the protection of trade secrets and providing remedies.

Fiscal Note is not required.

Recommended Do Pass March 12, 1990.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 2249, a bill for an act relating to workers' health, safety, and welfare, by providing an expedited hearing process for certain contested cases, requiring payment of medical expenses of an injured employee in certain circumstances, staying debt collection proceedings against an employee by a person providing treatment pending resolution of a contested case before the industrial commissioner, altering certain formulas for the calculation of benefits, establishing initial hearing deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, exempting union agents and employees from certain tort liability, and providing applicability and effective dates.

Fiscal Note is not required.

Recommended Do Pass March 12, 1990.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 2227, a bill for an act relating to public improvements, by authorizing counties to create special assessment districts in areas of the county outside cities or within cities for certain public improvements, to assess the cost of the improvements to the benefited property within the districts, to establish and collect rates and charges to maintain and operate the improvements, and by providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1990.

Senate File 2298, a bill for an act relating to zoning regulations for homes for developmentally disabled persons.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5630** March 12, 1990.

COMMITTEE ON STATE GOVERNMENT

Senate File 2011, a bill for an act providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1990.

Senate File 2031, a bill for an act relating to vacation leave sharing by state employees.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1990.

Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5636** March 12, 1990.

Senate File 2369, a bill for an act relating to the historic resource development program.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1990.

Senate File 2375, a bill for an act relating to access to official meetings open to the public by persons with disabilities.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 12, 1990.

COMMITTEE ON TRANSPORTATION

Senate File 2003, a bill for an act permitting a refund of unexpired motor vehicle registration fees to persons who sell their motor vehicles and who will no longer be driving.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5626** March 12, 1990.

Senate File 2235, a bill for an act relating to reassignment of certificates of title and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1990.

Senate File 2245, a bill for an act relating to bids for certain specialized highway or bridge construction projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5613** March 12, 1990.

AMENDMENTS FILED

H-5613	S.F.	2245	Committee on Transportation
H-5614	S.F.	2286	Committee on Human Resources
H-5615	S.F.	2049	Committee on Human Resources
H-5616	S.F.	2365	Committee on Appropriations
H-5617	S.F.	2169	Kremer of Buchanan
H-5618	S.F.	2169	Hanson of Delaware
H-5619	S.F.	2169	Kremer of Buchanan
H-5620	S.F.	2169	Tyrrell of Iowa
H-5621	S.F.	2169	Tyrrell of Iowa
H-5622	S.F.	2169	Tyrrell of Iowa
H-5625	S.F.	2269	Osterberg of Linn
H-5626	S.F.	2003	Committee on Transportation
H-5627	S.F.	2319	Schneklath of Scott Pellett of Cass
H-5629	S.F.	2365	Shoning of Woodbury
			Spenner of Henry
			McKean of Jones
			Kremer of Buchanan
			Hermann of Scott
			Hester of Pottawattamie
			Branstad of Winnebago
			Tyrrell of Iowa
			Hanson of Delaware

Beaman of Clarke			Kistler of Jefferson
Eddie of Buena Vista			Daggett of Adams
Banks of Plymouth			Maulsby of Calhoun
Pellett of Cass			Carpenter of Polk
H—5630	S.F.	2298	Petersen of Muscatine
			Committee on Local
			Government
H—5631	S.F.	2328	Hermann of Scott
H—5633	S.F.	2057	Metcalf of Polk
			Carpenter of Polk
			Hanson of Delaware
H—5634	S.F.	2057	Hermann of Scott
			Halvorson of Webster
			Hammond of Story
			Shearer of Louisa
H—5635	S.F.	2197	Corbett of Linn
H—5636	S.F.	2093	Committee on State
			Government
H—5637	S.F.	2287	Hermann of Scott
H—5638	S.F.	2197	Banks of Plymouth
H—5639	S.F.	2306	Ollie of Clinton
			Wise of Lee
			Shoultz of Black Hawk
			Daggett of Adams
			Iverson of Wright
H—5640	S.F.	2280	Kremer of Buchanan
H—5642	H.F.	2548	Hibbard of Madison
H—5643	S.F.	2329	Black of Jasper
Koenigs of Mitchell			Pavich of Pottawattamie
Muhlbauer of Crawford			Fogarty of Palo Alto
Royer of Page			Beaman of Clarke
Hanson of Delaware			Doderer of Johnson
H—5644	S.F.	2197	Banks of Plymouth
H—5645	S.F.	2010	Committee on Energy
			and Environmental
			Protection
H—5646	S.F.	2085	Committee on Energy
			and Environmental
			Protection
H—5647	S.F.	2402	Carpenter of Polk
Hammond of Story			Hanson of Delaware
Blanshan of Greene			Connors of Polk
Lundby of Linn			Renaud of Polk
			Doderer of Johnson

H-5648	S.F.	2169	Tyrrell of Iowa
H-5649	S.F.	2169	Hermann of Scott
H-5650	S.F.	2169	Tyrrell of Iowa
			Hermann of Scott
			Tyrrell of Iowa
			Kremer of Buchanan
			Hester of Pottawattamie
H-5651	S.F.	2169	Tyrrell of Iowa
H-5652	S.F.	2169	Halvorson of Clayton
H-5653	S.F.	2018	Doderer of Johnson
			Hammond of Story
H-5654	S.F.	2244	Murphy of Dubuque
			Brown of Lucas
H-5655	S.F.	2403	Committee on Energy and Environmental Protection
H-5656	S.F.	431	Committee on Energy and Environmental Protection
H-5657	S.F.	2364	Maulsby of Calhoun
H-5658	S.F.	2169	Bisignano of Polk
			Wise of Lee
			Sherzan of Polk
			Doderer of Johnson
H-5659	S.F.	2364	Schrader of Marion
H-5660	S.F.	2230	Doderer of Johnson
			Hammond of Story

On motion by Arnould of Scott, the House adjourned at 4:28 p.m., until 9:00 a.m., Wednesday, March 14, 1990.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day — Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 14, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Joseph Kremer, state representative from Buchanan County.

The Journal of Tuesday, March 13, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Teaford of Black Hawk on request of Harper of Black Hawk; Svoboda of Tama on request of Peterson of Carroll; Gruhn of Dickinson on request of Eddie of Buena Vista; Muhlbauer of Crawford and Koenigs of Mitchell on request of Royer of Page; Beatty of Warren on request of Spear of Lee; Hibbard of Madison on request of Brown of Lucas and Johnson of Winneshiek on request of Arnould of Scott, all until their arrival.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 324, a bill for an act relating to the confidentiality of county general relief records, and subjecting violators to a penalty.

Also: That the Senate has on March 13, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 658, a bill for an act relating to savings and loan associations and their regulation by the superintendent of savings and loans.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 664, a bill for an act relating to the fine for certain violations regarding motor vehicles of excessive size or weight.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2044, a bill for an act relating to the sale, lease, or other disposition of student-constructed buildings and related school property.

Also: That the Senate has on March 13, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2057, a bill for an act relating to prohibited interests in public contracts.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2104, a bill for an act requiring the Iowa department of public health to enter the name of the father on the certificate of birth upon a determination of paternity by a court of competent jurisdiction.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2105, a bill for an act providing for access to certain vital statistics records which are at least seventy-five years old.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2118, a bill for an act relating to vehicle accident reports.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2119, a bill for an act relating to violations involving disobedience of the warning lamps, signal lamps, and stop arms of school buses.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2132, a bill for an act to change the effective date for programs for at-risk children and providing an effective date.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2143, a bill for an act regulating the parking of motor vehicles on snow routes, and providing a penalty.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2153, a bill for an act relating to the fifteen-day report filed by an administrator or chief medical officer of a hospital or facility with the court after the commitment hearing in civil commitment proceedings.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2165, a bill for an act relating to indemnification for odometer fraud from a motor vehicle dealer's surety bond and increasing the amount of the bond.

Also: That the Senate has on March 13, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2170, a bill for an act relating to the prohibition of the use of certain pesticides, and making a penalty applicable.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2178, a bill for an act relating to state and local substitute medical decision-making boards.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2199, a bill for an act relating to agricultural drainage wells and providing an effective date.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2212, a bill for an act delaying the repeal of the Iowa boundary commission and providing an effective date.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2233, a bill for an act relating to the installation of fire extinguishing systems in open parking garages.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2307, a bill for an act relating to the concurrent holding of the offices of city council member and fire chief of the volunteer fire department.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2309, a bill for an act relating to schedule II controlled substances.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2324, a bill for an act relating to disposition of instruments filed with the county recorder, and providing for the applicability of certain instruments.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2341, a bill for an act relating to airport zoning regulations by allowing conformance with federal aviation regulations.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2364, a bill for an act relating to increasing the penalty for failure to file a release and satisfaction when a judgment is paid in full.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2368, a bill for an act requiring the department of human services to adopt administrative rules which apply a civil penalty to certain health care facilities reimbursed under the medical assistance program.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2401, a bill for an act relating to the reporting of a hazardous condition involving a hazardous substance to the department of natural resources, to the local law enforcement agency, and to operators of affected public or private water supply systems.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2405, a bill for an act relating to access to personnel employment files by public and private employees.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2421, a bill for an act providing authority under certain conditions for the release of information by the child support recovery unit to certain persons and to other units of the department of human services.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2423, a bill for an act relating to establishing title where a surviving spouse is a joint tenant of real estate with a deceased spouse.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2425, a bill for an act relating to certain trust and estate documents by providing for notice requirements for claims against an estate, the validity of a voluntary trust, and voluntary petitions for conservatorships and their required contents.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2430, a bill for an act relating to the disclosure of certain mental health information to family members.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2451, a bill for an act relating to weighing and measuring devices, and establishing fees.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2453, a bill for an act relating to arbitration agreements between manufacturers, distributors, or importers of motor vehicles and motor vehicle dealers.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2457, a bill for an act relating to aircraft registration and special certificate fees.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2458, a bill for an act requiring restitution of persons convicted of interfering with a traffic device, sign, or signal.

Also: That the Senate has on March 13, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2459, a bill for an act relating to the employment of personnel under sharing agreements between school districts.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2460, a bill for an act relating to remedial relief for public employment relations violations and to unfair representation by a bargaining representative of a public employee.

Also: That the Senate has on March 13, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2465, a bill for an act relating to the removal of railway track from a grade crossing once the railway corporation has abandoned the line or permitted interim use for the establishment of a trail.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2471, a bill for an act relating to the jurisdiction of small claims court over executions of personal property, including garnishments, and providing for the Act's applicability.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2485, a bill for an act relating to the establishment of the Iowa arts and culture challenge grant foundation and foundation fund.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2489, a bill for an act relating to health care facilities, providing a penalty, and providing an effective date.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2498, a bill for an act providing certain modifications to child foster care licensing requirements.

Also: That the Senate has on March 12, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2212, a bill for an act relating to and making supplemental appropriations or decreasing appropriations to the department of human services, Iowa department of public health, state board of regents, department of general services, department of inspections and appeals, department of employment services, department of commerce, state department of transportation, department of corrections, department of public safety, department of justice, judicial department, department of elder affairs,

department of agriculture and land stewardship, department of natural resources, department of cultural affairs, department of education, and college aid commission for the remainder of the fiscal year ending June 30, 1990, and providing an effective date.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2309, a bill for an act relating to the issuance of class "A" liquor licenses to veterans organizations, with report of committee recommending passage was taken up for consideration.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2309)

The ayes were, 86:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Iverson
Jay	Jesse	Jochum	Kistler
Knapp	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 4:

Branstad	Holveck	Osterberg	Pellett
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Absent or not voting, 10:

Adams	Daggett	Gruhn	Hibbard
Johnson	Koenigs	Muhlbauer	Plasier
Svoboda	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2350, a bill for an act relating to the uniform management of institutional funds Act, with report of committee recommending passage was taken up for consideration.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2350)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Swartz
Tabor	Trent	Tyrrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Doderer	Gruhn	Hibbard	Johnson
Koenigs	Muhlbauer	Plasier	Sherzan
Svoboda	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2159, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of

the Code regulating occupational safety and health, amusement ride and boiler inspections, asbestos removal and encapsulation, the division of labor services, wage payment collection, and construction contractors, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Wise of Lee offered the following amendment H—5563 filed by the committee on labor and industrial relations and moved its adoption:

H—5563

- 1 Amend Senate File 2159, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, by striking lines 30 and 31 and
- 4 inserting the following: "registration, which fee
- 5 shall not exceed ~~twelve~~ twenty-five dollars and fifty
- 6 ~~cents~~ every two years. All fees collected shall be
- 7 deposited".

The committee amendment H—5563 was adopted.

Wise of Lee offered the following amendment H—5564 filed by Wise, et al., and moved its adoption:

H—5564

- 1 Amend Senate File 2159 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 13 through 27.
- 4 2. By renumbering as necessary.

Amendment H—5564 was adopted.

Tyrrell of Iowa offered the following amendment H—5606 filed by him and moved its adoption:

H—5606

- 1 Amend Senate File 2159, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, by striking lines 22 through 32.
- 4 2. By renumbering as necessary.

Roll call was requested by Bennett of Ida and Van Maanen of Mahaska.

On the question "Shall amendment H—5606 be adopted?"
(S.F. 2159)

The ayes were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman

Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Jay	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklloth	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 49:

Arnould	Bisignano	Black	Blanshan
Brammer	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jesse
Jochum	Knapp	Lykam	May
McKinney	Mertz	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Swartz	Tabor	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 12:

Adams	Beatty	Brand	Gruhn
Hibbard	Johnson	Koenigs	Muhlbauer
Ollie	Shoning	Svoboda	Teaford

Amendment H — 5606 lost.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2159)

The ayes were, 53:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jesse	Jochum
Knapp	Lykam	May	McKinney
Mertz	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Swartz	Tabor	Wise
Mr. Speaker			
Avenson			

The nays were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

Absent or not voting, 8:

Beatty	Gruhn	Hibbard	Johnson
Koenigs	Muhlbauer	Svoboda	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2296, a bill for an act relating to informal dispute resolution, establishing a council for dispute resolution, and relieving the office of prosecuting attorneys training coordinator of the department of justice of responsibility for the dispute resolution program, with report of committee recommending passage was taken up for consideration.

Fey of Scott in the chair at 10:04 a.m.

Hansen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2296)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Kremer	Lageschulte	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Murphy	Neuhauser

Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Fey	
		Presiding	

The nays were, none.

Absent or not voting, 9:

Beatty	Blanshan	Gruhn	Johnson
Koenigs	Lundby	Muhlbauer	Svoboda
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 2018**, a bill for an act relating to the membership of the public safety commission of a unified law enforcement district, previously deferred and retained on the calendar.

Doderer of Johnson offered amendment H—5653 filed by her and Hammond of Story. Division was requested as follows:

H—5653

1 Amend Senate File 2018, as passed by the Senate, as
2 follows:

H—5653A

3 1. Page 1, line 9, by inserting after the word
4 “officials” the following: “or their designees”.

H—5653B

5 2. Page 1, line 13, by inserting after the word
6 “agreement.” the following: “The membership of the
7 commission shall be gender balanced in accordance with
8 section 69.16A.”

On motion by Doderer of Johnson, amendment H—5653A was adopted.

Doderer of Johnson moved the adoption of amendment H—5653B.

A non-record roll call was requested.

The ayes were 49, nays 14.

Amendment H—5653B was adopted.

Connors of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2018)

The ayes were, 88:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Swartz	Tabor	Trent
Tyrrell	Van Maanen	Wise	Fey
			Presiding

The nays were, none.

Absent or not voting, 12:

Beatty	Blanshan	Corbett	Gruhn
Hermann	Johnson	Koenigs	Muhlbauer
Ollie	Petersen, D. F.	Svoboda	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 10:34 a.m.

Senate File 2366, a bill for an act establishing councils of governments and providing certain duties, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2366 be deferred and that the bill retain its place on the calendar.

On motion by Arnould of Scott, the House was recessed at 10:47 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

PRESENTATION OF IOWA MISS T.E.E.N.

Peters of Woodbury presented to the House Teresa Norman, 1989 Iowa MISS T.E.E.N. from Sioux City, Iowa. The MISS T.E.E.N. Pageant stands for Teens Encouraging Excellence Nationally and the categories of competition are scholastic achievement, volunteer service, interviews and evening gown.

Teresa has accomplished many volunteer projects in the past year: The Make-a-Wish Foundation, American Cancer Society, A.I.D.S. Center, and the Girl's Club. Teresa Norman received awards for her volunteer service for the Make-a-Wish Foundation, and also for the amount and design of her advertising pages.

The House rose and expressed its welcome and congratulations.

INTRODUCTION OF BILL

House File 2552, by committee on appropriations, a bill for an act relating to storage tanks, including the conditions and funding mechanisms of the Iowa comprehensive petroleum underground storage tank fund.

Read first time and placed on the **appropriations calendar**.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **Senate File 2366**, a bill for an act establishing councils of governments and providing certain duties, previously deferred and retained on the calendar.

Arnould of Scott asked and received unanimous consent that Senate File 2366 be deferred and that the bill retain its place on the calendar.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2164**, a bill for an act relating to the date of publication and distribution of the report of state employee salaries, previously deferred and placed on the unfinished business calendar.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2164)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Trent	Tyrrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Doderer	Jay	Johnson	Osterberg
Tabor	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2261, a bill for an act relating to the filing of uniform commercial code financing statements by permitting a filing officer to accept for filing a copy of a signature and authorizing the adoption of rules to permit electronic filing of financing statements, with report of committee recommending passage was taken up for consideration.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2261)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, 1:

McKean

Absent or not voting, 6:

Doderer	Jay	Johnson	Osterberg
Tabor	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2263, a bill for an act authorizing a board of trustees of certain public hospitals to establish a separate fund for depreciation, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5594 filed by the committee on state government and moved its adoption:

H—5594

1 Amend Senate File 2263, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 10 the
4 following:

5 "Sec. 2. Section 347A.3, Code 1989, is amended to
6 read as follows:

7 347A.3 TAX FOR MAINTENANCE AND OPERATION.

8 If in any year, after payment of the accruing
9 interest on and principal due of revenue bonds issued
10 under chapter 331, division IV, part 4, and payable
11 from the revenues derived from the operation of the
12 county hospital, there is a balance of such revenues
13 insufficient to pay the expenses of operation, and
14 maintenance, and funded depreciation of the hospital,
15 the board of hospital trustees shall certify that fact
16 as soon as ascertained to the board of supervisors of
17 the county, and the board of supervisors shall make
18 the amount of the deficiency for paying the expenses
19 of operation, and maintenance, and funded depreciation
20 of the hospital available from other county funds or
21 shall levy a tax not to exceed one dollar and eight
22 cents per thousand dollars of assessed value in any
23 one year on all the taxable property in the county in
24 an amount sufficient for that purpose. However,
25 general county funds or the proceeds of taxes shall
26 not be used or applied to the payment of the interest
27 on or principal of revenue bonds issued under chapter
28 331, division IV, part 4, but general county funds or
29 proceeds of taxes may only be used and applied to pay
30 expenses of operation, and maintenance, and funded
31 depreciation of the hospital which cannot be paid from
32 available revenue derived from its operation.

33 A tax levied under this section for paying the
34 expenses of operation, and maintenance, and funded
35 depreciation of a merged area hospital pursuant to the
36 authority granted a merged area under section 145A.20,
37 shall only be levied on the assessed value of property
38 in that portion of a county which is part of the
39 merged area, in accordance with the plan or merger
40 established, approved, and implemented under sections
41 145A.3, 145A.4, 145A.5, and 145A.14."

42 2. Title page, line 2, by inserting after the
43 word "depreciation" the following: "and providing
44 properly related matters".

The committee amendment H—5594 was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2263)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Beatty	Jay	Johnson	Osterberg
Tabor	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2268, a bill for an act changing the time deadlines for submission of state agency affirmative action plans and annual reports and providing an effective date, with report of committee recommending passage was taken up for consideration.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2268)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Bisignano	Black

Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Beatty	Iverson	Jay	Johnson
Tabor	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2311, a bill for an act relating to unclaimed fees to conform with the uniform disposition of unclaimed property Act, with report of committee recommending passage was taken up for consideration.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2311)

The ayes were, 92:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky

Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Shoning	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

Beatty	Jay	Johnson	Miller
Sherzan	Shultz	Tabor	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2344, a bill for an act relating to modification of child support orders, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2344 be deferred and that the bill retain its place on the calendar.

REFERRED TO COMMITTEE ON APPROPRIATIONS (House File 2124)

Arnould of Scott asked and received unanimous consent that House File 2124, presently on the **regular calendar**, be referred to the committee on **appropriations**.

REMOVED FROM REGULAR CALENDAR

Arnould of Scott asked and received unanimous consent that the following bills be removed from the regular calendar and be referred to the committees of last referral as listed:

House File 557	Judiciary and Law Enforcement
House File 649	Judiciary and Law Enforcement

House File 682	Natural Resources and Outdoor Recreation
House File 683	Judiciary and Law Enforcement
House File 697	Small Business and Commerce
House File 2084	Judiciary and Law Enforcement
House File 2107	Education
House File 2181	Economic Development
House File 2234	State Government
House File 2280	Economic Development
House File 2356	Human Resources
House File 2399	Transportation
House File 2417	Energy and Environmental Protection
House File 2424	Small Business and Commerce
House File 2432	Local Government
House File 2449	Judiciary and Law Enforcement
House File 2452	Transportation
House File 2469	State Government
House File 2479	Judiciary and Law Enforcement
House File 2483	Judiciary and Law Enforcement
House File 2490	Education
House File 2492	Energy and Environmental Protection
House File 2499	Judiciary and Law Enforcement
House File 2509	Human Resources
House File 2510	Human Resources
House File 2519	Judiciary and Law Enforcement
House File 2523	Local Government
House File 2525	Judiciary and Law Enforcement
House File 2527	Local Government
House File 2530	Local Government
House File 2532	Judiciary and Law Enforcement
House File 2535	Judiciary and Law Enforcement

CONSIDERATION OF BILLS Regular Calendar

Senate File 2306, a bill for an act relating to open enrollment, including the general intent, notification dates, exceptions to notification dates, board action on requests, counting of pupils for state foundation aid purposes, student expulsion or suspension, qualification for transportation, and participation of laboratory schools, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Ollie of Clinton offered the following amendment H—5555 filed by the committee on education:

H—5555

- 1 Amend Senate File 2306, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 1, by inserting after the figure
- 4 "2," the following: "3,".
- 5 2. Page 1, line 28, by striking the words and
- 6 figure "November 1 deadline" and inserting the follow-
- 7 ing: "deadline of November 1 of the previous year".
- 8 3. Page 1, line 34, by inserting after the word
- 9 "year" the following: "and shall transmit any
- 10 approved request within five days after board action
- 11 on the request".
- 12 4. Page 1, line 35, by inserting after the word
- 13 "year" the following: "unless the board of the
- 14 receiving district has acted on the request".
- 15 5. Page 2, line 15, by striking the words "ten
- 16 fifteen" and inserting the following: "ten".
- 17 6. Page 3, by striking lines 11 through 21 and
- 18 inserting the following: "section 290.1."
- 19 7. Page 3, by inserting before line 22, the
- 20 following:
- 21 "Each district shall provide notification to the
- 22 parent or guardian relating to the transmission or
- 23 denial of the request. A district of residence shall
- 24 provide for notification of transmission or denial to
- 25 a parent or guardian within three days of board action
- 26 on the request. A receiving district shall provide
- 27 notification to a parent or guardian, within fifteen
- 28 days of receipt of board action on the request, of
- 29 whether the child will be enrolled in that district or
- 30 whether the request is to be denied."
- 31 8. Page 3, by striking lines 33 through 35 and
- 32 inserting the following: "district within five days
- 33 of the receipt of the request. The new receiving
- 34 district shall".
- 35 9. By striking page 6, line 33 through page 7,
- 36 line 2, and inserting the following:
- 37 "If a child, for which a request to transfer has
- 38 been filed with a district, has been suspended or
- 39 expelled in the district, the resident district shall
- 40 notify the receiving district and the receiving
- 41 district named in the request may refuse the request
- 42 to transfer until the child has been reinstated in the
- 43 sending district."
- 44 10. Page 8, line 9, by inserting before the word
- 45 "participation" the following: "or".
- 46 11. Page 8, lines 10 and 11, by striking the
- 47 words ", or a similar set of circumstances".

- 48 12. Page 8, lines 15 and 16, by striking the
 49 words "or a similar set of circumstances".
 50 13. Page 8, line 29, by inserting after the word

Page 2

- 1 "notwithstanding" the following: "the enrollment loss
 2 provisions of".
 3 14. Page 8, line 32, by inserting after the
 4 figure "1990" the following: "and the board of the
 5 district of residence shall grant the request".
 6 15. Page 8, by inserting after line 32, the
 7 following: "If a pupil transfers for the balance of
 8 the 1989-1990 school year, or for succeeding years, as
 9 a result of the filing of a request prior to August 1,
 10 1990, the sending district shall pay to the receiving
 11 district for the balance of the 1989-1990 school year,
 12 if that year is covered by the request, and for the
 13 1990-1991 school year, only the state aid portion of
 14 the lower district cost per pupil of the two
 15 districts."
 16 16. Page 8, by inserting before line 33, the
 17 following:
 18 "Sec. _____. CODIFICATION.
 19 The Code editor shall divide section 282.18 into
 20 appropriate subsections and paragraphs."
 21 17. By renumbering, relettering, or redesignating
 22 and correcting internal references as necessary.

Ollie of Clinton offered the following amendment H—5639, to the committee amendment H—5555, filed by Ollie, et al., and moved its adoption:

H—5639

- 1 Amend the amendment, H—5555, to Senate File 2306,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 7, by striking the word and
 5 figure "November 1" and inserting the following:
 6 "October 30".
 7 2. Page 1, by striking lines 48 and 49 and
 8 inserting the following:
 9 "_____. Page 8, by striking lines 15 and 16 and
 10 inserting the following: "reorganization plan. If
 11 the good cause relates to a change in a child's
 12 residence due to a change in family residence, a
 13 change in the state in which the family residence is
 14 located, a change in a child's parents' marital
 15 status, a guardianship proceeding, placement in foster
 16 care, adoption, participation in a foreign exchange
 17 program, or participation in a substance abuse or
 18 mental health treatment program, and the child, who is

19 the subject of the request, is not currently using any
20 provision of open enrollment, the parent or guardian
21 of the child shall have the option to have their child
22 remain in the child's original district of residence
23 under open enrollment with no interruption in the
24 child's educational program. If a parent or guardian
25 exercises this option, the child's new district of
26 residence is not required to pay the lower of the two
27 district costs per pupil or other costs to the
28 receiving district until the start of the first full
29 year of enrollment of the child. If the good cause
30 relates to a change".
31 3. By renumbering as necessary.

Amendment H—5639 was adopted.

Schrader of Marion offered the following amendment H—5680, to the committee amendment H—5555, filed by him from the floor and moved its adoption:

H—5680

1 Amend amendment, H—5555, to Senate File 2306 as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 5, by inserting after the word
5 "request" the following: ". Children who are the
6 subject of requests, which are filed prior to August
7 1, 1990, and which meet the good cause requirements
8 for a change in the status of the children's resident
9 district due to rejection of a whole grade sharing
10 agreement, are not subject to the restrictions on
11 athletic participation contained in section 282.18 if
12 the district to which the child is to transfer under
13 the request is or was a participant in a whole grade
14 sharing agreement".

Amendment H—5680 was adopted.

On motion by Ollie of Clinton, the committee amendment H—5555, as amended, was adopted.

Maulsby of Calhoun offered the following amendment H—5609 filed by him and moved its adoption:

H—5609

1 Amend Senate File 2306, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 4, line 16, by inserting after the word
4 "year." the following: "During the first year of
5 enrollment of a pupil under this section, the district
6 of residence shall pay only the state aid portion of

7 the lower district cost per pupil to the receiving
 8 district and shall pay the property tax portion for
 9 that school year to the receiving district during the
 10 next following school year."

11 2. Page 4, line 33, by inserting after the word
 12 "education." the following: "During the first year of
 13 enrollment of a pupil under this section, the district
 14 of residence shall pay only the state aid portion of
 15 the actual costs incurred in providing the appropriate
 16 special education to the receiving district and shall
 17 pay the property tax portion for that school year to
 18 the receiving district during the next following
 19 school year."

A non-record roll call was requested.

The ayes were 28, nays 42.

Amendment H—5609 lost.

Siegrist of Pottawattamie offered the following amendment
 H—5565 filed by him and Corbett of Linn:

H—5565

1 Amend Senate File 2306, as amended, passed, and re-
 2 printed by the Senate, as follows:

3 1. Page 6, by striking lines 15 through 32, and
 4 inserting the following:

5 "A student who attends a grade in grades nine
 6 through twelve in a school district other than the
 7 district of residence participates in open enrollment
 8 is not eligible to participate in interscholastic
 9 athletic contests and athletic competitions during the
 10 first each year of enrollment under this section
 11 except for an interscholastic sport in which the
 12 district of residence and the other school district
 13 jointly participate or unless the sport in which the
 14 student wishes to participate is not offered in the
 15 district of residence. However, a pupil who has paid
 16 tuition and attended school, or has attended school
 17 pursuant to a mutual agreement between the two
 18 districts, in a district other than the pupil's
 19 district of residence for at least one school year
 20 prior to the effective date of this Act, shall be
 21 eligible to participate in interscholastic athletic
 22 contests and athletic competitions under this section,
 23 but only as a member of a team from the district that
 24 student had attended."

Speaker Avenson in the chair at 3:46 p.m.

Siegrist of Pottawattamie moved the adoption of amendment H—5565.

A non-record roll call was requested.

The ayes were 25, nays 52.

Amendment H—5565 lost.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2306)

The ayes were, 84:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Buhr
Carpenter	Chapman	Cohoon	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Swartz	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 10:

Brown	Clark	Daggett	Hansen, S. D.
Jesse	Maulsby	McKean	Osterberg
Royer	Svoboda		

Absent or not voting, 6:

Beatty	Hatch	Jay	Johnson
Tabor	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton, for the remainder of the day, on request of Dvorsky of Johnson.

Senate File 2388, a bill for an act relating to administrative procedures for the establishment, determination, and collection of certain spousal support debts, with report of committee recommending passage was taken up for consideration.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2388)

The ayes were, 89:

Arnould	Banks	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Iverson	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 2:

Hibbard Jesse

Absent or not voting, 9:

Adams	Beatty	Hatch	Jay
Johnson	Muhlbauer	Plasier	Tabor
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2340, a bill for an act relating to the disposition of unclaimed property, with report of committee recommending passage was taken up for consideration.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2340)

The ayes were, 91:

Arnould	Banks	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Adams	Beatty	Hatch	Iverson
Jay	Johnson	Ollie	Tabor
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2317, a bill for an act relating to issuing permits for regulated uses of water by the department of natural resources, with report of committee recommending passage was taken up for consideration.

Hibbard of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2317)

The ayes were, 90:

Arnould	Banks	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 1:

Stueland

Absent or not voting, 9:

Adams	Beatty	Hatch	Jay
Johnson	McKinney	Swartz	Tabor
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for bills eligible March 16, 1990 on the Regular Calendar to be considered March 15, 1990, and to also suspend Rule 31.8 on those bills.

Arnould of Scott asked and received unanimous consent that Senate File 2365 be eligible for debate on March 15, 1990 and that Rule 31.8, relating to the timely filing of amendments, also be suspended on Senate File 2365.

Regular Calendar

Senate File 2349, a bill for an act relating to scheduled fines and court procedures for certain violations of snowmobile and all-terrain vehicle regulations, game and fish regulations, and parks, with report of committee recommending amendment and passage was taken up for consideration.

Gruhn of Dickinson offered the following amendment H—5612 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—5612

- 1 Amend Senate File 2349, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 26, by striking the words
- 4 "However, the".
- 5 2. Page 5, by striking lines 27 through 30.

The committee amendment H—5612 was adopted.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2349)

The ayes were, 92:

Arnould	Banks	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud

Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Adams	Beatty	Hatch	Jay
Johnson	Ollie	Tabor	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2169, a bill for an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Sherzan of Polk asked and received unanimous consent to defer action on the committee amendment H—5573.

Sherzan of Polk offered the following amendment H—5690 filed from the floor by Sherzan, Bisignano, Wise, Plasier and Trent:

H—5690

- 1 Amend Senate File 2169, 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 91A.5, subsection 2, Code
- 6 1989, is amended by adding the following new
- 7 paragraphs:
- 8 NEW PARAGRAPH. e. Costs of personal protective
- 9 equipment, other than items of clothing or footwear
- 10 which may be used by an employee during nonworking
- 11 hours, needed to protect an employee from employment-
- 12 related hazards, unless provided otherwise in a
- 13 collective bargaining agreement.
- 14 NEW PARAGRAPH. f. Costs of more than twenty
- 15 dollars for an employee's relocation to the place of
- 16 employment. This paragraph shall apply only to an
- 17 employer as defined in section 91E.1.
- 18 Sec. 2. NEW SECTION. 91E.1 DEFINITIONS.
- 19 As used in this chapter:

20 1. "Commissioner" means the commissioner of the
21 division of labor services of the department of
22 employment services.

23 2. "Employee" means a natural person who is
24 employed in this state for wages paid on an hourly
25 basis by an employer.

26 3. "Employer" means a person, as defined in
27 chapter 4, who in this state employs for wages, paid
28 on an hourly basis, one hundred or more natural
29 persons. An employer does not include a client,
30 patient, customer, or other person who obtains
31 professional services from a licensed person who
32 provides the services on a fee service basis or as an
33 independent contractor, or the state, or an agency
34 or governmental subdivision of the state.

35 4. "Non-English speaking employee" means an
36 employee who does not speak, read, write, or
37 understand English.

38 Sec. 3. NEW SECTION. 91E.2 NON-ENGLISH SPEAKING
39 EMPLOYEES — EMPLOYER OBLIGATIONS.

40 If more than ten percent of an employer's employees
41 are non-English speaking and speak the same non-
42 English language, the employer shall provide all of
43 the following:

44 1. An interpreter available at the work site for
45 each shift during which non-English speaking employees
46 are employed.

47 If a Spanish-speaking interpreter is needed, the
48 employer shall select an interpreter from a list of
49 interpreters developed by the department of employment
50 services, drawn from the Spanish-speaking peoples

Page 2

1 commission's statewide list of interpreters qualified
2 to serve Iowa courts and administrative agencies.

3 2. A person employed by the employer whose primary
4 responsibility is to serve as a referral agent to
5 community services.

6 Sec. 4. NEW SECTION. 91E.3 EMPLOYER RECRUITING
7 PRACTICES.

8 1. An employer or a representative of an employer
9 who actively recruits non-English speaking residents
10 of other states more than five hundred miles from the
11 place of employment, for employment as employees for
12 wages paid on an hourly basis in this state, must have
13 on file, a copy of which must be provided to the
14 employee, a written statement signed by the employer
15 and the employee which provides relevant information
16 regarding the position of employment, including but
17 not limited to the following information:

18 a. The minimum number of hours the employee can

19 expect to work on a weekly basis.

20 b. The hourly wages of the position of employment
21 including the starting hourly wage.

22 c. A description of the responsibilities and tasks
23 of the position of employment.

24 d. The health risks, known to the employer, to the
25 employee involved in the position of employment.

26 2. If an employee who resigns from employment with
27 an employer within four weeks of the employee's
28 initial date of employment requests, within three
29 business days of termination, transportation to return
30 to the location from which the employee was recruited
31 and the location from which the employee was recruited
32 is five hundred or more miles from the place of
33 employment, the employer shall provide the employee
34 with transportation at no cost to the employee.

35 Sec. 5. NEW SECTION. 91E.4 PENALTIES FOR
36 VIOLATION OF RECRUITMENT PRACTICE REQUIREMENTS.

37 1. An employer who violates section 91E.3 is
38 subject to a civil penalty of up to one thousand
39 dollars.

40 2. A corporate officer of an employer who, through
41 repeated violation of section 91E.3, demonstrates a
42 pattern of abusive recruitment practices commits a
43 serious misdemeanor.

44 3. An employer who, through repeated violation of
45 section 91E.3, demonstrates a pattern of abusive
46 recruitment practices may be ordered to pay punitive
47 damages.

48 Sec. 6. NEW SECTION. 91E.5 DUTIES AND AUTHORITY
49 OF THE COMMISSIONER.

50 1. The commissioner shall adopt rules to implement

Page 3

1 and enforce this chapter and shall provide further
2 exemptions from the provisions of this chapter where
3 reasonable.

4 2. In order to carry out the purposes of this
5 chapter, the commissioner or the commissioner's
6 representative, upon presenting appropriate
7 credentials to the owner, operator, or agent in
8 charge, may:

9 a. Inspect employment records relating to the
10 total number of employees and non-English speaking
11 employees, and the services provided to non-English
12 speaking employees.

13 b. Interview an employer, owner, operator, agent,
14 or employee, during working hours or at other
15 reasonable times.

16 Sec. 7. NEW SECTION. 91E.6 COLLECTIVE BARGAINING
17 AGREEMENTS.

18 Compliance with the minimum standards required in
 19 this chapter shall not be subject to or considered in
 20 collective bargaining.”

Muhlbauer of Crawford offered the following amendment H—5695, to amendment H—5690, filed by him from the floor and moved its adoption:

H—5695

1 Amend amendment, H—5690, to Senate File 2169, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 25, by inserting after the word
 5 “employer.” the following: “An employee does not
 6 include a person engaged in agriculture as defined in
 7 section 91A.2 or a person engaged in agriculture on a
 8 seasonal basis.”

Roll call was requested by Schnekloth of Scott and Maulsby of Calhoun.

Rule 75 was invoked.

On the question “Shall amendment H—5695, to amendment H—5690, be adopted?” (S.F. 2169)

The ayes were, 52:

Banks	Beaman	Bennett	Black
Blanshan	Brand	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hibbard	Iverson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
Metcalf	Miller	Muhlbauer	Pellett
Petersen, D. F.	Peterson, M. K.	Renken	Royer
Schnekloth	Shearer	Shoning	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Trent	Tyrrell	Van Maanen

The nays were, 38:

Arnould	Beatty	Bisignano	Brammer
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Haverland	Holveck	Jay
Jesse	Jochum	Lykam	McKinney
Murphy	Neuhausser	Nielsen	Osterberg

Peters	Poney	Renaud	Rosenberg
Schrader	Sherzan	Shoultz	Swartz
Wise	Avenson, Spkr.		

Absent or not voting, 10:

Adams	Branstad	Clark	Hatch
Johnson	Mertz	Ollie	Pavich
Plasier	Teaford		

Amendment H—5695 was adopted.

Arnould of Scott asked and received unanimous consent that Senate File 2169 be deferred and that the bill retain its place on the calendar.

(Amendment H—5690, as amended, pending.)

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 673, a bill for an act allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways.

Also: That the Senate has on March 14, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2045, a bill for an act relating to the appointment of an additional district judge for the district which includes the Iowa state penitentiary.

Also: That the Senate has on March 14, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2109, a bill for an act relating to computer data storage of records of a criminal justice agency after acquittal or dismissal of charges.

Also: That the Senate has on March 14, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2321, a bill for an act relating to the acquisition and possession of firearms, increasing penalties for certain offenses, and providing an effective date.

Also: That the Senate has on March 14, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2329, a bill for an act relating to elections and election procedures.

Also: That the Senate has on March 14, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2502, a bill for an act relating to the issuance of bonds under the hotel and motel tax and providing an effective date.

Also: That the Senate has on March 14, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 112, a concurrent resolution relating to Vietnam veterans and recognizing the need for programs and services for veterans and their families.

JOHN F. DWYER, Secretary

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

March 14, 1990

The Honorable Donald Avenson
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

House File 2418, 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, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

I have taken this action because I remain concerned about the level of spending included in House File 2418 and the other appropriations bills pending before the General Assembly. In January, I recommended that funding for the agencies funded by House File 2418 be increased by \$24,666,418. Coupled with the scheduled formula increases for the merged area schools and local school districts, these recommendations would appropriate nearly 88 percent of the growth in state revenue which had been estimated by the Revenue Estimating Conference in December of 1989. House File 2418 appropriates \$11,688,010 more to the Department of Education, Department of Cultural Affairs, Board of Regents, and the College Aid Commission than I recommended to the General Assembly in January. Additionally, House File 2418 authorizes the employment of forty-five more individuals than I recommended.

Yesterday, the Revenue Estimating Conference lowered its revenue projections for the 1990 fiscal year to 5 percent, a \$29.5 million reduction, and adjusted the revenue projections for the 1991 fiscal year to 4.6 percent, a \$21.5 million reduction. The revised revenue projections require that the executive and legislative branches of state government review their budget proposals. I would welcome the opportunity to work with the General Assembly to review the education and human services appropriations proposals, as well as the other appropriations bills which remain pending, so that the State of Iowa will continue to have a balanced budget in fiscal years 1990-91 and beyond.

For the above reasons, I hereby respectfully disapprove House File 2418.

Sincerely,
Terry E. Branstad
Governor

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 13, 1990. Had I been present, I would have voted "nay" on Senate File 57.

BLACK of Jasper

I was necessarily absent from the House chamber on March 14, 1990. Had I been present, I would have voted "aye" on Senate Files 2018, 2296, 2309 and 2350.

GRUHN of Dickinson

I was temporarily absent from the House chamber on March 14, 1990. Had I been present, I would have voted "aye" on Senate File 2296.

LUNDBY of Linn

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

The Annual Report for the state-funded Homemaker-Home Health Aide/Chore program, pursuant to Chapter 1277, Sec. 5, 11(d), 1988 Acts of the Seventy-second General Assembly.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-four senior students from Central Webster High School, Burnside, accompanied by Jim Ainslie. By Adams of Hamilton.

Twenty basketball players from Postville High School, Postville. By Halvorson of Clayton.

Thirty-eight sixth grade students from Nashua Elementary School, Nashua, accompanied by Ed Anderson. By Koenigs of Mitchell.

SUBCOMMITTEE ASSIGNMENT**House Study Bill 827**

Ways and Means: Chapman, Chair; Brand and Metcalf.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2408, a bill for an act relating to and making appropriations to the justice system.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5685** March 14, 1990.

AMENDMENTS FILED

H-5661	S.F.	2197	Corbett of Linn
H-5663	S.F.	2327	Schnekloth of Scott Fey of Scott
H-5664	S.F.	2327	Schnekloth of Scott
H-5665	S.F.	2169	Tyrrell of Iowa
H-5666	H.F.	2465	Senate Amendment
H-5667	H.F.	2057	Senate Amendment
H-5668	H.F.	2170	Senate Amendment
H-5669	H.F.	658	Senate Amendment
H-5670	S.F.	2403	Osterberg of Linn
H-5671	H.F.	2459	Senate Amendment
H-5673	S.F.	2212	Senate Amendment
H-5674	S.F.	2280	Renaud of Polk
H-5675	S.F.	2403	McKean of Jones
H-5676	S.F.	2163	Fuller of Hardin Muhlbauer of Crawford Fogarty of Palo Alto Schnekloth of Scott Royer of Page
H-5677	S.F.	2244	Murphy of Dubuque Brown of Lucas
H-5678	S.F.	2057	Osterberg of Linn
H-5679	S.F.	2329	Hanson of Delaware Black of Jasper
H-5681	S.F.	2049	Spear of Lee
H-5682	S.F.	2197	Corbett of Linn
H-5683	H.F.	2550	Groninga of Cerro Gordo
H-5684	S.F.	2366	Garman of Story
H-5685	S.F.	2408	Committee on Appropriations

H—5686	S.F.	2057	Halvorson of Webster Hammond of Story Shearer of Louisa Knapp of Dubuque
H—5687	S.F.	431	Petersen of Muscatine Pellett of Cass De Groot of Lyon Koenigs of Mitchell Mertz of Kossuth Fuller of Hardin Iverson of Wright Renken of Grundy Trent of Muscatine Shearer of Louisa
H—5688	S.F.	148	Bisignano of Polk
H—5689	H.F.	2550	Schnekloth of Scott Groninga of Cerro Gordo
H—5691	S.F.	431	Banks of Plymouth
H—5692	S.F.	431	Eddie of Buena Vista
H—5693	S.F.	2408	Knapp of Dubuque
H—5694	S.F.	2365	Hammond of Story
H—5696	S.F.	2233	Koenigs of Mitchell
H—5697	S.F.	2402	Poncy of Wapello Cohoon of Des Moines Jochum of Dubuque
H—5698	S.F.	2169	Bennett of Ida
H—5699	S.F.	2197	Rosenberg of Story Trent of Muscatine
H—5700	S.F.	2169	Doderer of Johnson Osterberg of Linn Neuhauser of Johnson

On motion by Arnould of Scott, the House adjourned at 5:25 p.m., until 9:00 a.m., Thursday, March 15, 1990.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day — Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 15, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend William Cotton, Grace United Methodist Church, Des Moines.

The Journal of Wednesday, March 14, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Winneshiek on request of Arnould of Scott; Teaford of Black Hawk, until her arrival, on request of Harper of Black Hawk.

CONSIDERATION OF BILLS Regular Calendar

Senate File 2015, a bill for an act relating to training requirements for reserve peace officers and providing for the Act's applicability, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2015)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney

Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brown	Groninga	Jay	Jochum
Johnson	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT

Garman of Story asked and received unanimous consent to change her vote from "nay" to "aye" on Senate File 2306, found on page 1093 of the House Journal.

Regular Calendar

The House resumed consideration of **Senate File 2169**, a bill for an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties, and amendment H-5690, as amended, found on pages 1098 through 1101 of the House Journal, deferred and retained on the calendar.

Doderer of Johnson offered the following amendment H-5700, to amendment H-5690, filed by Doderer, et al., and moved its adoption:

H-5700

- 1 Amend the amendment H-5690, to Senate File 2169,
- 2 as amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 25, by inserting after the word
- 5 "employer," the following: "However, this exemption
- 6 shall not apply to farm owners who hire workers
- 7 to work on cropland other than their own."

Amendment H—5700 was adopted.

Connors of Polk in the chair at 9:36 a.m.

Osterberg of Linn offered the following amendment H—5704, to amendment H—5690, filed by him from the floor and moved its adoption:

H—5704

- 1 Amend the amendment, H—5690, to Senate File 2169,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 37, by inserting after the word
- 5 "English" the following: "to the degree necessary for
- 6 comprehension of the terms, conditions, and daily
- 7 responsibilities of employment".

Amendment H—5704 was adopted.

Bennett of Ida offered the following amendment H—5698, to amendment H—5690, filed by him and moved its adoption:

H—5698

- 1 Amend amendment H—5690 to Senate File 2169, as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 47 through page 2,
- 5 line 2.

Roll call was requested by Bisignano of Polk and Sherzan of Polk.

On the question "Shall amendment H—5698, to amendment H—5690, be adopted?" (S.F. 2169)

The ayes were, 41:

Banks	Beaman	Bennett	Blanshan
Branstad	Carpenter	Clark	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gruhn	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 50:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Brammer	Brand
Brown	Chapman	Cohoon	Corbett

Dvorsky	Fey	Fuller	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jesse
Jochum	May	McKinney	Mertz
Muhlbauer	Murphy	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Wise	Connors		
	Presiding		

Absent or not voting, 9:

Buhr	Doderer	Holveck	Jay
Johnson	Knapp	Lykam	Neuhauser
Teaford			

Amendment H—5698 lost.

Tyrrell of Iowa offered the following amendment H—5706, to amendment H—5690, filed by him from the floor and moved its adoption:

H—5706

- 1 Amend the amendment, H—5690, to Senate File 2169,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 20 through 22, and
- 5 inserting the following:
- 6 "1. "Commissioner" means a member or agent of the
- 7 Iowa state civil rights commission."

Amendment H—5706 lost.

Tyrrell of Iowa offered the following amendment H—5707, to amendment H—5690, filed by him from the floor:

H—5707

- 1 Amend the amendment, H—5690, to Senate File 2169,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 40 through 43.
- 5 2. Page 2, by striking lines 44 through 47.
- 6 3. By renumbering as necessary.

Buhr of Polk asked and received unanimous consent that Senate File 2169 be deferred and that the bill retain its place on the calendar.

(Amendment H—5707, to amendment H—5690, pending.)

PRESENTATION OF IRISH DIGNITARY

Fogarty of Palo Alto escorted to the Speaker's station and presented to the House Frank Crowley, T.D., County Cork, Ireland. Mr. Crowley, accompanied by his wife Winifred, is on his way to be the honored dignitary at the St. Patrick Celebration in Emmetsburg this weekend.

Mr. Crowley, a farmer and auctioneer, was first elected to Parliament in 1981 and has served continuously since.

He thanked Iowans for their warmth and hospitality, inviting everyone to visit Ireland and to attend the Emmetsburg Irish celebration.

The House rose and expressed its welcome.

The House stood at ease at 10:16 a.m., until the fall of the gavel.

The House resumed session at 11:51 a.m., Connors of Polk in the chair.

On motion by Arnould of Scott, the House was recessed at 11:52 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 512, a bill for an act relating to the payment of a support obligation out of garnisheed funds.

Also: That the Senate has on March 15, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 731, a bill for an act relating to constructive notice of rights conferred upon drainage districts by the filing of files and records with the county auditor.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2092, a bill for an act relating to debt management services.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2103, a bill for an act relating to missing person reports to law enforcement agencies by amending the definition of missing person to conform with a definition used by the national crime information center.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2160, a bill for an act relating to mandatory domestic abuse arrests and providing guidelines concerning a primary physical aggressor.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2372, a bill for an act relating to anabolic steroids, and providing a criminal penalty concerning the distribution of anabolic steroids to minors.

Also: That the Senate has on March 15, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2416, a bill for an act relating to corporal punishment.

Also: That the Senate has on March 15, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 125, a concurrent resolution designating March 1990 as Iowa Women's History Month.

Also: That the Senate has on March 15, 1990, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 127, a concurrent resolution to encourage the establishment of the National Association of Swine Records in Des Moines, Iowa, and the support of the Association to increase performance of purebred swine and to assist purebred swine producers.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **Senate File 2169**, a bill for an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties, and amendment H—5707, found on page 1110 of the House Journal, to amendment H—5690, as amended, found on pages 1098 through 1101 of the House Journal, deferred and retained on the calendar.

Tyrrell of Iowa moved the adoption of amendment H—5707.

A non-record roll call was requested.

The ayes were 29, nays 47.

Amendment H—5707 lost.

On motion by Sherzan of Polk, amendment H—5690, as amended, was adopted, placing the following amendments out of order:

H—5573, previously deferred, filed by the committee on labor and industrial relations on March 8, 1990.

H—5658, to the committee amendment H—5573, filed by Bisignano, et al., on March 13, 1990.

H—5611 filed by Renken of Grundy on March 12, 1990.

H—5610 filed by Diemer of Black Hawk on March 12, 1990.

H—5584 filed by Hermann of Scott on March 8, 1990.

H—5607 filed by Tyrrell of Iowa and Hermann of Scott on March 12, 1990.

H—5621 filed by Tyrrell of Iowa on March 13, 1990.

H—5620 filed by Tyrrell of Iowa on March 13, 1990.

H—5617 filed by Kremer of Buchanan on March 13, 1990.

H—5622 filed by Tyrrell of Iowa on March 13, 1990.

H—5618 filed by Hanson of Delaware on March 13, 1990.

H—5648 filed by Tyrrell of Iowa on March 13, 1990.

H—5650 filed by Hermann, et al., on March 13, 1990.

H—5649 filed by Hermann of Scott and Tyrrell of Iowa on March 13, 1990.

H—5651 filed by Tyrrell of Iowa on March 13, 1990.

H—5652 filed by Halvorson of Clayton on March 13, 1990.

H—5619 filed by Kremer of Buchanan on March 13, 1990.

H—5665 filed by Tyrrell of Iowa on March 14, 1990.

Sherzan of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2169)

The ayes were, 67:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	Kremer	Lageschulte
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.

Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 32:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Garman	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Pellett	Plasier	Renken	Royer
Schnekloth	Shoning	Tyrrell	Van Maanen

Absent or not voting, 1:

Johnson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Connors of Polk in the chair at 4:16 p.m.

INTRODUCTION OF BILLS

House File 2553, by committee on appropriations, a bill for an act relating to waste volume reduction and recycling, increasing the solid waste tonnage fee, providing for appropriation of the solid waste tonnage fees collected, and providing applicability dates.

Read first time and referred to committee on **ways and means**.

House File 2554, by committee on ways and means, a bill for an act relating to county tax and services provisions by appropriating funds for state assistance to counties for certain services to the chronically mentally ill, by modifying the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates.

Read first time and referred to committee on **appropriations**.

House File 2555, by committee on appropriations, a bill for an act relating to and making appropriations for housing assistance.

Read first time and placed on the **appropriations calendar**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista, for the remainder of the day, March 16 and March 19, 1990, on request of Van Maanen of Mahaska.

Regular Calendar

Senate File 18, a bill for an act relating to the time period within which an information or indictment for sexual abuse with a child under the age of twelve shall be found, with report of committee recommending passage was taken up for consideration.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 18)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

Avenson, Spkr.	Eddie	Holveck	Johnson
Koenigs	Renaud	Shultz	Tabor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2245, a bill for an act relating to bids for certain specialized highway or bridge construction projects, with report of committee recommending amendment and passage was taken up for consideration.

Murphy of Dubuque offered the following amendment H—5613 filed by the committee on transportation and moved its adoption:

H—5613

- 1 Amend Senate File 2245, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 4 and 5 and
- 4 inserting the following: "work for beam
- 5 straightening, beam replacement, and beam repair on
- 6 bridges, without advertising for bids as required".
- 7 2. Title page, line 1, by striking the words
- 8 "highway or".

The committee amendment H—5613 was adopted, placing out of order amendment H—5582 filed by Murphy of Dubuque on March 8, 1990.

Murphy of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2245)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Iverson	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	McKean	McKinney
Mertz	Metcalfe	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellet	Peters	Peterson, M. K.
Poncy	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan

Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 14:

Avenson, Spkr.	Bisignano	Eddie	Holveck
Jay	Johnson	Lundby	Lykam
May	Neuhauser	Petersen, D. F.	Plasier
Renaud	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2057, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—5556 filed by the committee on state government:

H—5556

1 Amend Senate File 2057, as passed by the Senate as
 2 follows:
 3 1. Page 1, by striking lines 17 through 29 and
 4 inserting the following: "are subject to the approval
 5 of the commission, ~~and the commission shall limit a.~~
 6 Each licensee is limited to ten days of races a during
 7 each calendar year, which days and races are chosen by
 8 the commission licensee and which are the same for all
 9 licensees approved by the commission to televise races
 10 for telecast or televising for the purpose of
 11 conducting pari-mutuel wagering. A licensee may
 12 telecast or televise, with approval of the commission,
 13 a complete day of racing at another racetrack. The
 14 commission shall not authorize the simultaneous
 15 telecast or televising of and a licensee shall not
 16 simultaneously telecast or televise any horse or dog
 17 race for the purpose of conducting pari-mutuel
 18 wagering unless the simultaneous telecast or
 19 televising is done at the racetrack of the licensee on
 20 a day and during the time, when there is a days
 21 authorized by the commission for horse or dog racing
 22 meet being held at the racetrack. For".

Osterberg of Linn offered the following amendment H—5602, to the committee amendment H—5556, filed by him and moved its adoption:

H—5602

- 1 Amend the amendment, H—5556, to Senate File 2057,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 6, by striking the words "days of
- 4 races" and inserting the following: "raees racing
- 5 events".
- 6 2. Page 1, line 7, by striking the words "days
- 7 and races" and inserting the following: "raees racing
- 8 events".
- 9 3. Page 1, line 11, by inserting after the word
- 10 "wagering." the following: "The Breeder's Cup shall
- 11 be considered one racing event."
- 12 4. Page 1, line 13, by striking the words
- 13 "complete day of racing" and inserting the following:
- 14 "racing event".
- 15 5. Page 1, line 20, by striking the word "days"
- 16 and inserting the following: "events".
- 17 6. Page 1, by inserting after line 22 the fol-
- 18 lowing:
- 19 "_____. Page 1, line 29, by striking the word
- 20 "meet" and inserting the following: "meet event".

Roll call was requested by Stueland of Clinton and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H—5602, to the committee amendment H—5556, be adopted?" (S.F. 2057)

The ayes were, 45:

Banks	Beaman	Bennett	Black
Brammer	Brand	Clark	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fuller	Garman	Gruhn
Halvorson, R. N.	Hammond	Hermann	Holveck
Iverson	Kistler	Knapp	Lageschulte
Maulsby	McKean	Mertz	Miller
Neuhauser	Nielsen	Osterberg	Pellett
Petersen, D. F.	Plasier	Renken	Rosenberg
Schneklath	Shearer	Shoning	Stueland
Svoboda	Trent	Tyrrell	Van Maanen
Wise			

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brown	Buhr	Carpenter
Chapman	Cohoon	Fey	Fogarty
Groninga	Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hester
Hibbard	Jay	Jesse	Jochum
Koenigs	Kremer	Lundby	Lykam
May	McKinney	Metcalf	Muhlbauer
Murphy	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Royer
Schrader	Sherzan	Shoultz	Siegrist
Spear	Spenner	Swartz	Tabor
Teaford	Connors		
	Presiding		

Absent or not voting, 5:

Avenson, Spkr.	Branstad	Eddie	Haverland
Johnson			

Amendment H—5602 lost.

Osterberg of Linn offered amendment H—5721, to the committee amendment H—5556, filed by him from the floor. Division was requested as follows:

H—5721

- 1 Amend the Committee amendment, H—5556, to Senate
- 2 File 2057, as passed by the Senate, as follows:

H—5721A

- 3 1. Page 1, line 13, by inserting after the word
- 4 "racetrack." the following: "During the harness
- 5 racing season authorized by the commission, if
- 6 televised or telecasted races are shown at the
- 7 racetrack for pari-mutuel wagering purposes, the races
- 8 shall be harness races."

H—5721B

- 9 2. Page 1, line 22, by inserting after the word
- 10 "racetrack." the following: "A licensee shall
- 11 telecast or televise a race for pari-mutuel wagering
- 12 purposes only when live racing is being conducted at
- 13 the racetrack."

Osterberg of Linn asked and received unanimous consent to withdraw amendment H—5721A.

Osterberg of Linn moved the adoption of amendment H—5721B.

A non-record roll call was requested.

The ayes were 50, nays 30.

Amendment H—5721B was adopted.

OBJECTION TO UNANIMOUS CONSENT TO VOTE

Trent of Muscatine asked for unanimous consent to change his vote from “nay” to “aye” on Senate File 2169.

Objection was raised. (See page 1124.)

Osterberg of Linn asked and received unanimous consent to withdraw amendment H—5678, to the committee amendment H—5556, filed by him on March 14, 1990.

Metcalf of Polk offered the following amendment H—5633, to the committee amendment H—5556, filed by Metcalf, et al.:

H—5633

- 1 Amend the Committee amendment, H—5556, to Senate
- 2 File 2057, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 22, the
- 4 following:
- 5 “_____. Page 1, by inserting after line 33 the
- 6 following:
- 7 “Sec. _____. NEW SECTION. 99D.27 COUNTY AND CITY
- 8 SUBSIDIES.
- 9 1. A county shall grant or loan money to a
- 10 licensee under this chapter only in accordance with
- 11 the following terms and procedures:
- 12 a. A loan agreement entered into by a county may
- 13 contain provisions similar to those sometimes found in
- 14 loan agreements between private parties, including the
- 15 issuance of notes to evidence its obligations.
- 16 b. A provision of a loan agreement which
- 17 stipulates that a portion of the payments be applied
- 18 as interest is subject to chapter 74A. Other laws
- 19 relating to interest rates do not apply. Chapter 75
- 20 is not applicable. A county enterprise is a separate
- 21 entity under the provisions of this section whether it
- 22 is governed by the board or another governing body.
- 23 c. The board shall follow substantially the same
- 24 authorization procedure required for the issuance of
- 25 general obligation bonds issued for the same purpose,
- 26 to authorize a loan agreement made payable from the
- 27 debt service fund or to authorize a grant from other
- 28 county funds.
- 29 d. The board may authorize a grant which is
- 30 payable from the general fund or a loan agreement
- 31 which is payable from the general fund and which would
- 32 not cause the total of scheduled annual payments of

33 principal or interest or both principal and interest
34 of the county due from the general fund of the county
35 in any future year with respect to all loan agreements
36 in force on the date of the authorization to exceed
37 ten percent of the last certified general fund budget
38 amount in accordance with the following procedures:

39 (1) The board must follow substantially the
40 authorization procedures of section 331.443 to
41 authorize a loan agreement or a grant which is payable
42 from the general fund if the amount of the loan
43 agreement or grant does not exceed one hundred
44 thousand dollars.

45 (2) The board must follow the following procedures
46 to authorize a loan agreement or grant which is
47 payable from the general fund if the principal amount
48 of the loan agreement or the grant exceeds the limits
49 set forth in subparagraph (1):

50 (a) The board must institute proceedings for

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1 entering into a loan agreement or authorizing a grant
2 by causing a notice of the proposal to enter into the
3 loan agreement, including a statement of the principal
4 amount and purpose of the loan agreement or grant, and
5 the right to petition for an election, to be published
6 as provided in section 331.305 at least twenty days
7 prior to the meeting at which it is proposed to take
8 the action.

9 (b) If at any time before the date fixed for
10 taking the action a petition is filed with the auditor
11 in the manner provided by section 331.306 asking that
12 the question of entering into the loan agreement or
13 authorizing a grant be submitted to the qualified
14 electors of the county, the board shall either by
15 resolution declare the proposal to enter into the loan
16 agreement to have been abandoned or shall direct the
17 county commissioner of elections to call a special
18 election upon the question of entering into the loan
19 agreement. However, for purposes of this paragraph
20 the petition shall require signatures of three percent
21 of the qualified electors, except that no fewer than
22 two hundred fifty and no more than three thousand
23 signatures are required. Notice of the election and
24 its conduct shall be in the manner provided in section
25 331.442, subsections 2 through 4.

26 (c) If no petition is filed, or if a petition is
27 filed and the proposition of entering into the loan
28 agreement or authorizing a grant is approved at an
29 election, the board may proceed and enter into the
30 loan agreement or authorize a grant.

31 (d) The governing body may authorize a loan

32 agreement or a grant payable from the net revenues of
33 a county enterprise or combined county enterprise by
34 following the authorization procedures of section
35 331.464.

36 (e) A loan agreement to which a county is a party
37 or in which a county has a participatory interest, is
38 an obligation of a political subdivision of this state
39 for the purpose of chapters 502 and 682, and is a
40 lawful investment for banks, trust companies, building
41 and loan associations, savings and loan associations,
42 investment companies, insurance companies, insurance
43 associations, executors, guardians, trustees, and any
44 other fiduciaries responsible for the investment of
45 funds.

46 2. A city shall grant or loan money to a licensee
47 under this chapter only in accordance with the
48 following terms and procedures:

49 a. A loan agreement entered into by a city may
50 contain provisions similar to those sometimes found in

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1 loan agreements between private parties, including the
2 issuance of notes to evidence its obligations.

3 b. A provision of a loan agreement which
4 stipulates that a portion of the payments be applied
5 as interest is subject to chapter 74A. Other laws
6 relating to interest rates do not apply. Chapter 75
7 is not applicable. A city utility or city enterprise
8 is a separate entity under this section whether it is
9 governed by the council or another governing body.

10 c. The governing body shall following
11 substantially the same authorization procedure
12 required for the issuance of general obligation bonds
13 issued for the same purpose, to authorize a loan
14 agreement made payable from the debt service fund or
15 to authorize a grant from other city funds.

16 d. The governing body may authorize a grant which
17 is payable from the general fund or a loan agreement
18 which is payable from its general fund and which would
19 not cause the total of scheduled annual payments of
20 principal or interest or principal and interest of the
21 city due from the general fund of the city in any
22 future year with respect to all loan agreements in
23 force on the date of the authorization, to exceed ten
24 percent of the last certified general fund budget
25 amount in accordance with the following procedures:

26 (1) The governing body must follow substantially
27 the authorization procedures of section 384.25 to
28 authorize a loan agreement or a grant which is payable
29 from the general fund if the amount of the loan
30 agreement or grant does not exceed one hundred

31 thousand dollars.

32 (2) The governing body must follow the following
33 procedures to authorize a loan agreement or a grant
34 which is payable from the general fund if the amount
35 of the loan agreement or the grant exceeds the limits
36 set forth in subparagraph (1):

37 (a) The governing body may institute proceedings
38 to enter into a loan agreement or authorize a grant
39 payable from its general fund by causing a notice of
40 the proposal to enter into the loan agreement or
41 authorize a grant, including a statement of the amount
42 and purpose of the loan agreement or grant, and the
43 right to petition for an election, to be published at
44 least once in a newspaper of general circulation
45 within the city at least twenty days prior to the
46 meeting at which it is proposed to take action.

47 (b) If any time before the date fixed for taking
48 action to enter into the loan agreement or authorize a
49 grant, a petition is filed with the clerk of the city
50 in the manner provided by section 362.4, asking that

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1 the question of entering into the loan agreement or
2 authorizing a grant be submitted to the qualified
3 electors of the city, the governing body shall either
4 by resolution declare the proposal to enter into the
5 loan agreement or authorize the grant to have been
6 abandoned or shall direct the county commissioner of
7 elections to call a special election upon the question
8 of entering into the loan agreement or authorizing the
9 grant. However, for purposes of this paragraph, the
10 petition shall require the signatures of three percent
11 of the qualified electors, except that no fewer than
12 one hundred and no more than three thousand signatures
13 are required. Notice of the election and its conduct
14 shall be in the manner provided in section 384.26,
15 subsections 2 through 4.

16 (c) If no petition is filed, or if a petition is
17 filed and the proposition of entering into the loan
18 agreement or authorizing the grant is approved at an
19 election, the governing body may proceed and enter
20 into the loan agreement or authorize the grant.

21 (3) The governing body may authorize a loan
22 agreement or grant payable from the net revenues of a
23 city utility, combined utility system, city
24 enterprise, or combined city enterprise by following
25 the authorization procedures of section 384.83.

26 (4) A loan agreement to which a city is a party,
27 or in which the city has a participatory interest, is
28 an obligation of a political subdivision of this state
29 for the purposes of chapters 502 and 682, and is a

30 lawful investment for banks, trust companies, building
 31 and loan associations, savings and loan associations,
 32 investment companies, insurance companies, insurance
 33 associations, executors, guardians, trustees, and any
 34 other fiduciaries responsible for the investment of
 35 funds.””

The House stood at ease at 5:42 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5633, to the committee amendment H—5556, to Senate File 2057 at 6:16 p.m., Connors of Polk in the chair.

UNANIMOUS CONSENT TO VOTE
 (Senate File 2169)

Trent of Muscatine asked and received unanimous consent to change his vote from “nay” to “aye” on Senate File 2169 and the vote was so recorded. (See page 1114.)

SENATE FILE 2057 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 2057 be deferred and that the bill retain its place on the calendar.

Senate File 332, a bill for an act relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Hibbard of Madison offered the following amendment H—5105 filed by the committee on small business and commerce and moved its adoption:

H—5105

- 1 Amend Senate File 332, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 18, by striking the words
- 4 “employment or occupation” and inserting the
- 5 following: “simple legal matters on an informal
- 6 basis”.

The committee amendment H—5105 was adopted.

Hibbard of Madison offered the following amendment H—5600 filed by him:

H-5600

1 Amend Senate File 332, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 5, by inserting after the word
4 "legal" the following: "and medical".

5 2. Page 1, line 7, by inserting after the word
6 "legal" the following: "and medical".

7 3. Page 1, line 13, by inserting after the word
8 "legal" the following: "and medical".

9 4. Page 1, line 18, by inserting after the word
10 "legal" the following: "and medical".

11 5. Page 1, line 20, by inserting after the word
12 "legal" the following: "and medical".

13 6. Page 2, by inserting after line 21, the
14 following:

15 "_____. "Medical insurance" means the assumption of
16 a contractual obligation to provide specified medical
17 services or reimbursements for medical services in
18 consideration of a specified payment for an interval
19 of time, regardless of whether the payment is made by
20 the beneficiaries individually or by a third person
21 for the beneficiaries, in such a manner that the total
22 cost incurred by assuming the obligation is to be
23 spread directly or indirectly among a group of
24 persons. "Contractual obligation" as used in this
25 subsection includes any arrangement giving rise to a
26 reasonable expectation of an enforceable right.
27 "Medical insurance" does not include the provision of
28 or reimbursement for medical services incidental to
29 other insurance coverages."

30 7. Page 2, line 23, by inserting after the word
31 "legal" the following: "or medical".

32 8. Page 2, line 29, by inserting after the word
33 "legal" the following: "or medical".

34 9. Page 2, line 35, by inserting after the word
35 "legal" the following: "or medical".

36 10. Page 3, by inserting after line 31, the
37 following:

38 "_____. Any agreement with physicians or other
39 medical care providers for the provision of medical
40 services."

41 11. Page 3, line 33, by inserting after the word
42 "legal" the following: "or medical".

43 12. Page 3, line 34, by inserting after the word
44 "legal" the following: "or medical".

45 13. Page 4, line 5, by inserting after the word
46 "legal" the following: "or medical".

47 14. Page 4, line 15, by inserting after the word
48 "legal" the following: "or medical".

49 15. Page 4, line 16, by inserting after the word
50 "Legal" the following: "or medical".

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- 1 16. Page 4, line 19, by inserting after the word
- 2 "legal" the following: "or medical".
- 3 17. Page 4, line 27, by inserting after the words
- 4 "of the legal" the following: "or medical".
- 5 18. Page 4, line 27, by inserting after the words
- 6 "or the legal" the following: "or medical".
- 7 19. Page 5, line 22, by inserting after the word
- 8 "legal" the following: "or medical".
- 9 20. Page 6, line 22, by inserting after the word
- 10 "legal" the following: "or medical".
- 11 21. Page 6, line 23, by inserting after the word
- 12 "legal" the following: "or medical".
- 13 22. Page 8, line 19, by inserting after the word
- 14 "legal" the following: "or medical".
- 15 23. Page 9, line 3, by inserting after the word
- 16 "legal" the following: "or medical".
- 17 24. Page 9, line 11, by inserting after the word
- 18 "legal" the following: "or medical".
- 19 25. Page 9, line 16, by inserting after the word
- 20 "legal" the following: "or medical".
- 21 26. Page 9, line 34, by inserting after the word
- 22 "legal" the following: "or medical".
- 23 27. Page 10, line 3, by inserting after the word
- 24 "legal" the following: "or medical".
- 25 28. Page 10, line 13, by inserting after the word
- 26 "Legal" the following: "or medical".
- 27 29. Page 10, line 20, by inserting after the word
- 28 "legal" the following: "or medical".
- 29 30. Page 10, line 25, by inserting after the word
- 30 "legal" the following: "or medical".
- 31 31. Page 10, line 26, by inserting after the word
- 32 "legal" the following: "or medical".
- 33 32. Page 10, line 33, by inserting after the word
- 34 "LEGAL" the following: "OR MEDICAL".
- 35 33. Page 11, line 6, by inserting after the word
- 36 "legal" the following: "or medical".
- 37 34. Page 11, line 9, by inserting after the word
- 38 "legal" the following: "or medical".
- 39 35. Page 11, line 15, by inserting after the word
- 40 "legal" the following: "or medical".
- 41 36. Title page, line 1, by inserting after the
- 42 word "legal" the following: "or medical".
- 43 37. Title page, line 2, by inserting after the
- 44 word "legal" the following: "or medical".

Swartz of Marshall rose on a point of order that amendment H-5600 was not germane.

The Speaker ruled the point well taken and amendment H-5600 not germane.

Hibbard of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 332)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

Avenson, Spkr.	Eddie	Fuller	Johnson
Mertz	Shearer	Stueland	Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 417, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 417 be deferred and placed on the calendar under unfinished business.

The House resumed consideration of **Senate File 2057**, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast, and consideration of amendment H—5633 (found on pages 1120 through 1124 of the House Journal), to the committee amendment H—5556, as amended, found on page 1117 of the House Journal, previously deferred and retained.

Blanshan of Greene rose on a point of order that amendment H—5633 was not germane.

The Speaker ruled the point well taken and amendment H—5633 not germane.

Metcalf of Polk asked for unanimous consent to suspend the rules to consider amendment H—5633.

Objection was raised.

Metcalf of Polk moved that the rules be suspended to consider amendment H—5633.

Roll call was requested by Metcalf of Polk and Branstad of Winnebago.

On the question "Shall the rules be suspended to consider amendment H—5633?" (S.F. 2057)

The ayes were, 40:

Banks	Beaman	Bennett	Black
Brand	Branstad	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Holveck
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Trent	Tyrrell	Van Maanen

The nays were, 49:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Buhr
Chapman	Cohoon	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Jay	Jesse
Jochum	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shoultz

Spear	Tabor	Teaford	Wise
Connors			
Presiding			

Absent or not voting, 11:

Avenson, Spkr.	Eddie	Fuller	Johnson
Mertz	Pellett	Shearer	Sherzan
Stueland	Svoboda	Swartz	

The motion to suspend the rules lost.

Hermann of Scott offered the following amendment H—5634, to the committee amendment H—5556, filed by Hermann, et al.:

H—5634

- 1 Amend the Committee amendment, H—5556, to Senate
- 2 File 2057, as passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 22 the fol-
- 4 lowing:
- 5 "_____. Page 1, by inserting after line 33 the
- 6 following:
- 7 "Sec. _____. Section 21.2, subsection 1, Code Sup-
- 8 plement 1989, is amended by adding the following new
- 9 paragraph:
- 10 NEW PARAGRAPH. f. A nonprofit corporation
- 11 licensed to conduct gambling games or pari-mutuel
- 12 wagering on dog or horse races pursuant to chapter 99D
- 13 or 99F."
- 14 _____. Title page, line 1, by inserting after the
- 15 word "to" the following: "meetings of nonprofit cor-
- 16 porations licensed to conduct gambling games or pari-
- 17 mutuel wagering,".
- 18 _____. Title page, line 2, by inserting after the
- 19 word "telecast" the following: ", and subject
- 20 violators to an existing penalty".

Blanshan of Greene rose on a point of order that amendment H—5634 was not germane.

The Speaker ruled the point well taken and amendment H—5634 not germane.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo on request of Van Maanen of Mahaska; Daggett of Adams on request of Bennett of Ida, both for the remainder of the day; Mertz of Kossuth, Svoboda of Tama and Fuller of Hardin, until their return, on request of Fogarty of Palo Alto.

On motion by Blanshan of Greene, the committee amendment H—5556, as amended, was adopted.

Halvorson of Webster offered the following amendment H—5686 filed by Halvorson of Webster, et al.:

H—5686

- 1 Amend the Senate File 2057, as passed by the
- 2 Senate, as follows:
- 3 1. Page 1, by inserting after line 33 the
- 4 following:
- 5 "Sec. _____. Section 21.2, subsection 1, Code Sup-
- 6 plement 1989, is amended by adding the following new
- 7 paragraphs:
- 8 NEW PARAGRAPH. f. A nonprofit corporation
- 9 licensed to conduct pari-mutuel wagering on dog or
- 10 horse races pursuant to chapter 99D.
- 11 NEW PARAGRAPH. g. A nonprofit corporation
- 12 licensed to conduct gambling games on excursion
- 13 gambling boats pursuant to chapter 99F.
- 14 Sec. _____. EFFECTIVE DATE.
- 15 Section 21.2, subsection 1, paragraph g, takes
- 16 effect January 1, 1993."
- 17 2. Title page, line 1, by inserting after the
- 18 word "to" the following: "meetings of nonprofit cor-
- 19 porations licensed to conduct gambling games or pari-
- 20 mutuel wagering,".
- 21 3. Title page, line 2, by inserting after the
- 22 word "telecast" the following: ", providing an
- 23 effective date, and subject violators to an existing
- 24 penalty".

Blanshan of Greene rose on a point of order that amendment H—5686 was not germane.

The Speaker ruled the point well taken and amendment H—5686 not germane.

Halvorson of Webster asked for unanimous consent to suspend the rules to consider amendment H—5686.

Objection was raised.

Halvorson of Webster moved that the rules be suspended to consider amendment H—5686.

Roll call was requested by Hermann of Scott and Jay of Appanoose.

On the question "Shall the rules be suspended to consider amendment H—5686?" (S.F. 2057)

The ayes were, 50:

Banks	Beam	Bennett	Black
Brand	Branstad	Carpenter	Corbett
De Groot	Diemer	Doderer	Dvorsky
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harper	Hermann
Hester	Holveck	Iverson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
Metcalf	Miller	Neuhauser	Nielsen
Osterberg	Petersen, D. F.	Plasier	Renken
Rosenberg	Schnekloth	Schrader	Shoning
Spenner	Stueland	Teaford	Trent
Tyrrell	Van Maanen		

The nays were, 40:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Buhr
Chapman	Cohoon	Fey	Fogarty
Groninga	Hansen, S. D.	Harbor	Hatch
Haverland	Hibbard	Jay	Jesse
Jochum	Lykam	McKinney	Muhlbauer
Murphy	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Royer
Sherzan	Shoultz	Siegrist	Spear
Swartz	Tabor	Wise	Connors
			Presiding

Absent or not voting, 10:

Avenson, Spkr.	Clark	Daggett	Eddie
Fuller	Johnson	Mertz	Pellett
Shearer	Svoboda		

The motion to suspend the rules, having failed to receive a constitutional majority, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass, for the remainder of the day, on request of Van Maanen of Mahaska.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2057)

The ayes were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Fey	Fogarty	Groninga	Halvorson, R. A.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Jay
Jesse	Jochum	Knapp	Kremer
Lundby	Lykam	May	McKinney
Metcalf	Muhlbauer	Murphy	Ollie
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Royer	Schrader	Sherzan
Shoultz	Siegrist	Spear	Spenner
Svoboda	Swartz	Tabor	Wise
Connors			
Presiding			

The nays were, 39:

Banks	Beaman	Bennett	Black
Branstad	Corbett	De Groot	Diemer
Doderer	Dvorsky	Fuller	Garman
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hermann	Holveck	Iverson	Kistler
Lageschulte	Maulsby	McKean	Mertz
Miller	Neuhauser	Nielsen	Osterberg
Petersen, D. F.	Plasier	Renken	Rosenberg
Schnekloth	Shoning	Stueland	Teaford
Trent	Tyrrell	Van Maanen	

Absent or not voting, 8:

Avenson, Spkr.	Clark	Daggett	Eddie
Johnson	Koenigs	Pellett	Shearer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2010, a bill for an act relating to disposal of solid waste on agricultural land and making penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Schrader of Marion asked and received unanimous consent that Senate File 2010 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2011, a bill for an act providing for a minimum number of toilets for women and men in public buildings and private buildings intended for use by the general public, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2011 be deferred and that the bill be placed on the unfinished business calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page on request of Harbor of Mills; Poncy of Wapello on request of Brammer of Linn, both for the remainder of the day.

Blanshan of Greene in the chair at 7:30 p.m.

Senate File 2197, a bill for an act relating to violations of an individual's rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor rights violations, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—5571 filed by the committee on judiciary and law enforcement:

H—5571

- 1 Amend Senate File 2197, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 5 through 10.
- 4 2. Page 2, by striking lines 31 through 33, and
- 5 inserting the following: "provided for under 601A."
- 6 3. Renumber as necessary.

Rosenberg of Story offered the following amendment H—5699, to the committee amendment H—5571, filed by him and Trent of Muscatine and moved its adoption:

H—5699

- 1 Amend the amendment, H—5571, to Senate File 2197,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the follow-
- 5 ing:
- 6 "_____. Page 1, by striking line 16 and inserting
- 7 the following:
- 8 "2. A person, who acts alone, or who conspires
- 9 with another person or persons,"
- 10 2. Page 1, by inserting after line 3 the follow-
- 11 ing:
- 12 "_____. Page 2, line 30, by striking the words "and
- 13 judicial".
- 14 3. Renumber as necessary.

Amendment H—5699 was adopted.

Rosenberg of Story offered the following amendment H—5735, to the committee amendment H—5571, filed by him from the floor and moved its adoption:

H—5735

- 1 Amend the Committee amendment, H—5571, to Senate
- 2 File 2197, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 1, by striking line 3 and inserting the
- 5 following:
- 6 “_____ Page 2, by striking lines 5 through 10 and
- 7 inserting the following:
- 8 “3. A person who maliciously and intentionally
- 9 intimidates or interferes with another person because
- 10 of that person’s race, color, religion, ancestry,
- 11 national origin, political affiliation, sex, sexual
- 12 orientation, age, or disability and while doing so
- 13 commits any of the following acts, is guilty of an
- 14 aggravated misdemeanor:
- 15 a. Commits an assault, as defined in section
- 16 708.1, upon that person or a third person.
- 17 b. Commits an act of criminal mischief, as defined
- 18 in section 716.1, upon that person or a third
- 19 person.””
- 20 2. Renumber as necessary.

Amendment H—5735 was adopted.

On motion by Rosenberg of Story, the committee amendment H—5571, as amended, was adopted.

Corbett of Linn offered the following amendment H—5635 filed by him:

H—5635

- 1 Amend Senate File 2197, 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 729.5, Code 1989, is amended
- 6 to read as follows:
- 7 729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL’S
- 8 CIVIL RIGHTS — PENALTIES.
- 9 1. Persons within the state of Iowa have the right
- 10 to be free from any violence, or intimidation by
- 11 threat of violence, committed against their persons or
- 12 property because of their race, color, religion,
- 13 ancestry, national origin, political affiliation, or
- 14 sex as protected under chapter 601A.

15 2. A person who conspires with another person or
 16 persons to injure, oppress, threaten, or intimidate,
 17 or interfere with any citizen in the free exercise or
 18 enjoyment of any right or privilege secured to that
 19 person by the constitution or laws of the state of
 20 Iowa or by the constitution or laws of the United
 21 States, and assembles with one or more persons for the
 22 purpose of teaching or being instructed in any
 23 technique or means capable of causing property damage,
 24 bodily injury, or death when the person or persons
 25 intend to employ those techniques or means in
 26 furtherance of the conspiracy, is ~~on conviction,~~
 27 guilty of commits a class "D" "C" felony.

28 3. A person who maliciously and intentionally
 29 intimidates or interferes with another person because
 30 of the personal characteristics of the person as
 31 protected under chapter 601A, commits a class "D"
 32 felony if the act results in any of the following:

33 a. Physical injury to that person.
 34 b. Physical damage to or destruction of that
 35 person's property.
 36 c. Communication in a manner, or action in a
 37 manner, intended to result in either of the following:
 38 (1) To place the other person in fear of physical
 39 contact which will be injurious, insulting, or
 40 offensive, coupled with the apparent ability to
 41 execute the act.

42 (2) To place the other person in fear of harm to
 43 the other person's property, or harm to the person or
 44 property of a third person.

45 4. The fact that a person committed a felony or
 46 misdemeanor, or attempted to commit a felony, because
 47 of the victim's race, color, religion, nationality,
 48 country of origin, political affiliation, or sex
 49 because of the victim's personal characteristics as
 50 protected under chapter 601A, shall be considered a

Page 2

1 circumstance in aggravation of any crime in imposing
 2 sentence.

3 5. A victim who has suffered physical, emotional,
 4 or financial harm as a result of a violation of this
 5 section is entitled to injunctive relief, reasonable
 6 attorney fees, and costs.

7 6. This section does not make unlawful the
 8 teaching of any technique in self-defense.

9 7. This section does not make unlawful any
 10 activity of:

11 a. Law enforcement officials of this or any other
 12 jurisdiction while engaged in the lawful performance
 13 of their official duties;

14 b. Federal officials required to carry firearms
15 while engaged in the lawful performance of their
16 official duties;

17 c. Members of the armed forces of the United
18 States or the national guard while engaged in the
19 lawful performance of their official duties; or

20 d. Any conservation commission, law enforcement
21 agency, or any agency licensed to provide security
22 services, or any hunting club, gun club, shooting
23 range, or other organization or entity whose primary
24 purpose is to teach the safe handling or use of
25 firearms, archery equipment, or other weapons or
26 techniques employed in connection with lawful sporting
27 or other lawful activity.

28 Sec. 2. NEW SECTION. 729.6 CIVIL RIGHTS
29 VIOLATIONS CRIME INFORMATION.

30 Criminal justice agencies, as defined in section
31 692.1, shall collect and maintain information on
32 crimes involving violations of chapter 601A or section
33 729.5 pursuant to chapter 692, and shall provide the
34 information to the department of public safety in the
35 manner prescribed by the department. The department
36 of public safety shall receive and maintain the
37 information, including information on the personal
38 characteristics and identities of perpetrators and
39 victims of these crimes. The department shall
40 maintain the confidentiality of information which
41 individually identifies perpetrators or victims of
42 these crimes, except the department may disseminate
43 the identifying information to a criminal justice
44 agency if necessary for the performance of the
45 official duties of the agency. The department may
46 provide nonidentifying information on individual
47 crimes involving violations of chapter 601A or section
48 729.5 to persons conducting bona fide research.

49 Sec. 3. TIME SCHEDULE.

50 Planning for the collection and maintenance of

Page 3

1 information pursuant to section 729.6 shall be
2 completed and data collection shall commence no later
3 than January 1, 1991."

Corbett of Linn offered the following amendment H—5682, to
amendment H—5635, filed by him and moved its adoption:

H—5682

1 Amend the amendment, H—5635, to Senate File 2197,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 2, line 35 through page 3,

5 line 3, and inserting the following: "manner
 6 prescribed by the department. The department shall
 7 establish a program to collect, classify, and
 8 disseminate information relating to violations of
 9 section 729.5. Planning for this project shall be
 10 completed and data collection shall commence no later
 11 than January 1, 1991."

Amendment H-5682 was adopted.

On motion by Corbett of Linn, amendment H-5635, as amended, lost.

The following amendments were withdrawn by unanimous consent:

H-5661 filed by Corbett of Linn on March 14, 1990.

H-5638 filed by Banks of Plymouth on March 13, 1990.

Connors of Polk in the chair at 7:40 p.m.

Banks of Plymouth offered the following amendment H-5644 filed by him and moved its adoption:

H-5644

- 1 Amend Senate File 2197 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by striking the words "sexual
- 4 orientation" and inserting the following:
- 5 "homosexuality or heterosexuality".
- 6 2. Page 2, line 15, by striking the words "sexual
- 7 orientation" and inserting the following:
- 8 "homosexuality or heterosexuality".

A non-record roll call was requested.

The ayes were 25, nays 41.

Amendment H-5644 lost.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2197)

The ayes were, 69:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Cohoon	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn

Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Renaud
Rosenberg	Schrader	Sherzan	Siegrist
Spear	Spenner	Stueland	Svoboda
Tabor	Teaford	Trent	Wise
Connors			
Presiding			

The nays were, 17:

Banks	Beaman	Branstad	Corbett
Diemer	Garman	Harbor	Hermann
Iverson	Kremer	Maulsby	Petersen, D. F.
Renken	Schnekloth	Shoning	Tyrrell
Van Maanen			

Absent or not voting, 14:

Avenson, Spkr.	Clark	Daggett	De Groot
Eddie	Fuller	Johnson	Pellett
Plasier	Poncy	Royer	Shearer
Shoultz	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2277, a bill for an act relating to tourist-oriented signs, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2277 be deferred and placed on the calendar under unfinished business.

Senate File 2201, a bill for an act relating to the family support subsidy program, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2201 be deferred and placed on the calendar under unfinished business.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2304, a bill for an act relating to notice requirements for sales under execution.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2369, a bill for an act relating to real property by establishing a real property inspection report.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2381, a bill for an act authorizing the conversion of a mutual property and casualty insurance company into a stock company, subject to certain conditions and procedural requirements.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2454, a bill for an act relating to the manufacture, distribution, and possession of gambling devices.

Also: That the Senate has on March 15, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2468, a bill for an act relating to the establishment of the division of criminal justice planning and providing an effective date.

Also: That the Senate has on March 15, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2512, a bill for an act altering the statutory monetary limitation on the local option E911 emergency telephone service surcharge, authorizing the Iowa finance authority to issue bonds and notes secured by certain designated sources to finance E911 service nonrecurring and recurring expenses, providing related procedures and conditions, and providing an effective date.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2518, a bill for an act relating to licensure and discipline of certain practice professionals and providing a penalty.

JOHN F. DWYER, Secretary

UNANIMOUS CONSENT CALENDAR
(Senate Concurrent Resolution 109)

We hereby respectfully request that Senate Concurrent Resolution 109, filed on February 26, 1990, be placed on the unanimous consent calendar.

IVERSON of Wright
HERMANN of Scott
VAN MAANEN of Mahaska

EXPLANATION OF VOTE

I was necessarily absent from the House chamber for portions of Tuesday, March 13 and Wednesday afternoon, March 14, 1990. Had I been present, I would have voted "aye" on Senate Files 2139, 2155, 2186, 2317, 2334, 2340, 2349 and 2388.

ADAMS of Hamilton

SUBCOMMITTEE ASSIGNMENT

House File 2124

Appropriations: Pavich, Chair; Maulsby and Poncey.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 2382), relating to and making appropriations for housing assistance.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1990.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 826), relating to the mobile home tax reduction for the elderly and disabled, the homestead tax credit, the property tax credit and rent reimbursement for the elderly and disabled, by increasing the amount of credit and reimbursement, creating a family farm tax credit, and providing a penalty, and effective and applicability dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 14, 1990.

RESOLUTIONS FILED

SCR 112, by Scott, a concurrent resolution relating to Vietnam veterans and recognizing the need for programs and services for veterans and their families.

Laid over under **Rule 25**.

SCR 125, by committee on rules and administration, a concurrent resolution designating March 1990 as Iowa Women's History Month.

Laid over under **Rule 25**.

SCR 127, by committee on agriculture, a concurrent resolution to encourage the establishment of the National Association of Swine Records in Des Moines, Iowa, and the support of the Association to increase performance of purebred swine and to assist purebred swine producers.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—5701	H.F.	2329	Senate Amendment
H—5702	H.F.	2321	Senate Amendment
H—5703	H.F.	673	Senate Amendment
H—5705	S.F.	2163	Fuller of Hardin
H—5708	S.F.	2011	Banks of Plymouth
H—5709	S.F.	2011	Garman of Story
H—5710	S.F.	431	Eddie of Buena Vista
H—5711	S.F.	2011	Corbett of Linn
H—5712	S.F.	2344	Chapman of Linn Beatty of Warren Rosenberg of Story
H—5713	S.F.	2049	Plasier of Sioux
H—5714	S.F.	2329	Koenigs of Mitchell
H—5715	S.F.	2402	Osterberg of Linn McKean of Jones
H—5716	S.F.	2085	Miller of Cherokee
H—5717	S.F.	2365	Lageschulte of Bremer
H—5718	H.F.	731	Senate Amendment
H—5719	H.F.	2416	Senate Amendment
H—5720	S.F.	2365	Carpenter of Polk Clark of Cerro Gordo
H—5722	S.F.	2049	Fey of Scott
H—5723	H.F.	2551	Diemer of Black Hawk Shoultz of Black Hawk Harper of Black Hawk Teaford of Black Hawk
H—5724	S.F.	2080	Osterberg of Linn
H—5725	S.F.	431	Kremer of Buchanan
H—5726	S.F.	431	Kremer of Buchanan
H—5727	S.F.	2402	Svoboda of Tama
H—5728	H.F.	2170	Gruhn of Dickinson Osterberg of Linn
H—5729	S.F.	2240	Osterberg of Linn
H—5730	H.F.	2468	Senate Amendment
H—5731	S.F.	2277	Jesse of Jasper

H-5732	S.F.	2003	Cohon of Des Moines
H-5733	S.F.	2365	Jochum of Dubuque
H-5734	H.F.	2512	Senate Amendment
H-5736	S.F.	2328	Shoultz of Black Hawk
H-5737	S.F.	2402	Halvorson of Clayton Harbor of Mills
H-5738	S.F.	2328	Shoultz of Black Hawk

On motion by Arnould of Scott, the House adjourned at 8:09 p.m., until 9:00 a.m., Friday, March 16, 1990.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day — Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 16, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Ben Ericson, pastor of Nazareth Lutheran Church, Cedar Falls.

The Journal of Thursday, March 15, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKean of Jones on request of Shoning of Woodbury; Peterson of Carroll on request of Svoboda of Tama; Petersen of Muscatine on request of Siegrist of Pottawattamie; Brammer of Linn on request of Adams of Hamilton, until his arrival.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2369, a bill for an act relating to the historic resource development program, with report of committee recommending passage was taken up for consideration.

Beatty of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2369)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May

McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Brammer	Eddie	Jochum	McKean
Petersen, D. F.	Peterson, M. K.	Siegrist	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2329, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semiannual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell asked and received unanimous consent that Senate File 2329 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2048, a bill for an act to prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2048 be deferred and that the bill be placed on the unfinished business calendar.

Appropriations Calendar

Senate File 2365, a bill for an act relating to and making appropriations to the department of human services and the Iowa department of public health and providing other properly related matters, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—5616 filed by the committee on appropriations:

H—5616

1 Amend Senate File 2365, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 23, by inserting after the word
4 “develop” the following: “or to contract for the
5 development of”.

6 2. Page 1, line 35, by inserting after the word
7 “force” the following: “, in consultation with the
8 Iowa medical society and the Iowa association of area
9 agencies on aging,”.

10 3. Page 2, line 1, by striking the word
11 “federal”.

12 4. Page 2, line 2, by inserting after the word
13 “program” the following: “sponsored by the Iowa
14 medical society and the Iowa association of area
15 agencies on aging”.

16 5. Page 4, by inserting after line 1 the
17 following:

18 “Sec. 7. RULES.

19 The department of human services may adopt
20 administrative rules under section 17A.4, subsection
21 2, and section 17A.5, subsection 2, paragraph “b”, to
22 implement the sections of this Act enumerated in this
23 section. Rules adopted pursuant to sections 2, 4, and
24 6 of this Act shall become effective immediately upon
25 filing, unless a later effective date is specified in
26 the rules. The rules shall also be published as
27 notice of intended action as provided in section
28 17A.4.

29 Sec. 8. TRANSFER OF FUNDS.

30 1. For accounting purposes, funds appropriated in
31 this Act to the department of human services shall be
32 considered to be part of the appropriations to the
33 department for medical assistance, medical contracts,
34 and general administration contained in House File
35 2514, if House File 2514 is enacted by the Seventy-
36 third General Assembly, 1990 Session.

37 2. For accounting purposes, funds appropriated in
38 this Act to the Iowa department of public health shall
39 be considered to be part of the appropriations to the
40 department for grants to county boards of supervisors
41 for the homemaker-home health aide program contained
42 in House File 2371, if House File 2371 is enacted by
43 the Seventy-third General Assembly, 1990 Session.”

44 6. By renumbering as necessary.

Hammond of Story offered the following amendment H—5694, to the committee amendment H—5616, filed by her and moved its adoption:

H—5694

- 1 Amend the amendment, H—5616, to Senate File 2365,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 30 through 36.
- 5 2. By renumbering as necessary.

Amendment H—5694 was adopted.

On motion by Hammond of Story, the committee amendment H—5616, as amended, was adopted.

Brown of Lucas in the chair at 10:09 a.m.

Shoning of Woodbury offered the following amendment H—5629 filed by Shoning, et al., and moved its adoption:

H—5629

- 1 Amend Senate File 2365, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by striking the figure
- 4 "3,300,000" and inserting the following: "4,527,000".
- 5 2. Page 1, line 14, by striking the figure
- 6 "1,400,000" and inserting the following: "2,627,000".
- 7 3. Page 3, line 33, by striking the word "twenty-
- 8 four" and inserting the following: "forty".

Roll call was requested by Hermann of Scott and Shoning of Woodbury.

On the question "Shall amendment H—5629 be adopted?"
(S.F. 2365)

The ayes were, 39:

Banks	Beaman	Bennett	Brammer
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Fogarty	Garman
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Hermann	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	Metcalf	Pellett	Peters
Plasier	Poncy	Renken	Royer
Schneklloth	Shoning	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 53:

Adams	Arnould	Avenson, Spkr.	Bisignano
Blanshan	Brand	Buhr	Chapman
Cohoon	Connors	Diemer	Doderer
Dvorsky	Fey	Fuller	Groninga
Gruhn	Hammond	Harper	Hatch

Haverland	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Brown			
Presiding			

Absent or not voting, 8:

Beatty	Black	Eddie	Hibbard
McKean	Ollie	Petersen, D. F.	Peterson, M. K.

Amendment H—5629 lost.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5720 filed by her and Clark of Cerro Gordo on March 15, 1990.

Jochum of Dubuque offered the following amendment H—5733 filed by him and moved its adoption:

H—5733

1 Amend Senate File 2365, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 7, by striking the figure
 4 "3,300,000" and inserting the following: "2,480,000".
 5 2. Page 1, line 8, by striking the figure
 6 "1,800,000" and inserting the following: "1,350,000".
 7 3. Page 1, line 14, by striking the figure
 8 "1,400,000" and inserting the following: "1,050,000".
 9 4. Page 1, line 18, by striking the figure
 10 "80,000" and inserting the following: "60,000".
 11 5. Page 2, line 29, by striking the figure
 12 "200,000" and inserting the following: "150,000".
 13 6. Page 3, line 29, by striking the word "July"
 14 and inserting the following: "October".
 15 7. Page 4, by inserting after line 1 the
 16 following:
 17 "Sec. 7. EFFECTIVE DATE.
 18 This act takes effect October 1, 1990."
 19 8. Title page, line 3, by inserting after the
 20 word "matters" the following: "and providing an
 21 effective date".

Amendment H—5733 was adopted.

Lageschulte of Bremer offered the following amendment H—5717 filed by him and moved its adoption:

H—5717

1 Amend Senate File 2365, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 1, by inserting after the figure
 4 "1396r-5(f)." the following: "However, if an
 5 institutionalized individual and the institutionalized
 6 individual's community spouse have a combined monthly
 7 income of fifteen hundred dollars or less, the
 8 department shall apply a minimum community spouse
 9 resource allowance amount of forty thousand dollars to
 10 these individuals."

Amendment H—5717 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the day, on request of Van Maanen of Mahaska.

Speaker Avenson in the chair at 12:22 p.m.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2365)

The ayes were, 73:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	De Groot	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Wise
Mr. Speaker			
Avenson			

The nays were, 20:

Bennett	Branstad	Carpenter	Diemer
Halvorson, R. A.	Hanson, D. R.	Harbor	Hester
Iverson	Kistler	Kremer	Maulsby
Metcalf	Miller	Pellett	Plasier
Renken	Royer	Trent	Van Maanen

Absent or not voting, 7:

Eddie	Hermann	McKean	Petersen, D. F.
Peterson, M. K.	Schneklath	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page, for the remainder of the day, on request of Harbor of Mills.

Regular Calendar

Senate File 2100, a bill for an act relating to fraternal benefit societies, imposing penalties, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn asked and received unanimous consent that Senate File 2100 be deferred and placed on the calendar under unfinished business.

Senate File 2198, a bill for an act relating to the sale of the United States flag in Iowa, with report of committee recommending passage was taken up for consideration.

Chapman of Linn asked and received unanimous consent that Senate File 2198 be deferred and placed on the calendar under unfinished business.

Senate File 2206, a bill for an act relating to campaign finance by specifying that restrictions on corporate campaign activities do not apply to certain political corporations, with report of committee recommending passage was taken up for consideration.

Chapman of Linn asked and received unanimous consent that Senate File 2206 be deferred and placed on the calendar under unfinished business.

Senate File 2326, a bill for an act requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn asked and received unanimous consent that Senate File 2326 be deferred and placed on the calendar under unfinished business.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott, for the remainder of the day, on request of Miller of Cherokee.

Senate File 2240, a bill for an act relating to the transfer of racing dogs, with report of committee recommending amendment and passage was taken up for consideration.

Schrader of Marion offered the following amendment H—5557 filed by the committee on agriculture:

H—5557

1 Amend Senate File 2240, 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 99D.27, Code Supplement 1989,
 6 is amended by striking the section and inserting in
 7 lieu thereof the following:
 8 99D.27 RACING DOG ADOPTION PROGRAM.
 9 A track licensed to race dogs under this chapter
 10 shall maintain a racing dog adoption program. The
 11 track shall advertise the availability of adoptable
 12 dogs in the media, including but not limited to racing
 13 programs. The track shall compile a list of persons
 14 applying to adopt a dog. A dog's owner or dog's
 15 trainer acting with the consent of the owner may
 16 participate in the program by placing the dog for
 17 adoption. The ownership of the dog shall be
 18 transferred from the owner of the dog to the person
 19 who is adopting the dog. A dog shall not be
 20 transferred to a person for purposes related to
 21 racing, breeding, hunting, laboratory research, or
 22 scientific experimentation. A dog shall not be
 23 transferred unless the dog has been examined by a
 24 veterinarian and found to be free of disease requiring
 25 extensive medical treatment. A dog shall not be
 26 transferred, until a veterinarian has certified that
 27 the dog has been sterilized. The track may transfer a
 28 dog to a governmental agency or nonprofit organization

29 without examination or certification. However, other
 30 requirements relating to the transfer of a dog to a
 31 person by a track under this section apply to the
 32 transfer of a dog to a person by the agency or
 33 organization. A person violating this section is
 34 guilty of a simple misdemeanor."

35 2. Title page, line 1, by inserting after the
 36 word "dogs" the following: ", and providing
 37 penalties".

Osterberg of Linn offered the following amendment H—5729, to the committee amendment H—5557, filed by him and moved its adoption:

H—5729

1 Amend the amendment, H—5557, to Senate File 2240,
 2 as passed by the Senate, as follows:
 3 1. Page 1, line 10, by inserting after the word
 4 "program." the following: "The track shall contract
 5 with a person approved by the department of
 6 agriculture and land stewardship to place racing dogs
 7 eligible for adoption under this section."

Amendment H—5729 was adopted.

On motion by Schrader of Marion, the committee amendment H—5557, as amended, was adopted.

Schrader of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2240)

The ayes were, 86:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich

Pellett	Peters	Poney	Renaud
Renken	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, 5:

Hibbard	Jay	Maulsby	Plasier
Trent			

Absent or not voting, 9:

Beaman	Eddie	Hermann	McKean
Petersen, D. F.	Peterson, M. K.	Royer	Schnekloth
Stueland			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2031, a bill for an act relating to vacation leave sharing by state employees, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2031 be deferred and placed on the calendar under unfinished business.

Senate File 2085, a bill for an act relating to solid waste disposal generated on agricultural land, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2085 be deferred and placed on the calendar under unfinished business.

Senate File 2093, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2093 be deferred and placed on the calendar under unfinished business.

Senate File 2113, a bill for an act relating to reporting ingredients of pesticides, making penalties applicable, and providing penalties, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2113 be deferred and placed on the calendar under unfinished business.

Senate File 2227, a bill for an act relating to public improvements, by authorizing counties to create special assessment districts in areas of the county outside cities or within cities for certain public improvements, to assess the cost of the improvements to the benefited property within the districts, to establish and collect rates and charges to maintain and operate the improvements, and by providing an effective date, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2227 be deferred and placed on the calendar under unfinished business.

Senate File 2059, a bill for an act authorizing merged area schools to establish a self-insurance program for the payment of workers' compensation benefits, exempting the self-insurance program from taxation, and exempting the self-insurance program from insurance regulation, with report of committee recommending passage was taken up for consideration.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2059)

The ayes were, 80:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Poncy	Renaud
Renken	Rosenberg	Schrader	Shearer

Sherzan	Shoning	Siegrist	Spear
Spenner	Svoboda	Swartz	Teaford
Trent	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 20:

Blanshan	Brand	Daggett	Eddie
Fuller	Groninga	Harbor	Harper
Hermann	Kistler	McKean	Petersen, D. F.
Peterson, M. K.	Plasier	Royer	Schneklath
Shoultz	Stueland	Tabor	Tyrrell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2049, a bill for an act relating to the establishment of standards for the collection, processing, storage, and distribution of human blood, plasma, and blood products, and to the licensing of blood collection and plasmapheresis centers, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2049 be deferred and placed on the calendar under unfinished business.

Senate File 2393, a bill for an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2393 be deferred and placed on the calendar under unfinished business.

Senate File 390, a bill for an act relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 390 be deferred and placed on the calendar under unfinished business.

Senate File 431, a bill for an act amending the pesticide Act of Iowa, by providing requirements for pesticide dealers and applicators, providing registration requirements, and providing for fees and civil penalties, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 431 be deferred and placed on the calendar under unfinished business.

Senate File 298, a bill for an act relating to planting of vegetation by persons on public lands, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 298 be deferred and placed on the calendar under unfinished business.

The House stood at ease at 12:52 p.m., until the fall of the gavel.

The House resumed session at 1:04 p.m., Speaker Avenson in the chair.

Senate File 2003, a bill for an act permitting a refund of unexpired motor vehicle registration fees to persons who sell their motor vehicles and who will no longer be driving, with report of committee recommending amendment and passage was taken up for consideration.

Cohoon of Des Moines offered the following amendment H—5626 filed by the committee on transportation:

H—5626

- 1 Amend Senate File 2003, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking everything after the
- 4 enacting clause and inserting the following:
- 5 "Section 1. Section 321.46, subsection 3,
- 6 unnumbered paragraph 1, Code 1989, is amended to read
- 7 as follows:
- 8 The applicant shall be entitled to a credit for
- 9 that portion of the registration fee of the vehicle
- 10 sold, traded, or junked ~~within the state~~ which had not
- 11 expired prior to the transfer of ownership of the
- 12 vehicle. The registration fee for the new
- 13 registration for the vehicle acquired shall be reduced
- 14 by the amount of the credit. The credit shall be
- 15 computed on the basis of the number of months
- 16 remaining in the registration year, rounded to the
- 17 nearest whole dollar. The credit shall be subject to

18 the following limitations:

19 Sec. 2. Section 321.46, subsection 3, paragraph c,
20 Code 1989, is amended to read as follows:

21 c. When the amount of the credit is computed to be
22 an amount of less than five ten dollars, a credit
23 shall be disallowed.

24 Sec. 3. Section 321.46, subsection 3, paragraph g,
25 Code 1989, is amended to read as follows:

26 g. The credit allowed ~~shall not may~~ exceed the
27 amount of the registration fee for the vehicle
28 acquired, in which case the county treasurer shall
29 issue a vehicle registration fee credit receipt for
30 the excess amount which shall be valid for use in a
31 subsequent vehicle registration by the applicant. A
32 vehicle registration fee credit receipt is
33 nontransferable.

34 Sec. 4. Section 321.46, subsection 6, Code 1989,
35 is amended to read as follows:

36 6. An applicant for a new registration for a
37 vehicle transferred to the applicant by a spouse,
38 parent or child of the applicant, or by operation of
39 law upon inheritance, devise or bequest, from the
40 applicant's spouse, parent or child, or by a former
41 spouse pursuant to a decree of dissolution of
42 marriage, is entitled to a credit to be applied to the
43 registration fee for the transferred vehicle. A
44 credit shall not be allowed unless the vehicle to
45 which the credit applies is registered within the time
46 specified under subsection 1. The credit shall be
47 computed on the basis of the number of unexpired
48 months remaining in the registration year of the
49 former owner computed from the date the vehicle was
50 transferred, computed to the nearest whole dollar.

Page 2

1 The credit ~~shall not may~~ exceed the amount of the
2 registration fee for the transferred vehicle, in which
3 case the county treasurer shall issue a vehicle
4 registration fee credit receipt for the excess amount
5 which shall be valid for use in a subsequent vehicle
6 registration by the applicant. A vehicle registration
7 credit receipt is nontransferable. When the amount of
8 the credit is computed to be an amount of less than
9 five ten dollars, the credit shall be disallowed. The
10 credit shall not be sold, transferred, or assigned to
11 any other person.

12 Sec. 5. Section 321.126, unnumbered paragraph 1,
13 Code 1989, is amended to read as follows:

14 Refunds of unexpired vehicle registration fees
15 shall be allowed in accordance with this section,
16 except that no refund shall be allowed and paid if the

17 unused portion of the fee is less than five ten
18 dollars. Subsections 1 and 2 do not apply to motor
19 vehicles registered by the county treasurer. The
20 refunds shall be made as follows:

21 Sec. 6. Section 321.126, subsection 6, unnumbered
22 paragraph 1, Code 1989, is amended to read as follows:

23 If a vehicle is sold or junked and a replacement
24 vehicle is not purchased within the thirty days after
25 a replacement vehicle has been purchased and the title
26 and registration for the replacement vehicle issued
27 following the date of sale or junking, the owner in
28 whose name the vehicle was registered, after the
29 expiration of the thirty-day period, may within thirty
30 days after the date of sale or junking make claim to
31 the department for a refund of the sold or junked
32 vehicle's registration fee subject to the following
33 limitations:

34 Sec. 7. Section 321.126, subsection 6, paragraph
35 b, Code 1989, is amended by striking the paragraph.

36 Sec. 8. Section 321.126, subsection 6, paragraph
37 c, Code 1989, is amended to read as follows:

38 c. The refund shall only be allowed if the owner
39 provides the credit copy of the registration receipt
40 for the vehicle sold or junked and a photocopy of the
41 registration receipt for the replacement vehicle.

42 Sec. 9. Section 321.126, subsection 6, Code 1989,
43 is amended by adding the following new paragraph
44 immediately following paragraph c and relettering the
45 subsequent paragraph:

46 NEW PARAGRAPH. d. The refund shall only be
47 allowed if the owner makes claim for the refund within
48 six months after the date of the vehicle's sale or
49 junking.

50 Sec. 10.

Page 3

1 This Act takes effect January 1, 1991."

2 2. Title page, line 1, by inserting after the
3 word "refund" the following: "or credit".

4 3. Title page, by striking lines 2 and 3 and
5 inserting the following: "registration fees to
6 persons who sell, trade, or junk their motor vehicles
7 and providing an effective date."

Cohon of Des Moines offered the following amendment H-5732,
to the committee amendment H-5626, filed by him and moved its
adoption:

H-5732

1 Amend the amendment, H-5626, to Senate File 2003,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 1, by inserting after line 23 the
5 following:
6 "Sec. _____. Section 321.46, subsection 3, paragraph
7 e, Code 1989, is amended to read as follows:
8 e. A credit shall not be allowed to any person who
9 is eligible has made claim to receive a refund; upon
10 proper application, under section 321.126."
11 2. Page 1, by striking lines 25 through 33, and
12 inserting the following: "Code 1989, is amended by
13 striking the paragraph and inserting the following:
14 g. If the credit allowed exceeds the amount of the
15 registration fee for the vehicle acquired, the owner
16 may claim a refund under section 321.126, subsection
17 6, for the balance of the credit."
18 3. Page 2, by striking lines 2 through 7, and
19 inserting the following: "registration fee for the
20 transferred vehicle. When the amount of".
21 4. Page 2, line 32, by striking the word "fee"
22 and inserting the following: "fee. Also if the owner
23 of a vehicle receives a vehicle registration fee
24 credit under section 321.46, subsection 3, and the
25 credit allowed exceeds the amount of the registration
26 fee for the vehicle acquired, the owner may claim a
27 refund for the balance of the credit. The refund is".
28 5. Page 2, by inserting after line 33 the
29 following:
30 "Sec. _____. Section 321.126, subsection 6,
31 paragraph a, Code 1989, is amended to read as follows:
32 a. The If a vehicle registration fee credit has
33 not been received by the owner of the vehicle under
34 section 321.46, subsection 3, the refund shall be
35 computed on the basis of the number of unexpired
36 months remaining in the registration year at the time
37 the vehicle was sold or junked and. The refund shall
38 be rounded to the nearest whole dollar. Section
39 321.127, subsection 1, does not apply."
40 6. Page 2, line 39, by striking the words "the
41 credit" and inserting the following: "the credit a".
42 7. Page 2, line 48, by striking the word "sale"
43 and inserting the following: "sale, trade."
44 8. Renumber sections as necessary.

Amendment H—5732 was adopted.

On motion by Cohoon of Des Moines, the committee amendment H—5626, as amended, was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2003)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Plasier	Poncy
Renaud	Renken	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 13:

Beatty	Blanshan	Eddie	Hermann
Jay	McKean	Miller	Petersen, D. F.
Peterson, M. K.	Royer	Schneklloth	Shoultz
Stueland			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2249, a bill for an act relating to workers' health, safety, and welfare, by providing an expedited hearing process for certain contested cases, requiring payment of medical expenses of an injured employee in certain circumstances, staying debt collection proceedings against an employee by a person providing treatment pending resolution of a contested case before the industrial commissioner, altering certain formulas for the calculation of benefits, establishing initial hearing deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, exempting union agents and employees from certain tort liability, and providing

applicability and effective dates, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2249 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2286, a bill for an act relating to satisfaction of a support order by direct payment to a person who is to receive the payment, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2286 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2395, a bill for an act relating to the protection of trade secrets and providing remedies, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2395 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2403, a bill for an act relating to energy efficiency, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2403 be deferred and that the bill be placed on the unfinished business calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Beatty of Warren, for the remainder of the day, on request of Spear of Lee.

Senate File 2080, a bill for an act providing for the sale, offer for sale, or distribution of sterile varieties of purple loosestrife, with report of committee recommending amendment and passage was taken up for consideration.

Osterberg of Linn offered the following amendment H—5597 filed by the committee on agriculture:

H—5597

- 1 Amend Senate File 2080, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by striking the word

- 4 "virgantum" and inserting the following: "virgatum or
5 lythrum salicaria".

Osterberg of Linn offered the following amendment H—5724, to the committee amendment H—5597, filed by him and moved its adoption:

H—5724

- 1 Amend the amendment, H—5597, to Senate File 2080,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, lines 4 and 5, by striking the words
5 "or lythrum salicaria".

Amendment H—5724 was adopted.

On motion by Osterberg of Linn, the committee amendment H—5597, as amended, was adopted.

Osterberg of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2080)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Plasier	Poncy	Renaud
Renken	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Tefford	Trent	Tyrrell
Van Maanen	Wise		

The nays were, 2:

Avenson, Spkr. Jochum

Absent or not voting, 12:

Beatty	Chapman	Eddie	Hermann
Jay	McKean	Mertz	Petersen, D. F.
Peterson, M. K.	Royer	Schnekloth	Stueland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 2344**, a bill for an act relating to modification of child support orders, previously deferred and retained on the calendar.

Arnould of Scott asked and received unanimous consent that Senate File 2344 be deferred and placed on the calendar under unfinished business.

Senate File 2372, a bill for an act relating to the 1991 redistricting process for the election of senators in conformity with article III, section 6 of the Constitution of the State of Iowa, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2372 be deferred and placed on the calendar under unfinished business.

Senate File 2379, a bill for an act relating to anaerobic lagoons, making penalties applicable, and providing for applicability of the Act, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2379 be deferred and placed on the calendar under unfinished business.

Senate File 2287, a bill for an act relating to the creation of an interstate metropolitan authority, by specifying the powers and duties of the authority, by authorizing certain counties to join the authority, by providing for the imposition of a retail sales tax and the certification of a property tax levy, by providing for the issuance of revenue bonds, by authorizing the imposition of fines for certain violations, and by providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2287 be deferred and placed on the calendar under unfinished business.

Senate File 2259, a bill for an act relating to juvenile substance

abuse programs licensed by the Iowa department of public health by requiring criminal record and child abuse registry screening of persons employed by the programs, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2259 be deferred and placed on the calendar under unfinished business.

Senate Joint Resolution 2003, a joint resolution proposing the establishment of a state office of disability prevention activities and requiring certain state agencies to perform various activities and to submit a report relating to coordination of disability prevention programs, with report of committee recommending amendment and passage was taken up for consideration.

Carpenter of Polk offered the following amendment H—5592 filed by the committee on state government and moved its adoption:

H—5592

- 1 Amend Senate Joint Resolution 2003 as passed by the
- 2 Senate as follows:
- 3 1. Page 1, by striking lines 2 and 3 and
- 4 inserting the following:
- 5 "The governor's planning council for developmental
- 6 disabilities shall convene representatives of the
- 7 department of human rights, Iowa department of public
- 8 health, department".
- 9 2. Page 1, line 6, by striking the word "shall"
- 10 and inserting the following: "to".
- 11 3. Page 1, line 8, by striking the word
- 12 "Designate" and inserting the following: "Identify".
- 13 4. Page 1, by striking lines 19 through 25 and
- 14 inserting the following:
- 15 "5. Jointly, and in consultation with
- 16 representatives of the senate and house of
- 17 representatives, prepare a report of findings and
- 18 recommendations concerning a coordinated approach to
- 19 planning, implementing, and evaluating disability
- 20 prevention activities and submit the report to the
- 21 governor and the general assembly on or before October
- 22 1, 1990."
- 23 5. Title page, page 1, by striking lines 1
- 24 through 5 and inserting the following: "A Joint
- 25 Resolution proposing the establishment of disability
- 26 prevention activities coordination by certain state
- 27 agencies, and requiring preparation of a report
- 28 relating to coordination of disability prevention
- 29 programs."

30 6. Title page, by striking page 2, line 23
 31 through page 3, line 40 and inserting the following:
 32 "Whereas, a coordinated approach to disability
 33 prevention activities should be established within
 34 state government in order to assist with the
 35 prevention of disabilities, and the following
 36 activities should be performed:
 37 1. Development of strategies to reduce
 38 disabilities which begin prior to conception and
 39 continue through adolescence.
 40 2. Coordination of disability prevention efforts
 41 of the following state agencies: department of human
 42 rights, Iowa department of public health, department
 43 of human services, department of education, department
 44 of natural resources, state department of
 45 transportation, and department of public safety by
 46 using the Iowa state plan for the prevention of
 47 developmental disabilities.
 48 3. Development of a mechanism to assure ongoing
 49 coordination in the planning, implementation, and
 50 evaluation of disability prevention activities. *Now*

Page 2

1 *Therefore,*."

The committee amendment H—5592 was adopted.

Carpenter of Polk moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2003)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Plasier	Poncy	Renaud
Renken	Rosenberg	Schrader	Shearer

Sherzan	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 14:

Beatty	Chapman	Eddie	Hermann
Jay	Johnson	McKean	Mertz
Petersen, D. F.	Peterson, M. K.	Royer	Schnekloth
Shoning	Stueland		

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House and the title, as amended, was agreed to.

The House resumed consideration of **Senate File 2163**, a bill for an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date, previously deferred and retained on the calendar.

Arnould of Scott asked and received unanimous consent that Senate File 2163 be deferred and that the bill be placed on the unfinished business calendar.

The House resumed consideration of **Senate File 2366**, a bill for an act establishing councils of governments and providing certain duties, previously deferred and retained on the calendar.

Arnould of Scott asked and received unanimous consent that Senate File 2366 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2052, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2052 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 2235, a bill for an act relating to reassignment of certificates of title and providing an effective date, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 2235 be deferred and that the bill be placed on the unfinished business calendar.

Senate File 205, a bill for an act relating to the credentialing and regulation of respiratory care practitioners, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 205 be deferred and that the bill be placed on the unfinished business calendar.

IMMEDIATE MESSAGE

(Senate File 2365)

Arnould of Scott asked and received unanimous consent that Senate File 2365 be immediately messaged to the Senate.

MOTION TO OVERRIDE GOVERNOR'S VETO LOST

(House File 2514)

Hammond of Story called up for consideration **House File 2514**, a bill for an act relating to human services and making appropriations to the department of human services and other properly related matters and providing an effective date, vetoed by the Governor on March 7, 1990.

Wise of Lee in the chair at 1:45 p.m.

Speaker Avenson in the chair at 1:53 p.m.

Hammond of Story moved that the House on reconsideration agree to pass House File 2514, the objections of the Governor to the contrary notwithstanding. (See pages 980 and 981 of the House Journal for the Governor's Veto Message.)

On the question "Shall the House on reconsideration pass the bill, the objections of the Governor to the contrary notwithstanding?" (H.F. 2514)

The ayes were, 55:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Cohoon	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam

May	McKinney	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 34:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	Metcalf	Miller	Pellett
Plasier	Renken	Schnekloth	Shoning
Siegrist	Spear	Spenner	Trent
Tyrrell	Van Maanen		

Absent or not voting, 11:

Beatty	Chapman	Eddie	Hermann
Jay	McKean	Mertz	Petersen, D. F.
Peterson, M. K.	Royer	Stueland	

The motion having failed to receive a two-thirds majority was declared to have lost and the Governor's veto was sustained.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, for the remainder of the day, on request of Fogarty of Palo Alto.

MOTION TO OVERRIDE GOVERNOR'S VETO LOST (House File 2418)

Hatch of Polk called up for consideration **House File 2418**, 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, vetoed by the Governor on March 14, 1990.

Hatch of Polk moved that the House on reconsideration agree to pass House File 2418, the objections of the Governor to the contrary notwithstanding. (See page 1103 of the House Journal for the Governor's Veto Message.)

On the question "Shall the House on reconsideration pass the bill, the objections of the Governor to the contrary notwithstanding?" (H.F. 2418)

The ayes were, 54:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Cphoon	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 34:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	Metcalf	Miller	Pellett
Plasier	Renken	Schnekloth	Shoning
Siegrist	Spear	Spenner	Trent
Tyrrell	Van Maanen		

Absent or not voting, 12:

Beatty	Chapman	Eddie	Halvorson, R. N.
Hermann	Jay	McKean	Mertz
Petersen, D. F.	Peterson, M. K.	Royer	Stueland

The motion having failed to receive a two-thirds majority was declared to have lost and the Governor's veto was sustained.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 16th day of March, 1990: House Files 324, 2044, 2132, 2153, 2324, 2341, 2498 and 2502.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday evening, March 15, 1990. Had I been present, I would have voted "aye" on Senate Files 332, 2057 and 2197; "nay" on amendment H—5633 to Senate File 2057.

SHEARER of Louisa

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-four eighth grade students from Alden Middle School, Alden, accompanied by Janet Zeisman. By Fuller of Hardin.

Thirty sixth grade students from Orient-Macksburg Elementary School, Orient, accompanied by John Dunlevy. By Hibbard of Madison and Beaman of Clarke.

Nine high school students from Woodward-Granger High School, Woodward, accompanied by Steve Richardson. By McKinney of Dallas.

Fifty fifth grade students from Longfellow Elementary School, Council Bluffs, accompanied by Mrs. Boldt and Mrs. Heithoffi. By Pavich and Siegrist of Pottawattamie.

AMENDMENTS FILED

H—5739	H.F.	2407	De Groot of Lyon Osterberg of Linn
H—5740	S.F.	2298	Neuhauser of Johnson
H—5742	S.F.	2227	Metcalf of Polk Carpenter of Polk Hanson of Delaware Trent of Muscatine Halvorson of Webster
H—5743	S.F.	2227	Carpenter of Polk Halvorson of Webster Metcalf of Polk Trent of Muscatine

On motion by Arnould of Scott, the House adjourned at 2:13 p.m., until 10:00 a.m., Monday, March 19, 1990.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day — Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 19, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Jim Lykam, state representative from Scott County.

The Journal of Friday, March 16, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Knapp of Dubuque, until his arrival, on request of May of Worth; Rosenberg of Story on request of Shearer of Louisa.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2131, a bill for an act relating to housing cooperatives by authorizing the creation of local housing authorities to encourage and organize sweat equity housing cooperative associations with state financial assistance as available, and providing procedures and requirements.

Also: That the Senate has on March 16, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2238, a bill for an act eliminating the requirement of zero balancing of automatic adjustments in the rates and charges of public utility service.

Also: That the Senate has on March 16, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2279, a bill for an act permitting the department of natural resources to accept credit cards for payment of certain fees and other permitted purposes.

Also: That the Senate has on March 16, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2296, a bill for an act relating to the regulation and operation of dams.

Also: That the Senate has on March 16, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2308, a bill for an act relating to freestanding hospice facilities.

Also: That the Senate has on March 16, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2314, a bill for an act relating to property taxes and mobile home taxes by providing for monthly or quarterly payments and providing an applicability date.

Also: That the Senate has on March 13, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2339, a bill for an act relating to costs associated with the Iowa management training revolving fund.

Also: That the Senate has on March 15, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2508, a bill for an act relating to the commitment and treatment of chronic substance abusers.

Also: That the Senate has on March 16, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2531, a bill for an act to require a business, as a condition of the receipt of state financial assistance for economic development purposes, to meet certain requirements relating to federal and state environmental protection laws and the disposal of solid and hazardous waste.

Also: That the Senate has on March 16, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2534, a bill for an act relating to sanitary disposal projects.

JOHN F. DWYER, Secretary

Haverland of Polk in the chair at 10:28 a.m.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2235**, a bill for an act relating to reassignment of certificates of title and providing an effective date, previously deferred and retained on the unfinished business calendar.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2235)

The ayes were, 95:

- | | | | |
|----------|----------|----------------|-----------|
| Adams | Arnould | Avenson, Spkr. | Banks |
| Beaman | Beatty | Bennett | Bisignano |
| Black | Blanshan | Brammer | Brand |
| Branstad | Brown | Buhr | Carpenter |
| Chapman | Clark | Cphoon | Connors |

Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Haverland	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Eddie	Jay	Knapp	Plasier
Rosenberg			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 2277**, a bill for an act relating to tourist-oriented signs, previously deferred and placed on the unfinished business calendar.

Teaford of Black Hawk offered the following amendment H—5533 filed by the committee on economic development and moved its adoption:

H—5533

- 1 Amend Senate File 2277, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 15 through 17, and
- 4 inserting the following: "placement of a sign, the
- 5 department shall attempt to reach an agreement with
- 6 the landowner for relocating the sign. If possible,
- 7 the sign shall be relocated from the place of
- 8 objection. If the sign must be located on an
- 9 objectionable place, it shall be located on the least
- 10 objectionable place possible."
- 11 2. Page 2, by inserting after line 24, the
- 12 following:

13 "Sec. _____. Section 306C.11, subsection 5,
14 unnumbered paragraph 3, Code 1989, is amended by
15 striking the paragraph."

16 3. Page 3, line 15, by inserting after the word
17 "stewardship," the following: "natural resources,
18 cultural affairs,".

19 4. Page 3, line 17, by striking the word "agency"
20 and inserting the following: "association".

21 5. Page 3, line 26, by inserting after the word
22 "signing," the following: "The rules shall not be
23 applicable to directional signs relating to historic
24 sites on land owned or managed by state agencies, as
25 provided in section 321.253A."

26 6. Page 4, by inserting after line 21, the
27 following:

28 "Sec. _____. NEW SECTION. 321.253A DIRECTIONAL
29 SIGNS RELATING TO HISTORIC SITES ON LAND OWNED OR
30 MANAGED BY STATE AGENCIES.

31 1. The department shall place and maintain
32 directional signs upon primary highways which provide
33 information about historic sites which are located on
34 land owned or managed by an agency as defined in
35 section 17A.2. The signs shall conform to the manual
36 of uniform traffic devices. However, the directional
37 signs are not subject to requirements applicable to
38 tourist-oriented directional signs.

39 2. Upon request by a city or county in which a
40 historic site is located on land owned or managed by
41 an agency, the department shall distribute a
42 directional sign as provided in this section to the
43 city or county for erection upon roads or streets
44 within their jurisdictions.

45 3. The location of the historic site shall be
46 memorialized on transportation maps of the state
47 published under the direction of the department and
48 generally made available to the public.

49 4. The department shall not erect, maintain, or
50 distribute a directional sign or include on a

Page 2

1 transportation map information about a historic site
2 located on land owned or managed by an agency if the
3 department receives an objection by the agency."

The committee amendment H—5533 was adopted.

Jesse of Jasper offered the following amendment H—5731 filed
by him:

H—5731

1 Amend Senate File 2277, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 4, line 3, by inserting after the word
4 "sites." the following: "Tourist-oriented directional
5 signs may be placed on highways within the maximum
6 travel distance that have the greatest traffic count
7 per day, if sufficient space is available."
8 2. Page 4, line 5, by inserting after the word
9 "crossroad." the following: "Appropriate trailblazing
10 shall be installed over the most desirable routes on
11 lesser traveled primary highways, secondary roads, and
12 city streets leading to the tourist attraction."

Koenigs of Mitchell asked for unanimous consent that Senate File 2277 be deferred and that the bill retain its place on the calendar.

Objection was raised.

Arnould of Scott asked and received unanimous consent that Senate File 2277 be deferred and that the bill retain its place on the calendar.

(Amendment H—5731 pending.)

The House resumed consideration of **Senate File 2201**, a bill for an act relating to the family support subsidy program, previously deferred and placed on the unfinished business calendar.

Nielsen of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2201)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Clark	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf

Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Royer
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Haverland			
Presiding			

The nays were, 3:

Bennett	Plasier	Schnekloth
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Absent or not voting, 8:

Avenson, Spkr.	Beatty	Chapman	Eddie
Jay	Knapp	Rosenberg	Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 12:17 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

SENATE AMENDMENT CONSIDERED

Peterson of Carroll called up for consideration **House File 730**, a bill for an act relating to the adoption of rules by the real estate commission imposing certain requirements on real estate brokers and salespersons, and providing an effective date, amended by the Senate amendment H—5156 as follows:

H—5156

- 1 Amend House File 730, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 7 through 13.

Peterson of Carroll asked and received unanimous consent to withdraw amendment H—5174, to the Senate amendment H—5156, filed by him on February 16, 1990.

On motion by Peterson of Carroll, the House concurred in the Senate amendment H—5156.

Peterson of Carroll moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 730)

The ayes were, 71:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Jesse	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	May	McKinney	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poney	Renaud
Royer	Schrader	Shearer	Sherzan
Shoning	Shultz	Spear	Spenner
Stueland	Svoboda	Swartz	Teaford
Trent	Wise	Connors	
		Presiding	

The nays were, 18:

Branstad	De Groot	Diemer	Garman
Halvorson, R. A.	Halvorson, R. N.	Iverson	Lageschulte
Maulsby	McKean	Mertz	Pellett
Petersen, D. F.	Renken	Schnekloth	Siegrist
Tyrrell	Van Maanen		

Absent or not voting, 11:

Arnould	Avenson, Spkr.	Blanshan	Eddie
Hatch	Jay	Jochum	Johnson
Plasier	Rosenberg	Tabor	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 2548, a bill for an act relating to agricultural health and safety, was taken up for consideration.

Muhlbauer of Crawford asked and received unanimous consent that House File 2548 be deferred and that the bill retain its place on the calendar.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2227**, a bill for

an act relating to public improvements, by authorizing counties to create special assessment districts in areas of the county outside cities or within cities for certain public improvements, to assess the cost of the improvements to the benefited property within the districts, to establish and collect rates and charges to maintain and operate the improvements, and by providing an effective date, previously deferred and placed on the unfinished business calendar.

Metcalf of Polk offered the following amendment H-5742 filed by Metcalf, et al.:

H-5742

1 Amend Senate File 2227, 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. 99D.27 COUNTY AND CITY
6 SUBSIDIES.

7 1. A county shall grant or loan money to a
8 licensee under this chapter only in accordance with
9 the following terms and procedures:

10 a. A loan agreement entered into by a county may
11 contain provisions similar to those sometimes found in
12 loan agreements between private parties, including the
13 issuance of notes to evidence its obligations.

14 b. A provision of a loan agreement which
15 stipulates that a portion of the payments be applied
16 as interest is subject to chapter 74A. Other laws
17 relating to interest rates do not apply. Chapter 75
18 is not applicable. A county enterprise is a separate
19 entity under the provisions of this section whether it
20 is governed by the board or another governing body.

21 c. The board shall follow substantially the same
22 authorization procedure required for the issuance of
23 general obligation bonds issued for the same purpose,
24 to authorize a loan agreement made payable from the
25 debt service fund or to authorize a grant from other
26 county funds.

27 d. The board may authorize a grant which is
28 payable from the general fund or a loan agreement
29 which is payable from the general fund and which would
30 not cause the total of scheduled annual payments of
31 principal or interest or both principal and interest
32 of the county due from the general fund of the county
33 in any future year with respect to all loan agreements
34 in force on the date of the authorization to exceed
35 ten percent of the last certified general fund budget
36 amount in accordance with the following procedures:

37 (1) The board must follow substantially the
38 authorization procedures of section 331.443 to

39 authorize a loan agreement or a grant which is payable
40 from the general fund if the amount of the loan
41 agreement or grant does not exceed one hundred
42 thousand dollars.

43 (2) The board must follow the following procedures
44 to authorize a loan agreement or grant which is
45 payable from the general fund if the principal amount
46 of the loan agreement or the grant exceeds the limits
47 set forth in subparagraph (1):

48 (a) The board must institute proceedings for
49 entering into a loan agreement or authorizing a grant
50 by causing a notice of the proposal to enter into the

Page 2

1 loan agreement, including a statement of the principal
2 amount and purpose of the loan agreement or grant, and
3 the right to petition for an election, to be published
4 as provided in section 331.305 at least twenty days
5 prior to the meeting at which it is proposed to take
6 the action.

7 (b) If at any time before the date fixed for
8 taking the action a petition is filed with the auditor
9 in the manner provided by section 331.306 asking that
10 the question of entering into the loan agreement or
11 authorizing a grant be submitted to the qualified
12 electors of the county, the board shall either by
13 resolution declare the proposal to enter into the loan
14 agreement to have been abandoned or shall direct the
15 county commissioner of elections to call a special
16 election upon the question of entering into the loan
17 agreement. However, for purposes of this paragraph
18 the petition shall require signatures of three percent
19 of the qualified electors, except that no fewer than
20 two hundred fifty and no more than three thousand
21 signatures are required. Notice of the election and
22 its conduct shall be in the manner provided in section
23 331.442, subsections 2 through 4.

24 (c) If no petition is filed, or if a petition is
25 filed and the proposition of entering into the loan
26 agreement or authorizing a grant is approved at an
27 election, the board may proceed and enter into the
28 loan agreement or authorize a grant.

29 (d) The governing body may authorize a loan
30 agreement or a grant payable from the net revenues of
31 a county enterprise or combined county enterprise by
32 following the authorization procedures of section
33 331.464.

34 (e) A loan agreement to which a county is a party
35 or in which a county has a participatory interest, is
36 an obligation of a political subdivision of this state
37 for the purpose of chapters 502 and 682, and is a

38 lawful investment for banks, trust companies, building
39 and loan associations, savings and loan associations,
40 investment companies, insurance companies, insurance
41 associations, executors, guardians, trustees, and any
42 other fiduciaries responsible for the investment of
43 funds.

44 2. A city shall grant or loan money to a licensee
45 under this chapter only in accordance with the
46 following terms and procedures:

47 a. A loan agreement entered into by a city may
48 contain provisions similar to those sometimes found in
49 loan agreements between private parties, including the
50 issuance of notes to evidence its obligations.

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1 b. A provision of a loan agreement which
2 stipulates that a portion of the payments be applied
3 as interest is subject to chapter 74A. Other laws
4 relating to interest rates do not apply. Chapter 75
5 is not applicable. A city utility or city enterprise
6 is a separate entity under this section whether it is
7 governed by the council or another governing body.

8 c. The governing body shall following
9 substantially the same authorization procedure
10 required for the issuance of general obligation bonds
11 issued for the same purpose, to authorize a loan
12 agreement made payable from the debt service fund or
13 to authorize a grant from other city funds.

14 d. The governing body may authorize a grant which
15 is payable from the general fund or a loan agreement
16 which is payable from its general fund and which would
17 not cause the total of scheduled annual payments of
18 principal or interest or principal and interest of the
19 city due from the general fund of the city in any
20 future year with respect to all loan agreements in
21 force on the date of the authorization, to exceed ten
22 percent of the last certified general fund budget
23 amount in accordance with the following procedures:

24 (1) The governing body must follow substantially
25 the authorization procedures of section 384.25 to
26 authorize a loan agreement or a grant which is payable
27 from the general fund if the amount of the loan
28 agreement or grant does not exceed one hundred
29 thousand dollars.

30 (2) The governing body must follow the following
31 procedures to authorize a loan agreement or a grant
32 which is payable from the general fund if the amount
33 of the loan agreement or the grant exceeds the limits
34 set forth in subparagraph (1):

35 (a) The governing body may institute proceedings
36 to enter into a loan agreement or authorize a grant

37 payable from its general fund by causing a notice of
38 the proposal to enter into the loan agreement or
39 authorize a grant, including a statement of the amount
40 and purpose of the loan agreement or grant, and the
41 right to petition for an election, to be published at
42 least once in a newspaper of general circulation
43 within the city at least twenty days prior to the
44 meeting at which it is proposed to take action.

45 (b) If any time before the date fixed for taking
46 action to enter into the loan agreement or authorize a
47 grant, a petition is filed with the clerk of the city
48 in the manner provided by section 362.4, asking that
49 the question of entering into the loan agreement or
50 authorizing a grant be submitted to the qualified

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1 electors of the city, the governing body shall either
2 by resolution declare the proposal to enter into the
3 loan agreement or authorize the grant to have been
4 abandoned or shall direct the county commissioner of
5 elections to call a special election upon the question
6 of entering into the loan agreement or authorizing the
7 grant. However, for purposes of this paragraph, the
8 petition shall require the signatures of three percent
9 of the qualified electors, except that no fewer than
10 one hundred and no more than three thousand signatures
11 are required. Notice of the election and its conduct
12 shall be in the manner provided in section 384.26,
13 subsections 2 through 4.

14 (c) If no petition is filed, or if a petition is
15 filed and the proposition of entering into the loan
16 agreement or authorizing the grant is approved at an
17 election, the governing body may proceed and enter
18 into the loan agreement or authorize the grant.

19 (3) The governing body may authorize a loan
20 agreement or grant payable from the net revenues of a
21 city utility, combined utility system, city
22 enterprise, or combined city enterprise by following
23 the authorization procedures of section 384.83.

24 (4) A loan agreement to which a city is a party,
25 or in which the city has a participatory interest, is
26 an obligation of a political subdivision of this state
27 for the purposes of chapters 502 and 682, and is a
28 lawful investment for banks, trust companies, building
29 and loan associations, savings and loan associations,
30 investment companies, insurance companies, insurance
31 associations, executors, guardians, trustees, and any
32 other fiduciaries responsible for the investment of
33 funds."

34 2. Title page, line 1, by inserting after the
35 word "authorizing" the following: "cities and
36 counties to grant or loan money for a public
37 improvement under certain conditions and".

Bisignano of Polk rose on a point of order that amendment H—5742 was not germane.

The Speaker ruled the point well taken and amendment H—5742 not germane.

Carpenter of Polk offered the following amendment H—5743 filed by Carpenter, et al.:

H—5743

1 Amend Senate File 2227 passed by the Senate as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Sec. 100. Section 331.301, subsection 10, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:
8 10. A county may enter into leases or lease-
9 purchase contracts for real and personal property in
10 accordance with the following terms and procedures:
11 a. A county shall lease or lease-purchase real or
12 personal property only for a term which does not
13 exceed the economic life of the property, as
14 determined by the board.
15 b. A lease or lease-purchase contract entered into
16 by a county may contain provisions similar to those
17 sometimes found in leases between private parties,
18 including the obligation of the lessee to pay any of
19 the costs of operation or ownership of the leased
20 property, and the right to purchase the leased
21 property.
22 c. A provision of a lease or lease-purchase
23 contract which stipulates that a portion of the rent
24 payments be applied as interest is subject to chapter
25 74A. Other laws relating to interest rates do not
26 apply. Chapter 75 shall not be applicable. A county
27 enterprise is a separate entity under the provisions
28 of this section whether it is governed by the board or
29 another governing body.
30 d. The board must follow substantially the same
31 authorization procedure required for the issuance of
32 general obligation bonds issued for the same purpose
33 to authorize a lease or a lease-purchase contract made
34 payable from the debt service fund.
35 e. The board may authorize a lease or lease-
36 purchase contract which is payable from the general
37 fund and which would not cause the total of annual
38 lease and lease-purchase payments of the county due
39 from the general fund of the county in any future year
40 for lease or lease-purchase contracts in force on the
41 date of the authorization, excluding payments to

42 exercise purchase options or to pay the expenses of
43 operation or ownership of the property, to exceed ten
44 percent of the last certified general fund budget
45 amount in accordance with the following procedures:

46 (1) The board must follow substantially the
47 authorization procedures of section 331.443 to
48 authorize a lease or lease-purchase contract which is
49 payable from the general fund if the principal amount
50 of the lease or lease-purchase contract does not

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1 exceed the following limits:

2 (a) Seven hundred fifty thousand dollars in a
3 county having a population of twenty-five thousand or
4 less.

5 (b) One million dollars in a county having a
6 population of more than twenty-five thousand but not
7 more than fifty thousand.

8 (c) One million two hundred fifty thousand dollars
9 in a county having a population of more than fifty
10 thousand but not more than one hundred thousand.

11 (d) One million five hundred thousand dollars in a
12 county having a population of more than one hundred
13 thousand but not more than two hundred thousand.

14 (e) Two million dollars in a county having a
15 population of more than two hundred thousand.

16 (2) The board must follow the following procedures
17 to authorize a lease or lease-purchase contract which
18 is payable from the general fund if the principal
19 amount of the lease or lease-purchase contract exceeds
20 the limits set forth in subparagraph (1):

21 (a) The board must institute proceedings for
22 entering into a lease or lease-purchase contract by
23 causing a notice of the proposal to enter the lease or
24 lease-purchase contract, including a statement of the
25 principal amount and purpose of the lease or lease-
26 purchase, and the right to petition for an election,
27 to be published as provided in section 331.305 at
28 least twenty days prior to the meeting at which it is
29 proposed to take the action.

30 (b) If at any time before the date fixed for
31 taking the action a petition is filed with the auditor
32 in the manner provided by section 331.306 asking that
33 the question of entering into the lease or lease-
34 purchase contract be submitted to the qualified
35 electors of the county, the board shall either by
36 resolution declare the proposal to enter into the
37 lease or lease-purchase contract to have been
38 abandoned or shall direct the county commissioner of
39 elections to call a special election upon the question
40 of entering into the lease or lease-purchase contract.

41 However, for purposes of this paragraph, the petition
42 shall require the signatures of three percent of the
43 qualified electors, except that no fewer than two
44 hundred fifty and no more than three thousand
45 signatures are required. Notice of the election and
46 its conduct shall be in the manner provided in section
47 331.442, subsection 2 through 4.

48 (c) If no petition is filed, or if a petition is
49 filed and the proposition of entering into a lease or
50 lease-purchase contract is approved at the election,

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1 the board may proceed and enter into the lease or
2 lease-purchase contract.

3 (d) The governing body may authorize a lease or
4 lease-purchase contract payable from the net revenues
5 of a county enterprise, or combined county enterprise
6 by following the authorization procedures of section
7 331.464.

8 (e) A lease or lease-purchase contract to which a
9 county is a party or in which a county has a
10 participatory interest, is an obligation of a
11 political subdivision of this state for the purposes
12 of chapters 502 and 682, and is a lawful investment
13 for banks, trust companies, building and loan
14 associations, savings and loan associations,
15 investment companies, insurance companies, insurance
16 associations, executors, guardians, trustees, and any
17 other fiduciaries responsible for the investment of
18 funds.

19 (f) Property that is lease-purchased by a county
20 is exempt under section 427.1, subsection 2.

21 (g) A contract for construction by a private party
22 of property to be leased or lease-purchased by a
23 county is not a contract for a public improvement
24 under section 331.341, subsection 1. However, if a
25 lease-purchase contract is funded in advance by means
26 of the lessor depositing moneys to be administered by
27 a county, with the county's obligation to make rent
28 payments commencing with its receipt of moneys, a
29 contract for construction of the property in question
30 awarded by the county is a public improvement and is
31 subject to section 331.341, subsection 1.

32 (h) Notwithstanding provisions of subparagraph
33 subdivisions (a) through (d), if the lease or lease-
34 purchase contract is part of the funding mechanism to
35 enable a for profit or nonprofit corporation to
36 acquire, operate, or otherwise receive the benefit of
37 real or personal property subject to the lease or
38 lease-purchase contract, the county shall call a
39 county special election to vote upon the question of

40 entering into such contract. The county shall not
41 enter into such contract unless the vote in favor of
42 entering into such contract is equal to at least sixty
43 percent of the vote cast on the proposition.
44 Sec. 101. Section 331.402, subsection 3, Code
45 1989, is amended by striking the subsection and
46 inserting in lieu thereof the following:
47 3. A county may enter into loan agreements to
48 borrow money for any public purpose in accordance with
49 the following terms and procedures:
50 a. A loan agreement entered into by a county may

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1 contain provisions similar to those sometimes found in
2 loan agreements between private parties, including the
3 issuance of notes to evidence its obligations.
4 b. A provision of a loan agreement which
5 stipulates that a portion of the payments be applied
6 as interest is subject to chapter 74A. Other laws
7 relating to interest rates do not apply. Chapter 75
8 is not applicable. A county enterprise is a separate
9 entity under the provisions of this section whether it
10 is governed by the board or another governing body.
11 c. The board shall follow substantially the same
12 authorization procedure required for the issuance of
13 general obligation bonds issued for the same purpose,
14 to authorize a loan agreement made payable from the
15 debt service fund.
16 d. The board may authorize a loan agreement which
17 is payable from the general fund and which would not
18 cause the total of scheduled annual payments of
19 principal or interest or both principal and interest
20 of the county due from the general fund of the county
21 in any future year with respect to all loan agreements
22 in force on the date of the authorization to exceed
23 ten percent of the last certified general fund budget
24 amount in accordance with the following procedures:
25 (1) The board must follow substantially the
26 authorization procedures of section 331.443 to
27 authorize a loan agreement which is payable from the
28 general fund if the principal amount of the loan
29 agreement does not exceed the following limits:
30 (a) Seven hundred fifty thousand dollars in a
31 county having a population of twenty-five thousand or
32 less.
33 (b) One million dollars in a county having a
34 population of more than twenty-five thousand but not
35 more than fifty thousand.
36 (c) One million two hundred fifty thousand dollars
37 in a county having a population of more than fifty
38 thousand but not more than one hundred thousand.

39 (d) One million five hundred thousand dollars in a
40 county having a population of more than one hundred
41 thousand but not more than two hundred thousand.

42 (e) Two million dollars in a county having a
43 population of more than two hundred thousand.

44 (2) The board must follow the following procedures
45 to authorize a loan agreement which is payable from
46 the general fund if the principal amount of the loan
47 agreement exceeds the limits set forth in subparagraph
48 (1):

49 (a) The board must institute proceedings for
50 entering into a loan agreement by causing a notice of

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1 the proposal to enter into the loan agreement,
2 including a statement of the principal amount and
3 purpose of the loan agreement, and the right to
4 petition for an election, to be published as provided
5 in section 331.305 at least twenty days prior to the
6 meeting at which it is proposed to take the action.

7 (b) If at any time before the date fixed for
8 taking the action a petition is filed with the auditor
9 in the manner provided by section 331.306 asking that
10 the question of entering into the loan agreement be
11 submitted to the qualified electors of the county, the
12 board shall either by resolution declare the proposal
13 to enter into the loan agreement to have been
14 abandoned or shall direct the county commissioner of
15 elections to call a special election upon the question
16 of entering into the loan agreement. However, for
17 purposes of this paragraph the petition shall require
18 the signatures of three percent of the qualified
19 electors, except that no fewer than two hundred fifty
20 and no more than three thousand signatures are
21 required. Notice of the election and its conduct
22 shall be in the manner provided in section 331.442,
23 subsections 2 through 4.

24 (c) If no petition is filed, or if a petition is
25 filed and the proposition of entering into the loan
26 agreement is approved at an election, the board may
27 proceed and enter into the loan agreement.

28 (d) The governing body may authorize a loan
29 agreement payable from the net revenues of a county
30 enterprise or combined county enterprise by following
31 the authorization procedures of section 331.464.

32 (e) A loan agreement to which a county is a party
33 or in which a county has a participatory interest, is
34 an obligation of a political subdivision of this state
35 for the purpose of chapters 502 and 682, and is a
36 lawful investment for banks, trust companies, building
37 and loan associations, savings and loan associations,

38 investment companies, insurance companies, insurance
 39 associations, executors, guardians, trustees, and any
 40 other fiduciaries responsible for the investment of
 41 funds.

42 (f) Notwithstanding provisions of subparagraph
 43 subdivisions (a) through (d), if the loan agreement is
 44 part of the funding mechanism to enable a for profit
 45 or nonprofit corporation to acquire, operate, or
 46 otherwise receive the benefit of real or personal
 47 property, the county shall call a county special
 48 election to vote upon the question of entering into
 49 such loan agreement. The county shall not enter into
 50 such agreement unless the vote in favor of entering

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1 into such agreement is equal to at least sixty percent
 2 of the vote cast on the proposition.”

3 2. Page 3, by inserting after line 35 the
 4 following:

5 “Sec. 102. Section 364.4, subsection 4, Code 1989,
 6 is amended by striking the subsection and inserting in
 7 lieu thereof the following:

8 4. Enter into leases or lease-purchase contracts
 9 for real and personal property in accordance with the
 10 following terms and procedures:

11 a. A city shall lease or lease-purchase real or
 12 personal property only for a term which does not
 13 exceed the economic life of the property, as
 14 determined by the governing body.

15 b. A lease or lease-purchase contract entered into
 16 by a city may contain provisions similar to those
 17 sometimes found in leases between private parties,
 18 including the obligation of the lessee to pay any of
 19 the costs of operation of ownership of the leased
 20 property, and the right to purchase the leased
 21 property.

22 c. A provision of a lease or lease-purchase
 23 contract which stipulates that a portion of the rent
 24 payments be applied as interest is subject to chapter
 25 74A. Other laws relating to interest rates do not
 26 apply. Chapter 75 shall not be applicable. A city
 27 utility or city enterprise is a separate entity under
 28 the provisions of this section whether it is governed
 29 by the council or another governing body.

30 d. The governing body must follow substantially
 31 the same authorization procedure required for the
 32 issuance of general obligation bonds issued for the
 33 same purpose to authorize a lease or a lease-purchase
 34 contract made payable from the debt service fund.

35 The governing body may authorize a lease or lease-
 36 purchase contract which is payable from the general

37 fund and which would not cause the total of annual
38 lease and lease-purchase payments of the city due from
39 the general fund of the city in any future year for
40 lease or lease-purchase contracts in force on the date
41 of the authorization, excluding payments to exercise
42 purchase options or to pay the expenses of operation
43 or ownership of the property, to exceed ten percent of
44 the last certified general fund budget amount in
45 accordance with the following procedures:

46 (1) The governing body must follow substantially
47 the authorization procedures of section 384.25 to
48 authorize a lease or lease-purchase contract which is
49 payable from the general fund if the principal amount
50 of the lease or lease-purchase contract does not

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1 exceed the following limits:

2 (a) Seven hundred fifty thousand dollars in a city
3 having a population of five thousand or less.

4 (b) One million five hundred thousand dollars in a
5 city having a population of more than five thousand
6 but not more than seventy-five thousand.

7 (c) Two million dollars in a city having a
8 population of more than seventy-five thousand.

9 (2) The governing body must follow the following
10 procedures to authorize a lease or lease-purchase
11 contract which is payable from the general fund if the
12 principal amount of the lease or lease-purchase
13 contract exceeds the limits set forth in subparagraph
14 (1):

15 (a) The governing body may institute proceedings
16 to enter into a lease or lease-purchase contract by
17 causing a notice of the proposal to enter into the
18 lease or lease-purchase contract, including a
19 statement of the principal amount and purpose of the
20 lease or lease-purchase contract, and the right to
21 petition for an election, to be published at least
22 once in a newspaper of general circulation within the
23 city at least twenty days prior to the meeting at
24 which it is proposed to take action to enter into the
25 lease or lease-purchase contract.

26 (b) If any time before the date fixed for taking
27 action to enter into the lease or lease-purchase
28 contract, a petition is filed with the clerk of the
29 city in the manner provided by section 362.4, asking
30 that the question of entering into the lease or lease-
31 purchase contract be submitted to the qualified
32 electors of the city, the governing body shall either
33 by resolution declare the proposal to enter into the
34 lease or lease-purchase contract to have been
35 abandoned or shall direct the county commissioner of

36 elections to call a special election upon the question
37 of entering into the lease or lease-purchase contract.
38 However, for purposes of this paragraph, the petition
39 shall require the signatures of three percent of the
40 qualified electors, except that no fewer than one
41 hundred and no more than three thousand signatures are
42 required. Notice of the election and its conduct
43 shall be in the manner provided in section 384.26,
44 subsections 2 through 4.

45 (c) If no petition is filed, or if a petition is
46 filed and the proposition of entering into the lease
47 or lease-purchase contract is approved at an election,
48 the governing body may proceed and enter into the
49 lease or lease-purchase contract.

50 The governing body may authorize a lease or lease-

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1 purchase contract payable from the net revenues of a
2 city utility, combined utility system, city
3 enterprise, or combined city enterprise by following
4 the authorization procedures of section 384.83.

5 (d) A lease or lease-purchase contract to which a
6 city is a party or in which a city has a participatory
7 interest, is an obligation of a political subdivision
8 of this state for the purposes of chapters 502 and
9 682, and is a lawful investment for banks, trust
10 companies, building and loan associations, savings and
11 loan associations, investment companies, insurance
12 companies, insurance associations, executors,
13 guardians, trustees, and any other fiduciaries
14 responsible for the investment of funds.

15 (e) Property that is lease-purchased by a city is
16 exempt under section 427.1, subsection 2.

17 (f) A contract for construction by a private party
18 of property to be leased or lease-purchased by a city
19 is not a contract for a public improvement under
20 section 384.95, subsection 1, except for purposes of
21 section 384.102. However, if a lease-purchase
22 contract is funded in advance by means of the lessor
23 depositing moneys to be administered by a city, with
24 the city's obligations to make rent payments
25 commencing with its receipt of moneys, a contract for
26 construction of the property in question awarded by
27 the city is subject to division VI of chapter 384.

28 (g) Notwithstanding provisions of subparagraph
29 subdivisions (a) through (c), if the lease or lease-
30 purchase contract is part of the funding mechanism to
31 enable a for profit or nonprofit corporation to
32 acquire, operate, or otherwise receive the benefit of
33 real or personal property subject to the lease or
34 lease-purchase contract, the city shall call a city

35 special election to vote upon the question of entering
36 into such contract. The city shall not enter into
37 such contract unless the vote in favor of entering
38 into such contract is equal to at least sixty percent
39 of the vote cast on the proposition.

40 Sec. 103. Section 384.24A, Code 1989, is amended
41 by striking the section and inserting in lieu thereof
42 the following:

43 384.24A LOAN AGREEMENTS.

44 A city may enter into loan agreements to borrow
45 money for any public purpose in accordance with the
46 following terms and procedures:

47 1. A loan agreement entered into by a city may
48 contain provisions similar to those sometimes found in
49 loan agreements between private parties, including the
50 issuance of notes to evidence its obligations.

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1 2. A provision of a loan agreement which
2 stipulates that a portion of the payments be applied
3 as interest is subject to chapter 74A. Other laws
4 relating to interest rates do not apply. Chapter 75
5 is not applicable. A city utility or city enterprise
6 is a separate entity under this section whether it is
7 governed by the council or another governing body.

8 3. The governing body shall following
9 substantially the same authorization procedure
10 required for the issuance of general obligation bonds
11 issued for the same purpose, to authorize a loan
12 agreement made payable from the debt service fund.

13 The governing body may authorize a loan agreement
14 which is payable from its general fund and which would
15 not cause the total of scheduled annual payments of
16 principal or interest or principal and interest of the
17 city due from the general fund of the city in any
18 future year with respect to all loan agreements in
19 force on the date of the authorization, to exceed ten
20 percent of the last certified general fund budget
21 amount in accordance with the following procedures:

22 a. The governing body must follow substantially
23 the authorization procedures of section 384.25 to
24 authorize a loan agreement which is payable from the
25 general fund if the principal amount of the loan
26 agreement does not exceed the following limits:

27 (1) Seven hundred fifty thousand dollars in a city
28 having a population of five thousand or less.

29 (2) One million five hundred thousand dollars in a
30 city having a population of more than five thousand
31 but not more than seventy-five thousand.

32 (3) Two million dollars in a city having a
33 population of more than seventy-five thousand.

34 b. The governing body must follow the following
35 procedures to authorize a loan agreement which is
36 payable from the general fund if the principal amount
37 of the loan agreement exceeds the limits set forth in
38 subparagraph (a):

39 (1) The governing body may institute proceedings
40 to enter into a loan agreement payable from its
41 general fund by causing a notice of the proposal to
42 enter into the loan agreement, including a statement
43 of the principal amount and purpose of the loan
44 agreement, and the right to petition for an election,
45 to be published at least once in a newspaper of
46 general circulation within the city at least twenty
47 days prior to the meeting at which it is proposed to
48 take action to enter into the loan agreement.

49 (2) If any time before the date fixed for taking
50 action to enter into the loan agreement, a petition is

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1 filed with the clerk of the city in the manner
2 provided by section 362.4, asking that the question of
3 entering into the loan agreement be submitted to the
4 qualified electors of the city, the governing body
5 shall either by resolution declare the proposal to
6 enter into the loan agreement to have been abandoned
7 or shall direct the county commissioner of elections
8 to call a special election upon the question of
9 entering into the loan agreement. However, for
10 purposes of this paragraph, the petition shall require
11 the signatures of three percent of the qualified
12 electors, except that no fewer than one hundred and no
13 more than three thousand signatures are required.
14 Notice of the election and its conduct shall be in the
15 manner provided in section 384.26, subsections 2
16 through 4.

17 (3) If no petition is filed, or if a petition is
18 filed and the proposition of entering into the loan
19 agreement is approved at an election, the governing
20 body may proceed and enter into the loan agreement.

21 The governing body may authorize a loan agreement
22 payable from the net revenues of a city utility,
23 combined utility system, city enterprise, or combined
24 city enterprise by following the authorization
25 procedures of section 384.83.

26 c. A loan agreement to which a city is a party, or
27 in which the city has a participatory interest, is an
28 obligation of a political subdivision of this state
29 for the purposes of chapters 502 and 682, and is a
30 lawful investment for banks, trust companies, building
31 and loan associations, savings and loan associations,
32 investment companies, insurance companies, insurance

33 associations, executors, guardians, trustees, and any
 34 other fiduciaries responsible for the investment of
 35 funds.
 36 4. Notwithstanding provisions of subparagraph b,
 37 if the loan agreement is part of the funding mechanism
 38 to enable a for profit or nonprofit corporation to
 39 acquire, operate, or otherwise receive the benefit of
 40 real or personal property, the city shall call a city
 41 special election to vote upon the question of entering
 42 into such loan agreement. The city shall not enter
 43 into such agreement unless the vote in favor of
 44 entering into such agreement is equal to at least
 45 sixty percent of the vote cast on the proposition.
 46 Sec._____
 47 Sections 100 through 103 of this Act are applicable
 48 to a lease, lease-purchase, or loan agreement entered
 49 into on or after July 1, 1990.”
 50 3. Title page, line 1, by inserting after the

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- 1 word “by” the following: “specifying how cities and
- 2 counties enter into loan agreements, leases, and
- 3 lease-purchases and”.

Bisignano of Polk rose on a point of order that amendment H—5743 was not germane.

The Speaker ruled the point well taken and amendment H—5743 not germane.

Carpenter of Polk moved that the rules be suspended to consider amendment H—5743.

Roll call was requested by Carpenter of Polk and Van Maanen of Mahaska.

Rule 75 was invoked.

On the question “Shall the rules be suspended to consider amendment H—5743?” (S.F. 2227)

The ayes were, 43:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Hermann	Hester	Holveck	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Peters	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shearer

Shoning	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 45:

Adams	Beatty	Bisignano	Black
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hansen, S. D.	Harper	Hibbard
Jesse	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Sherzan	Shoultz	Spear
Svoboda	Swartz	Teaford	Wise
Connors			
Presiding			

Absent or not voting, 12:

Arnould	Avenson, Spkr.	Blanshan	Eddie
Hatch	Haverland	Jay	Jochum
Johnson	Rosenberg	Schrader	Tabor

The motion to suspend the rules lost.

Metcalf of Polk offered the following amendment H—5755 filed by her and Carpenter of Polk from the floor:

H—5755

- 1 Amend Senate File 2227 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting after line 23 the
- 4 following:
- 5 "Sec. _____. NEW SECTION. 331.485A ISSUANCE OF
- 6 GENERAL OBLIGATION BONDS — REVERSE REFERENDUM.
- 7 1. Each board of supervisors of a county seeking
- 8 to form a joint special assessment district must
- 9 follow the following procedures to form the district
- 10 which anticipates the issuance of general obligation
- 11 bonds by the governmental units within the proposed
- 12 district to finance the public improvement:
- 13 a. The board must institute proceedings for
- 14 entering into an agreement to form a district by
- 15 causing a notice of the proposal to enter into the
- 16 agreement, including a statement of the cost of the
- 17 public improvement, the principal amount of special
- 18 assessment and general obligation bonds anticipated to
- 19 be issued, and the right to petition for an election,
- 20 to be published as provided in section 331.305 at
- 21 least twenty days prior to the meeting at which it is
- 22 proposed to take the action.

23 b. If at any time before the date fixed for taking
24 the action a petition is filed with the auditor in the
25 manner provided by section 331.306 asking that the
26 question of entering into the agreement be submitted
27 to the qualified electors, the board shall either by
28 resolution declare the proposal to enter into the
29 agreement to have been abandoned or shall direct the
30 county commissioner of elections to call a special
31 election upon the question of entering into the
32 agreement. However, for purposes of this paragraph
33 the petition shall require the signatures of three
34 percent of the qualified electors residing in the area
35 of the proposed district, except that no fewer than
36 two hundred fifty and no more than three thousand
37 signatures are required. Notice of the election shall
38 be in the manner provided in section 331.442,
39 subsection 3. A separate vote shall be taken in the
40 unincorporated areas of each county and areas of each
41 city which are to be part of the proposed district.
42 2. If no petition is filed, or if a petition is
43 filed and the proposition of entering into the
44 agreement is approved at an election by each
45 unincorporated area of each county and the areas of
46 each city which are to be part of the proposed
47 district, the board may proceed and enter into the
48 agreement. If the proposition fails in the area of
49 one or more governmental units within the proposed
50 joint special assessment district, the board may

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- 1 proceed to enter into the agreement with only those
- 2 areas in which the proposal was approved."

Bisignano of Polk rose on a point of order that amendment H-5755 was not germane.

The Speaker ruled the point not well taken and amendment H-5755 germane.

Sherzan of Polk in the chair at 2:21 p.m.

Metcalf of Polk moved the adoption of amendment H-5755.

Roll call was requested by Van Maanen of Mahaska and Stueland of Clinton.

Rule 75 was invoked.

On the question "Shall amendment H-5755 be adopted?"
(S.F. 2227)

The ayes were, 40:

Banks	Beaman	Bennett	Branstad
Buhr	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklloth
Shoning	Siegrist	Spenner	Stueland
Svoboda	Trent	Tyrrell	Van Maanen

The nays were, 47:

Adams	Beatty	Bisignano	Black
Brammer	Brand	Brown	Chapman
Cohoon	Doderer	Dvorsky	Fey
Fogarty	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hibbard
Holveck	Jesse	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Shoultz	Spear
Swartz	Teaford	Sherzan	
		Presiding	

Absent or not voting, 13:

Arnould	Avenson, Spkr.	Blanshan	Connors
Eddie	Fuller	Hatch	Haverland
Jay	Jochum	Rosenberg	Tabor
Wise			

Amendment H—5755 lost.

Schneklloth of Scott rose on a point of order and invoked Rule 32 to refer Senate File 2227 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Muhlbauer of Crawford moved that Rule 32 be suspended to consider Senate File 2227.

A non-record roll call was requested.

The ayes were 52, nays 38.

The motion prevailed and Rule 32 was suspended.

Connors of Polk in the chair at 2:34 p.m.

Bisignano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2227)

The ayes were, 58:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Buhr	Carpenter	Chapman
Cohoon	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Spear	Swartz	Teaford
Wise	Connors		
	Presiding		

The nays were, 36:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	Daggett	De Groot
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hibbard	Iverson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Spenner	Stueland
Svoboda	Trent	Tyrrell	Van Maanen

Absent or not voting, 6:

Brown	Eddie	Rosenberg	Shoning
Siegrist	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

The House resumed consideration of **House File 2548**, a bill for an act relating to agricultural health and safety, previously deferred and retained on the calendar.

Banks of Plymouth offered the following amendment H-5754 filed by him and Petersen of Muscatine from the floor and moved its adoption:

H-5754

1 Amend House File 2548 as follows:

2 1. By striking everything after the enacting
3 clause, and inserting the following:

4 "Section 1. Section 135.13, subsection 1, Code
5 Supplement 1989, is amended to read as follows:

6 1. The office of rural health and farm safety is
7 established within the department. There is
8 established an advisory committee to the office of
9 rural health and farm safety consisting of one
10 representative, approved by the respective agency, of
11 each of the following agencies: the department of
12 human services, the department of agriculture and land
13 stewardship, the Iowa department of public health, the
14 department of inspections and appeals, the national
15 institute for rural health policy, the rural health
16 resource center, the institute of agricultural
17 medicine and occupational health, the Iowa state
18 association of counties, and the health policy
19 corporation of Iowa. The governor shall appoint a
20 representative of each of two farm organizations
21 active within the state, a representative of an
22 agricultural business in the state, a practicing rural
23 family physician, and a rural health practitioner who
24 is not a physician as members of the advisory
25 committee. Two state senators appointed by the
26 majority leader of the senate, and two state
27 representatives appointed by the speaker of the house
28 of representatives shall also be members of the
29 advisory committee. Of the members appointed by the
30 majority leader of the senate and the speaker of the
31 house of representatives, not more than one from each
32 house shall be a member of the same political party.

33 Sec. 2. Section 135.13, subsection 2, unnumbered
34 paragraph 1, Code Supplement 1989, is amended to read
35 as follows:

36 The office of rural health and farm safety shall do
37 all of the following:

38 Sec. 3. Section 135.13, subsection 2, paragraphs a
39 and c, Code Supplement 1989, are amended to read as
40 follows:

41 a. Provide technical assistance grants to rural
42 communities and counties exploring alternative means
43 of delivering rural health services, including but not
44 limited to hospital conversions, cooperative
45 agreements among hospitals, physician and health
46 practitioner support, public health services,
47 emergency medical services, medical assistance
48 facilities, rural health care clinics, and alternative
49 means which may be included in the long-term community
50 health services and developmental plan developed under

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1 this paragraph or in a long-term plan developed
2 through the rural health transition grant program
3 pursuant to the federal Omnibus Budget Reconciliation
4 Act of 1987, Pub. L. No. 100-203, § 4005(e). The
5 office of rural health and farm safety shall encourage
6 the local boards of health and hospital governing
7 boards to adopt a long-term community health services
8 and developmental plan as provided in section 135B.33
9 and perform the duties required of the Iowa department
10 of public health in section 135B.33.

11 c. ~~The office of rural health shall make~~ Make a
12 report to the general assembly regarding the impact of
13 the current compensation structure under medicare on
14 rural hospitals and other health care providers, shall
15 provide information regarding the current compensation
16 system to Iowa's congressional delegation, and shall
17 make recommendations to the general assembly regarding
18 recommendations to be made to Iowa's congressional
19 delegation to improve the compensation structure.

20 Sec. 4. Section 135.13, subsection 2, paragraph f,
21 unnumbered paragraph 1, Code Supplement 1989, is
22 amended to read as follows:

23 Coordinate services of the extension council in
24 each county agricultural extension district
25 established in section 176A.4 and the center for
26 health effects of environmental contamination
27 established in section 263.17, to provide research for
28 the following items:

29 Sec. 5. Section 135.13, subsection 2, paragraph f,
30 Code Supplement 1989, is amended by adding the
31 following new subparagraphs:

32 NEW SUBPARAGRAPH. (6) Promotion of voluntary on-
33 farm safety procedures, including but not limited to
34 the on-farm safety inspection of equipment, proper
35 installation of safety devices, and distribution of
36 understandable safety publications.

37 NEW SUBPARAGRAPH. (7) Conducting of agricultural
38 safety and injury treatment courses including a
39 tractor safety driving course which shall be offered
40 in each county.

41 NEW SUBPARAGRAPH. (8) Development of a curriculum
42 relating to agricultural safety available for use in
43 rural primary school systems, the Iowa cooperative
44 extension service in agriculture and home economics at
45 Iowa state university of science and technology, and
46 nonprofit agricultural organizations.

47 Sec. 6. Section 135.13, subsection 2, Code
48 Supplement 1989, is amended by adding the following
49 new paragraphs:

50 NEW PARAGRAPH. g. Solicit, accept, and administer

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1 moneys contributed to the office by any source, but
 2 shall not in any manner, directly or indirectly,
 3 pledge the credit of the state.
 4 **NEW PARAGRAPH.** h. Submit a report by January 1 of
 5 each year which contains information relating to farm
 6 safety, including but not limited to the number of
 7 farm-related injuries, number of persons participating
 8 in health and safety programs, recommendations for
 9 practical improvement of machinery and equipment, and
 10 improvement of agricultural management practices.”

A non-record roll call was requested.

The ayes were 39, nays 48.

Amendment H—5754 lost.

Hibbard of Madison offered the following amendment H—5642 filed by him and moved its adoption:

H—5642

- 1 Amend House File 2548 as follows:
 2 1. Page 2, by inserting after line 17 the fol-
 3 lowing:
 4 “_____. The center shall cooperate with public and
 5 private entities to provide support to programs
 6 emphasizing farm safety for children.”
 7 2. By renumbering as necessary.

Amendment H—5642 was adopted.

Gruhn of Dickinson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2548)

The ayes were, 90:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer

Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, 2:

Banks Maulsby

Absent or not voting, 8:

Arnould	Avenson, Spkr.	Eddie	Groninga
Jochum	Plasier	Rosenberg	Tabor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENTS CONSIDERED

Brown of Lucas called up for consideration **House File 2142**, a bill for an act relating to reporting requirements for certain cities receiving road use tax funds, amended by the Senate, and moved that the House concur in the following Senate amendment H—5106:

H—5106

1 Amend House File 2142 as passed by the House as
 2 follows:
 3 1. Page 1, line 6, by striking the word "submit"
 4 and inserting the following: "submit deliver".
 5 2. Page 1, by inserting after line 23 the
 6 following:
 7 "Sec. _____. Section 312.14, Code 1989, is amended
 8 to read as follows:
 9 312.14 CITIES TO SUBMIT REPORT.
 10 Cities in the state which receive allotments of
 11 funds from road use tax funds shall prepare and ~~submit~~
 12 by deliver on or before September 10 30 each year to
 13 the department an annual report showing all street
 14 receipts and expenditures for the city for the
 15 previous fiscal year.
 16 Sec. _____. Section 312.15, Code 1989, is amended to
 17 read as follows:

18 312.15 WHEN FUNDS NOT ALLOCATED.

19 Funds shall not be allocated to any city until such
20 city shall have complied with the provisions of
21 sections 312.11, 312.12 and 312.14.

22 If a city has not complied with the provisions of
23 section 312.14, the treasurer of state shall withhold
24 funds allocated to the city until the city complies.
25 If a city has not complied with the provisions of
26 section 312.14 by December 31 following the date the
27 report was required, funds shall not be allocated to
28 the city until the city has complied and all funds
29 withheld under this paragraph shall revert to the
30 street construction fund of the cities.

31 The department shall notify the treasurer of state
32 if any city fails to comply with the provisions of
33 sections 312.11, 312.12 and 312.14.

34 Sec. _____. Any funds not allocated to cities under
35 the provisions of section 312.15 during the fiscal
36 year ending June 30, 1990 shall be restored to the
37 cities affected from the street construction fund of
38 the cities.

39 Sec. _____. This Act, being deemed of immediate
40 importance, takes effect upon enactment."

41 3. Title, line 2, by inserting after the word
42 "funds" the following: ", and providing an effective
43 date".

The motion prevailed and the House concurred in the Senate amendment H—5106.

Brown of Lucas moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2142)

The ayes were, 92:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby

May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors Presiding

The nays were, none.

Absent or not voting, 8:

Arnould	Avenson, Spkr.	Eddie	Groninga
Hibbard	Jochum	Rosenberg	Tabor

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Muhlbauer of Crawford called up for consideration **House File 2170**, a bill for an act relating to the prohibition of the use of certain pesticides, and making a penalty applicable, amended by the Senate amendment H—5668 as follows:

H—5668

- 1 Amend House File 2170, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "water" the following: ", except that this section
- 5 shall not be construed to prohibit the application of
- 6 such a pesticide by a certified applicator who is
- 7 trained in aquatic applications and who has given
- 8 written notice to the director".

Gruhn of Dickinson offered the following amendment H—5728, to the Senate amendment H—5668, filed by her and Osterberg of Linn and moved its adoption:

H—5728

- 1 Amend the Senate amendment, H—5668, to House File
- 2 2170, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the fol-
- 5 lowing:
- 6 "_____. Page 1, by striking lines 12 through 14,
- 7 and inserting the following:
- 8 "2. A pesticide."
- 9 2. Page 1, lines 7 and 8, by striking the words
- 10 "given written notice to the director" and inserting

11 the following: "received a permit from the depart-
12 ment".

13 3. By renumbering as necessary.

Amendment H—5728 was adopted.

On motion by Muhlbauer of Crawford, the House concurred in the Senate amendment H—5668, as amended.

Muhlbauer of Crawford moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2170)

The ayes were, 89:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Iverson
Jay	Jesse	Johnson	Kistler
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renaud	Renken	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 11:

Arnould	Avenson, Spkr.	Banks	Eddie
Groninga	Hibbard	Jochum	Knapp
Poney	Rosenberg	Tabor	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Bisignano of Polk called up for consideration **House File 2321**, a bill for an act relating to the acquisition and possession of firearms, increasing penalties for certain offenses, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5702:

H—5702

- 1 Amend House File 2321, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 3, line 28, by striking the word "any"
- 4 and inserting the following: "an unlawful".

The motion prevailed and the House concurred in the Senate amendment H—5702.

Bisignano of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2321)

The ayes were, 79:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Chapman	Clark	Cohoon
Corbett	Daggett	De Groot	Diemer
Dvorsky	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hester	Hibbard	Iverson	Jay
Jesse	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renaud	Renken	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spenner	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, 12:

Carpenter	Doderer	Halvorson, R. N.	Hammond
Hatch	Holveck	Johnson	Neuhauser
Nielsen	Osterberg	Shultz	Spear

Absent or not voting, 9:

Arnould	Avenson, Spkr.	Eddie	Groninga
Hermann	Jochum	Poncy	Rosenberg
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED
(Senate File 148)

Knapp of Dubuque called up for consideration the motion to reconsider Senate File 148, filed on March 13, 1990, and moved to reconsider the vote by which Senate File 148, a bill for an act prohibiting certain actions against police service dogs, and providing penalties, passed the House and was placed on its last reading on March 13, 1990.

A non-record roll call was requested.

The ayes were 65, nays none.

The motion prevailed and the House reconsidered Senate File 148, placing out of order the motion to reconsider filed by Bisignano of Polk on March 13, 1990.

Bisignano of Polk offered the following amendment H—5688 filed by him and moved its adoption:

H—5688

- 1 Amend Senate File 148, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "suffering" the following: ", or to a person who
- 5 justifiably acts in defense of self or another".

Amendment H—5688 was adopted.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 148)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky

Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Royer	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 8:

Avenson, Spkr.	Eddie	Groninga	Jochum
Murphy	Plasier	Rosenberg	Tabor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Chapman of Linn called up for consideration **House File 2156**, a bill for an act relating to membership of members and part-time employees of the general assembly in the state group insurance plan, and providing effective and retroactive applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-5123:

H-5123

- 1 Amend House File 2156 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "employees." the following: "In the event of the
- 5 death of a former member of the general assembly who
- 6 has elected to continue to be a member of a state
- 7 health or medical group insurance plan, the surviving
- 8 spouse of the former member whose insurance would
- 9 otherwise terminate because of the death of the former
- 10 member may elect to continue to be a member of such
- 11 state health or medical group insurance plan by
- 12 requesting continuation in writing to the finance
- 13 officer within thirty-one days after the death of the

14 former member. The surviving spouse of the former
 15 member shall pay the total premium for the state plan
 16 and shall have the same rights to change programs or
 17 coverage as state employees."

18 2. Page 2, by inserting after line 14 the
 19 following:

20 "b. The part-time employee shall pay the total
 21 premium."

22 3. By renumbering, relettering, or redesignating
 23 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5123.

Chapman of Linn moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2156)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schnekloth	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Avenson, Spkr.	Eddie	Fey	Groninga
Hatch	Jochum	Rosenberg	Sherzan
Svoboda	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED
(Senate File 2233)

Koenigs of Mitchell called up for consideration the motion to reconsider Senate File 2233, filed on March 13, 1990, and moved to reconsider the vote by which Senate File 2233, a bill for an act relating to the prosecution of persons violating provisions regulating grain dealers or warehouse operators, passed the House and was placed on its last reading on March 13, 1990.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 56, nays 35.

The motion prevailed and the House reconsidered Senate File 2233.

Koenigs of Mitchell offered the following amendment H-5696 filed by him:

H-5696

1 Amend Senate File 2233, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 542.1, subsections 3 and 9,
6 Code Supplement 1989, are amended to read as follows:
7 3. "Grain dealer" means a person who buys during
8 any calendar month ~~five hundred~~ one thousand bushels
9 of grain or more from the producers of the grain for
10 purposes of resale, milling, or processing. However,
11 "grain dealer" does not include a producer of grain
12 who is buying grain for the producer's own use as seed
13 or feed; a person solely engaged in buying grain
14 future contracts on the board of trade; a person who
15 purchases grain only for sale in a registered feed; a
16 person who purchases grain for sale in a nonregistered
17 customer-formula feed regulated by chapter 198, and
18 who purchases less than a total of fifty thousand
19 bushels of grain annually from producers, ~~and who is~~

20 also exempt as an incidental warehouse operator under
 21 chapter 543; a person engaged in the business of
 22 selling agricultural seeds regulated by chapter 199; a
 23 person buying grain only as a farm manager; a
 24 executor, administrator, trustee, guardian, or
 25 conservator of an estate; a bargaining agent as
 26 defined in section 542A.1; or a custom livestock
 27 feeder.

28 9. "Financial institution" means a bank or savings
 29 and loan association authorized by the state of Iowa
 30 or by the laws of the United States, which is a member
 31 of the federal deposit insurance corporation or the
 32 federal savings and loan insurance corporation,
 33 respectively; the cooperative finance association; or
 34 the national bank for cooperatives established in the
 35 Agricultural Credit Act, Pub. L. No. 100-233.

36 Sec. 2. Section 542.1, Code Supplement 1989, is
 37 amended by adding the following new subsections:

38 NEW SUBSECTION. 10. "Board" means the Iowa grain
 39 indemnity fund board created in section 543A.4.

40 NEW SUBSECTION. 11. "Good cause" means grounds
 41 for concluding that the net worth or current asset to
 42 current liability ratio of a person licensed under
 43 this chapter presents a danger to producers or sellers
 44 with whom the licensee deals, and which includes
 45 evidence of any of the following:

46 a. The issuance of checks on insufficient funds.

47 b. A quality or quantity shortage where the
 48 licensee is also a warehouse operator as defined in
 49 section 543.1.

50 c. Violations of recordkeeping requirements.

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1 d. Payment for grain which is delayed by the
 2 dealer without consent by the payee, subject to the
 3 provisions of sections 542.8 and 542.15.

4 e. Use of credit sale contracts in violation of
 5 section 542.15.

6 NEW SUBSECTION. 12. "Person" means an individual,
 7 corporation, partnership, or two or more persons
 8 having a joint or common interest in the same venture,
 9 and, except with respect to the privilege of operating
 10 a grain dealer operation under this chapter, shall
 11 include the United States or this state, or any
 12 subdivision or agency of the United States or this
 13 state.

14 Sec. 3. Section 542.3, subsection 4, paragraph b,
 15 Code Supplement 1989, is amended to read as follows:

16 b. The grain dealer shall submit, as required by
 17 the department, a financial statement that is
 18 accompanied by an unqualified opinion based upon an

19 audit performed by a certified public accountant
20 licensed in this state. However, the department may
21 accept a qualification in an opinion that is
22 unavoidable by any audit procedure that is permitted
23 under generally accepted accounting principles. An
24 opinion that is qualified because of a limited audit
25 procedure or because the scope of an audit is limited
26 shall not be accepted by the department. The
27 department shall not require that a grain dealer
28 submit more than one such unqualified opinion per
29 year. The grain dealer may elect, ~~however,~~ to submit
30 a financial statement that is accompanied by the
31 report of a certified public accountant licensed in
32 this state that is based upon a review performed by
33 the certified public accountant in lieu of the audited
34 financial statement specified in this paragraph.
35 However, at any time the department may require a
36 financial statement that is accompanied by the report
37 of a certified public accountant licensed in this
38 state that is based upon a review performed by a
39 certified public accountant if the department has good
40 cause to believe that the net worth or current asset
41 to current liability ratio of a licensee presents a
42 danger to producers or sellers with whom the licensee
43 deals. "Good cause" means that the department has
44 evidence that the licensee issued checks on
45 insufficient funds, evidence of a quality or quantity
46 shortage in a warehouse facility, or evidence of
47 violations of recordkeeping requirements. If a grain
48 dealer making the election engages in credit sale
49 contracts, the grain dealer shall also comply with the
50 provisions of section 542.15, subsection 8.

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1 Sec. 4. Section 542.3, subsection 5, paragraph b,
2 Code Supplement 1989, is amended to read as follows:
3 b. The grain dealer shall submit, as required by
4 the department, a financial statement that is
5 accompanied by an unqualified opinion based upon an
6 audit performed by a certified public accountant
7 licensed in this state. However, the department may
8 accept a qualification in an opinion that is
9 unavoidable by any audit procedure that is permitted
10 under generally accepted accounting principles. An
11 opinion that is qualified because of a limited audit
12 procedure or because the scope of an audit is limited
13 shall not be accepted by the department. The
14 department shall not require that a grain dealer
15 submit more than one such unqualified opinion per
16 year. The grain dealer may elect, ~~however,~~ to submit
17 a financial statement that is accompanied by the

18 report of a certified public accountant licensed in
19 this state that is based upon a review performed by
20 the certified public accountant in lieu of the audited
21 financial statement specified in this paragraph.
22 However, at any time the department may require a
23 financial statement that is accompanied by the report
24 of a certified public accountant licensed in this
25 state that is based upon a review performed by a
26 certified public accountant if the department has good
27 cause to believe that the net worth or current asset
28 to current liability ratio of a licensee presents a
29 danger to producers or sellers with whom the licensee
30 deals. "Good cause" means that the department has
31 evidence that the licensee issued checks on
32 insufficient funds, evidence of a quality or quantity
33 shortage in a warehouse facility, or evidence of
34 violations of recordkeeping requirements. If a grain
35 dealer making the election engages in credit sale
36 contracts, the grain dealer shall also comply with the
37 provisions of section 542.15, subsection 8.

38 Sec. 5. Section 542.5, unnumbered paragraph 1,
39 Code Supplement 1989, is amended to read as follows:

40 Upon the filing of the application and compliance
41 with the terms and conditions of this chapter and
42 rules of the department, the department shall issue a
43 license to the applicant. The license shall terminate
44 on at the thirtieth of June of each year end of the
45 third calendar month from the close of the grain
46 dealer's fiscal or tax year. A grain dealer's license
47 may be renewed annually by the filing of a renewal fee
48 and a renewal application on a form prescribed by the
49 department. An application for renewal shall be
50 received by the department on or before the thirtieth

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1 of June end of the third calendar month from the close
2 of the grain dealer's fiscal or tax year. A grain
3 dealer license which has terminated may be reinstated
4 by the department upon receipt of a proper renewal
5 application, the renewal fee, and the reinstatement
6 fee as provided in section 542.6 if filed within
7 thirty days from the date of termination of the grain
8 dealer license. The department may cancel a license
9 upon request of the licensee unless a complaint or
10 information is filed against the licensee alleging a
11 violation of a provision of this chapter. Licenses
12 issued for less than a full year shall be prorated
13 from the date of the application.

14 Sec. 6. Section 542.6, subsection 1, unnumbered
15 paragraph 1, Code 1989, is amended to read as follows:

16 For the issuance or renewal of a license for a

17 grain dealer and for any an inspection of a grain
18 dealer, the fee shall be determined on the basis of
19 dollar volume of all grain purchased during the grain
20 dealer's previous calendar fiscal year as follows:

21 Sec. 7. Section 542.6, subsection 1, paragraph g,
22 unnumbered paragraph 2, Code 1989, is amended to read
23 as follows:

24 If the applicant did not purchase grain the
25 previous calendar fiscal year, the applicant will
26 shall pay the fee specified in paragraph "a". If
27 during the license period licensee's fiscal year the
28 total grain actually purchased exceeds one hundred
29 thousand dollars, the licensee shall notify the
30 department and the license and inspection fee shall be
31 adjusted accordingly. Subsequent adjustments shall be
32 made as necessary. An applicant may elect licensing
33 in any category of this subsection. New licenses
34 issued for less than a full year shall be prorated
35 from the date of application."

36 2. Page 1, by inserting after line 11, the
37 following:

38 "Sec. _____. NEW SECTION. 542.12A LIEN ON GRAIN
39 DEALER ASSETS.

40 1. A statutory lien is imposed on all grain dealer
41 assets in favor of sellers who have surrendered
42 warehouse receipts or other written evidence of
43 ownership as part of a grain sale transaction or who
44 possess written evidence of the sale of grain to a
45 grain dealer, without receiving full payment for the
46 grain.

47 2. "Grain dealer assets" includes proceeds
48 received or due a grain dealer upon the sale,
49 including exchange, collection, or other disposition,
50 of grain sold by the grain dealer. As used in this

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1 section, "proceeds" means noncash and cash proceeds as
2 provided in section 554.9306. "Grain dealer assets"
3 also includes any other funds or property of the grain
4 dealer which can be directly traced as being from the
5 sale of grain by the grain dealer, or which were
6 utilized in the business operation of the grain
7 dealer. A court, upon petition by an affected party,
8 may order that claimed grain dealer assets are not
9 grain dealer assets as defined in this section. The
10 burden of proof shall be upon the petitioner to
11 establish that the assets are not grain dealer assets
12 as defined in this section.

13 3. The lien shall arise at the time of surrender
14 of warehouse receipts or other written evidence of
15 ownership as part of a grain sale transaction or the

16 time of delivery of the grain for sale, and shall
17 terminate when the liability of the grain dealer to
18 the seller has been discharged. The lien of all
19 sellers is hereby assigned to the board, on behalf of
20 the fund.

21 4. To perfect the lien, the board must file a lien
22 statement with the office of the secretary of state.
23 The lien statement is valid only if filed on or after
24 the date of suspension but not later than ten days
25 after the incurrence date as provided in section
26 543A.6. The lien statement shall disclose the name of
27 the grain dealer, the address of the dealer's
28 principal place of business, a description of
29 identifiable grain dealer assets, and the amount of
30 the lien. The lien amount shall be the board's
31 estimate of the final cost of reimbursing the grain
32 depositors and sellers indemnity fund for the payment
33 of claims against the fund resulting from the breach
34 of the grain dealer's obligations. The board shall
35 correct the amount not later than one hundred eighty
36 days following the incurrence date. A court, upon
37 petition by an affected person, may correct the
38 amount. The board shall have the burden of proving
39 that the amount is an accurate estimate.

40 5. The board shall upon written demand of the
41 grain dealer file a termination statement with the
42 secretary of state, if the license of the grain dealer
43 is not revoked, terminated, or canceled, or if the
44 grain dealer does not file a petition in bankruptcy,
45 after thirty days from the date that the lien is
46 perfected. Upon filing the termination statement, the
47 lien becomes unperfected. The board shall also
48 deliver a copy of the termination statement to the
49 grain dealer.

50 6. The secretary of state shall note the filing of

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1 a lien statement under this section in a manner
2 provided by chapter 554, the uniform commercial code.
3 The secretary shall note the filing of a termination
4 statement with the lien statement.

5 7. A lien perfected under this section is superior
6 to a lien or security interest which attaches
7 subsequent to the time the lien statement is filed
8 with the secretary of state, except liens arising
9 under chapters 570 through 571.

10 8. If the grain dealer is also licensed under
11 chapter 543, and in the event the department is
12 appointed as a receiver under section 543.3, assets
13 under the authority of the receiver are free from this
14 statutory lien. However, if there are receivership

15 assets in excess of those necessary to fully reimburse
16 depositors, the perfected lien will attach to those
17 excess assets.

18 9. The board may enforce the lien in the manner
19 provided in chapter 554, article 9, part 5, for the
20 enforcement of security interests. If, upon
21 enforcement of the lien, the lien amount is satisfied
22 in full without exhaustion of the grain dealer assets,
23 the remaining assets shall be returned to the grain
24 dealer or, if there are competing claims to those
25 remaining assets by other creditors, shall place those
26 assets in the custody of the district court and
27 implead the known creditors.

28 For purposes of enforcement of the lien, the board
29 is deemed to be the secured party and the grain dealer
30 is deemed to be the debtor, and each has the
31 respective rights and duties of a secured party and a
32 debtor as provided in chapter 554, article 9, part 5.
33 If a right or duty under chapter 554, article 9, part
34 5, is contingent upon the existence of express
35 language in a security agreement, or may be waived by
36 express language in a security agreement, the
37 requisite language is deemed not to exist for purposes
38 of enforcement of the lien created by this section.

39 10. Actions relating to this section shall be
40 brought in the district court in the county in which
41 the grain dealer's primary place of business is
42 located or in Polk county.

43 Sec. _____. Section 542.15, subsection 7, Code
44 Supplement 1989, is amended to read as follows:

45 7. A grain dealer shall not purchase grain on
46 credit during any time period in which the grain
47 dealer's current assets are less than fifty one
48 hundred percent of current liabilities, or in which a
49 grain dealer holding a federal or state warehouse
50 license does not have grain sufficient to satisfy the

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1 warehouse operator's obligations based on an
2 examination by the department or the United States
3 department of agriculture.

4 Sec. _____. Section 542.15, Code Supplement 1989, is
5 amended by adding the following new subsection:

6 **NEW SUBSECTION. 9.** A person who is a grain dealer
7 but not licensed as a warehouse operator under chapter
8 543 or U.S.C. tit. 7, purchasing grain by credit-sale
9 contract shall submit, as required by the department,
10 a financial statement that is accompanied by an
11 unqualified opinion based upon an audit performed by a
12 certified public accountant licensed in this state.
13 However, the department may accept a qualification in

14 an opinion that is unavoidable by any audit procedure
15 that is permitted under generally accepted accounting
16 principles. An opinion that is qualified because of a
17 limited audit procedure or because the scope of an
18 audit is limited shall not be accepted by the
19 department. The department shall not require that a
20 grain dealer submit more than one unqualified opinion
21 per year.

22 Sec. _____. NEW SECTION. 542.18 SUPERVISION OF
23 LICENSEE.

24 If upon inspection, good cause is found, the
25 department may require that an employee of the
26 department remain on the business premises of the
27 grain dealer to monitor day-to-day operations. The
28 employee shall remain on the premises until the
29 department is satisfied that conditions creating good
30 cause no longer exist. The department shall assess
31 the grain dealer a charge for maintaining the employee
32 on the grain dealer's premises. The charge shall not
33 exceed one hundred fifty dollars for each day that the
34 employee remains on the premises.

35 Sec. _____. NEW SECTION. 542.22 CIVIL PENALTIES.

36 A person habitually violating a provision of this
37 chapter, including a rule adopted or an order issued
38 by the department, is subject to a civil penalty. A
39 habitual violation means a violation which has
40 occurred at least three times in a five-year period.
41 If a person is cited as a habitual violator, the
42 department shall provide written notice to the person
43 by hand delivery or certified mail. The notice shall
44 cite each violation subject to a penalty. The notice
45 shall state that the person has ten days within which
46 to remit the penalty or seek a hearing under chapter
47 17A. The penalty shall not exceed two hundred fifty
48 dollars for each offense. Each day a person is in
49 violation shall be considered a separate violation.
50 The department shall transmit moneys collected

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1 pursuant to this section to the treasurer of state, as
2 provided by the treasurer, for deposit in the general
3 fund.

4 Sec. _____. Section 543.1, subsection 7, Code
5 Supplement 1989, is amended to read as follows:

6 7. "Financial institution" means a bank or savings
7 and loan association authorized by the state of Iowa
8 or by the laws of the United States, which is a member
9 of the federal deposit insurance corporation or the
10 federal savings and loan insurance corporation,
11 respectively; the cooperative finance association; or
12 the national bank for cooperatives established in the

13 Agricultural Credit Act, Pub. L. No. 100-233.

14 Sec. _____. Section 543.1, subsection 11, Code

15 Supplement 1989, is amended by striking the
16 subsection.

17 Sec. _____. Section 543.1, subsection 23, Code

18 Supplement 1989, is amended to read as follows:

19 23. "Warehouse operator" means a person engaged in
20 the business of operating or controlling a warehouse
21 for the storing, shipping, handling, or processing of
22 agricultural products; ~~but does not include an~~
23 ~~incidental warehouse operator.~~

24 Sec. _____. Section 543.1, Code Supplement 1989, is
25 amended by adding the following new subsection:

26 **NEW SUBSECTION. 26.** "Good cause" means grounds
27 for concluding that the net worth of a person licensed
28 under this chapter presents a danger to depositors,
29 and which includes evidence of any of the following:

30 a. The issuance of checks on insufficient funds.

31 b. A quality or quantity shortage.

32 c. Violations of section 543.23 or 543.35.

33 d. Failure of the warehouse operator to issue

34 warehouse receipts or failure to submit the

35 department's copy of the warehouse receipts.

36 e. Use of credit sale contracts in violation of
37 section 542.15.

38 Sec. _____. **NEW SECTION. 543.12A LIEN ON WAREHOUSE**
39 **OPERATOR ASSETS.**

40 1. A statutory lien is imposed on all warehouse
41 operator assets in favor of depositors possessing
42 warehouse receipts covering grain stored by the
43 warehouse operator and depositors with written
44 evidence of ownership other than warehouse receipts
45 disclosing a storage obligation of a warehouse
46 operator.

47 2. "Warehouse operator assets" includes proceeds
48 received or due a warehouse operator upon the sale,
49 including exchange, collection, or other disposition,
50 of grain sold by the warehouse operator. As used in

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1 this section, "proceeds" means noncash and cash
2 proceeds as provided in section 554.9306. "Warehouse
3 operator assets" also includes storage payments
4 received or due to a warehouse operator, grain owned
5 by the warehouse operator, and any other funds or
6 property of the warehouse operator which can be
7 directly traced as being from the sale of grain by the
8 warehouse operator, or which were utilized in the
9 business operation of the warehouse operator. A
10 court, upon petition by an affected party, may order
11 that claimed warehouse operator assets are not

12 warehouse operator assets as defined in this section.
13 The burden of proof shall be upon the petitioner to
14 establish that the assets are not warehouse operator
15 assets as defined in this section.

16 3. The lien shall arise at the commencement of the
17 storage obligation, and shall terminate when the
18 liability of the warehouse operator to the depositor
19 has been discharged. The lien of all depositors is
20 hereby assigned to the board, on behalf of the grain
21 depositors and sellers indemnity fund.

22 4. To perfect the lien, the board must file a lien
23 statement with the office of the secretary of state.
24 The lien statement is valid only if filed on or after
25 the date of suspension but not later than ten days
26 after the incurrence date as provided in section
27 543A.6. The lien statement shall disclose the name of
28 the warehouse operator, the address of the warehouse
29 operator's principal place of business, a description
30 of identifiable warehouse operator assets, and the
31 amount of the lien. The lien amount shall be the
32 board's estimate of the final cost of reimbursing the
33 grain depositors and sellers indemnity fund for the
34 payment of claims made against the fund resulting from
35 the breach of the warehouse operator's obligations.
36 The board shall correct the amount not later than one
37 hundred eighty days following the incurrence date. A
38 court, upon petition by an affected person, may
39 correct the amount. The board shall have the burden
40 of proving that the amount is an accurate estimate.

41 5. The board shall upon written demand of the
42 warehouse operator file a termination statement with
43 the secretary of state, if the license of the
44 warehouse operator is not revoked, terminated, or
45 canceled, or if the warehouse operator does not file a
46 petition in bankruptcy, after thirty days from the
47 date that the lien is perfected. Upon filing the
48 termination statement, the lien becomes unperfected.
49 The board shall also deliver a copy of the termination
50 statement to the warehouse operator.

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1 6. The secretary of state shall note the filing of
2 a lien statement under this section in a manner
3 provided by chapter 554, the uniform commercial code.
4 The secretary shall note the filing of a termination
5 statement with the lien statement.

6 7. A lien perfected under this section is superior
7 to a lien or security interest which attaches
8 subsequent to the time the lien statement is filed
9 with the secretary of state, except liens arising
10 under chapters 570 through 571.

11 8. In the event the department is appointed as a
12 receiver under section 543.3, assets under the
13 authority of the receiver are free from this statutory
14 lien. However, if there are receivership assets in
15 excess of those necessary to fully reimburse
16 depositors, the perfected lien will attach to those
17 excess assets.

18 9. The board may enforce the lien in the manner
19 provided in chapter 554, article 9, part 5, for the
20 enforcement of security interests. If, upon
21 enforcement of the lien, the lien amount is satisfied
22 in full without exhaustion of the warehouse operator
23 assets, the remaining assets shall be returned to the
24 warehouse operator or, if there are competing claims
25 to those remaining assets by other creditors, those
26 assets shall be placed in the custody of the district
27 court and the known creditors impleaded.

28 For purposes of enforcement of the lien, the board
29 is deemed to be the secured party and the warehouse
30 operator is deemed to be the debtor, and each has the
31 respective rights and duties of a secured party and a
32 debtor as provided in chapter 554, article 9, part 5.
33 If a right or duty under chapter 554, article 9, part
34 5, is contingent upon the existence of express
35 language in a security agreement, or may be waived by
36 express language in a security agreement, the
37 requisite language is deemed not to exist for purposes
38 of enforcement of the lien created by this section.

39 10. Actions relating to this section shall be
40 brought in the district court in the county in which
41 the warehouse operator's primary place of business is
42 located or in Polk county.

43 Sec. _____. Section 543.6, subsection 4, paragraph
44 b, Code Supplement 1989, is amended to read as
45 follows:

46 b. The warehouse operator shall submit, as
47 required by the department, a financial statement that
48 is accompanied by an unqualified opinion based upon an
49 audit performed by a certified public accountant
50 licensed in this state. However, the department may

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1 accept a qualification in an opinion that is
2 unavoidable by any audit procedure that is permitted
3 under generally accepted accounting principles. An
4 opinion that is qualified because of a limited audit
5 procedure or because the scope of an audit is limited
6 shall not be accepted by the department. The
7 department shall not require that a warehouse operator
8 submit more than one such unqualified opinion per
9 year. The warehouse operator may elect, however, to

10 submit a financial statement that is accompanied by
 11 the report of a certified public accountant licensed
 12 in this state that is based upon a review performed by
 13 the certified public accountant in lieu of the audited
 14 financial statement specified in this paragraph.
 15 However, at any time the department may require a
 16 financial statement that is accompanied by the report
 17 of a certified public accountant licensed in this
 18 state that is based upon a review performed by a
 19 certified public accountant if the department has good
 20 cause to believe that the net worth or current asset
 21 to current liability ratio of a licensee presents a
 22 danger to producers or sellers with whom the licensee
 23 deals. "Good cause" means that the department has
 24 evidence that the licensee issued checks on
 25 insufficient funds, evidence of a quality or quantity
 26 shortage in a warehouse facility, or evidence of
 27 violations of recordkeeping requirements."

28 3. Page 1, by inserting after line 22, the
 29 following:

30 "Sec. _____. Section 543.36, Code 1989, is amended
 31 by adding the following new subsection:
 32 NEW SUBSECTION. 5. A person habitually violating
 33 a provision of this chapter, including a rule adopted
 34 or an order issued by the department, is subject to a
 35 civil penalty. A habitual violation means a violation
 36 which has occurred at least three times in a five-year
 37 period. If a person is cited as a habitual violator,
 38 the department shall provide written notice to the
 39 person by hand delivery or certified mail. The notice
 40 shall cite each violation subject to a penalty. The
 41 notice shall state that the person has ten days within
 42 which to remit the penalty or seek a hearing under
 43 chapter 17A. The penalty shall not exceed two hundred
 44 fifty dollars for each offense. Each day the person
 45 is in violation shall be considered a separate
 46 violation. The department shall transmit moneys
 47 collected pursuant to this section to the treasurer of
 48 state, as provided by the treasurer, for deposit in
 49 the general fund.

50 Sec. _____. Section 543.37, Code 1989, is amended to

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1 read as follows:

2 543.37 FAILURE TO PAY FEE.

3 Failure to pay the ~~annual~~ license fee provided for
 4 in section 543.33 on or before ~~June 30 of the year for~~
 5 which due the end of the third calendar month from the
 6 close of the licensee's fiscal or tax year shall cause
 7 a license to terminate. A warehouse license which has
 8 terminated may be reinstated by the department upon

9 receipt of a proper renewal application, the renewal
 10 fee, and the reinstatement fee as provided for in
 11 section 543.33, if filed within thirty days from the
 12 date of termination of the warehouse license. The
 13 department may cancel the license upon request of the
 14 licensee unless a complaint or information is filed
 15 against the licensee alleging a violation of a
 16 provision of this chapter.

17 Sec. _____. Section 543A.3, subsection 3, paragraph
 18 a, subparagraph (3), unnumbered paragraph 1, Code
 19 Supplement 1989, is amended to read as follows:

20 For warehouse operators or participating federally
 21 licensed grain warehouses:

22 Sec. 100. Section 543A.3, subsection 4, Code
 23 Supplement 1989, is amended to read as follows:

24 4. Payment of the full annual fee shall be made
 25 before a grain dealer's or warehouse operator's
 26 license is issued or renewed. If a licensee amends
 27 its license during the fiscal license year for which
 28 an annual fee was paid, and the licensing entity
 29 remains the same, the licensee is required to pay a
 30 further fee only if the amendment changes the
 31 licensee's class from a class 2 to a class 1 grain
 32 dealer or increases the quantity of intended storage
 33 in an amount which shifts the licensee from one level
 34 of storage to a higher level of storage, as defined in
 35 subsection 3. This subsection applies to new
 36 licensees and to license amendments regardless of
 37 whether there has been a waiver of the fees pursuant
 38 to section 543A.5.

39 Sec. _____. NEW SECTION. 543A.5A LIEN ON
 40 LICENSEE'S ASSETS.

41 The board may enforce a lien attached to assets
 42 held by a licensee under chapter 542 or 543. The lien
 43 shall be perfected and enforced pursuant to section
 44 542.12A or 543.12A.

45 Sec. _____. Section 543A.6, subsections 2 and 7,
 46 Code Supplement 1989, are amended to read as follows:

47 2. NOTICE. The department shall cause notice of
 48 the opening of the claim period to be published once
 49 each week for two consecutive weeks in a newspaper of
 50 general circulation in each of the counties in which

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1 the licensee maintains a business location and in a
 2 newspaper of general circulation within the state.
 3 The notice shall state the name and address of the
 4 licensee and the claim incurrence date. The notice
 5 shall also state that any claims against the fund on
 6 account of the licensee shall be sent by ordinary
 7 certified mail to the department within one hundred

8 twenty days after the incurrence date, and that the
 9 failure to make a timely claim relieves the fund from
 10 liability to the claimant. This notice may be
 11 incorporated by the department with a notice required
 12 by section 542.12 or 543.14.

13 7. PAYMENT OF CLAIMS. Upon a determination that
 14 the claim is eligible for payment, the board shall
 15 provide for payment of ninety percent of the loss, as
 16 determined under ~~subsection~~ subsections 4 and 5, but
 17 not more than one hundred fifty thousand dollars per
 18 claimant. If at any time the board determines that
 19 there are insufficient funds to make payment of all
 20 claims, the board may order that payment be deferred
 21 on specified claims. The department, upon the board's
 22 instruction, shall hold those claims for payment until
 23 the board determines that the fund again contains
 24 sufficient assets.

25 If judgment is entered against the board upon
 26 judicial review of the board's denial of a claim, the
 27 board shall provide for payment, including interest at
 28 the rate of ten percent per year, accruing from the
 29 date of final action by the board denying the claim.
 30 Interest shall not accrue if payment is deferred due
 31 to insufficient assets in the fund.

32 Sec. _____. Section 554.9407, subsection 3, Code
 33 1989, is amended by adding the following new
 34 unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Upon written request,
 36 the filing officer shall issue a certificate showing
 37 whether there is on file on the date and hour stated,
 38 an effective financing statement, lien statement, or
 39 termination statement under chapter 542 or 543 naming
 40 a grain dealer or warehouse operator as a debtor, the
 41 address of the grain dealer's or warehouse operator's
 42 principal place of business, and the grain indemnity
 43 fund board as secured creditor, identifiable grain
 44 proceeds subject to the lien, and the amount of the
 45 lien. The uniform fee for a certificate is five
 46 dollars if the request for the certificate is on a
 47 form conforming to standards prescribed by the
 48 secretary of state, or the fee is six dollars if the
 49 request is not on a form conforming to the standards.

50 Sec. _____.

Page 14

1 There shall be a transition period for implementing
 2 and enforcing provisions of this Act relating to any
 3 license period as provided in sections 542.5 and
 4 543.37 as amended by this Act. Within the transition
 5 period, the department of agriculture and land
 6 stewardship may issue or renew licenses under chapter

7 542 or 543 for a period less than twelve consecutive
8 months. The department shall prorate the fees charged
9 for issuing or renewing the licenses for a period of
10 less than twelve consecutive months. A person
11 required to be licensed under chapter 542 or 543 shall
12 not pay more in twelve consecutive months than the
13 total amount of fees required to be paid if the person
14 were similarly licensed during 1989. The transition
15 period shall terminate on June 30, 1991.

16 Sec. _____.

17 The liens established in sections 542.12A and
18 543.12A are applicable and enforceable against all
19 grain dealer and warehouse operator licensees with an
20 incurrence date on or after July 1, 1990.

21 Sec. _____.

22 Section 100 of this Act, amending section 543A.3,
23 subsection 4, Code Supplement 1989, applies
24 retroactively to July 1, 1989."

25 4. Title page, lines 1 and 2, by striking the
26 words "relating to the prosecution of persons
27 violating provisions".

28 5. Title page, line 2, by inserting after the
29 word "operators" the following: ", providing for
30 penalties, and providing for the retroactive
31 applicability of a certain provision".

32 6. By renumbering as necessary.

Harbor of Mills rose on a point of order that amendment H — 5696 was not germane.

The Speaker ruled the point well taken and amendment H — 5696 not germane.

Koenigs of Mitchell moved that the rules be suspended to consider amendment H — 5696.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 52, nays 36.

The motion prevailed and the rules were suspended.

On motion by Koenigs of Mitchell, amendment H — 5696 was adopted.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2233)

The ayes were, 59:

Adams	Beaman	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Cphoon	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fogarty	Fuller	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lykam	Maulsby
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Schrader	Shearer	Sherzan
Shoultz	Spear	Stueland	Svoboda
Swartz	Wise	Connors	
		Presiding	

The nays were, 30:

Banks	Bennett	Branstad	Carpenter
Clark	Corbett	Halvorson, R. A.	Hanson, D. R.
Harbor	Hatch	Hermann	Hester
Iverson	Kistler	Lundby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Trent
Tyrrell	Van Maanen		

Absent or not voting, 11:

Arnould	Avenson, Spkr.	Chapman	Eddie
Fey	Garman	Groninga	Renaud
Rosenberg	Tabor	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2277**, a bill for an act relating to tourist-oriented signs, and amendment H-5731, found on page 1174 of the House Journal, previously deferred and retained on the unfinished business calendar.

On motion by Jesse of Jasper, amendment H-5731 was adopted.

Jesse of Jasper asked and received unanimous consent to withdraw amendment H-5579 filed by him and Lageschulte of Bremer on March 8, 1990.

Halvorson of Webster moved to reconsider the vote by which amendment H—5731, found on page 1174 of the House Journal, was adopted by the House on March 19, 1990.

The motion to reconsider lost.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2277)

The ayes were, 79:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Blanshan	Brand
Branstad	Brown	Carpenter	Chapman
Clark	Cohoon	Daggett	De Groot
Diemer	Dvorsky	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Iverson
Jay	Jesse	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Renaud	Renken
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, 11:

Black	Brammer	Buhr	Corbett
Doderer	Halvorson, R. N.	Hanson, D. R.	Holveck
Nielsen	Plasier	Poncy	

Absent or not voting, 10:

Avenson, Spkr.	Bisignano	Eddie	Fey
Groninga	Hammond	Jochum	Peterson, M. K.
Rosenberg	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER
(Senate File 2235)

I move to reconsider the vote by which Senate File 2235 passed the House on March 19, 1990.

KOENIGS of Mitchell

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 737, a bill for an act requiring certain public corporations to pay the interest earned on investments of retained funds to public improvement construction contractors.

Also: That the Senate has on March 19, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2322, a bill for an act relating to the duties of the county recorder by imposing a fee for recording and indexing certain instruments, and by providing for the issuance of certain transcripts.

Also: That the Senate has on March 19, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2404, a bill for an act relating to mediation assistance, by expanding the responsibilities of the farm mediation service, granting additional authority to the farm mediation service, increasing certain fees, extending the date of repeal for certain provisions, and providing an effective date.

Also: That the Senate has on March 19, 1990 refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2084, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates.

Also: That the Senate has on March 19, 1990 passed the following bill in which the concurrence of the House is asked:

Senate File 2274, a bill for an act relating to targeted small businesses, and imposing penalties.

Also: That the Senate has on March 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2304, a bill for an act relating to penalty and interest on cigarette, tobacco, motor fuel, individual income, withholding, corporation income, franchise, sales, use, retailer's use, environmental protection charge, inheritance, generation skipping transfer, and estate taxes, and providing effective and applicability dates.

Also: That the Senate has on March 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2407, a bill for an act relating to the premium taxation on certain health maintenance organization payments.

JOHN F. DWYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, March 16, 1990. Had I been present, I would have voted "aye" on Senate Joint Resolution 2003; Senate Files 2003, 2059, 2080, 2240, 2365, 2369; and "aye" on motions to override the Governor's veto on House Files 2418 and 2514.

PETERSON of Carroll

I was necessarily absent from the House chamber on Friday morning, March 16, 1990. Had I been present, I would have voted "aye" on Senate File 2369.

SIEGRIST of Pottawattamie

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 19, 1990, he approved and transmitted to the Secretary of State the following bills:

House File 324, an act relating to the confidentiality of county general relief records, and subjecting violators to a penalty.

House File 2044, an act relating to the sale, lease, or other disposition of student-constructed buildings and related school property.

House File 2132, an act to change the effective date for programs for at-risk children and providing an effective date.

House File 2153, an act relating to the fifteen-day report filed by an administrator or chief medical officer of a hospital or facility with the court after the commitment hearing in civil commitment proceedings.

House File 2324, an act relating to disposition of instruments filed with the county recorder, and providing for the applicability of certain instruments.

House File 2341, an act relating to airport zoning regulations by allowing conformance with federal aviation regulations.

House File 2498, an act providing certain modifications to child foster care licensing requirements.

House File 2502, an act relating to the issuance of bonds under the hotel and motel tax and providing an effective date.

Senate File 2082, an act to indefinitely extend the effect of the Code chapter relating to persons with mental illness, mental retardation, or developmental disabilities and providing an effective date.

Senate File 2094, an act providing rulemaking authority to the auditor of state to establish a fee schedule for certain services.

Senate File 2156, an act giving federal law enforcement officials peace officer status in certain instances.

Senate File 2173, an act relating to the competency of a witness by amending the Iowa rules of evidence.

Senate File 2221, an act requiring the department of inspections and appeals to adopt rules establishing a special license classification for an intermediate care facility, skilled nursing facility, or nursing facility or a special unit within the facility providing care to persons who suffer from chronic confusion or a dementing illness, and providing an effective date.

PRESENTATION OF VISITORS

Neuhauser of Johnson presented to the House Professor Oleg F. Vasiliev from the Union of Soviet Socialist Republics. He was accompanied by his daughter Svetlana Vasilieva.

The Speaker announced that the following visitors were present in the House chamber:

Three twelfth grade students from Jefferson High School, Jefferson. By Blanshan of Greene.

Eighteen sixth grade students from Cedar Valley Christian School, Cedar Rapids, accompanied by Mrs. Todd. By Chapman and Nielsen of Linn.

Nine Boy Scouts of Troop 501, Walker, accompanied by Larry Schmidt, Phil Snitkey, and Glenn Mills. By Hanson of Delaware.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN
Chief Clerk of the House

- | | |
|---------|-----------------------------------------------------------------------------------|
| 1990-45 | Nellie Andersen, Council Bluffs — Celebrating her 93rd birthday on April 6, 1990. |
| 1990-46 | Elmer and Olga Nielsen, Arnolds Park — Celebrating 60 years of marriage. |

- 1990-47 Girls Basketball Team of Maquoketa Valley Community High School – Participating in the 1990 Girls State Basketball Tournament.
- 1990-48 Boys Basketball Team of Postville – For their accomplishments in the 1990 Boys Tournament.
- 1990-49 Boys Basketball Team of Red Oak – For their accomplishments in the 1990 Boys Tournament.
- 1990-50 Boys Basketball Team of Nishna Valley High School – For their accomplishments in the 1990 Boys Tournament.
- 1990-51 Boys Basketball Team of Dubuque Wahlert High School – Participating in the 1990 Boys Iowa State Basketball Tournament.
- 1990-52 Oma Reynolds, Pleasantville – Celebrating her 103rd birthday on March 18, 1990.
- 1990-53 Girls Basketball Team of Atlantic – For winning the 1990 Girls State Basketball Championship.
- 1990-54 Wendy Kolbe, Boone – For taking an active leadership role in the fight against substance abuse through her performance in the musical “Party.”
- 1990-55 James Gau, Boone – For taking an active leadership role in the fight against substance abuse through his performance in the musical “Party.”
- 1990-56 Charity Peterson, Boone – For taking an active leadership role in the fight against substance abuse through her performance in the musical “Party.”
- 1990-57 Tony Gau, Boone – For taking an active leadership role in the fight against substance abuse through his performance in the musical “Party.”
- 1990-58 Lacey Chance, Boone – For taking an active leadership role in the fight against substance abuse through her performance in the musical “Party.”
- 1990-59 Melea Solheim, Boone – For taking an active leadership role in the fight against substance abuse through her performance in the musical “Party.”
- 1990-60 Joe Duff, Boone – For taking an active leadership role in the fight against substance abuse through his performance in the musical “Party.”
- 1990-61 Chris Abbott, Boone – For taking an active leadership role in the fight against substance abuse through her performance in the musical “Party.”

- 1990-62 South Tama Girls Basketball Team, Tama — For outstanding performance and success during the 1990 Girls State Basketball Tournament, and for having two All-Tournament Players and the Tournament Queen.
- 1990-63 Shorty and Jo Mortimore, Estherville — Operating their “corner, home-owned, independent grocery store” for 55 years.
- 1990-64 Pacesetters Drill Team, West Bend — For their performance at the Iowa High School State Basketball Tournament for the 16th consecutive year.
- 1990-65 Boys Basketball Team, Indianola — Recognition for their fine performance in the 1990 Iowa State Boys Basketball Tournament, winning 3rd place in the 3A Competition, and winning the State Tournament Good Citizens’ Award.
- 1990-66 John Flanery, Guthrie Center — Receiving first place in scholastic interview, and second place in scholastic speech at the Regional Academic Decathlon.
- 1990-67 Allie White, Bayard — Celebrated her 100th birthday on February 14, 1990.
- 1990-68 Kirk Marnin, Bridgewater — Receiving the Merit Award from the University of Northern Iowa.
- 1990-69 Chad A. Reickard, Eldridge — Receiving the Boy Scouts of America Eagle Scout Award.
- 1990-70 Jeremy Glenn, Guthrie Center — Receiving first place in honors interview, and third place in honors history/social studies in the Regional Academic Decathlon.

AMENDMENTS FILED

H — 5744	H.F.	2531	Senate Amendment
H — 5745	H.F.	2534	Senate Amendment
H — 5747	S.F.	2011	Bisignano of Polk
H — 5748	S.F.	2011	Bisignano of Polk
H — 5750	S.F.	2402	Carpenter of Polk
			Hanson of Delaware
			Doderer of Johnson
			Renaud of Polk
H — 5751	S.F.	2402	Muhlbauer of Crawford
			Jochum of Dubuque
			Cohon of Des Moines
			Koenigs of Mitchell
H — 5752	S.F.	2364	Halvorson of Clayton
H — 5756	S.F.	2408	Peterson of Carroll
H — 5757	H.F.	2555	Halvorson of Clayton

H—5758	H.F.	2507	Dvorsky of Johnson Swartz of Marshall
H—5759	S.F.	205	Hammond of Story
H—5760	S.F.	205	Hanson of Delaware Beatty of Warren
H—5761	H.F.	737	Senate Amendment
H—5762	H.F.	2404	Senate Amendment
H—5763	S.F.	2329	De Groot of Lyon Hanson of Delaware McKean of Jones Gruhn of Dickinson Maulsby of Calhoun Van Maanen of Mahaska

On motion by Arnould of Scott, the House adjourned at 4:49 p.m., until 9:00 a.m., Tuesday, March 20, 1990.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day — Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 20, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Ben Coltvet, pastor of the Nazareth Lutheran Church, Cedar Falls.

The Journal of Monday, March 19, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista, until his arrival, on request of Stueland of Clinton.

INTRODUCTION OF BILL

House File 2556, by Arnould, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing a family preservation program, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the non-bailability of certain offenders, providing requirements for presence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders,

making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

SENATE MESSAGES CONSIDERED

Senate File 2274, by Hutchins and Hultman, a bill for an act relating to targeted small businesses, and imposing penalties.

Read first time and referred to committee on **small business and commerce**.

Senate File 2304, by committee on ways and means, a bill for an act relating to penalty and interest on cigarette, tobacco, motor fuel, individual income, withholding, corporation income, franchise, sales, use, retailer's use, environmental protection charge, inheritance, generation skipping transfer, and estate taxes, and providing effective and applicability dates.

Read first time and referred to committee on **ways and means**.

Senate File 2407, by committee on ways and means, a bill for an act relating to the premium taxation on certain health maintenance organization payments.

Read first time and referred to committee on **ways and means**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2250, a bill for an act relating to the importation of bees and bee-related items, increasing certain fees, and providing penalties.

Also: That the Senate has on March 19, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2355, a bill for an act relating to civil damages for illegal taking of certain animals.

Also: That the Senate has on March 19, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2516, a bill for an act regulating certain motor vehicle service contracts and establishing an annual fee.

Also: That the Senate has on March 19, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2549, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing a retroactive applicability date.

Also: That the Senate has on March 19, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2159, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code regulating occupational safety and health, amusement ride and boiler inspections, asbestos removal and encapsulation, the division of labor services, wage payment collection, and construction contractors, and providing a penalty.

Also: That the Senate has on March 19, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2347, a bill for an act relating to the ability of one spouse to relinquish inchoate dower rights and homestead rights as an attorney in fact for the other spouse.

JOHN F. DWYER, Secretary

SENATE AMENDMENTS CONSIDERED

Spear of Lee called up for consideration **House File 252**, a bill for an act relating to leave for a chief deputy sheriff, second deputy sheriff, or other officer or employee subject to civil service who becomes a candidate for elective office, amended by the Senate, and moved that the House concur in the following Senate amendment H—5099:

H—5099

- 1 Amend House File 252, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 2, line 4, by inserting after the word
- 4 "section." the following: "The county shall continue
- 5 to provide health benefit coverages, and may continue
- 6 to provide other fringe benefits, to any officer or
- 7 employee subject to civil service, or to any chief
- 8 deputy sheriff or second deputy sheriff during any
- 9 leave of absence required under this section."

The motion prevailed and the House concurred in the Senate amendment H—5099.

Spear of Lee moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 252)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Eddie	Harper	Miller	Ollie
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Clark of Cerro Gordo called up for consideration **House File 2468**, a bill for an act relating to the establishment of the division of criminal justice planning and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-5730:

H-5730

- 1 Amend House File 2468, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 6, by striking the words "and
- 4 juvenile" and inserting the following: "and
- 5 juvenile".
- 6 2. Page 1, line 8, by striking the words "and

- 7 juvenile" and inserting the following: "and
8 juvenile".
- 9 3. Page 1, line 11, by striking the words "and
10 juvenile" and inserting the following: "and
11 juvenile".
- 12 4. Page 1, line 15, by striking the words "and
13 juvenile" and inserting the following: "and
14 juvenile".
- 15 5. Page 1, line 16, by striking the word "twenty-
16 one" and inserting the following: "twenty-two".
- 17 6. Page 1, line 29, by inserting after the word
18 "safety," the following: "the division on the status
19 of blacks,".
- 20 7. Page 2, line 26, by striking the words "and
21 juvenile" and inserting the following: "and
22 juvenile".
- 23 8. Page 3, by inserting after line 11, the
24 following:
25 "The division may form subcommittees for the
26 purpose addressing major correctional issues affecting
27 the criminal and juvenile justice system. The
28 division shall establish a subcommittee to address
29 issues specifically affecting the juvenile justice
30 system."

The motion prevailed and the House concurred in the Senate amendment H—5730.

Clark of Cerro Gordo moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2468)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf

Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Bisignano	Eddie	Harper	Ollie
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Peterson of Carroll called up for consideration **Senate File 2212**, a bill for an act relating to and making supplemental appropriations or decreasing appropriations to the department of human services, Iowa department of public health, state board of regents, department of general services, department of inspections and appeals, department of employment services, department of commerce, state department of transportation, department of corrections, department of public safety, department of justice, judicial department, department of elder affairs, department of agriculture and land stewardship, department of natural resources, department of cultural affairs, department of education, and college aid commission for the remainder of the fiscal year ending June 30, 1990, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H—5673 to the House amendment:

H—5673

1 Amend the House amendment, S—5341, to Senate File
2 2212, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "_____. Page 1, by inserting after line 23 the
7 following:

8 "Sec. _____. NURSING FACILITY REIMBURSEMENT — APRIL
9 1990 ADJUSTMENT.

10 There is appropriated from the general fund of the
11 state to the department of human services for the
12 fiscal year beginning July 1, 1989, and ending June

13 30, 1990, the following amount or so much thereof as
14 is necessary, to be used for the purpose designated:

15 For adjustment of nursing facility reimbursement
16 rates in accordance with this section:
17\$ 1,000,000

18 Effective April 1, 1990, the maximum reimbursement
19 rate for nursing facilities shall be the 74th
20 percentile of facility costs as calculated from the
21 March 31, 1990, unaudited compilation of cost and
22 statistical data.” ”

23 2. Page 1, by inserting after line 2 the
24 following:

25 “_____. Page 2, by striking lines 20 and 21 and
26 inserting the following: “30, 1990, but shall be
27 deposited in the state supplementation of federal
28 social services block grant fund for use in the”.

29 _____. Page 2, by striking line 24 and inserting
30 the following: “supplementation of federal social
31 services block grant fund”.”

32 3. Page 1, line 42, by striking the figure “1989”
33 and inserting the following: “1990”.

34 4. Page 2, line 4, by inserting after the word
35 “security” the following: “cottage style or
36 residential”.

37 5. Page 2, line 5, by inserting after the word
38 “facility.” the following: “The architectural plan
39 shall include living units designed to promote and
40 accomplish the goals of the family preservation
41 program established in section 246.207.”

42 6. Page 2, lines 26 and 27, by striking the words
43 “community-based correctional services district” and
44 inserting the following: “judicial district
45 department of correctional services”.

46 7. Page 2, lines 32 and 33, by striking the words
47 “community-based correctional services district” and
48 inserting the following: “judicial district
49 department of correctional services”.

50 8. Page 2, lines 42 and 43, by striking the words

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1 “community-based correctional services district” and
2 inserting the following: “judicial district
3 department of correctional services”.

4 9. Page 3, by striking line 31.

5 10. By renumbering, relettering, or redesignating
6 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H – 5673.

Peterson of Carroll moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2212)

The ayes were, 72:

Adams	Arnould	Beaman	Beatty
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Corbett	Daggett	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Trent	Tyrell	Wise	Mr. Speaker Avenson

The nays were, 23:

Banks	Bennett	Branstad	Carpenter
Clark	De Groot	Diemer	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Iverson	Kremer	Metcalf	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Stueland	Van Maanen	

Absent or not voting, 5:

Bisignano	Eddie	Harper	Ollie
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

Unfinished Business Calendar

The House resumed consideration of **Senate File 2329**, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semi-annual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's

licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable, previously deferred and placed on the unfinished business calendar.

Koenigs of Mitchell offered the following amendment H—5581 filed by the committee on transportation:

H—5581

1 Amend Senate File 2329, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting after line 19 the fol-
4 lowing:

5 “(5) The motor vehicle is a school bus designed to
6 transport more than ten persons.”

7 2. Page 7, by striking lines 1 through 9 and
8 inserting the following: “is paid. Semiannual
9 installments do not apply to commercial vehicles, as
10 defined under section 326.2, subject to proportional
11 registration, with a base state other than the state
12 of Iowa, as defined in section 326.2, subsection 6.
13 The penalty on vehicles registered under chapter 326
14 accrues August 1 of each year except as provided in
15 section 326.6.”

16 3. Page 8, lines 7 and 8, by striking the words
17 “or when disqualified from operating the vehicle under
18 section 321.208”.

19 4. Page 9, lines 1 and 2, by striking the words
20 “within the legal scope of the” and inserting the fol-
21 lowing: “within the legal scope of the”.

22 5. Page 9, line 10, by inserting after the word
23 “fifty” the following: “air”.

24 6. Page 9, by inserting after line 25 the
25 following:

26 “6. A person exempted by rules adopted by the
27 department pursuant to section 321.176B.

28 Sec. _____. **NEW SECTION. 321.176B PERSONS EXEMPT**
29 **BY RULE FROM COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.**

30 If after July 1, 1990, federal law or federal
31 regulations are changed to allow exemptions from
32 commercial driver's license requirements for suppliers
33 of agricultural inputs or their employees while
34 delivering these products to their customers, the
35 department shall immediately, pursuant to chapter 17A,
36 adopt rules which allow these exemptions from the
37 commercial driver's license requirements.”

38 7. Page 11, line 27, by inserting after the word
39 “issuance” the following: “from the licensee's
40 birthday anniversary in the year of issuance”.

41 8. Page 13, line 9, by striking the words “or C”
42 and inserting the following: “C, or D”.

43 9. Page 14, line 16, by inserting after the word
44 "years" the following: "from the licensee's birthday
45 anniversary in the year of issuance".

46 10. By striking page 16, line 34, through page
47 17, line 14, and inserting the following:

48 "The department shall make every effort to
49 accommodate a commercial driver's license applicant's
50 need to arrange an appointment for a driving skills

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1 test at an established test site other than where the
2 applicant passed the required knowledge test. The
3 department shall report to the governor and the
4 general assembly on any problems, extraordinary costs
5 and recommendations regarding the appointment
6 scheduling process."

7 11. Page 17, line 25, by inserting after the word
8 "highways." the following: "However, an applicant for
9 a new motor vehicle license other than a commercial
10 driver's license need not pass a vision test
11 administered by the department if the applicant files
12 with the department a vision report in accordance with
13 section 321.186A.

14 Sec. _____. **NEW SECTION. 321.186A VISION REPORT IN**
15 **LIEU OF VISION TEST.**

16 1. An applicant for a new or renewed motor vehicle
17 license other than a commercial driver's license need
18 not take a vision test administered by the department
19 if the applicant files with the department a vision
20 report signed by a licensed vision specialist in
21 accordance with this section.

22 2. An applicant for such a new or renewed motor
23 vehicle license who fails a vision test administered
24 by the department may subsequently be issued the motor
25 vehicle license without need of passing a department
26 administered vision test, if the applicant files with
27 the department a vision report from a licensed vision
28 specialist in accordance with this section.

29 3. The vision report shall state the visual acuity
30 level of the applicant as measured by the vision
31 specialist and shall be in the form and include other
32 information as required by rule of the department. A
33 vision report is valid only if the visual acuity level
34 of the applicant has been measured by the licensed
35 vision specialist within thirty days before the
36 application for the new or renewed motor vehicle
37 license.

38 4. As used in this section, a "licensed vision
39 specialist" means a person licensed to practice
40 optometry."

- 41 12. Page 18, line 5, by striking the figure
42 "(1988)" and inserting the following: "adopted as of
43 a specific date by rule by the department".
44 13. Page 18, by striking lines 6 and 7.
45 14. Page 18, line 20, by striking the figure
46 "(1988)" and inserting the following: "adopted as of
47 a specific date by rule by the department".
48 15. Page 18, line 30, by striking the figure
49 "(1988)" and inserting the following: "adopted as of
50 a specific date by rule by the department".

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- 1 16. Page 19, line 15, by striking the figure
2 "(1988)" and inserting the following: "adopted as of
3 a specific date by rule by the department".
4 17. Page 20, line 1, by striking the figure
5 "(1988)" and inserting the following: "adopted as of
6 a specific date by rule by the department".
7 18. Page 20, line 18, by striking the word
8 "state" and inserting the following: "state, except a
9 basic Iowa rules of the road knowledge test and, when
10 applicable, motorcycle operator knowledge and driving
11 skills tests".
12 19. Page 21, line 1, by inserting after the word
13 "pounds" the following: "and valid for the operation
14 of vehicles with lower gross combination weight
15 ratings and other vehicles except motorcycles".
16 20. Page 21, line 8, by inserting after the word
17 "pounds" the following: "and valid for the operation
18 of vehicles with lower gross vehicle weight ratings or
19 gross combination weight ratings except motorcycles".
20 21. Page 21, by striking lines 23 and 24 and
21 inserting the following: "any class of driver's
22 license is not valid".
23 22. Page 21, by striking lines 26 through 28 and
24 inserting the following: "endorsed for the vehicle.
25 A class D driver's license only authorizes its holder
26 to operate a motor vehicle as a chauffeur with the
27 type of motor vehicle operation allowed being
28 determined by the other classes of licenses for which
29 the license is issued. The holder of a class D
30 driver's license is not required to obtain a class C
31 driver's license to operate a motor vehicle if the
32 operation is not as a chauffeur or is not subject to
33 commercial driver's license requirements. The".
34 23. Page 23, by striking line 29 and inserting
35 the following: "years of age or older who has passed
36 a vision test or who files a vision test as provided
37 in section 321.186A and who passes a".

- 38 24. Page 24, line 8, by inserting after the word
39 "years" the following: "from the licensee's birthday
40 anniversary in the year of issuance".
- 41 25. Page 26, line 10, by striking the words
42 "general fund of the state" and inserting the
43 following: "~~general fund of the state~~ road use tax
44 fund".
- 45 26. Page 28, by striking lines 3 through 11 and
46 inserting the following: "REMOVAL OF AIR BRAKE
47 RESTRICTIONS FROM AN ISSUED LICENSE. If an applicant
48 wishes to upgrade a license class privilege, the only
49 fees charged shall be for upgrading and shall be
50 prorated on full-year fee increments of the new

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- 1 license. The expiration date of".
- 2 27. Page 28, line 13, by inserting after the word
3 "license." the following: "As used in this section
4 "to upgrade a license class privilege" means to add
5 additional classes or endorsements to or to remove air
6 brake restrictions from a valid motor vehicle
7 license."
- 8 28. Page 32, line 8, by inserting after the word
9 "years" the following: "from the licensee's birthday
10 anniversary occurring in the year of issuance".
- 11 29. Page 32, line 27, by inserting after the word
12 "applicant" the following: "either".
- 13 30. Page 32, line 29, by inserting after the word
14 "department" the following: "or files a vision report
15 in accordance with section 321.186A".
- 16 31. Page 33, by striking lines 21 through 26 and
17 inserting the following: "license or April 1, 1992.
18 A person who has been issued a valid chauffeur's
19 license by the department which expires on or after
20 July 1, 1990, and before July 1, 1991, may renew the
21 license and be issued a special class D driver's
22 license which shall be valid according to the terms
23 and limitations of the chauffeur's license previously
24 issued to the person. However, after April 1, 1992, a
25 chauffeur's license or a special class D driver's
26 license issued under this section shall not be valid
27 for operating a commercial motor vehicle. Between
28 July 1, 1990, and April 1, 1992, the holder of a valid
29 chauffeur's".
- 30 32. Page 37, line 7, by striking the words "more
31 than".
- 32 33. Page 37, line 8, by inserting after the word
33 "days" the following: "or more".
- 34 34. Page 37, line 10, by striking the words "more
35 than".

36 35. Page 37, line 11, by inserting after the word
37 "days" the following: "or more".

38 36. Page 39, by striking lines 3 and 4 and
39 inserting the following: "year disqualification as
40 provided in 49 C.F.R. § 383.51 adopted as of a
41 specific date by rule by the department."

42 37. Page 40, by striking line 8 and inserting the
43 following:

44 "7. A person is disqualified from operating a
45 motor vehicle if the person either".

46 38. Page 40, line 12, by striking the words
47 "more, the" and inserting the following: "more.
48 The".

49 39. Page 40, line 17, by inserting after the word
50 "testing" the following: "or submitted to chemical

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1 testing and the results show a blood alcohol
2 concentration as defined in section 321J.1 of 0.04 or
3 more".

4 40. Page 40, by inserting after line 34 the
5 following:

6 "11. As used in this section, the terms "acts",
7 "actions", and "offenses" mean acts, actions, or
8 offenses which occur on or after July 1, 1990."

9 41. Page 41, line 10, by striking the figure
10 "(1988)" and inserting the following: "adopted as of
11 a specific date by the department".

12 42. Page 47, line 8, by inserting after the word
13 "LICENSE" the following: "OR WHEN DISQUALIFIED".

14 43. Page 47, by inserting after line 31 the
15 following:

16 "5. A person who operates a commercial motor
17 vehicle upon the highways of this state when
18 disqualified from operating the commercial motor
19 vehicle under section 321.208 commits a simple
20 misdemeanor if a commercial driver's license is
21 required for the person to operate the commercial
22 motor vehicle."

23 44. Page 47, line 32, by striking the figure "5."
24 and inserting the following: "5 6."

25 45. Page 48, line 1, by striking the word "for"
26 and inserting the following: "under this section upon
27 a charge of".

28 46. Page 58, line 18, by inserting after the word
29 "revoked." the following: "A person holding a
30 temporary restricted license issued under this
31 subsection shall not operate a commercial motor
32 vehicle, as defined in section 321.1, on a highway if
33 a commercial driver's license is required for the
34 person to operate the commercial motor vehicle."

35 47. Page 59, by striking lines 13 through 29 and
 36 inserting the following:
 37 "Sec. 711. Section 326.6, subsection 2, paragraph
 38 d, Code 1989, is amended to read as follows:
 39 d. The product so obtained under paragraph "c" of
 40 this subsection shall be the amount payable by the
 41 owner for proportional registration of the fleet for
 42 the registration year. Payment of registration fees
 43 shall be made in accordance with law section 321.134,
 44 subsection 2, or a fleet owner on a renewal
 45 registration may pay a fee equal to one-half of the
 46 applicable fee and post a surety bond, certificate of
 47 deposit, or letter of credit, equal to one-half of the
 48 applicable fee at the time of the first installment.
 49 Payment of the first installment entitles an owner to
 50 the issuance of full-year credentials. The second

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1 installment shall be paid by July 15. If the second
 2 installment is not paid by July 15, the department
 3 shall file claim against the security for payment of
 4 fees and penalties due and the owner shall not be
 5 entitled to elect the installment payment option for
 6 the following year. Excess surety moneys received
 7 shall be refunded minus a fifty dollar administration
 8 fee."

9 48. Page 62, by inserting after line 35, the
 10 following:

11 "Sec. _____.

12 Section 711 of this Act applies to the 1992 and
 13 subsequent registration years."

14 49. Title page, line 1, by inserting after the
 15 word "Act" the following: "relating to motor vehicles
 16 including provisions".

17 50. Title page, line 8, by inserting after the
 18 word "applicable" the following: "and providing for
 19 the Act's applicability".

20 51. By renumbering, relettering, or redesignating
 21 and correcting internal references as necessary.

Chapman of Linn in the chair at 10:13 a.m.

Koenigs of Mitchell offered the following amendment H—5714,
 to the committee amendment H—5581, filed by him and moved its
 adoption:

H—5714

1 Amend amendment H—5581 to Senate File 2329, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 1, by inserting before line 38 the
5 following:

6 "_____. Page 10, line 29, by inserting after the
7 word "person" the following: "is eighteen years of
8 age or older and the person."

9 2. Page 3, by inserting after line 19 the
10 following:

11 "_____. Page 21, line 10, by inserting after the
12 word "motorcycle," the following: "or a combination
13 of vehicles with a gross combination weight rating of
14 twenty-six thousand one or more pounds provided the
15 towing vehicle has a gross vehicle weight rating of
16 less than twenty-six thousand one pounds and the towed
17 vehicle or vehicles have a gross vehicle weight rating
18 or gross combination weight rating of less than ten
19 thousand one pounds,""

20 3. Page 3, by striking lines 20 through 33 and
21 inserting the following:

22 "_____. Page 21, by striking lines 22 through 28
23 and inserting the following: "may be issued as
24 commercial driver's licenses. A driver's license is
25 not valid for the operation of a vehicle requiring an
26 endorsement unless the driver's license is endorsed
27 for the vehicle. A class D driver's license is also
28 valid as a noncommercial class C driver's license.
29 The".

30 4. By striking page 3, line 45 through page 4,
31 line 7, and inserting the following:

32 "_____. Page 28, by striking lines 2 through 13 and
33 inserting the following:

34 "10. UPGRADING A LICENSE CLASS PRIVILEGE — FEE
35 ADJUSTMENT. If an applicant wishes to upgrade a
36 license class privilege, the fee charged shall be
37 prorated on full-year fee increments of the new
38 license in accordance with rules adopted by the
39 department. The expiration date of the new license
40 shall be the expiration date of the currently held
41 driver's license. The fee for a commercial driver's
42 license endorsement, the removal of an air brake
43 restriction, or a commercial driver's license
44 instruction permit shall not be prorated.

45 As used in this subsection "to upgrade a license
46 class privilege" means to add any privilege to a valid
47 motor vehicle license. The addition of a privilege
48 includes converting from a noncommercial to a
49 commercial license, converting from a noncommercial
50 class C to a class D license, converting an

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1 instruction permit to a class license, adding any
2 privilege to a section 321.189, subsection 8, license,

- 3 adding an instruction permit privilege, adding a
- 4 section 321.189, subsection 8, license to an
- 5 instruction permit, and adding any privilege relating
- 6 to a motor vehicle license issued to a minor under
- 7 section 321.194 or section 321.178, subsection 2.””
- 8 5. Page 4, line 45, by inserting before the word
- 9 “motor” the following: “commercial”.
- 10 6. Renumber as necessary.

Amendment H—5714 was adopted.

Koenigs of Mitchell offered the following amendment H—5608, to the committee amendment H—5581, filed by him and moved its adoption:

H—5608

- 1 Amend amendment, H—5581, to Senate File 2329, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 39 and 40 and
- 5 inserting the following: “specialist” means a
- 6 physician licensed under chapter 148, 150, or 150A, or
- 7 an optometrist licensed under chapter 154.””

Amendment H—5608 was adopted.

On motion by Koenigs of Mitchell, the committee amendment H—5581, as amended, was adopted.

De Groot of Lyon offered the following amendment H—5763 filed by De Groot, et al.:

H—5763

- 1 Amend Senate File 2329 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 106.14, Code 1989, is amended
- 6 by striking the section and inserting in lieu thereof
- 7 the following:
- 8 106.14 OPERATING A WATERCRAFT WHILE INTOXICATED —
- 9 IMPLIED CONSENT TO TEST.
- 10 1. As used in this section:
- 11 a. “Chemical test” means an analysis of a person’s
- 12 blood, breath, urine, or other bodily substance for
- 13 the determination of the presence of alcohol, a
- 14 controlled substance, or a drug.
- 15 b. “Controlled substance” means controlled
- 16 substance as defined in section 204.101.
- 17 c. “Intoxicated” means the condition of a person
- 18 who is under the influence of alcohol, a controlled

19 substance, a drug other than alcohol or a controlled
20 substance, or any combination of alcohol, a controlled
21 substance, a drug other than alcohol or a controlled
22 substance, or a drug, which impairs thought and action
23 and loss of normal control of the person's faculties
24 to an extent which endangers a person.

25 d. "Peace officer" means peace officer as defined
26 in section 801.4.

27 e. "Prima facie evidence of intoxication" includes
28 evidence that, at the time of an alleged violation, a
29 person had an alcohol concentration equal to or in
30 excess of the level specified in section 321J.2,
31 subsection 1, paragraph "b".

32 f. "Relevant evidence of intoxication" includes
33 evidence that, at the time of the alleged violation, a
34 person had an alcohol concentration of at least one-
35 half, but not more than, the level specified in
36 section 321J.2, subsection 1, paragraph "b".

37 g. "Watercraft" means a device for transportation
38 by water including a vessel, water skis, surfboard, or
39 similar device.

40 2. a. A person who operates a watercraft while
41 having an alcohol concentration equal to or in excess
42 of the level specified in section 321J.2, subsection
43 1, paragraph "b", or while intoxicated, commits an
44 aggravated misdemeanor.

45 b. A person who violates this section commits a
46 class "D" felony in either of the following cases:

47 (1) If the person has a previous conviction under
48 this section.

49 (2) If the offense results in serious bodily
50 injury to another person and the court determines that

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1 the person who committed the offense caused the
2 serious injury.

3 c. A person who violates this section commits a
4 class "C" felony if the crime results in the death of
5 another person and the court determines that the
6 person who committed the offense caused the death.

7 d. A person who operates a watercraft after the
8 person has been ordered, pursuant to this section, not
9 to operate a watercraft commits a simple misdemeanor.

10 3. a. In addition to a criminal penalty imposed
11 for a misdemeanor under this section, the court shall
12 order the person not to operate a watercraft for at
13 least one year.

14 b. In addition to a criminal penalty imposed for a
15 felony under this section, the court shall order the
16 person not to operate a watercraft for at least two
17 years.

18 4. a. A person who operates a watercraft in
19 waters over which this state has jurisdiction
20 impliedly consents to submit to the chemical test
21 provisions of this section as a condition of operating
22 a watercraft in this state. If a person refuses to
23 submit to a chemical test under this section, the
24 court shall order the person not to operate a
25 watercraft for at least one year.

26 b. A peace officer who has probable cause to
27 believe that a person has committed an offense under
28 this section shall offer the person the opportunity to
29 submit to a chemical test. However, it is not
30 necessary for the peace officer to offer a chemical
31 test to an unconscious person. A peace officer may
32 offer a person more than one chemical test under this
33 section. However, all tests must be administered
34 within three hours after the officer had probable
35 cause to believe the person violated this section. A
36 person must submit to each chemical test offered by a
37 peace officer in order to comply with the implied
38 consent provisions of this section.

39 c. If the chemical test results in relevant
40 evidence that the person is intoxicated, the person
41 may be arrested for an offense under this section. If
42 the chemical test results in prima facie evidence that
43 the person is intoxicated, the person shall be
44 arrested for an offense under this section.

45 d. A person who refuses to submit to a chemical
46 test may be arrested for an offense under this
47 section.

48 e. At any proceeding under this section, a
49 person's refusal to submit to a chemical test is
50 admissible into evidence.

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1 f. If a person refuses to submit to a chemical
2 test under this section, the peace officer shall
3 inform the person that the person's refusal will
4 result in the suspension of the person's watercraft
5 operation privileges.

6 5. At any proceeding concerning an offense under
7 this section, evidence of the amount by weight of
8 alcohol that was in the blood of the person charged
9 with the offense at the time of the alleged violation,
10 as shown by an analysis of the person's blood, breath,
11 urine, or other bodily substance, is admissible."

12 2. Title page, line 1, by inserting after the
13 word "relating" the following: "to the operation of a
14 watercraft by a person who is intoxicated,".

15 3. Renumber sections as necessary.

Jay of Appanoose rose on a point of order that amendment H—5763 was not germane.

The Speaker ruled the point well taken and amendment H—5763 not germane.

De Groot of Lyon moved that the rules be suspended to consider amendment H—5763.

Roll call was requested by De Groot of Lyon and Corbett of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H—5763?" (S.F. 2329)

The ayes were, 43:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Fogarty	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Holveck
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 56:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Cohoon
Connors	Doderer	Dvorsky	Fey
Fuller	Groninga	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Chapman
			Presiding

Absent or not voting, 1:

Eddie

The motion to suspend the rules lost.

Doderer of Johnson offered the following amendment H-5769 filed by her and Koenigs of Mitchell, from the floor, and moved its adoption:

H-5769

1 Amend Senate File 2329 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 14, by inserting after line 27, the
4 following:

5 "Sec. _____. NEW SECTION. 321.180A SPECIAL
6 INSTRUCTION PERMIT.

7 1. Notwithstanding other provisions of this
8 chapter, a physically disabled person, who is not
9 suffering from a convulsive disorder and who can
10 provide a favorable medical report, whose license
11 renewal has been denied under section 321.177,
12 subsection 6 or 7, or whose motor vehicle license has
13 been suspended under section 321.210, subsection 1,
14 paragraph "c", upon meeting the requirements of
15 section 321.186, other than a driving demonstration or
16 the person's limitations which caused the denial under
17 section 321.177, subsection 6 or 7, or suspension
18 under section 321.210, subsection 1, paragraph "c",
19 and upon paying the fee required in section 321.191,
20 shall be issued a special instruction permit by the
21 department. Upon issuance of the permit the denial or
22 suspension shall be stayed and the stay shall remain
23 in effect as long as the permit is valid.

24 2. a. A special instruction permit entitles the
25 permittee, while having the permit in the permittee's
26 immediate possession, to operate a noncommercial motor
27 vehicle upon the highways for a period of six months
28 from the date of issuance. However, the permittee
29 must be accompanied by a person who is at least
30 twenty-one years of age, who has been issued a motor
31 vehicle license valid for the vehicle being operated,
32 and who is actually occupying a seat beside the
33 permittee.

34 b. A permittee shall not be penalized for failing
35 to have the permit in immediate possession if the
36 permittee produces in court, within a reasonable time,
37 the special instruction permit issued to the permittee
38 which was valid at the time of the permittee's arrest.

39 3. The permittee may apply for a motor vehicle
40 license if thirty days have elapsed since issuance of
41 the special instruction permit. The department shall
42 issue a motor vehicle license if the permittee is
43 qualified, passes all required tests, including a
44 driving test, and pays the required fees. If the
45 person has not obtained a motor vehicle license before
46 expiration of the person's special instruction permit,

47 the person's former denial or suspension under
 48 sections 321.177, subsection 6 or 7, or section
 49 321.210, subsection 1, paragraph "c", upon service of
 50 notice by the department, shall be reinstated. A

Page 2

1 permit shall be reissued for one additional six-month
 2 period if a permittee continues to meet the
 3 qualifications of subsection 1 and has incurred no
 4 motor vehicle violations."
 5 2. Page 26, by striking line 24, and inserting
 6 the following: "permit, other than a special
 7 instruction permit, chauffeur's instruction permit,
 8 or".
 9 3. Page 26, line 25, by inserting after the word
 10 "dollars." the following: "The fee for a special
 11 instruction permit is ten dollars."

Amendment H—5769 was adopted.

Black of Jasper offered the following amendment H—5643 filed
 by Black, et al., and moved its adoption:

H—5643

1 Amend Senate File 2329, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 51, line 32, by striking the word
 4 "eighteen" and inserting the following: "eighteen
 5 twenty-one".

Roll call was requested by Black of Jasper and Beaman of Clarke.

On the question "Shall amendment H—5643 be adopted?"
 (S.F. 2329)

The ayes were, 40:

Beaman	Bisignano	Black	Buhr
Clark	Corbett	Diemer	Doderer
Fogarty	Garman	Gruhn	Hammond
Hanson, D. R.	Harper	Haverland	Hester
Holveck	Jesse	Jochum	Knapp
Koenigs	May	McKean	McKinney
Miller	Muhlbauer	Nielsen	Pavich
Rosenberg	Royer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Tabor
Teaford	Tyrrell	Wise	Chapman Presiding

The nays were, 50:

Adams	Arnould	Banks	Beatty
Bennett	Blanshan	Brammer	Branstad

Brown	Carpenter	Cohoon	Connors
Daggett	De Groot	Dvorsky	Fey
Fuller	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Harbor	Hermann	Hibbard	Iverson
Jay	Kistler	Kremer	Lageschulte
Lundby	Lykam	Maulsby	Mertz
Metcalf	Murphy	Neuhauser	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Pony	Renaud	Renken	Schnekloth
Shearer	Shoning	Stueland	Svoboda
Trent	Van Maanen		

Absent or not voting, 10:

Avenson, Spkr.	Brand	Eddie	Groninga
Hatch	Johnson	Ollie	Osterberg
Schrader	Swartz		

Amendment H—5643 lost.

Arnould of Scott asked and received unanimous consent that Senate File 2329 be deferred and that the bill retain its place on the calendar.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 705, a bill for an act establishing primary and satellite research and marketing centers for economic development programs and services.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 11:57 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2347, by committee on judiciary, a bill for an act relating to the ability of one spouse to relinquish inchoate dower rights and homestead rights as an attorney in fact for the other spouse.

Read first time and referred to committee on **judiciary and law enforcement**.

IMMEDIATE MESSAGE
(Senate File 2212)

Arnould of Scott asked and received unanimous consent that Senate File 2212 be immediately messaged to the Senate.

REFERRED TO COMMITTEE

Arnould of Scott asked and received unanimous consent to refer the following bills to the committee of last referral as listed:

Senate File	424	Judiciary and Law Enforcement
Senate File	503	Judiciary and Law Enforcement
Senate File	2282	Judiciary and Law Enforcement
Senate File	2298	Local Government
Senate File	2348	Human Resources

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2329**, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semi-annual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable, previously deferred and retained on the unfinished business calendar.

Hanson of Delaware offered the following amendment H—5679 filed by him and Black of Jasper and moved its adoption:

H—5679

- 1 Amend Senate File 2329, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 52, line 35, by inserting after the word
- 4 "education." the following: "A person shall be
- 5 prohibited from operating a school bus under a
- 6 temporary restricted license issued under chapter
- 7 321J."

A non-record roll call was requested.

The ayes were 43, nays 23.

Amendment H—5679 was adopted.

McKean of Jones offered the following amendment H—5771 filed from the floor by McKean, Hermann and Tyrrell:

H-5771

1 Amend Senate File 2329, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 57, by inserting after line 25 the
4 following:

5 "Sec. _____. Section 321J.2, subsections 1 and 9,
6 Code 1989, are amended to read as follows:

7 1. A person commits the offense of operating while
8 intoxicated if the person operates a motor vehicle in
9 this state in either of the following conditions:

10 a. While under the influence of an alcoholic
11 beverage or other drug or a combination of such
12 substances.

13 b. While having an alcohol concentration as
14 defined in section 321J.1 of ~~±0~~ 0.08 or more.

15 9. In any prosecution under this section, the
16 results of a chemical test may not be used to prove a
17 violation of paragraph "b" of subsection 1 if the
18 alcohol concentration indicated by the chemical test
19 minus the established margin of error inherent in the
20 device or method used to conduct the chemical test
21 does not equal an alcohol concentration of ~~±0~~ 0.08 or
22 more.

23 Sec. _____. Section 321J.4, subsection 3, paragraph
24 b, subparagraph (2), Code 1989, is amended to read as
25 follows:

26 (2) The defendant has not been convicted, since
27 the date of the revocation order, of any subsequent
28 violations of section 321J.2 or 123.46, or any
29 comparable city or county ordinance, and the defendant
30 has not, since the date of the revocation order,
31 submitted to a chemical test under this chapter that
32 indicated an alcohol concentration as defined in
33 section 321J.1 of ~~±0~~ 0.08 or more, or refused to
34 submit to chemical testing under this chapter."

35 2. Page 58, by inserting after line 18 the
36 following:

37 "Sec. _____. Section 321J.6, subsection 1, paragraph
38 d, Code 1989, is amended to read as follows:

39 d. The preliminary breath screening test was
40 administered and it indicated an alcohol concentration
41 as defined in section 321J.1 of ~~±0~~ 0.08 or more."

42 3. Page 58, line 27, by striking the figure
43 "0.10" and inserting the following: "0.08".

44 4. Page 58, by inserting after line 29 the
45 following:

46 "Sec. _____. Section 321J.8, subsection 2, Code
47 1989, is amended to read as follows:

48 2. If the person submits to the test and the
49 results indicate an alcohol concentration as defined
50 in section 321J.1 of ~~±0~~ 0.08 or more, the person's

Page 2

1 license or operating privilege will be revoked by the
2 department for the applicable period under section
3 321J.12.”

4 5. Page 59, by inserting after line 5 the
5 following:

6 “Sec. _____. Section 321J.12, Code 1989, is amended
7 to read as follows:

8 321J.12 TEST RESULT REVOCATION.

9 Upon certification, subject to penalty for perjury,
10 by the peace officer that there existed reasonable
11 grounds to believe that the person had been operating
12 a motor vehicle in violation of section 321J.2, that
13 there existed one or more of the necessary conditions
14 for chemical testing described in section 321J.6,
15 subsection 1, and that the person submitted to
16 chemical testing and the test results indicated an
17 alcohol concentration as defined in section 321J.1 of
18 ~~10~~ 0.08 or more, the department shall revoke the
19 person’s motor vehicle license or nonresident
20 operating privilege for a period of one hundred eighty
21 days if the person has had no revocation within the
22 previous six years under this chapter, and one year if
23 the person has had one or more previous revocations
24 within the previous six years under this chapter.

25 The effective date of the revocation shall be
26 twenty days after the department has mailed notice of
27 revocation to the person by certified mail. The peace
28 officer who requested or directed the administration
29 of the chemical test may, on behalf of the department,
30 serve immediate notice of revocation on a person whose
31 test results indicated an alcohol concentration of ~~10~~
32 0.08 or more.

33 If the peace officer serves that immediate notice,
34 the peace officer shall take the person’s Iowa license
35 or permit, if any, and issue a temporary license valid
36 only for twenty days. The peace officer shall
37 immediately send the person’s driver’s license to the
38 department along with the officer’s certificate
39 indicating that the test results indicated an alcohol
40 concentration of ~~10~~ 0.08 or more.

41 The results of a chemical test may not be used as
42 the basis for a revocation of a person’s motor vehicle
43 license or nonresident operating privilege if the
44 alcohol concentration indicated by the chemical test
45 minus the established margin of error inherent in the
46 device or method used to conduct the chemical test
47 does not equal an alcohol concentration of ~~10~~ 0.08 or
48 more.

49 Sec. _____. Section 321J.13, subsection 2, paragraph
50 b, Code Supplement 1989, is amended to read as

Page 3

1 follows:

2 b. Whether a test was administered and the test
3 results indicated an alcohol concentration as defined
4 in section 321J.1 of ~~10~~ 0.08 or more."

5 6. Page 60, by inserting after line 10 the
6 following:

7 "Sec. _____. Section 707.6A, subsection 1, Code
8 Supplement 1989, is amended to read as follows:

9 1. A person commits a class "D" felony when the
10 person unintentionally causes the death of another by
11 either of the following means:

12 a. Operating a motor vehicle while under the
13 influence of alcohol or a drug or a combination of
14 such substances or while having an alcohol
15 concentration of ~~10~~ 0.08 or more, in violation of
16 section 321J.2. Upon a plea or verdict of guilty of a
17 violation of this paragraph, the court shall order the
18 state department of transportation to revoke the
19 defendant's motor vehicle license or nonresident
20 operating privileges for a period of six years. The
21 defendant shall surrender to the court any Iowa
22 license or permit and the court shall forward it to
23 the department with a copy of the revocation order.

24 b. Driving a motor vehicle in a reckless manner
25 with willful or wanton disregard for the safety of
26 persons or property, in violation of section 321.277."

27 7. Title page, line 1, by inserting after the
28 word "relating" the following: "to the violation of
29 operating a motor vehicle while under the influence of
30 an alcoholic beverage by reducing the per se alcohol
31 concentration level,".

32 8. By renumbering as necessary.

Arnould of Scott rose on a point of order that amendment H-5771 was not germane.

The Speaker ruled the point well taken and amendment H-5771 not germane.

McKean of Jones moved that the rules be suspended to consider amendment H-5771.

Roll call was requested by McKean of Jones and Petersen of Muscatine.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H — 5771?" (S.F. 2329)

The ayes were, 40:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Jesse	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 54:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Doderer	Dvorsky	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Murphy	Neuhauser
Nielsen	Osterberg	Pavich	Peters
Peterson, M. K.	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Connors		
	Presiding		

Absent or not voting, 6:

Carpenter	Fey	Hibbard	Jochum
Ollie	Poncy		

The motion to suspend the rules lost.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2329)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	De Groot	Diemer	Doderer

Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, 2:

Hanson, D. R. McKean

Absent or not voting, 1:

Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE INSISTS

Schrader of Marion called up for consideration **Senate File 2084**, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates, and moved that the House insist on its amendment, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED (Senate File 2084)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2084: Schrader of Marion, chair; Black of Jasper, Johnson of Winneshiek, Diemer of Black Hawk and McKean of Jones.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2052**, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, and providing for the retroactive applicability of the Act and an effective date, previously deferred and placed on the unfinished business calendar.

Svoboda of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2052)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 3:

Jay	Lundby	Plasier
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 2093**, a bill for an act to reduce the markup percentage on state alcoholic liquor sales, previously deferred and placed on the unfinished business calendar.

Renaud of Polk offered the following amendment H—5636 filed by the committee on state government:

H—5636

1 Amend Senate File 2093, 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. REDUCTION OF MARKUP ON CERTAIN
6 ALCOHOLIC LIQUOR PRODUCTS.

7 1. Notwithstanding section 123.24, subsection 4,
8 the administrator of the alcoholic beverages division
9 of the department of commerce shall select not more
10 than twenty alcoholic liquor products in containers of
11 seven hundred fifty milliliters or more to be sold to
12 class "E" liquor control licensees with a markup of
13 forty percent of the wholesale price paid by the
14 division for the alcoholic liquor. The division shall
15 study the results of the markup reduction on the
16 volume of sales of the selected products compared to
17 the volume of sales of preceding years and compared to
18 other competitive products not selected for the price
19 reduction. The administrator shall report the
20 division's findings to the president or presiding
21 officer of the senate and speaker of the house of
22 representatives of this state by February 15, 1991.

23 2. This section is repealed effective June 30,
24 1991."

25 2. Title page, line 2, by inserting after the
26 word "sales" the following: "and provide a date of
27 repeal".

Arnould of Scott asked and received unanimous consent that Senate File 2093 be deferred and that the bill retain its place on the calendar.

(Committee amendment H—5636 pending.)

The House stood at ease at 3:09 p.m., until the fall of the gavel.

The House resumed session at 3:25 p.m., Speaker Avenson in the chair.

RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on small business and commerce.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for the remainder of the day, on request of Van Maanen of Mahaska.

The House stood at ease at 3:27 p.m., until the fall of the gavel.

The House resumed session at 3:47 p.m., Speaker Avenson in the chair.

SENATE AMENDMENTS CONSIDERED

Gruhn of Dickinson called up for consideration **House File 2465**, a bill for an act relating to the removal of railway track from a grade crossing once the railway corporation has abandoned the line or permitted interim use for the establishment of a trail, amended by the Senate, and moved that the House concur in the following Senate amendment H—5666:

H—5666

- 1 Amend House File 2465 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 4, by inserting after the figure
- 4 "10903" the following: "adopted as of a specific date
- 5 by rule by the department".
- 6 2. Page 1, line 6, by inserting after the figure
- 7 "1247(d)" the following: "adopted as of a specific
- 8 date by rule by the department".
- 9 3. Page 1, line 11, by inserting after the word
- 10 "crossing." the following: "However, this section
- 11 shall not be construed as reducing the obligation or
- 12 liability of a railway corporation to remove the
- 13 railway tracks from the crossing."
- 14 4. By renumbering, relettering, or redesignating
- 15 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5666.

Gruhn of Dickinson moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2465)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Iverson	Jay	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Black	Fey	Groninga	Hanson, D. R.
Hibbard	Johnson	Rosenberg	Swartz
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Nielsen of Linn called up for consideration **House File 2531**, a bill for an act to require a business, as a condition of the receipt of state financial assistance for economic development purposes, to meet certain requirements relating to federal and state environmental protection laws and the disposal of solid and hazardous waste, amended by the Senate, and moved that the House concur in the following Senate amendment H—5744:

H—5744

1 Amend House File 2531, as passed by the House, as

2 follows:

- 3 1. Page 1, line 7, by striking the word
 4 "establishes" and inserting the following: "meets".
 5 2. Page 1, by striking lines 9 through 22 and
 6 inserting the following:
 7 "a. The business makes a report detailing the
 8 circumstances of its violations, if any, of a federal
 9 or state environmental protection statute, regulation,
 10 or rule within the previous five years. The state
 11 agency shall take into consideration before allowing
 12 financial assistance this report of the business."

The motion prevailed and the House concurred in the Senate amendment H—5744.

Nielsen of Linn moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2531)

The ayes were, 70:

Adams	Arnould	Banks	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohon
Connors	Corbett	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Royer
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 20:

Beaman	Bennett	Daggett	De Groot
Diemer	Halvorson, R. A.	Harbor	Hermann
Iverson	Kistler	Kremer	Maulsby
Miller	Petersen, D. F.	Renken	Schneklloth
Spenner	Stueland	Tyrrell	Van Maanen

Absent or not voting, 10:

Fey	Groninga	Hanson, D. R.	Hibbard
Johnson	Rosenberg	Shoultz	Svoboda
Swartz	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER
(Senate File 2329)

I move to reconsider the vote by which Senate File 2329 passed the House on March 20, 1990.

JAY of Appanoose

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, March 19, 1990. Had I been present, I would have voted "aye" on Senate File 2277.

PETERSON of Carroll

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 20th day of March, 1990: House Files 2105, 2178, 2199, 2212, 2233, 2364, 2368, 2401, 2405, 2421, 2423, 2425, 2460, 2471 and 2489.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-five Girl Scouts from Mason City, Fort Dodge and Burlington. By Harper of Black Hawk.

Twenty-seven sixth grade students from Allison-Bristow Community School, Allison, accompanied by Mark Randall, Ruth Haan and Esther Woody. By Renken of Grundy.

Nine high school students from South Page, College Springs, accompanied by Steve Irvin. By Royer of Page.

Thirty senior students from Garwin/Green Mountain High School, Garwin. By Svoboda of Tama.

SUBCOMMITTEE ASSIGNMENTS

House File 2554

Appropriations: Hammond, Chair; Harbor and Peterson of Carroll.

Senate File 2274

Small Business and Commerce: Brammer, Chair; Dvorsky and Trent.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON EDUCATION

House File 2547, a bill for an act relating to governance of higher education institutions and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5778** March 20, 1990.

AMENDMENTS FILED

H-5764	S.F.	431	Johnson of Winneshiek
H-5765	S.F.	2159	Senate Amendment
H-5766	H.F.	2516	Senate Amendment
H-5767	H.F.	2355	Senate Amendment
H-5768	H.F.	2551	Daggett of Adams Beaman of Clarke
H-5770	S.F.	2364	Gruhn of Dickinson
H-5772	H.F.	2068	Shearer of Louisa
H-5773	H.F.	2555	Tyrrell of Iowa
H-5774	S.F.	2163	Fuller of Hardin Kremer of Buchanan Fogarty of Palo Alto Royer of Page Hester of Pottawattamie Muhlbauer of Crawford
H-5775	S.F.	2364	Fogarty of Palo Alto Peterson of Carroll Petersen of Muscatine Fuller of Hardin Muhlbauer of Crawford

H-5776	H.F.	705	Senate Amendment
H-5777	S.F.	2408	Wise of Lee
			Spear of Lee
			Cphoon of Des Moines
			Shearer of Louisa
			Spenner of Henry
H-5778	H.F.	2547	Committee on Education
H-5779	H.F.	731	Mertz of Kossuth
			Hibbard of Madison
H-5780	S.F.	2385	Jesse of Jasper
			Branstad of Winnebago
			Murphy of Dubuque
			Svoboda of Tama
H-5781	H.F.	2547	Shoultz of Black Hawk

On motion by Arnould of Scott, the House adjourned at 4:01 p.m., until 9:00 a.m., Wednesday, March 21, 1990.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day — Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 21, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Bill Trent, state representative from Muscatine County.

The Journal of Tuesday, March 20, 1990 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, until his arrival, on request of Royer of Page.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2437, a bill for an act relating to child support payments by providing for immediate withholding of an obligor's income and providing a penalty.

Also: That the Senate has on March 20, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2018, a bill for an act relating to the membership of the public safety commission of a unified law enforcement district.

Also: That the Senate has on March 20, 1990, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2057, a bill for an act relating to the conduct of pari-mutuel racing by simultaneous telecast.

Also: That the Senate has on March 19, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2097, a bill for an act relating to the mediation of disputes between dentists and patients by the board of dental examiners.

Also: That the Senate has on March 19, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2158, a bill for an act permitting the shared ownership, operation, or cooperative use of publicly owned petroleum storage facilities by more than one public agency or political subdivision.

Also: That the Senate has on March 19, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2262, a bill for an act relating to licensure to practice veterinary medicine without an examination.

Also: That the Senate has on March 19, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2263, a bill for an act authorizing a board of trustees of certain public hospitals to establish a separate fund for depreciation.

Also: That the Senate has on March 19, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2363, a bill for an act relating to commercial weighing and measuring.

Also: That the Senate has on March 20, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2410, a bill for an act relating to higher education, including coordination, administration, standards, and funding, making appropriations, and providing effective dates.

JOHN F. DWYER, Secretary

SENATE AMENDMENT CONSIDERED

Royer of Page called up for consideration **House File 2057**, a bill for an act relating to prohibited interests in public contracts, amended by the Senate, and moved that the House concur in the following Senate amendment H—5667:

H—5667

- 1 Amend House File 2057, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by striking the word "two"
- 4 and inserting the following: "one".
- 5 2. Page 1, by striking line 11 and inserting the
- 6 following: "in a fiscal year, and contracts made by a
- 7 school board, upon competitive bid in writing,
- 8 publicly invited and opened."
- 9 3. Page 1, by inserting after line 11 the
- 10 following:
- 11 "Sec. _____. Section 331.342, subsection 3, Code
- 12 1989, is amended to read as follows:
- 13 3. Contracts made by a county of less than ten
- 14 ~~thousand population~~, upon competitive bid in writing,
- 15 publicly invited and opened.
- 16 Sec. _____. Section 331.342, Code 1989, is amended
- 17 by adding the following new subsection:
- 18 NEW SUBSECTION. 10. Contracts not otherwise
- 19 permitted by this section, for the purchase of goods
- 20 or services by a county, which benefit a county
- 21 officer or employee, if the purchases benefitting that

- 22 officer or employee do not exceed a cumulative total
 23 purchase price of one thousand five hundred dollars in
 24 a fiscal year.”
 25 4. Page 1, line 19, by striking the words “one
 26 two” and inserting the following: “one”.

The motion prevailed and the House concurred in the Senate amendment H—5667.

Royer of Page moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2057)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Corbett	Jay	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2163**, a bill for an act relating to the composition and election of county agricultural extension councils, enacting transitional provisions, and providing an effective date, previously deferred and placed on the unfinished business calendar.

Fuller of Hardin offered the following amendment H—5774 filed by Fuller, et al., and moved its adoption:

H—5774

- 1 Amend Senate File 2163, 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 176A.5, Code 1989, is amended
- 6 by striking the section and inserting in lieu thereof
- 7 the following:
- 8 176A.5 COUNTY AGRICULTURAL EXTENSION COUNCIL.
- 9 There shall be elected in each extension district
- 10 an extension council consisting of nine members. Each
- 11 member of the extension council shall be a resident
- 12 qualified elector of the extension district.
- 13 Sec. 2. Section 176A.6, Code 1989, is amended by
- 14 striking the section and inserting in lieu thereof the
- 15 following:
- 16 176A.6 ELECTIONS.
- 17 An election shall be held biennially at the time of
- 18 the general election in each extension district for
- 19 the election of members of the extension council. All
- 20 qualified electors of the extension district are
- 21 entitled to vote in the election.
- 22 Sec. 3. Section 176A.7, Code 1989, is amended by
- 23 striking the section and inserting in lieu thereof the
- 24 following:
- 25 176A.7 TERMS — MEETINGS.
- 26 1. Except as otherwise provided pursuant to law
- 27 for members elected in 1990, the term of office of an
- 28 extension council member is four years. The term
- 29 shall commence on the first day of January following
- 30 the date of the member's election which is not a
- 31 Sunday or legal holiday. A member shall not serve
- 32 more than one consecutive four-year term.
- 33 2. Each extension council shall meet during the
- 34 months of January and July each year and at other
- 35 times during the year as the council determines. The
- 36 date, time, and place of each meeting shall be fixed
- 37 by the council.

38 Sec. 4. Section 176A.8, subsections 2 and 4, Code
39 1989, are amended to read as follows:

40 2. To and shall each year at the meeting at which
41 the date, time, and place of the holding of township
42 election meetings is fixed and determined preceding
43 the election of council members, appoint from their
44 own number one member whose term does not expire as of
45 December 31 following said meeting the election to act
46 as temporary chairperson of the first meeting of the
47 extension council to be held in January following that
48 member's appointment after the election, and one to
49 act as temporary secretary of said extension council
50 the meeting.

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1 4. To and shall fix the date, time and place in
2 each of the townships of the extension district for
3 the holding of township election meetings during the
4 period provided for the holding of them for the
5 election of members of the extension council, and call
6 the township election meetings in each of the
7 townships of the extension district for the election
8 of the members of the extension council and cause
9 notice of the date, time, and place of the election to
10 be published as provided in section 331.305 prior to
11 the date fixed for the holding of the meetings in a
12 newspaper having general circulation in each the
13 extension district, and the. The cost of publishing
14 the notice shall be paid by the extension council.
15 The township election meeting to elect a member of the
16 extension council from the township may, by
17 designation of the extension council, be held in
18 another township of that county. However, the
19 extension council shall not designate that over four
20 of those township elections may be combined into one
21 election. All the provisions of this chapter
22 referring to township election meetings in the
23 townships shall apply equally to the election meetings
24 held at the other place in the county.

25 Sec. 5. Section 176A.8, subsection 5, Code 1989,
26 is amended by striking the subsection.

27 Sec. 6. Section 176A.8, subsections 6 and 12, Code
28 1989, are amended to read as follows:

29 6. To and shall, at least ninety days prior to the
30 date fixed for the holding of the election meetings in
31 the several townships of the district fixed for the
32 election of council members, appoint in each of the
33 townships in which a township election meeting is to
34 be held a nominating committee consisting of three
35 members four persons who are not council members and
36 designate the chairperson thereof, which. The

37 membership of the nominating committee shall be gender
38 balanced. The nominating committee shall nominate at
39 least two consider the geographic distribution of
40 potential nominees in nominating one or more resident
41 qualified voters electors of the extension district as
42 candidates for election to membership in the extension
43 council, which committee shall certify the names of
44 the nominees and deliver said certificate to the
45 person designated as chairperson of the township
46 election meeting on or before the date fixed for the
47 holding thereof each office to be filled at the
48 election. To qualify for the election ballot, each
49 nominee shall file a nominating petition signed by at
50 least twenty-five qualified electors of the district

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1 with the county commissioner of elections at least
2 fifty-five days before the date of election.
3 The council shall also provide for the nomination
4 by petition of candidates for election to membership
5 on the extension council. A nominating petition shall
6 be signed by at least twenty-five qualified electors
7 of the extension district and shall be filed with the
8 county commissioner of election at least fifty-five
9 days before the date of the election.
10 12. To fill all vacancies in its membership to
11 serve for the unexpired term of the member creating
12 such the vacancy by electing appointing a resident
13 qualified voter from the township of the residence of
14 the member creating such vacancy elector of the
15 extension district. If for any reason a township
16 election meeting is not held pursuant to call and
17 published notice and no one is elected from said
18 township as a member of the extension council of the
19 district, there shall be a vacancy in such membership
20 on the extension council. However, if an unexpired
21 term in which the vacancy occurs has more than seventy
22 days to run after the date of the next pending
23 election and the vacancy occurs sixty or more days
24 before the election, the vacancy shall be filled at
25 the next pending election.

26 Sec. 7. Section 176A.16, Code 1989, is amended to
27 read as follows:

28 176A.16 GENERAL ELECTION LAW NOT APPLICABLE.

29 The provisions of chapter 49 shall not be
30 applicable apply to the elections held pursuant to
31 sections 176A.5, 176A.6, 176A.8 and 176A.15 this
32 chapter, and the county commissioner of elections
33 shall have no has responsibility for the conducting of
34 those elections.

35 Sec. 8. Section 39.21, Code 1989, is amended by
 36 adding the following new subsection:
 37 NEW SUBSECTION. 4. County agricultural extension
 38 council members as provided in section 176A.6.
 39 Sec. 9. TRANSITION.
 40 1. Each extension council in existence on the
 41 effective date of this Act shall perform duties as set
 42 forth in this Act with respect to preparations for and
 43 conduct of the election to be held in 1990.
 44 2. The five council members receiving the largest
 45 number of votes at the 1990 election are elected to
 46 initial terms of four years. The remaining members
 47 are elected to an initial term of two years and are
 48 eligible for reelection to a four-year term.
 49 3. The terms of all members of extension councils
 50 in existence on the effective date of this Act shall

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1 expire on December 31, 1990.
 2 Sec. 10. EFFECTIVE DATE.
 3 This Act, being deemed of immediate importance,
 4 takes effect upon enactment."

Amendment H—5774 was adopted, placing the following amendments and motion out of order:

H—5536 previously adopted and found on page 995 of the House Journal.

H—5676 filed by Fuller, et al., on March 14, 1990.

H—5705 filed by Fuller of Hardin on March 15, 1990.

Motion to reconsider amendment H—5553 filed by Carpenter of Polk on March 13, 1990.

Fuller of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2163)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hermann	Hester

Hibbard	Holveck	Iverson	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 5:

Halvorson, R. N.	Hanson, D. R.	McKean	Plasier
Siegrist			

Absent or not voting, 6:

Corbett	Jay	McKinney	Neuhauser
Svoboda	Trent		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 2385**, a bill for an act establishing a new agricultural products and processes program and creating a state fund to support the program, previously deferred and placed on the unfinished business calendar.

Jesse of Jasper offered the following amendment H—5780 filed by Jesse, et al., and moved its adoption:

H—5780

- 1 Amend Senate File 2385, 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. CODIFICATION.
- 6 Sections 2 and 3 of this Act are created as a
- 7 separate division of chapter 28.
- 8 Sec. 2. NEW SECTION. 28.111 VALUE-ADDED
- 9 AGRICULTURAL PRODUCTS AND PROCESSES FINANCIAL
- 10 ASSISTANCE PROGRAM.
- 11 1. Contingent on the availability of funding for
- 12 this program, the department may establish a value-
- 13 added agricultural products and processes financial
- 14 assistance program. The purpose of the program is to
- 15 foster the development of new innovative products,

16 practices, and processes related to agriculture
17 through specialized financial or technical assistance
18 to facilitate the acquisition of capital. Financial
19 assistance may be in the form of a loan, loan
20 guarantee, grant, or a combination of financial
21 assistance.

22 2. A person is eligible to apply for assistance
23 under this section, if the person satisfies the
24 following requirements:

25 a. The person is a resident of this state, or the
26 person's principal place of business is located in
27 this state.

28 b. The person applies to the department of
29 economic development in a manner and according to
30 procedures required by the department.

31 c. The person submits a business plan which
32 demonstrates managerial and technical expertise.

33 d. The person operates for profit or not-for-
34 profit and under a single management, and either
35 employs fewer than twenty employees or has an annual
36 gross income of less than three million dollars
37 computed as the average of the three preceding fiscal
38 years.

39 3. The department of economic development may
40 grant financial or technical assistance to a person
41 eligible to receive assistance under this section,
42 upon review of the person's application by the
43 agricultural products advisory council as established
44 in section 15.203. The council shall make
45 recommendations to approve or disapprove an
46 application to the department. The department shall
47 consider the recommendations in granting or denying
48 assistance. The department shall not approve an
49 application for assistance under this section to
50 refinance an existing loan, or to finance traditional

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1 agricultural operations. An application is eligible
2 for consideration if the application seeks assistance
3 for any of the following purposes:

4 a. The development of value-added agricultural
5 processes not commonly available in this state which
6 are to be carried out by the person in this state.

7 b. The development of an innovative or diversified
8 agricultural product not commonly produced in this
9 state which is to be carried out by the person in this
10 state.

11 c. The development of an innovative processing,
12 packaging, marketing, or management practice not
13 commonly available in this state which is to be
14 carried out by the person in this state.

15 4. Assistance by the department granted to an
16 eligible person shall be subject to the following
17 restrictions:
18 a. The person shall not receive financial
19 assistance totaling more than eighty thousand dollars
20 under this program.

21 b. Interest on a loan shall not exceed the current
22 fair market interest rate. A loan shall not exceed
23 fifty thousand dollars.

24 c. A loan guarantee shall not exceed eighty
25 thousand dollars. A loan guarantee shall guarantee
26 not more than eighty percent of a conventionally
27 obtained loan.

28 d. A grant shall not exceed twenty-five thousand
29 dollars. A grant shall be made only to provide
30 leverage for a conventionally obtained loan. The
31 conventionally obtained loan must be for an amount
32 significantly larger than the amount of the grant.

33 5. Notwithstanding restrictions contained in
34 subsection 4, the department may use up to five
35 thousand dollars to contract for technical assistance
36 in order to aid a person having a pending or approved
37 application under this section.

38 Sec. 3. NEW SECTION. 28.112 VALUE-ADDED
39 AGRICULTURAL PRODUCTS AND PROCESSES FINANCIAL
40 ASSISTANCE FUND.

41 1. The department may establish a value-added
42 agricultural products and processes financial
43 assistance fund. The fund shall be a revolving fund
44 composed of any money appropriated by the general
45 assembly for that purpose, any other moneys available
46 to and obtained or accepted by the department from the
47 federal government or private sources for placement in
48 the fund, and any earned interest. Except as
49 otherwise provided in subsection 2, the assets of the
50 fund shall be used by the department only for carrying

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1 out the purposes of section 28.111.

2 2. The department may use moneys in the fund to do
3 any of the following:

4 a. Contract, sue and be sued, and adopt
5 administrative rules necessary to carry out the
6 provisions of this section and section 28.111, but the
7 department shall not in any manner directly or
8 indirectly pledge the credit of the state.

9 b. Authorize payment from the fund, from any
10 income received by investments of moneys in the fund
11 for costs, commissions, attorney fees, and other
12 reasonable expenses related to and necessary for
13 insuring or guaranteeing loans under section 28.111,

14 and for the recovery of loan moneys insured or
 15 guaranteed or the management of property acquired in
 16 connection with such loans.
 17 c. Section 8.33 shall not apply to moneys in the
 18 fund."

Amendment H—5780 was adopted.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2385)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Corbett	Hatch	Jay	Sherzan
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2235)

Koenigs of Mitchell asked and received unanimous consent to withdraw the motion to reconsider Senate File 2235, a bill for an act relating to reassignment of certificates of title and providing an effective date, filed by him on March 19, 1990.

SENATE AMENDMENT CONSIDERED
House Refused To Concur

Black of Jasper called up for consideration **House File 673**, a bill for an act allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways, amended by the Senate amendment H-5703 as follows:

H-5703

- 1 Amend House File 673, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 1, by striking lines 7 through 20 and
- 4 inserting the following: "road funds. However, the
- 5 county conservation board shall reimburse any moneys
- 6 received in a fiscal year from the county's allotment
- 7 of secondary road funds, in the following fiscal year
- 8 and such reimbursement shall be credited to the
- 9 county's secondary road fund."

Swartz of Marshall in the chair at 11:00 a.m.

Black of Jasper moved that the House concur in the Senate amendment H-5703.

Roll call was requested by Black of Jasper and Connors of Polk.

On the question "Shall the House concur in the Senate amendment H-5703?" (H.F. 673)

The ayes were, 32:

Banks	Bennett	Branstad	Brown
Daggett	De Groot	Doderer	Eddie
Garman	Harbor	Hermann	Hester
Iverson	Kistler	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Miller	Pellett	Petersen, D. F.
Peterson, M. K.	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Van Maanen

The nays were, 63:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Buhr	Carpenter
Clark	Cphoon	Connors	Diemer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hibbard	Holveck
Jesse	Jochum	Johnson	Knapp
Lykam	May	McKinney	Metcalf
Murphy	Neuhauser	Nielsen	Osterberg
Pavich	Peters	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Wise	Swartz	
		Presiding	

Absent or not voting, 5:

Chapman	Corbett	Jay	Muhlbauer
Ollie			

The motion lost and the House refused to concur in the Senate amendment H—5703.

SENATE AMENDMENTS CONSIDERED

Osterberg of Linn called up for consideration **House File 2404**, a bill for an act relating to mediation assistance, by expanding the responsibilities of the farm mediation service, granting additional authority to the farm mediation service, increasing certain fees, extending the date of repeal for certain provisions, and providing an effective date, amended by the Senate and moved that the House concur in the following Senate amendment H—5762:

H—5762

- 1 Amend House File 2404, as passed by the House, as
- 2 follows:
- 3 1. Page 2, line 31, by striking the word "thirty-
- 4 five" and inserting the following: "twenty-five".
- 5 2. Page 3, line 1, by striking the word "thirty-
- 6 five" and inserting the following: "twenty-five".
- 7 3. Page 4, line 2, by striking the word
- 8 "subsection" and inserting the following:
- 9 "subsections".
- 10 4. Page 4, by inserting after line 4, the
- 11 following:

12 "NEW SUBSECTION. _____. "Participate" or
13 "participation" means attending a mediation meeting,
14 and discussing issues, stating a position regarding
15 restructuring, and exchanging information, relating to
16 any of the following: a debt against agricultural
17 property which is real estate under chapter 654; a
18 forfeiture of a contract to purchase agricultural
19 property under chapter 656; a secured interest in
20 agricultural property under chapter 554; or a
21 garnishment, levy, execution, seizure, or attachment
22 of agricultural property; all as referenced in section
23 654A.6."

24 5. Page 4, by striking lines 5 through 20.

25 6. Page 4, by striking lines 23 through 32, and
26 inserting the following:

27 "3. a. If the borrower waives mediation, or if a
28 mediation agreement is not reached, the borrower and
29 the creditors may sign a statement prepared by the
30 mediator that mediation was waived or that the parties
31 did not reach an agreement. If any party does not
32 sign the statement, the mediator shall sign the
33 statement. The statement constitutes a mediation
34 release. ~~Unless the borrower waives mediation, a~~
35 ~~creditor shall not receive a mediation release until~~
36 ~~the creditor has participated in at least one~~
37 ~~mediation meeting.~~

38 b. The mediator shall issue a mediation release
39 unless the creditor fails to participate in at least
40 one mediation meeting. The mediator shall issue a
41 mediation release if the borrower waives or fails to
42 participate in at least one mediation meeting,
43 regardless of participation by the creditor. The
44 creditor or borrower may be represented by another
45 person, if the person participates in mediation and
46 has authority to discuss the debt on behalf of the
47 creditor or borrower. This section does not require
48 the creditor or borrower to reach an agreement,
49 including restructuring a debt in order to receive a
50 mediation release."

Page 2

1 7. Page 5, by striking lines 1 through 5, and
2 inserting the following:

3 "4. The mediator shall promptly notify a creditor
4 by certified mail of a denial to issue a mediation
5 release and the reasons for the denial. The notice
6 shall state that the".

7 8. Page 6, by inserting after line 24 the
8 following:

9 "_____. "Participate" or "participation" means
10 attending a mediation meeting, and having knowledge
11 about and discussing issues concerning a subject
12 relating to a dispute."

13 9. Page 6, line 35, by striking the word
14 "resident" and inserting the following: "resident,".

15 10. Page 7, line 1, by striking the word
16 "dispute" and inserting the following: "dispute,".

17 11. By striking page 8, line 19 through page 9,
18 line 8.

19 12. Page 9, by inserting after line 19, the
20 following:

21 "_____. a. The mediator shall issue a mediation
22 release unless the other party desiring to initiate a
23 civil proceeding to resolve the dispute fails to
24 participate in at least one mediation meeting. The
25 mediator shall issue a mediation release if the farm
26 resident waives or fails to participate in at least
27 one mediation meeting, regardless of participation by
28 the other party. A party to a dispute may be
29 represented by another person, if the person
30 participates in mediation and has authority to discuss
31 the dispute on behalf of the party being represented.
32 This section does not require a party to reach an
33 agreement. This section does not require a person to
34 change a position, alter an activity which is a
35 subject of the dispute, or restructure a contract in
36 order to receive a mediation release.

37 b. The mediator shall promptly notify a party by
38 certified mail of a denial to issue a mediation
39 release and the reasons for the denial. The notice
40 shall state that the party has seven days from the
41 date that the notice is delivered to appeal the
42 mediator's decision, pursuant to procedures adopted by
43 the service. After a final decision by the farm
44 mediation service, the party may seek an action for
45 judicial review pursuant to section 654B.10."

46 13. Page 10, line 24, by inserting after the word
47 "person" the following: ", required under chapter
48 654B to participate in mediation,".

49 14. Title page, lines 3 and 4, by striking the
50 words "increasing certain fees,".

Page 3

1 15. By renumbering, relettering, or redesignating
2 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5762.

Osterberg of Linn moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2404)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cphoon	Connors	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnston	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Swartz
			Presiding

The nays were, none.

Absent or not voting, 4:

Chapman	Corbett	Hermann	Jay
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Lykam of Scott called up for consideration **House File 2355**, a bill for an act relating to civil damages for illegal taking of certain animals, amended by the Senate and moved that the House concur in the following Senate amendment H-5767:

H-5767

- 1 Amend House File 2355, as passed by the House, as
- 2 follows:

- 3 1. Page 1, by inserting after line 4, the
 4 following:
 5 "Sec. _____. Section 110.21, Code 1989, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. In addition to other
 8 civil and criminal penalties imposed for illegally
 9 taking or possessing an elk, antelope, buffalo, or
 10 moose, the court shall revoke the hunting license of a
 11 violator. The violator shall not be allowed to
 12 procure a hunting license for the next two calendar
 13 years."
 14 2. Title page, line 1, by inserting after the
 15 word "damages" the following: "and license
 16 revocation".

The motion prevailed and the House concurred in the Senate amendment H—5767.

Lykam of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2355)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Iverson	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Swartz			
Presiding			

The nays were, none.

Absent or not voting, 3:

Connors Corbett Jay

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Shultz of Black Hawk called up for consideration **House File 2516**, a bill for an act regulating certain motor vehicle service contracts and establishing an annual fee, amended by the Senate, and moved that the House concur in the following Senate amendment H—5766:

H—5766

- 1 Amend House File 2516, as passed by the House, as
- 2 follows:
- 3 1. Page 9, by inserting after line 4 the fol-
- 4 lowing:
- 5 "Sec. _____. Section 537B.2, subsection 2, as
- 6 enacted by 1990 Iowa Acts, Senate File 81, is amended
- 7 to read as follows:
- 8 2. "Motor vehicle" means a motor vehicle as
- 9 defined in section 321.1 which is subject to
- 10 registration. However, "motor vehicle" does not
- 11 include a motor vehicle, as defined in section 321.1,
- 12 with a registered gross vehicle weight rating of more
- 13 than twelve thousand pounds.
- 14 Sec. _____. Section 537B.4, subsection 1, paragraph
- 15 b, as enacted by 1990 Iowa Acts, Senate File 81, is
- 16 amended to read as follows:
- 17 b. "Motor vehicle" means a motor vehicle as
- 18 defined in section 321.1 which is subject to
- 19 registration."
- 20 2. Title page, line 1, by inserting after the
- 21 word "regulating" the following: "motor vehicle
- 22 service and repair and".
- 23 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5766.

Shultz of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2516)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano

Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Swartz
			Presiding

The nays were, none.

Absent or not voting, 4:

Corbett	Jay	Metcalf	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

INTRODUCTION OF BILL

House File 2557, by Arnould and Van Maanen, a bill for an act relating to the filing of liens against property for nonpayment of city utility or enterprise charges.

Read first time and referred to committee on **local government**.

RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for meetings of the committees on local government and small business and commerce upon recess.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has

on March 21, 1990, appointed the conference committee to Senate File 2084, a bill for an act relating to the reorganization of the department of natural resources, by creating two separate departments, by assigning powers and duties to the two departments, by making necessary amendments to the Code, and providing effective dates, and the members are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Cerro Gordo, Senator Scott; the Senator from Palo Alto, Senator Kibbie; the Senator from Pottawattamie, Senator Hester; the Senator from Muscatine, Senator Rife.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 11:19 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2410, by committee on appropriations, a bill for an act relating to higher education, including coordination, administration, standards, and funding, making appropriations, and providing effective dates.

Read first time and referred to committee on **education**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story on request of Holveck of Polk; Halvorson of Clayton on request of Harbor of Mills, both until their return.

SENATE AMENDMENT CONSIDERED

House Refused To Concur

Wise of Lee called up for consideration **Senate File 2159**, a bill for an act relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code regulating occupational safety and health, amusement ride and boiler inspections, asbestos removal and encapsulation, the division of labor services, wage payment collection, and construction contractors, and providing a penalty, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5765 to the House amendment:

H-5765

- 1 Amend the House amendment, S-5532, to Senate File
- 2 2159, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking line 3.

The motion lost and the House refused to concur in the Senate amendment H—5765.

Ways and Means Calendar

House File 2407, a bill for an act relating to the designation, inventory, and protection of wetlands, providing a civil penalty for violations, and providing a property tax exemption for wetlands, was taken up for consideration.

Johnson of Winneshiek in the chair at 1:33 p.m.

Osterberg of Linn offered the following amendment H—5374 filed by him:

H—5374

- 1 Amend House File 2407 as follows:
- 2 1. Page 1, line 2, by striking the word
- 3 "subsection:" and inserting the following:
- 4 "subsections:".
- 5 2. Page 1, by striking lines 3 through 5 and
- 6 inserting the following:
- 7 "NEW SUBSECTION. 4. "Wetlands" means an area in a
- 8 natural condition that is mostly under water or
- 9 waterlogged during the spring growing season and is
- 10 characterized by vegetation of hydric soils.
- 11 NEW SUBSECTION. 5. "Protected wetlands" means
- 12 type 3,".
- 13 3. Page 2, line 23, by striking the word
- 14 "thousand" and inserting the following: "hundred".
- 15 4. Page 5, by striking lines 13 through 15 and
- 16 inserting the following: "prairie by a county
- 17 conservation board or by the department of natural
- 18 resources in an area not served by a county
- 19 conservation board or type 3, 4, 5, 6, and 7 wetlands
- 20 only as defined in Circular 39, Wetlands of the United
- 21 States, 1971 Edition, published by the United States
- 22 department of interior. Application for the
- 23 exemption".

Osterberg of Linn asked and received unanimous consent to defer action on amendment H—5374.

De Groot of Lyon offered the following amendment H—5739 filed by him and Osterberg of Linn and moved its adoption:

H—5739

- 1 Amend House File 2407 as follows:
- 2 1. Page 1, by striking line 28 and inserting the
- 3 following: "wetlands, by doing one of the following:

4 1. Filing a petition for a hearing with the
5 director".

6 2. Page 1, by striking line 34 and inserting the
7 following:

8 "2. Filing a request for mediation with the farm
9 mediation service as provided in section 654A.16
10 within sixty days following the date of the notice.
11 The department shall participate in mediation as
12 provided in section 654A.16.

13 Within sixty days following the completion of the
14 hearing, or the issuance of a mediation release in
15 which both parties agree to the designation or no
16 agreement is reached, the".

17 3. Page 6, by inserting after line 13 the fol-
18 lowing:

19 "Sec. _____. NEW SECTION. 654A.16 WETLAND
20 DESIGNATION.

21 The farm mediation service shall provide for
22 mediation between the department of natural resources
23 and a landowner affected by the preliminary wetland
24 designation provided in section 108.12. The
25 department shall cease actions relating to
26 inventorying or designating affected land until a
27 mediation release is issued by the farm mediation
28 service. The mediation process shall be conducted
29 according to rules adopted by the attorney general
30 after consultation with the farm mediation service.
31 The rules shall to the extent practical be based on
32 mediation provided under this chapter for borrowers
33 and lenders.

34 Sec. _____. Section 654A.16 is repealed effective
35 upon the repeal of sections 654A.1 through 654A.14."

36 4. By renumbering as necessary.

Amendment H—5739 was adopted.

Osterberg of Linn offered the following amendment H—5789 filed
by him and Hibbard of Madison from the floor:

H—5789

1 Amend House File 2407 as follows:

2 1. Page 1, line 10, by inserting after the word
3 "wetland" the following: "or land within a drainage
4 district".

5 2. Page 3, by striking lines 21 and 22 and
6 inserting the following: "which the property is
7 located, or if not located in a district, to the board
8 of supervisors, not later than April 15".

9 3. Page 3, by striking lines 34 and 35 and
10 inserting the following: "commissioners or the board
11 of supervisors, if the property is not located in a

- 12 soil and water conservation district, shall".
 13 4. Page 4, line 2, by striking the words "or
 14 board" and inserting the following: "or board".
 15 5. Page 4, by striking lines 30 through 32 and
 16 inserting the following: "and water conservation
 17 district in which it is located or the state soil
 18 conservation committee if not located in a district.
 19 In the case of an exemption for river and stream or".

Spear of Lee offered the following amendment H—5793, to amend-
 ment H—5789, filed by him from the floor and moved its adoption:

H—5793

- 1 Amend amendment H—5789, to House File 2407,
 2 as follows:
 3 1. Page 1, line 3, by inserting after the word
 4 "drainage" the words "or levee".

A non-record roll call was requested.

The ayes were 37, nays 43.

Amendment H—5793 lost.

Osterberg of Linn moved the adoption of amendment H—5789.

A non-record roll call was requested.

The ayes were 45, nays 14.

Amendment H—5789 was adopted.

Schnekloth of Scott offered the following amendment H—5249
 filed by him and moved its adoption:

H—5249

- 1 Amend House File 2407 as follows:
 2 1. Page 2, by inserting after line 3 the
 3 following:
 4 "The owner of protected wetlands may request the
 5 department to purchase the protected wetlands. Upon
 6 receipt of the request for purchase, the department
 7 shall purchase the protected wetlands at its fair
 8 market value. The department shall not be required to
 9 purchase the protected wetlands unless the request for
 10 purchase is filed with the director within sixty days
 11 of the issuance of the order of the director
 12 designating the area as protected wetlands or in the
 13 case where judicial review has been sought and the
 14 decision of the director was upheld, within sixty days
 15 of the final decision of the courts."

Roll call was requested by Schnekloth of Scott and Petersen of Muscatine.

On the question "Shall amendment H—5249 be adopted?" (H.F. 2407)

The ayes were, 46:

Banks	Beaman	Bennett	Branstad
Brown	Clark	Corbett	Daggett
De Groot	Eddie	Fogarty	Garman
Gruhn	Hansen, S. D.	Harbor	Hermann
Hester	Hibbard	Iverson	Jay
Jesse	Kistler	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	Mertz
Metcalf	Miller	Muhlbauer	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Sherzan	Shoning	Siegrist
Spenner	Svoboda	Tabor	Trent
Tyrrell	Van Maanen		

The nays were, 50:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Buhr	Carpenter	Chapman
Cohoon	Connors	Diemer	Doderer
Dvorsky	Fey	Fuller	Groninga
Halvorson, R. N.	Hammond	Hanson, D. R.	Harper
Hatch	Haverland	Holveck	Jochum
Knapp	Lykam	May	McKean
McKinney	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Peters	Peterson, M. K.
Poney	Renaud	Rosenberg	Schrader
Shoultz	Spear	Stueland	Swartz
Teaford	Johnson		
	Presiding		

Absent or not voting, 4:

Halvorson, R. A.	Ollie	Shearer	Wise
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Amendment H—5249 lost.

The House resumed consideration of amendment H—5374, previously deferred.

Osterberg of Linn offered the following amendment H—5790, to amendment H—5374, filed by him from the floor and moved its adoption:

H—5790

- 1 Amend the amendment H—5374, to House File 2407,
- 2 as follows:

- 3 1. Page 1, line 7, by inserting after the word
4 "area" the following: "of two or more acres".

Amendment H—5790 was adopted.

On motion by Osterberg of Linn, amendment H—5374, as amended, was adopted.

Speaker Avenson in the chair at 3:46 p.m.

Osterberg of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2407)

The ayes were, 69:

Adams	Arnould	Banks	Beatty
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Mr. Speaker Avenson			

The nays were, 30:

Beaman	Bennett	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Harbor
Hermann	Hester	Hibbard	Iverson
Kistler	Koenigs	Kremer	Lageschulte
Maulsby	Miller	Muhlbauer	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spear	Spenner
Svoboda	Van Maanen		

Absent or not voting, 1:

Brammer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn, for the remainder of the day, on request of Adams of Hamilton.

House File 2551, a bill for an act relating to taxes administered and fees collected by the department of revenue and finance including technical corrections, payment and liability for certain sales and use taxes, special fuel taxes, income tax, franchise tax, inheritance tax, and providing for certain retroactive applicability and effective dates, was taken up for consideration.

Tabor of Jackson offered the following amendment H—5788 filed by him from the floor and moved its adoption:

H—5788

- 1 Amend House File 2551 as follows:
- 2 1. Page 3, by inserting after line 18, the
- 3 following:
- 4 "Sec. 100. Section 421.27, Code Supplement 1989,
- 5 is amended by adding the following new subsection:
- 6 NEW SUBSECTION. 6. The taxpayer was subject to
- 7 the penalty provision of section 422.25, subsection 2,
- 8 and was eligible to compute taxable income under the
- 9 cash receipts and disbursements method of accounting
- 10 under section 448(b)(3) of the Internal Revenue Code.
- 11 The waiver provision in this paragraph applies only
- 12 for tax years beginning in the 1985 and 1986 calendar
- 13 years and only to the extent that the taxpayer failed
- 14 to include in its net income for state tax purposes
- 15 interest payable on short-term obligations as it
- 16 accrued during those tax years as provided in section
- 17 1281 of the Internal Revenue Code and provided that an
- 18 amended return is filed by July 1, 1990."
- 19 2. Page 8, by inserting after line 4 the fol-
- 20 lowing:
- 21 "Sec. 200. Section 422.63A, Code Supplement 1989,
- 22 is repealed."
- 23 3. Page 8, by inserting after line 14 the
- 24 following:
- 25 "Sec. _____.
- 26 Section 100 of this Act applies retroactively to
- 27 tax years beginning in the 1985 and 1986 calendar
- 28 years."
- 29 4. Page 8, by inserting after line 16 the fol-
- 30 lowing:
- 31 "Sec. _____.

32 Section 200 of this Act applies retroactively to
33 January 1, 1990, for tax years beginning on or after
34 that date."

Amendment H—5788 was adopted.

Daggett of Adams offered the following amendment H—5768 filed by him and Beaman of Clarke and moved its adoption:

H—5768

1 Amend House File 2551 as follows:

2 1. Page 5, by inserting after line 30 the
3 following:

4 "Sec. 50. Section 422.45, subsection 5, Code
5 Supplement 1989, is amended to read as follows:
6 5. The gross receipts or from services rendered,
7 furnished, or performed and of all sales of goods,
8 wares or merchandise used for public purposes to any
9 tax-certifying or tax-levying body of the state of
10 Iowa or governmental subdivision thereof of the state,
11 including regional transit systems, as defined in
12 section 601J.1, the state board of regents, state
13 department of human services, state department of
14 transportation, any municipally owned solid waste
15 facility which sells all or part of its processed
16 waste as fuel to a municipally owned public utility
17 and all divisions, boards, commissions, agencies or
18 instrumentalities of state, federal, county or
19 municipal government which have no earnings going to
20 the benefit of an equity investor or stockholder
21 except sales of goods, wares or merchandise or from
22 services rendered, furnished, or performed and used by
23 or in connection with the operation of any municipally
24 owned public utility engaged in selling gas,
25 electricity or heat to the general public.

26 The exemption provided by this subsection shall
27 also apply to all such sales of goods, wares or
28 merchandise or from services rendered, furnished, or
29 performed and subject to use tax under the provisions
30 of chapter 423."

31 2. Page 8, by inserting after line 7 the
32 following:

33 "Sec. _____. Section 50 of this Act is retroactively
34 applicable to July 1, 1985."

Amendment H—5768 was adopted.

Diemer of Black Hawk offered the following amendment H—5723 filed by Diemer, et al.:

H-5723

1 Amend House File 2551 as follows:

2 1. Page 7, by inserting after line 17 the
3 following:

4 "Sec. _____. Section 422B.1, subsections 4 and 5,
5 Code Supplement 1989, are amended to read as follows:

6 4. The county commissioner of elections shall
7 submit the question of imposition of a local option
8 tax at a state general election or at a special
9 election held at any time other than the time of a
10 city regular election ~~which may~~. The election shall
11 not be held sooner than sixty days after publication
12 of notice of the ballot proposition. The ballot
13 proposition shall specify the type and rate of tax and
14 in the case of a vehicle tax the classes that will be
15 exempt and in the case of a local sales and services
16 tax the date it will be imposed. The ballot
17 proposition shall also specify the approximate amount
18 of local option tax revenues that will be used for
19 property tax relief and shall contain a statement as
20 to the specific purpose or purposes for which the
21 revenues shall otherwise be expended. If the county
22 board of supervisors decides under subsection 5 to
23 specify a date on which the local option sales and
24 services tax shall automatically be repealed, the date
25 of the repeal shall also be specified on the ballot.
26 The rate of the vehicle tax shall be in increments of
27 one dollar per vehicle as set by the petition seeking
28 to impose the tax. The rate of a local sales and
29 services tax shall not be more than one percent as set
30 by the governing body. The state commissioner of
31 elections shall establish by rule the form for the
32 ballot proposition which form shall be uniform
33 throughout the state.

34 5. a. If a majority of those voting on the
35 question of imposition of a local option tax favor
36 imposition of a local option tax, the governing body
37 of that county shall impose the tax at the rate
38 specified for an unlimited period. However, in the
39 case of a local sales and services tax, the county
40 shall not impose the tax in any incorporated area or
41 the unincorporated area if the majority of those
42 voting on the tax in that area did not favor its
43 imposition. For purposes of the local sales and
44 services tax, all cities contiguous to each other
45 shall be treated as part of one incorporated area and
46 the tax ~~would~~ shall be imposed in each of those
47 contiguous cities only if the majority of those voting
48 on the tax in the total area covered by the contiguous
49 cities favor favored its imposition. The local option
50 tax may be repealed or the rate increased or decreased

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1 only after an election at which a majority of those
 2 voting on the question of repeal or rate change favor
 3 favored the repeal or rate change. The election at
 4 which the question of repeal or rate change is offered
 5 shall be called and held in the same manner and under
 6 the same conditions as provided in subsections 3 and 4
 7 for the election on the imposition of the local option
 8 tax. However, in the case of a local sales and
 9 services tax where the tax has not been imposed
 10 countywide, the question of repeal or imposition shall
 11 be voted on only by the qualified electors of the
 12 areas of the county where the tax has been imposed or
 13 has not been imposed, as appropriate.

14 When submitting the question of the imposition of a
 15 local sales and services tax, the county board of
 16 supervisors may direct that the question contain a
 17 provision for the repeal, without election, of the
 18 local sales and services tax on a specific date, which
 19 date shall be the end of a calendar quarter.

20 b. Within ten days of the election at which a
 21 majority of those voting on the question favors the
 22 imposition, repeal, or change in the rate of a local
 23 option tax, the governing body shall give written
 24 notice to the director of revenue and finance or, in
 25 the case of a local vehicle tax, to the director of
 26 the department of transportation, of the result of the
 27 election."

28 2. Title page, line 5, by inserting after the
 29 word "tax," the following: "and local sales and
 30 services tax,".

Tabor of Jackson rose on a point of order that amendment
 H—5723 was not germane.

The Speaker ruled the point well taken and amendment H—5723
 not germane.

Rosenberg of Story offered the following amendment H—5791
 filed by him from the floor and moved its adoption:

H—5791

- 1 Amend House File 2551 as follows:
- 2 1. Page 7, by striking lines 18 through 26.
- 3 2. By striking page 7, line 34 through page 8,
- 4 line 3.
- 5 3. Page 8, by striking lines 15 and 16.

Amendment H—5791 was adopted.

Rosenberg of Story offered the following amendment H—5792 filed by him and Kremer of Buchanan from the floor and moved its adoption:

H—5792

- 1 Amend House File 2551 as follows:
 2 1. Page 8, by inserting after line 3 the
 3 following:
 4 "Sec. _____. Section 450.12, subsection 1, paragraph
 5 b, Code 1989, is amended to read as follows:
 6 b. A liability shall not be deducted unless the
 7 personal representative or other person filing the
 8 inheritance tax return as provided in section 450.22
 9 certifies that it has been paid or, if not paid, the
 10 director of revenue and finance is satisfied that it
 11 will be paid. If the amount of liabilities deductible
 12 under this section exceed the amount of property
 13 subject to the payment of the liabilities, the excess
 14 shall be deducted from other property included in the
 15 gross estate on a prorated basis that the gross value
 16 of each item of other property bears to the total
 17 gross value of all the other property."
 18 2. Page 8, by inserting after line 4, the fol-
 19 lowing:
 20 "Sec. 300. Section 421.8A, Code 1989, is re-
 21 pealed."
 22 3. Page 8, by inserting after line 16 the fol-
 23 lowing:
 24 "Sec. _____.
 25 Section 300 of this Act takes effect January 1,
 26 1991, for assessments made on or after that date."

Amendment H—5792 was adopted.

Rosenberg of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2551)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Brown	Buhr	Chapman
Clark	Cphoon	Connors	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse

Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKinney	Metcalf	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 14:

Banks	Branstad	Corbett	Halvorson, R. N.
Hermann	Iverson	Maulsby	McKean
Mertz	Miller	Pellet	Renken
Royer	Van Maanen		

Absent or not voting, 3:

Brammer	Carpenter	Kistler
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2249**, a bill for an act relating to workers' health, safety, and welfare, by providing an expedited hearing process for certain contested cases, requiring payment of medical expenses of an injured employee in certain circumstances, staying debt collection proceedings against an employee by a person providing treatment pending resolution of a contested case before the industrial commissioner, altering certain formulas for the calculation of benefits, establishing initial hearing deadlines, requiring certain unannounced inspections, authorizing certain administrative search warrants, and imposing certain benefit payment requirements and penalties for unreasonable denial or nonpayment of medical benefits, exempting union agents and employees from certain tort liability, and providing applicability and effective dates, previously deferred and placed on the unfinished business calendar.

Ollie of Clinton offered the following amendment H—5795 filed by him from the floor and moved its adoption:

H—5795

- 1 Amend Senate File 2249, as amended, passed, and
- 2 reprinted by the Senate, as follows:

3 1. Page 2, line 6, by inserting after the word
4 "benefits." the following: "The order for
5 reimbursement shall include an award for interest from
6 the date the commissioner initially ordered the
7 carrier, third-party payor, or employer to pay
8 benefits."

9 2. Page 2, by inserting after line 15, the
10 following:

11 "4. If the commissioner has ordered a third-party
12 payor to pay benefits, and if the commissioner
13 subsequently approves a special case settlement
14 involving the dispute pursuant to section 85.35, the
15 special case settlement shall be without prejudice to
16 any provisions of the third-party payor's contract for
17 benefits.

18 5. The industrial commissioner or deputy
19 industrial commissioner shall consider the rights and
20 interests of a third-party payor when entering an
21 award or order, and shall award or order appropriate
22 relief or protection, as reasonably necessary to
23 secure a third-party payor's right to payment,
24 repayment, or subrogation from any party, if any.

25 6. Whenever the interpretation or application of a
26 third-party payor's contract for benefits, other than
27 a policy of workers' compensation liability insurance,
28 becomes an issue of law in a contested case before the
29 industrial commissioner or a deputy industrial
30 commissioner, the question shall be submitted to the
31 commissioner of insurance for resolution of the
32 question of law. The commissioner of insurance shall
33 respond by letter ruling to the industrial
34 commissioner or deputy industrial commissioner hearing
35 the case. The industrial commissioner or a deputy
36 industrial commissioner shall not interpret a third-
37 party payor contract without submitting any question
38 of law to the commissioner of insurance and shall
39 apply a letter ruling received from the commissioner
40 of insurance to maintain uniformity of interpretation.
41 The parties to a contested case may submit written
42 briefs on an issue of law requiring the interpretation
43 of a third-party payor contract to the industrial
44 commissioner or the deputy industrial commissioner
45 hearing the case, and the industrial commissioner or
46 deputy industrial commissioner shall forward the
47 briefs to the commissioner of insurance along with the
48 question submitted for the commissioner of insurance's
49 letter ruling."

50 3. By striking page 2, line 27, through page 3,

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1 line 1, and inserting the following:

2 "If an injured employee is provided with medical
3 services by the employer, reasonably believing such
4 service to be provided by the employer's choice of
5 care under section 85.27, the employee shall receive
6 compensation for medical benefits pending a
7 determination by the commissioner. The employer's
8 obligation to compensate for medical benefits
9 delivered pursuant to the employer's choice of care
10 terminates when the employer ceases to exercise or
11 designate choice of care. If, after compensation for
12 medical benefits pursuant to this section it is later
13 determined that the employee's injuries were not work-
14 related, the employer or the employer's workers'
15 compensation insurance carrier has the right of
16 subrogation against the employee's third-party payor
17 for the cost of medical services delivered pursuant to
18 the employer's choice of care. The subrogation right
19 is subject to the terms and conditions of the third-
20 party payor policy or contract, including but not
21 limited to cost containment provisions and required
22 copayments or deductibles. The".

23 4. Page 3, line 13, by inserting after the word
24 "decrees" the following: "and interest shall accrue
25 as provided for money after the charges become due as
26 provided in section 535.2, subsection 1".

27 5. Page 6, line 5, by inserting after the word
28 "award." the following: "With regard to an
29 application for relief under section 85.27, the
30 expedited hearing process authorized in this
31 subsection is available only in a case where the
32 employer is not at the time of the application paying
33 for medical benefits as provided in section 85.29A."

34 6. Page 6, line 25, by striking the words
35 "probable cause" and inserting the following: "sub-
36 stantial evidence".

37 7. Page 6, by striking line 32, and inserting the
38 following: "be limited to the lesser of the actual
39 entitlement to relief or ninety days, and the ruling
40 shall state when the".

41 8. Page 7, by inserting after line 15, the
42 following:

43 "g. A party may file only one request for an
44 expedited hearing in connection with each original
45 proceeding. A party may file only one request for an
46 expedited hearing in connection with each proceeding
47 to reopen an award.

48 h. The employer or the employer's workers'
49 compensation carrier may recover benefits paid if a
50 decision in an expedited hearing pursuant to this

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1 subsection finds on behalf of the claimant, if all of
2 the following conditions are met:

3 (1) Benefits under this subsection are paid to the
4 claimant who is successful in an expedited hearing.

5 (2) Subsequent to the expedited hearing, a final
6 determination in a full contested case finds on behalf
7 of the employer in relation to the benefit liability
8 which was at issue in the expedited hearing.

9 Benefits previously paid in these circumstances are
10 recoverable as provided in paragraph "i".

11 i. The benefits may be recovered as follows:

12 (1) From a third-party payor. The right of
13 subsequent recovery from a third-party payor is
14 subject to the terms and conditions of the third-party
15 payor policy or contract, including but not limited to
16 cost containment provisions and required copayments
17 and deductibles.

18 (2) From the claimant. If the claimant is unable
19 to repay the benefits received, the employer or the
20 employer's workers' compensation carrier may file a
21 lien with the county recorder on the individual's
22 wages earned subsequent to the date of the full
23 decision in a contested case, for either an original
24 proceeding or a proceeding to reopen an award. The
25 lien, once filed, has the force and effect of a
26 judgment lien and may be enforced as provided in
27 chapter 626."

28 9. Page 7, by striking lines 18 through 22, and
29 inserting the following:

30 "1. The industrial commissioner or a deputy
31 industrial commissioner shall conduct the initial
32 hearing for a contested case within six months of the
33 filing of the contested case petition.

34 a. The claimant may unilaterally waive the right
35 to a prompt hearing within six months of the filing of
36 the contested case. If the claimant waives the
37 requirement for a hearing within six months, that
38 hearing must be held within twelve months of the
39 filing of the contested case petition, unless the
40 twelve-month requirement is waived as provided by
41 paragraph "c".

42 b. Any party to the contested case proceeding
43 other than the claimant may petition for an extension
44 of the six-month initial hearing requirement, which
45 extension shall not exceed four months beyond the six-
46 month period. The extension shall be granted for good
47 cause shown.

48 c. Any time requirements of this section may be
49 waived with the written consent of all parties to the
50 contested case proceeding.

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1 2. This section does not limit the rights provided
2 to the parties by section 17A.13, subsection 1, with
3 regard to discovery. An extension of the time periods
4 provided by this section shall be granted to complete
5 discovery upon the request of any party who has timely
6 propounded discovery of any other party and who has
7 not received a full and complete response to the
8 discovery request.

9 3. If a prehearing has not been held in the case
10 which orders the setting of discovery deadlines, the
11 time period for claimant's discovery is limited to
12 sixty days after filing of the petition and all other
13 parties shall have an additional sixty days to
14 complete discovery. If a party amends a discovery
15 response within sixty days of the scheduled date of
16 the initial hearing, an extension shall be granted
17 upon request of any other party to permit at least
18 sixty days from the date of the last amended discovery
19 response and the date of the initial hearing."

20 10. By striking page 7, line 23, through page 8,
21 line 30.

22 11. Page 8, by inserting before line 31, the
23 following:

24 "Sec. _____. NEW SECTION. 86.18A THIRD-PARTY PAYOR
25 AS NECESSARY PARTY.

26 A third-party payor which may be liable pursuant to
27 a contract of accident and sickness insurance, a
28 nonprofit medical service contract, or health
29 maintenance organization contract, for an employee's
30 medical care or expenses if an injury or sickness is
31 not work-related, may be joined or may join as a
32 necessary party to a workers' compensation contested
33 case. Notice shall be served upon a third-party payor
34 in the same manner as provided for resident and
35 nonresident employers in section 86.36."

36 12. Page 9, by inserting after line 4, the
37 following:

38 "Sec. _____.

39 The industrial commissioner, in cooperation with
40 the commissioner of insurance, shall compile
41 information on the number of workers' compensation
42 claimants whose receipt of medical benefits are being
43 or were delayed in the fiscal year beginning July 1,
44 1989, and report each workers' compensation insurance
45 carrier and third-party payor, if any, involved in
46 each case. The report shall include a summary of the
47 aggregate number of delayed medical benefit cases, and
48 the number of cases involving each workers'
49 compensation carrier and each third-party payor,
50 including statistical information on the percentage of

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1 total cases such delayed cases represent for that
 2 carrier or third-party payor, and the total number of
 3 workers in the state covered by the carrier or third-
 4 party payor. The report shall contain such other
 5 information as reasonably necessary to determine if a
 6 particular carrier or third-party payor is
 7 disproportionately involved in cases in which
 8 claimants' medical benefits are delayed. The report
 9 shall be submitted by the industrial commissioner to
 10 the general assembly on or before January 14, 1991.

11 Sec. _____.

12 The legislative council shall consider the
 13 establishment of an interim study committee to further
 14 investigate workers' compensation reform, including
 15 the following: compensation for work-related death,
 16 injury, hearing loss, and other disabilities; and the
 17 procedures for adjudicating claims and delivery of
 18 medical and other services to claimants to further
 19 reduce the backlog of cases, and assure fair and
 20 speedy claim resolution and benefit delivery, at a
 21 reasonable cost for both employers and employees. The
 22 study committee, if established, shall review the
 23 effectiveness of reforms already adopted, and propose
 24 such additional changes as it deems reasonable to
 25 carry out the stated public policy objectives."

26 13. By renumbering as necessary.

Amendment H—5795 was adopted.

Lundby of Linn offered the following amendment H—5798 filed
 by her from the floor:

H—5798

1 Amend Senate File 2249, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 22, the
 4 following:

5 "Sec. 100. Section 85.31, subsection 1, unnumbered
 6 paragraph 2, Code 1989, is amended to read as follows:

7 The weekly benefit amount shall not exceed a weekly
 8 benefit amount, rounded to the nearest dollar, equal
 9 to ~~sixty-six and two-thirds two~~ hundred percent of
 10 ~~sixty-six and two-thirds percent~~ of the statewide
 11 average weekly wage paid employees as determined by
 12 the department of employment services under section
 13 96.19, subsection 42, and in effect at the time of the
 14 injury. However, as of July 1, 1975; July 1, 1977;
 15 July 1, 1979; and July 1, 1981, the maximum weekly
 16 benefit amount rounded to the nearest dollar shall be
 17 increased so that it equals one hundred percent, one
 18 hundred thirty-three and one-third percent, one

19 hundred sixty-six and two-thirds percent and two
 20 hundred percent, respectively, of the statewide
 21 average weekly wage as determined above. The minimum
 22 weekly benefit amount shall be equal to the weekly
 23 benefit amount of a person whose gross weekly earnings
 24 are thirty-five percent of the statewide average
 25 weekly wage, or to the spendable weekly earnings of
 26 the employee, whichever are less. Such compensation
 27 shall be ~~is~~ in addition to the benefits provided by
 28 sections 85.27 and 85.28."

29 2. By striking page 3, line 25, through page 4,
 30 line 19, and inserting the following:

31 "Compensation for permanent partial disability
 32 shall begin at the termination of the healing period
 33 provided in subsection 1 of this section. The
 34 compensation shall be ~~is~~ in addition to the benefits
 35 provided by sections 85.27 and 85.28. The
 36 compensation shall be based upon the extent of the
 37 disability and upon the basis of eighty percent per
 38 week of the employee's average weekly spendable
 39 earnings, but not more than a weekly benefit amount,
 40 rounded to the nearest dollar, equal to ~~sixty-one and~~
 41 ~~one-third one hundred eighty-four percent of sixty-six~~
 42 and two-thirds percent of the statewide average weekly
 43 wage paid employees as determined by the department of
 44 employment services under section 96.19, subsection
 45 42, and in effect at the time of the injury. However,
 46 as of July 1, 1976; July 1, 1977; July 1, 1979; and
 47 July 1, 1981, the maximum weekly benefit amount
 48 rounded to the nearest dollar shall be increased so
 49 that it equals ninety-two percent, one hundred twenty-
 50 two and two-thirds percent, one hundred fifty-three

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1 and one-third percent, and one hundred eighty-four
 2 percent, respectively, of the statewide average weekly
 3 wage as determined above. The minimum weekly benefit
 4 amount shall be equal to the weekly benefit amount of
 5 a person whose gross weekly earnings are thirty-five
 6 percent of the statewide average weekly wage, or to
 7 the spendable weekly earnings of the employee,
 8 whichever are less. However, if the employee is a
 9 minor or a full-time student under the age of twenty-
 10 five in an accredited educational institution, the
 11 minimum weekly benefit amount shall be equal to the
 12 weekly benefit amount of a person whose gross weekly
 13 earnings are thirty-five percent of the statewide
 14 average weekly wage. For all cases of permanent
 15 partial disability compensation shall be paid as
 16 follows:"

17 3. By striking page 4, line 22 through page 5,

18 line 11, and inserting the following:

19 "Compensation for an injury causing permanent total
20 disability shall be upon the basis of eighty percent
21 per week of the employee's average weekly spendable
22 earnings, but not more than a weekly benefit amount,
23 rounded to the nearest dollar, equal to ~~sixty-six and~~
24 ~~two-thirds~~ two hundred percent of ~~sixty-six and two-~~
25 ~~thirds~~ percent of the statewide average weekly wage
26 paid employees as determined by the department of
27 employment services under section 96.19, subsection
28 42, and in effect at the time of the injury. However,
29 as of July 1, 1975; July 1, 1977; July 1, 1979; and
30 July 1, 1981, the maximum weekly benefit amount
31 rounded to the nearest dollar shall be increased so
32 that it equals one hundred percent, one hundred
33 thirty-three and one-third percent, one hundred sixty-
34 six and two-thirds percent and two hundred percent,
35 respectively, of the statewide average weekly wage as
36 determined above. The minimum weekly benefit amount
37 is equal to the weekly benefit amount of a person
38 whose gross weekly earnings are thirty-five percent of
39 the statewide average weekly wage, or to the spendable
40 weekly earnings of the employee, whichever are less.
41 However, if the employee is a minor or a full-time
42 student under the age of twenty-five in an accredited
43 educational institution the minimum weekly benefit
44 amount shall be equal to the weekly benefit amount of
45 a person whose gross weekly earnings are thirty-five
46 percent of the statewide average weekly wage. The
47 weekly compensation is payable during the period of
48 the employee's disability."

49 4. Page 5, by inserting after line 11, the
50 following:

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1 "Sec. 103. Section 85.37, unnumbered paragraph 1,
2 Code 1989, is amended to read as follows:
3 If an employee receives a personal injury causing
4 temporary total disability, or causing a permanent
5 partial disability for which compensation is payable
6 during a healing period, compensation for the
7 temporary total disability or for the healing period
8 shall be upon the basis provided in this section. The
9 weekly benefit amount payable to ~~any~~ an employee for
10 any one week shall be upon the basis of eighty percent
11 of the employee's weekly spendable earnings, but shall
12 not exceed an amount, rounded to the nearest dollar,
13 equal to ~~sixty-six and two-thirds~~ two hundred percent
14 of ~~sixty-six and two-thirds~~ percent of the statewide
15 average weekly wage paid employees as determined by
16 the department of employment services under section

17 96.19, subsection 42, and in effect at the time of the
 18 injury. However, as of July 1, 1975; July 1, 1977;
 19 July 1, 1979; and July 1, 1981, the maximum weekly
 20 benefit amount rounded to the nearest dollar shall be
 21 increased so that it equals one hundred percent, one
 22 hundred thirty-three and one-third percent, one
 23 hundred sixty-six and two-thirds percent, and two
 24 hundred percent, respectively, of the statewide
 25 average weekly wage as determined above. Total weekly
 26 compensation for any employee shall not exceed eighty
 27 percent per week of the employee's weekly spendable
 28 earnings. The minimum weekly benefit amount shall be
 29 equal to the weekly benefit amount of a person whose
 30 gross weekly earnings are thirty-five percent of the
 31 statewide average weekly wage, or to the spendable
 32 weekly earnings of the employee, whichever are less."

33 5. Page 9, by inserting after line 8, the
 34 following:

35 "Sec. 104. Sections 100, 5, 6, and 103 apply to
 36 workers' compensation injuries occurring on or after
 37 the effective date of this Act."

38 6. By renumbering as necessary.

Lundby of Linn moved the adoption of amendment H—5798.

Roll call was requested by Lundby of Linn and Sherzan of Polk.

On the question "Shall amendment H—5798 be adopted?"
 (S.F. 2249)

The ayes were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs

Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 3:

Brammer	Hermann	Rosenberg
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Amendment H—5798 lost.

Harbor of Mills offered the following amendment H—5787 filed by him from the floor and moved its adoption:

H—5787

- 1 Amend Senate File 2249, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 3, line 23 through page 5,
- 4 line 11.
- 5 2. By renumbering as necessary.

Roll call was requested by Arnould of Scott and Ollie of Clinton.

Rule 75 was invoked.

On the question “Shall amendment H—5787 be adopted?”
(S.F. 2249)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shoning
Siegrist	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Corbett	Doderer	Dvorsky	Fey
Fuller	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse

Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Mr. Speaker			
Avenson			

Absent or not voting, 5:

Brammer	Fogarty	Gruhn	Rosenberg
Wise			

Amendment H—5787 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gruhn of Dickinson on request of Osterberg of Linn and Banks of Plymouth on request of Corbett of Linn, both for the remainder of the day.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2249)

The ayes were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Corbett	Doderer	Dvorsky	Fey
Fuller	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 33:

Beaman	Bennett	Branstad	Carpenter
Clark	Daggett	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Iverson	Kistler

Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Pellett	Petersen, D. F.
Renken	Royer	Schneklath	Shoning
Spenner	Stueland	Trent	Tyrrell
Van Maanen			

Absent or not voting, 9:

Banks	Brammer	De Groot	Fogarty
Gruhn	Mertz	Miller	Plasier
Rosenberg			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT CALENDAR
(House Concurrent Resolution 110)

We hereby respectfully request that House Concurrent Resolution 110, filed on February 22, 1990, be placed on the unanimous consent calendar.

BLACK of Jasper
HESTER of Pottawattamie
McKEAN of Jones

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 15, 16, 19 and 20, 1990. Had I been present, I would have voted "aye" on House Files 252, 730, 2142, 2156, 2170, 2321, 2468, 2548 and Senate Files 18, 148, 332, 2003, 2059, 2080, 2197, 2201, 2233, 2235, 2240, 2245, 2277, 2365, 2369; Senate Joint Resolution 2003; amendment H—5629 to Senate File 2365; "nay" on Senate Files 2057, 2212, 2227; and the motions to override the Governor's veto on House Files 2418 and 2514.

EDDIE of Buena Vista

I was necessarily absent from the House chamber on Tuesday, March 20, 1990. Had I been present, I would have voted "aye" on House Files 252, 2468; and Senate File 2212.

OLLIE of Clinton

I was necessarily absent from the House chamber on Monday morning, March 19, 1990. Had I been present, I would have voted "nay" on Senate File 2227.

SIEGRIST of Pottawattamie

PRESENTATION OF VISITORS

Brown of Lucas presented to the House Retno Windrati, from Jakarta, Indonesia, who is presently studying for a Masters Degree in Journalism and Mass Communication from Iowa State University, Ames. She was accompanied by Irma Winslow of Allerton.

The Speaker announced that the following visitors were present in the House chamber:

Forty-one North Central 4-H members, Mason City area, accompanied by Kristi Cooper, Dennis Johnson, LuAnn Johanssen, Don McKee and Ann Walter. By Clark and Groninga of Cerro Gordo and May of Worth.

Thirty fifth grade students from Lakeview Elementary School, Centerville, accompanied by Kim Walker. By Jay of Appanoose.

Thirty-eight twelfth grade students from Audubon High School, Audubon, accompanied by Mr. Christensen. By Peterson of Carroll.

Thirty twelfth grade students from Greene High School, Greene, accompanied by Rodger Hoelscher. By Renken of Grundy.

Thirty-five twelfth grade students from Highland High School, Riverside, accompanied by Chris Samuelson. By Shearer of Louisa.

Fifty-seven sixth grade students from Gladbrook Reinbeck Middle School, Gladbrook, accompanied by Terri Luehring. By Svoboda of Tama.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 2545), relating to the establishment of an environmental imperilment trust fund, establishing fees, making appropriations, and stipulating an applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 20, 1990.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

Senate File 2274, a bill for an act relating to targeted small businesses, and imposing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1990.

AMENDMENTS FILED

H—5782	S.F.	2018	Senate Amendment
H—5783	S.F.	2402	Svoboda of Tama
H—5784	S.F.	2408	Shoultz of Black Hawk
H—5785	H.F.	2493	Muhlbauer of Crawford
			Mertz of Kossuth
			Fuller of Hardin
			Iverson of Wright
			Murphy of Dubuque
			Branstad of Winnebago
			Koenigs of Mitchell
H—5786	H.F.	2545	Halvorson of Clayton
			Harbor of Mills
H—5794	S.F.	2329	McKean of Jones
H—5796	H.F.	2552	Fogarty of Palo Alto
H—5797	S.F.	2379	Mertz of Kossuth
			Schrader of Marion
			Branstad of Winnebago
			Petersen of Muscatine
			De Groot of Lyon
H—5799	H.F.	2459	Cohoon of Des Moines
H—5800	S.F.	2328	Spear of Lee
H—5801	S.F.	2031	Blanshan of Greene
			Hanson of Delaware
			Connors of Polk
H—5802	S.F.	2403	Muhlbauer of Crawford
H—5803	H.F.	2329	Pavich of Pottawattamie
H—5804	S.F.	2329	Jay of Appanoose
H—5805	S.F.	2364	Bisignano of Polk
			Halvorson of Clayton

On motion by Arnould of Scott, the House adjourned at 6:30 p.m., until 9:00 a.m., Thursday, March 22, 1990.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day — Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 22, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Stephen Lien, pastor of the Nazareth Lutheran Church, Cedar Falls.

The Journal of Wednesday, March 21, 1990 was approved.

INTRODUCTION OF BILL

House File 2558, by committee on appropriations, a bill for an act relating to the establishment of an environmental imperilment trust fund, establishing fees, making appropriations, and stipulating an applicability provision.

Read first time and placed on the **appropriations calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2287, a bill for an act relating to a subsequent employer's unemployment benefit contribution rate upon the purchase or transference of a small business.

Also: That the Senate has on March 22, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2461, a bill for an act relating to motor vehicle odometer requirements.

Also: That the Senate has on March 20, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 57, a bill for an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow.

JOHN F. DWYER, Secretary

RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on education.

The House stood at ease at 9:27 a.m., until the fall of the gavel.

The House resumed session at 9:53 a.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper, until his arrival, on request of Hibbard of Madison.

SENATE AMENDMENT CONSIDERED

Fogarty of Palo Alto called up for consideration **House File 2512**, a bill for an act altering the statutory monetary limitation on the local option E911 emergency telephone service surcharge, authorizing the Iowa finance authority to issue bonds and notes secured by certain designated sources to finance E911 service nonrecurring and recurring expenses, providing related procedures and conditions, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—5734:

H—5734

- 1 Amend House File 2512, 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. _____. Section 477B.7, subsection 5, Code
- 6 Supplement 1989, is amended by striking the subsection
- 7 and inserting in lieu thereof the following:
- 8 5. USE OF MONEYS IN FUND — PRIORITY AND
- 9 LIMITATIONS ON EXPENDITURE.
- 10 a. Moneys deposited in the E911 service fund shall
- 11 be used for the repayment of any bonds issued for the
- 12 benefit of or loan made to the joint E911 service
- 13 board pursuant to sections 477B.20 through 477B.22,
- 14 and as long as any such bond or loan remains unpaid
- 15 the surcharge shall not be reduced or eliminated.
- 16 Moneys deposited in the fund shall be subject to such
- 17 terms and conditions as may be contained in the
- 18 relevant bond documents, trust indenture, resolution,
- 19 loan agreement, or other instrument pursuant to which
- 20 bonds are issued or a loan is made, without regard to
- 21 any limitation otherwise provided by law. The
- 22 surcharge may be increased, but shall not exceed the
- 23 maximum allowed in subsection 1, upon approval of the
- 24 authority upon such terms and conditions as may be
- 25 contained in the relevant bond documents, trust
- 26 indenture, resolution, loan agreement, or other
- 27 instrument pursuant to which bonds are issued or a
- 28 loan is made, as deemed necessary or prudent by the
- 29 authority to secure repayment and assure marketability
- 30 or a reasonable interest rate.

31 b. Moneys deposited in the E911 service fund shall
 32 be used for the following, in order of priority if
 33 paragraph "a" does not apply:

34 (1) Money shall first be spent for actual
 35 recurring costs of operating the E911 service plan.

36 (2) If money remains in the fund after fully
 37 paying for recurring costs incurred in the preceding
 38 year, the remainder may be spent to pay for
 39 nonrecurring costs, not to exceed actual nonrecurring
 40 costs as approved by the administrator.

41 (3) If money remains in the fund after fully
 42 paying obligations under subsections 1 and 2, the
 43 remainder may be accumulated in the fund as a
 44 carryover operating surplus. If the surplus is
 45 greater than twenty-five percent of the approved
 46 annual operating budget for the next year, the
 47 administrator shall reduce the surcharge by an amount
 48 calculated to result in a surplus of no more than
 49 twenty-five percent of the planned annual operating
 50 budget. After nonrecurring costs have been paid, if

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1 the surcharge is less than the maximum allowed and the
 2 fund surplus is less than twenty-five percent of the
 3 approved annual operating budget, the administrator
 4 shall, upon application of the joint E911 service
 5 board, increase the surcharge in an amount calculated
 6 to result in a surplus of twenty-five percent of the
 7 approved annual operating budget. The surcharge may
 8 only be adjusted once in a single year, upon one
 9 hundred days' prior notice to the provider."

10 2. Page 4, by striking lines 16 through 18, and
 11 inserting the following:

12 "d. The amounts payable to the authority by
 13 jurisdictions within service areas pursuant to loan".

14 3. Page 5, by striking lines 9 through 29.

15 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5734.

Fogarty of Palo Alto moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2512)

The ayes were, 97:

Adams
 Beatty

Arnould
 Bennett

Banks
 Bisignano

Beaman
 Black

Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Hermann Jesse Petersen, D. F.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:03 a.m., until the fall of the gavel.

The House resumed session at 11:38 a.m., Connors of Polk in the chair.

On motion by Arnould of Scott, the House was recessed at 11:40 a.m., until 1:13 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2115, a bill for an act regulating the commercial cleaning of private sewage disposal facilities, by providing for the adoption of standards and the issuance of licenses, providing license fees, providing a civil penalty, and providing effective and applicability dates.

Also: That the Senate has on March 21, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2338, a bill for an act relating to special motor vehicle registration plates for recipients of the purple heart medal.

Also: That the Senate has on March 21, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2517, a bill for an act establishing a youthful offenders program by transferring authority over the facilities of the state training school at Eldora to the department of corrections, providing for the establishment of replacement facilities under the department of human services, providing for other related matters, and providing an effective date.

Also: That the Senate has on March 21, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2169, a bill for an act relating to actions by employers by prohibiting employers from taking certain deductions from employees' wages, requiring employers to provide certain services for non-English speaking employees, requiring certain practices upon recruitment of employees from out-of-state locations, and providing penalties.

JOHN F. DWYER, Secretary

SENATE AMENDMENTS CONSIDERED

Swartz of Marshall called up for consideration **House File 705**, a bill for an act establishing primary and satellite research and marketing centers for economic development programs and services, amended by the Senate, and moved that the House concur in the following Senate amendment H — 5776:

H — 5776

- 1 Amend House File 705, 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 15.108, subsection 3,
- 6 paragraph a, subparagraph (2), Code Supplement 1989,
- 7 is amended by striking the subparagraph.
- 8 Sec. 2. Section 15.264, subsection 3, Code 1989,
- 9 is amended by striking the subsection.
- 10 Sec. 3. **NEW SECTION. 15.301 TITLE.**
- 11 This part shall be known as the "Iowa Economic
- 12 Development Network Act".
- 13 Sec. 4. **NEW SECTION. 15.302 PURPOSE — INTENT.**
- 14 1. The purpose of the Iowa economic development

15 network is to create and stimulate economic
16 opportunity through planning and technical assistance
17 and support to entrepreneurs and existing business in
18 the state.

19 2. It is the intent of the general assembly to
20 make available and coordinate economic development
21 services and programs to assist individuals,
22 businesses, and communities through the Iowa economic
23 development network.

24 Sec. 5. NEW SECTION. 15.303 ESTABLISHMENT OF
25 IOWA ECONOMIC DEVELOPMENT NETWORK – DUTIES OF
26 DIRECTOR.

27 1. The Iowa economic development network is
28 established in the department of economic development.
29 The director of the department of economic development
30 is the executive director of the Iowa economic
31 development network.

32 2. The director shall do all of the following:

33 a. Establish a primary center for economic
34 development programs and services.

35 b. Establish a statewide system of regional
36 economic development centers.

37 c. Establish regional coordinating councils to
38 coordinate the regional delivery of economic
39 development programs and services to businesses and
40 the operation of the regional economic development
41 centers.

42 d. Cooperate with the councils of governments,
43 merged area schools, small business development
44 centers, the center for industrial research and
45 service, the Iowa quality coalition, other service
46 providers, and new and existing businesses in the
47 state to fulfill the purposes of the Iowa economic
48 development network.

49 Sec. 6. NEW SECTION. 15.304 IOWA ECONOMIC
50 DEVELOPMENT NETWORK – DUTIES.

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1 The Iowa economic development network shall do all
2 of the following:

3 1. Coordinate the delivery of economic development
4 and community development programs and services with
5 other local, regional, state, and federal programs and
6 activities.

7 2. Provide leadership and support in the
8 development and implementation of statewide, regional,
9 and local economic and community development planning
10 efforts.

11 3. Provide information and data to Iowa
12 businesses, communities, and individuals through a
13 central registry.

14 4. Provide coordination, assistance, and support
15 for the operation of regional economic development
16 centers, and regional coordinating councils.

17 5. Establish, in coordination with the Iowa
18 economic development training program, a professional
19 development training and education curriculum that
20 will implement a certification program for
21 administrators and employees of the regional economic
22 development centers and which would be available to
23 the administrators and employees of the department and
24 other interested persons.

25 Sec. 7. NEW SECTION. 15.305 REGIONAL
26 COORDINATING COUNCILS – DUTIES.

27 1. For purposes of the Iowa economic development
28 network, the state is divided into fifteen regions.
29 The boundaries of the regions are contiguous to the
30 boundaries established for the merged areas under
31 chapter 280A. Each region shall establish a regional
32 coordinating council.

33 2. The director of the department of economic
34 development shall contract with each regional
35 coordinating council to provide economic development
36 programs and services to businesses in the area. The
37 contract shall include but is not limited to the
38 following:

39 a. Establishment and operation of a regional
40 economic development center within each region. The
41 department may authorize and provide supplemental
42 funding for a subcenter of the regional economic
43 development center within the merged area upon
44 application by the regional coordinating council. A
45 subcenter shall be based upon demographic and
46 geographic considerations that are adopted by the
47 department.

48 b. Employment of an administrator and other
49 personnel to operate the regional economic development
50 center. The contract shall include responsibilities

Page 3

1 and duties of the administrator and other personnel,
2 wage and benefit provisions, and performance measures
3 related to the operation of the regional economic
4 development center.

5 c. An annual budget for the operation of the
6 regional economic development center including a
7 provision to transfer funds from the department to the
8 regional coordinating council or its designee, as
9 agreed upon by the regional coordinating council and
10 the director. The budget shall reflect the work plan
11 of the regional coordinating council and the regional
12 economic development center to implement the intent

13 and purposes of the Iowa economic development network.

14 d. Authorization for a regional coordinating
15 council to enter into agreements to obtain necessary
16 facilities or other support services for the regional
17 economic development center.

18 3. Membership of the regional coordinating council
19 shall consist of at least twelve members who shall be
20 representative of education, government, business and
21 industry, labor, and service organizations in the
22 merged area. Private sector representation shall
23 comprise at least one-half of the membership. Service
24 providers serving a substantial portion of the merged
25 area may have a representative on the regional
26 coordinating council. The appointment and terms of
27 office of the members shall be governed by bylaws
28 adopted by each regional coordinating council.

29 4. A director, officer, employee, member, trustee,
30 or volunteer, of a regional coordinating council is
31 not liable for the debts or obligations of the
32 regional coordinating council and a director, officer,
33 employee, member, trustee, or volunteer is not
34 personally liable for a claim based upon an act or
35 omission of the person performed in the discharge of
36 the person's duties, except for acts or omissions
37 which involve intentional misconduct or known
38 violation of the law, or for a transaction from which
39 the person derives an improper personal benefit.

40 5. The regional coordinating councils shall do all
41 of the following:

42 a. Adopt a multiyear regional business assistance
43 work plan to implement the purposes of the Iowa
44 economic development network and guide the operation
45 of the regional economic development center in the
46 delivery of programs and services to businesses in the
47 region and provide annual updates. The work plan may
48 include other activities specifically designed to meet
49 the needs of businesses in the region. The regional
50 coordinating council may consult with service

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1 providers within the region in the preparation and
2 adoption of the work plan and may contract with one or
3 more service providers in its preparation. The work
4 plan shall be submitted to the department for review
5 and comment before the adoption of the work plan by
6 the regional coordinating council. Before the release
7 of any state funds by the department for operation of
8 a regional economic development center, the work plan
9 shall be approved by the department.

10 b. Establish and operate a regional economic
11 development center to implement the goals and

12 objectives established in the work plan and deliver
 13 economic development programs and services to
 14 businesses in the region.

15 c. Cooperate with the department to promote local,
 16 regional, and statewide service delivery systems, to
 17 coordinate the delivery of economic development
 18 programs and services to businesses in the region, and
 19 to participate in the Iowa economic development
 20 network.

21 d. Elect annually a representative to serve on the
 22 advisory council established by the department to
 23 provide input on the review and update of the state's
 24 economic development strategic plan.

25 e. Conduct an annual inventory of business
 26 assistance service providers to businesses within the
 27 region and provide a matrix of available technical
 28 services to the department.

29 f. Meet at least quarterly with the board of
 30 directors or their designees of the merged area
 31 school, any councils of governments serving a
 32 substantial portion of the region, and representatives
 33 of any small business development center, incubator,
 34 representatives of any area quality council, and the
 35 center for industrial research and service serving the
 36 region to share information, develop plans and
 37 programs, and coordinate the delivery of services
 38 within the region.

39 **Sec. 8. NEW SECTION. 15.306 PRIMARY CENTER FOR**
 40 **ECONOMIC DEVELOPMENT PROGRAMS AND SERVICES.**

41 A primary center for economic development programs
 42 and services is established in the department of
 43 economic development. The primary center shall do all
 44 of the following:

45 1. Implement a comprehensive statewide economic
 46 development planning process and provide leadership,
 47 coordination, and support to regional and local
 48 economic and community development planning efforts.

49 2. Implement the activities of the Iowa economic
 50 development network and coordinate the delivery of

Page 5

1 economic development and community development
 2 programs and services with other local, regional,
 3 state, and federal programs and activities.

4 3. Coordinate planning efforts of the regional
 5 coordinating councils in the preparation of annual
 6 regional business assistance work plans and provide
 7 technical assistance and support to the regional
 8 economic development centers.

9 4. Collect and analyze information and data,
 10 develop databases, and perform research to keep

11 abreast of Iowa's present economic base, changing
12 market demands, and emerging trends including
13 identification of targeted markets and development of
14 marketing strategies.

15 5. Establish a database of products and services
16 available from Iowa businesses to provide businesses
17 with a source for locating buyers for or suppliers of
18 their products and services and utilize the database
19 to provide a noncommissioned brokerage service for
20 facilitating trade by Iowa businesses.

21 6. Establish a database of community and economic
22 information to aid local, regional, and statewide
23 community development and economic development
24 planning and service delivery efforts.

25 Sec. 9. NEW SECTION. 15.307 REGIONAL ECONOMIC
26 DEVELOPMENT CENTERS.

27 1. A regional economic development center shall
28 create and stimulate economic development by assisting
29 and supporting entrepreneurs and businesses in the
30 region.

31 2. A regional economic development center shall do
32 all of the following:

33 a. Provide outreach to entrepreneurs and
34 businesses and function as a clearinghouse and
35 referral center for information on business assistance
36 programs and services. The regional economic
37 development center shall serve as a liaison between
38 businesses in the region and the Wallace technology
39 transfer foundation of Iowa, the internet foundation,
40 the department, and other business assistance service
41 providers for the purpose of fostering science and
42 technology transfer and international trade
43 opportunities.

44 b. Develop a support network to create and promote
45 entrepreneurship, business retention, business
46 development, and business expansion within the region.

47 c. Maintain ongoing communication with other
48 business assistance service providers in the region
49 and coordinate the delivery of programs and services
50 between the service providers and businesses.

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1 d. Assist the regional coordinating council in
2 preparing and implementing the annual regional
3 business assistance work plan and inventory of
4 business assistance service providers.

5 e. Provide the regional link for the database and
6 information systems of the Iowa economic development
7 network and the primary center. In providing the
8 regional link, the regional economic development
9 center shall do all of the following:

10 (1) Implement and utilize the department's
 11 domestic and international trade lead programs to
 12 facilitate trade opportunities for businesses in the
 13 region, including updating information for the catalog
 14 of products and services, maintaining and updating
 15 business profiles, and providing trade lead data.

16 (2) Provide information and referral to
 17 individuals and businesses about available programs
 18 and services.

19 (3) Cooperate with service providers and the
 20 primary center in the development and maintenance of a
 21 statewide community database.

22 (4) Provide other information and data concerning
 23 the region to the primary center or other sources.

24 f. Perform other related duties and
 25 responsibilities assigned to the regional economic
 26 development center as agreed upon in the contract
 27 entered into between the department and the regional
 28 coordinating council.

29 Sec. 10. NEW SECTION. 15.308 COMMUNITY BUILDER
 30 PROGRAM.

31 1. A community builder program is established in
 32 the Iowa department of economic development. The
 33 purpose of the program is to encourage a city, cluster
 34 of cities, county, group of counties, unincorporated
 35 community or group of unincorporated communities to
 36 implement planning efforts for community, business,
 37 and economic development.

38 2. A city, cluster of cities, county, group of
 39 counties, unincorporated community or group of
 40 unincorporated communities which participate and
 41 receive certification under this program may be
 42 eligible for additional consideration under the
 43 following state financial assistance programs:

44 a. The community economic betterment account under
 45 section 99E.32.

46 b. The community development block grant program.

47 c. The rural community 2000 program under chapter
 48 15.

49 d. Recycling projects under section 455D.15.

50 e. Revitalize Iowa's sound economy fund under

Page 7

1 chapter 315.

2 f. Programs administered by the Iowa finance
 3 authority under chapter 220.

4 g. Water, conservation, or any resource
 5 enhancement and protection program under the control
 6 of the department of natural resources.

7 3. A department administering a program under
 8 subsection 2 shall adopt administrative rules

9 providing bonus points of not less than five percent
10 and not more than twenty percent of the points
11 available under the program for certified participants
12 under this section.

13 4. A city, cluster of cities, county, group of
14 counties, unincorporated community or group of
15 unincorporated communities not yet certified under
16 this section but awarded a grant or initiative from
17 the state shall initiate a process to establish a
18 community builder program within six months of the
19 award, to be completed within three years of the
20 receipt of the award.

21 5. A city, cluster of cities, county, group of
22 counties, unincorporated community, or group of
23 unincorporated communities shall submit a community
24 builder program to the regional coordinating council
25 for coordination, review, and comment and to the
26 department for certification.

27 6. A community builder program shall include, but
28 is not limited to, all of the following information:

29 a. A plan to improve infrastructure, cultural and
30 fine arts resources, housing, primary health care ser-
31 vices, and natural resources, conservation, and
32 recreational facilities. The plan shall include a
33 prioritization of identified needs.

34 b. A community database including an inventory and
35 assessment of infrastructure, cultural and fine arts
36 resources, housing, primary health care services, and
37 natural resources, conservation and recreational
38 facilities. The database shall also include an
39 assessment of applicants' participation in a county or
40 regional economic development plan.

41 c. A five-year community economic development
42 strategic plan designed to meet the needs of the
43 community.

44 d. A list of local community programs to encourage
45 economic development including public and private
46 financial resources, an analysis of current and
47 potential local tax revenues, and tax abatement
48 programs.

49 e. A county or regional survey of the available
50 employment and labor force.

Page 8

1 7. Contingent on the availability of funding for
2 this purpose, the department may enter into a contract
3 with service providers to provide technical assistance
4 to a city, cluster of cities, county, group of
5 counties, or unincorporated community, or group of
6 unincorporated communities participating in a
7 community builder program.

- 8 8. The department shall adopt administrative rules
 9 pursuant to chapter 17A to administer this division.
 10 Sec. 11. Section 28.101, Code 1989, is repealed.”
 11 2. Title page, by striking lines 1 and 2 and
 12 inserting the following: “An Act establishing the
 13 Iowa economic development network and related councils
 14 and centers to assist in making available economic
 15 development programs and services.”

The motion prevailed and the House concurred in the Senate amendment H—5776.

Swartz of Marshall moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 705)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 1:

Schnekloth

Absent or not voting, 6:

Blanshan
Schrader

Brown
Shearer

Haverland

Hermann

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Cohon of Des Moines called up for consideration **House File 2459**, a bill for an act relating to the employment of personnel under sharing agreements between school districts, amended by the Senate amendment H-5671 as follows:

H-5671

- 1 Amend House File 2459 as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting before the word
- 4 "Two" the following: "1".
- 5 2. Page 1, line 21, by inserting after the words
- 6 "unless the" the following: "professional position is
- 7 an administrator position or the".
- 8 3. Page 1, by inserting after line 23, the
- 9 following:
- 10 "2. When a special education personnel pooling
- 11 agreement, which has been entered into between an area
- 12 education agency and a public school district pursuant
- 13 to section 273.5, is terminated by the public school
- 14 district, the public school district shall assume the
- 15 contractual obligations for any teachers assigned to
- 16 the district under the agreement. Teachers, for whom
- 17 the contractual obligations are assumed by a district,
- 18 shall retain all leaves, benefits, and seniority
- 19 rights accumulated under the agreement, consistent
- 20 with the teacher's education and experience."
- 21 4. By renumbering, relettering, or redesignating
- 22 and correcting internal references as necessary.

Cohon of Des Moines offered the following amendment H-5799, to the Senate amendment H-5671, filed by him and moved its adoption:

H-5799

- 1 Amend the amendment, H-5671, to House File 2459, as
- 2 passed by the House, as follows:
- 3 1. Page 1, lines 13 and 14, by striking the words
- 4 "by the public school district".
- 5 2. Page 1, line 19, by inserting after the word
- 6 "agreement" the following: "which exists between the
- 7 public school district and the district's collective
- 8 bargaining unit".

A non-record roll call was requested.

The ayes were 24, nays 4.

Amendment H—5799 was adopted.

The House stood at ease at 2:41 p.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—5671, as amended, to House File 2459 at 2:49 p.m., Speaker Avenson in the chair.

Daggett of Adams offered the following amendment H—5824, to the Senate amendment H—5671, filed by him from the floor and moved its adoption:

H—5824

- 1 Amend Senate amendment H—5671 to House File 2459,
- 2 as passed by the House, as follows:
- 3 1. Page 1, by striking lines 3 and 4.
- 4 2. Page 1, by striking lines 8 through 22.
- 5 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 36, nays 45.

Amendment H—5824 lost.

On motion by Cohoon of Des Moines, the House concurred in the Senate amendment H—5671, as amended.

Cohoon of Des Moines moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 2459)

The ayes were, 64:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie

Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 34:

Banks	Beaman	Bennett	Brand
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Harbor	Hester
Iverson	Kistler	Kremer	Lundby
Maulsby	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Siegrist	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 2:

Haverland	Hermann
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 3:09 p.m., until the fall of the gavel.

The House resumed session at 4:30 p.m., Speaker Avenson in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2413, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing a family preservation program, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of

the business deduction for businesses employing individuals on parole, probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the nonbailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties.

JOHN F. DWYER, Secretary

INTRODUCTION OF BILL

House File 2559, by committee on ways and means, a bill for an act relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date.

Read first time and placed on the **ways and means calendar**.

CONSIDERATION OF BILLS

Appropriations Calendar

Senate File 2364, a bill for an act relating to and making appropriations to the department of agriculture and land stewardship, the Iowa state fair authority, the department of natural resources, and the state racing commission, and changing the distribution of certain fees, with report of committee recommending amendment and passage was taken up for consideration.

Johnson of Winneshiek offered amendment H—5593 filed by the committee on appropriations and requested division as follows:

H—5593

- 1 Amend Senate File 2364, as amended, passed, and re-
- 2 printed by the Senate, as follows:

H—5593A

- 3 1. Page 2, line 27, by striking the figure
- 4 "534,550" and inserting the following: "600,609".
- 5 2. Page 2, line 33, by striking the figure
- 6 "683,290" and inserting the following: "764,566".
- 7 3. Page 3, by inserting after line 10, the
- 8 following:
- 9 "The amount of full-time equivalent positions
- 10 allocated under this paragraph "g" may be exceeded, if
- 11 all of the following conditions are satisfied:
- 12 (1) Additional funding other than from the state
- 13 general fund is available during the fiscal year
- 14 beginning July 1, 1990, and ending June 30, 1991.

H-5593A

15 (2) The department of management and the
16 legislative fiscal committee are notified of the
17 additional funding and the number of full-time
18 equivalent positions to be increased.

19 (3) The department of management approves the
20 increase in full-time equivalent positions."

21 4. Page 3, line 17, by striking the figure
22 "185.79" and inserting the following: "193.79".

23 5. Page 8, by striking lines 25 through 28.

24 6. Page 9, line 10, by striking the word
25 "FORRESTRY" and inserting the following: "FORESTRY".

26 7. Page 10, by inserting after line 11, the
27 following:

28 "_____. The amounts appropriated in subsections 1
29 through 10 of this section shall be treated as a
30 single appropriation from the general fund of the
31 state to the department of natural resources."

H-5593B

32 8. Page 10, by striking lines 12 through 19.

H-5593A

33 9. Page 11, by striking lines 20 through 28.

34 10. Page 11, by inserting before line 29 the
35 following:

36 "_____. The amounts appropriated in subsections 1
37 through 5 of this section shall be treated as a single
38 appropriation from the state fish and game protection
39 fund to the department of natural resources."

40 11. By striking page 12, line 34, through page
41 13, line 14.

42 12. Page 13, by inserting before line 15 the
43 following:

44 "Sec._____.

45 There is appropriated to the department of natural
46 resources for the fiscal year beginning July 1, 1990,
47 and ending June 30, 1991, the following amount, or so
48 much thereof as is necessary, to be used for the
49 purpose designated:

50 For use by the department, in cooperation with the

Page 2

1 department of cultural affairs, to distribute to all
2 public libraries, libraries at state institutions,
3 college libraries, and libraries at public and
4 nonpublic schools in the state, and to each member of
5 the Iowa general assembly, the publication "50 simple
6 things you can do to save the earth":

7 \$ 7,000

8 Sec. 100.

9 There is appropriated from the fees deposited in

H-5593A

10 the portion of the solid waste account of the
 11 groundwater protection fund pursuant to section
 12 455E.11, subsection 2, paragraph "a", subparagraph
 13 (2), subparagraph subdivision (d), subparagraph
 14 subdivision part (ii), which were deposited prior to
 15 July 1, 1990, to the Iowa center for applied research
 16 in metal casting at the university of northern Iowa,
 17 the following amount, or so much thereof as is
 18 necessary, to be used to conduct a feasibility study
 19 to determine the economic and technical feasibility of
 20 thermoreclamation of foundry sand. The study shall
 21 include an evaluation of the types of foundry sand in
 22 Iowa, an economic analysis of thermoreclamation of
 23 foundry sand, and the environmental benefits and
 24 acceptability of thermoreclamation of foundry sand:
 25 \$ 130,000".

26 13. Page 16, by inserting after line 4, the
 27 following:

28 "Sec. 200. Section 29C.8A, subsection 1, Code
 29 1989, is amended to read as follows:

30 1. An emergency response fund is created in the
 31 state treasury. The first one hundred thousand
 32 dollars received annually by the treasurer of state
 33 for the civil penalties and fines imposed by the court
 34 pursuant to sections 455B.146, 455B.191, 455B.386,
 35 455B.417, 455B.454, 455B.466, and 455B.477 shall be
 36 deposited in the general waste volume reduction and
 37 recycling fund of the state created in section
 38 455D.15. The next hundred thousand dollars shall be
 39 deposited in the emergency response fund and any
 40 additional moneys shall be deposited in the household
 41 hazardous waste account. All moneys received annually
 42 by the treasurer of the state for the fines imposed by
 43 sections 716B.2, 716B.3, and 716B.4 shall also be
 44 deposited in the emergency response fund."

45 14. Page 16, by striking lines 5 through 17.

46 15. By striking page 16, line 18 through page 17,
 47 line 6.

48 16. Page 17, by inserting before line 7 the
 49 following:

50 "Sec. _____. Section 107.20, Code 1989, is amended

Page 3

1 to read as follows:

2 107.20 LIMITATION ON NURSERY STOCK - EXCEPTION.

3 All funds appropriated to the department which are
 4 used in growing or handling nursery stock shall be
 5 used for growing or handling of the stock for
 6 distribution only on state-owned lands. However, the
 7 department may produce and sell at private sale game
 8 cover packets and trees for erosion control, may

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9 produce and sell stock for windbreaks, may produce
10 trees for a demonstration windbreak in each township
11 in the state, and may dispose of growing trees under a
12 departmental plan of distribution.”

13 17. Page 18, by inserting after line 10, the
14 following:

15 “Sec. 300. Section 455E.11, subsection 2,
16 paragraph c, unnumbered paragraph 1, Code Supplement
17 1989, is amended to read as follows:

18 A household hazardous waste account. The moneys
19 collected pursuant to section 455F.7 and moneys
20 collected pursuant to section 29C.8A which are
21 designated for deposit, shall be deposited in the
22 household hazardous waste account. Except for the
23 first one hundred thousand dollars received annually
24 for deposit in the waste volume reduction and
25 recycling fund to be used by the department to provide
26 financial assistance to counties in investigation of
27 complaints; and the next one hundred thousand dollars
28 received annually for deposit in the emergency
29 response fund, the treasurer of state shall deposit
30 moneys received from civil penalties and fines imposed
31 by the court pursuant to sections 455B.146, 455B.191,
32 455B.386, 455B.417, 455B.454, 455B.466, and 455B.477,
33 in the household hazardous waste account. Two
34 thousand dollars is appropriated annually to the Iowa
35 department of public health to carry out departmental
36 duties under section 135.11, subsections 20 and 21,
37 and section 139.35, eighty thousand dollars is
38 appropriated to the department of natural resources
39 for city, county, or service organization project
40 grants relative to recycling and reclamation events,
41 and eight thousand dollars is appropriated to the
42 department of transportation for the period of October
43 1, 1987, through June 30, 1989, for the purpose of
44 conducting the used oil collection pilot project. The
45 remainder of the account shall be used to fund Toxic
46 Cleanup Days programs, education programs, and other
47 activities pursuant to chapter 455F, including the
48 administration of the household hazardous materials
49 permit program by the department of revenue and
50 finance.

Page 4

1 Sec._____
2 Sections 100, 200, and 300 of this Act, being
3 deemed of immediate importance, take effect upon
4 enactment.”

5 18. Title page, by striking lines 3 through 5,
6 and inserting the following: “authority, and the
7 department of natural resources, changing the

H—5593A

- 8 distribution of certain fees, and providing an
 9 effective date.”
 10 19. By renumbering as necessary.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—5657, to the committee amendment H—5593A, filed by him on March 13, 1990.

Gruhn of Dickinson offered the following amendment H—5770, to the committee amendment H—5593A, filed by her and moved its adoption:

H—5770

- 1 Amend the amendment, H—5593, to Senate File 2364,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, line 9, by inserting after the word
 5 “sell” the following: “seedling”.

Amendment H—5770 was adopted.

Fogarty of Palo Alto offered the following amendment H—5775, to the committee amendment H—5593A, filed by Fogarty, et al., and moved its adoption:

H—5775

- 1 Amend the amendment, H—5593, to Senate File 2364,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. By striking page 2, line 48, through page 3,
 5 line 12.
 6 2. By renumbering as necessary.

Roll call was requested by Harbor of Mills and Royer of Page.

On the question “Shall amendment H—5775, to the committee amendment H—5593A, be adopted?” (S.F. 2364)

The ayes were, 45:

Banks	Beaman	Bennett	Brammer
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Fuller	Gruhn	Halvorson, R. A.
Harbor	Hermann	Hester	Hibbard
Iverson	Koenigs	Lageschulte	Lundby
Maulsby	Mertz	Metcalf	Miller
Muhlbauer	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Renken	Royer	Schneklath
Sherzan	Shoning	Siegrist	Spenner
Stueland	Svoboda	Trent	Tyrrell
Van Maanen			

The nays were, 49:

Adams	Arnould	Beatty	Black
Blanshan	Brown	Buhr	Chapman
Cohoon	Connors	Doderer	Dvorsky
Fey	Garman	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Haverland	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Kremer	Lykam	May	McKinney
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Poncy	Renaud
Rosenberg	Schrader	Shearer	Shultz
Spear	Swartz	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 6:

Bigignano	Brand	Hatch	McKean
Plasier	Tabor		

Amendment H—5775 lost.

Halvorson of Clayton offered the following amendment H—5752, to the committee amendment H—5593A, filed by him and moved its adoption:

H—5752

1 Amend the amendment, H—5593, to Senate File 2364,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by striking lines 15 through 24, and
 5 inserting the following: "July 1, 1990, to the solid
 6 waste account of the groundwater protection fund to be
 7 used by the department to develop and implement
 8 demonstration projects for landfill alternatives to
 9 solid waste disposal, including recycling programs as
 10 provided in section 455E.11, subsection 2, paragraph
 11 "a", subparagraph (9):".

Roll call was requested by Halvorson of Clayton and Harbor of Mills.

On the question "Shall amendment H—5752, to the committee amendment H—5593A, be adopted?"
 (S.F. 2364)

The ayes were, 46:

Banks	Beaman	Bennett	Black
Brammer	Branstad	Buhr	Carpenter
Clark	Corbett	Daggett	De Groot

Diemer	Eddie	Garman	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Lykam	Maulsby
McKean	Metcalf	Miller	Osterberg
Pellett	Peters	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Shoning
Siegrist	Spenner	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brown	Chapman	Cohon
Connors	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Pavich	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

Absent or not voting, 2:

Brand Doderer

Amendment H—5752 lost.

On motion by Johnson of Winneshiek, the committee amendment H—5593A, as amended, was adopted, placing out of order amendment H—5356 filed by Fuller of Hardin on February 26, 1990, and lines 25 through 27 of amendment H—5832. (See page 1337.)

Johnson of Winneshiek asked and received unanimous consent to withdraw the committee amendment H—5593B.

Bisignano of Polk offered the following amendment H—5805 filed by him and Halvorson of Clayton and moved its adoption:

H—5805

- 1 Amend Senate File 2364, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 27 through 34, and
- 4 inserting the following: "1990. Persons shall be
- 5 employed to fill these additional positions by
- 6 September 1, 1990."

Amendment H—5805 was adopted.

Johnson of Winneshiek offered the following amendment H—5816 filed by him from the floor and moved its adoption:

H—5816

1 Amend Senate File 2364, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 31, by striking the figure
4 "450,000" and inserting the following: "250,000".

5 2. By striking page 6, line 24, through page 7,
6 line 2.

7 3. Page 7, line 10, by striking the figure
8 "385,000" and inserting the following: "250,000".

9 4. Page 7, line 20, by striking the figure
10 "500,000" and inserting the following: "300,000".

11 5. Page 8, line 5, by striking the figure
12 "117,062" and inserting the following: "115,891".

13 6. Page 8, line 11, by striking the figure
14 "1,922,871" and inserting the following: "1,903,642".

15 7. Page 8, line 17, by striking the figure
16 "796,658" and inserting the following: "788,691".

17 8. Page 8, line 20, by inserting before the word
18 "From" the following: "a."

19 9. Page 8, line 23, by striking the figure
20 "1,273,577" and inserting the following: "1,260,841".

21 10. Page 8, by inserting after line 24 the
22 following:

23 "b. The amount of full-time equivalent positions
24 allocated under paragraph "a" may be exceeded, if all
25 the following conditions are satisfied:

26 (1) Senate File 2403 is enacted by the Seventy-
27 third General Assembly and Senate File 2403 contains
28 provisions which necessitate an increase in the full-
29 time equivalent positions.

30 (2) The department of management and the
31 legislative council each approve the increase in full-
32 time equivalent positions."

33 11. Page 8, line 33, by striking the figure
34 "2,297,051" and inserting the following: "2,105,780".

35 12. Page 8, line 34, by striking the figure
36 "154.55" and inserting the following: "142.55".

37 13. By striking page 8, line 35 through page 9,
38 line 3 and inserting the following:

39 "b. The amount of full-time equivalent positions
40 allocated under paragraph "a" may be exceeded, if all
41 the following conditions are satisfied:

42 (1) Senate File 2153 is enacted by the Seventy-
43 third General Assembly and Senate File 2153 contains
44 provisions which necessitate an increase in the full-
45 time equivalent positions.

46 (2) The department of management and the
47 legislative council each approve the increase in full-
48 time equivalent positions."

49 14. Page 9, line 11, by striking the letter "a."

50 15. Page 9, line 14, by striking the figure

Page 2

1 "1,622,039" and inserting the following: "1,581,069".

2 16. Page 9, by striking lines 16 through 19.

3 17. Page 9, line 24, by striking the figure

4 "5,470,592" and inserting the following: "5,415,886".

5 18. Page 9, line 32, by inserting before the word

6 "From" the following: "a."

7 19. Page 10, line 1, by striking the figure

8 "15.00" and inserting the following: "11.00".

9 20. Page 10, by inserting after line 1 the

10 following:

11 "b. The amount of full-time equivalent positions
12 allocated under paragraph "a" may be exceeded, if all
13 the following conditions are satisfied:

14 (1) Senate File 2153 is enacted by the Seventy-
15 third General Assembly and Senate File 2153 contains
16 provisions which necessitate an increase in the full-
17 time equivalent positions.

18 (2) The department of management and the
19 legislative council each approve the increase in full-
20 time equivalent positions."

21 21. Page 10, line 10, by striking the figure

22 "235,000" and inserting the following: "230,500".

23 22. Page 18, by inserting after line 10 the

24 following:

25 "Sec. _____.

26 If there is a conflict between section 455E.11,
27 subsection 2, paragraph "a", subparagraph (8), Code
28 Supplement 1989, as amended by this Act, and section
29 455E.11, subsection 2, paragraph "a", subparagraph (8)
30 and as amended by House File 2553, if enacted by the
31 Seventy-third General Assembly, the section as amended
32 by House File 2553 shall prevail.

33 Sec. _____.

34 Notwithstanding section 8.33, the moneys
35 appropriated in 1989 Iowa Acts, chapter 311, section 5
36 that remain unencumbered and unobligated on June 30,
37 1990, shall not revert to the general fund but shall
38 remain available for expenditure for the purposes
39 designated during the fiscal year beginning July 1,
40 1990 and ending June 30, 1991."

41 23. By renumbering as necessary.

Amendment H—5816 was adopted.

Schrader of Marion offered the following amendment H—5659 filed by him and moved its adoption:

H—5659

- 1 Amend Senate File 2364, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by striking lines 24 through 28, and
- 4 inserting the following: "basis from private
- 5 contributions. The name of a private contributor
- 6 shall not be associated with any project or
- 7 improvement, including but not limited to a structure.
- 8 However, the Iowa state fair board may place a plaque
- 9 on or near the project or improvement recognizing
- 10 contributors."

Amendment H—5659 was adopted.

Swartz of Marshall offered the following amendment H—5828 filed by him from the floor and moved its adoption:

H—5828

- 1 Amend Senate File 2364, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by striking lines 7 through 17.
- 4 2. By renumbering as necessary.

Amendment H—5828 was adopted.

Osterberg of Linn offered the following amendment H—5825 filed from the floor by Osterberg, Pellett, Stueland, Gruhn, Eddie and McKean:

H—5825

- 1 Amend Senate File 2364, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, by inserting after line 10 the
- 4 following:
- 5 "Sec. _____. Section 467A.48, subsection 1, Code
- 6 Supplement 1989, is amended to read as follows:
- 7 1. An owner or occupant of land in this state is
- 8 not required to establish any new permanent or
- 9 temporary soil and water conservation practice unless
- 10 public or other cost-sharing funds have been
- 11 specifically approved for that land and actually made
- 12 available to the owner or occupant. The amount of
- 13 cost-sharing funds made available shall not exceed
- 14 ~~seventy-five~~ fifty percent of the estimated cost as
- 15 established by the commissioners of a permanent soil
- 16 and water conservation practice, or ~~seventy-five~~ fifty

17 percent of the actual cost, whichever is less, or an
 18 amount set by the committee for a temporary soil and
 19 water conservation practice, except as otherwise
 20 provided by law with respect to land classified as
 21 agricultural land under conservation cover. The
 22 commissioners shall establish the estimated cost of
 23 permanent soil and water conservation practices in the
 24 district based upon one and two-tenths of the average
 25 cost of the practices installed in the district during
 26 the previous year. The average costs shall be
 27 reviewed and approved by the commissioners each
 28 calendar year.

29 Sec. _____. Section 467A.65, subsection 1, Code
 30 1989, is amended to read as follows:

31 1. It is the intent of this chapter that,
 32 effective January 1, 1981, each tract of agricultural
 33 land which has not been plowed or used for growing row
 34 crops at any time within fifteen years prior to that
 35 date, shall for purposes of this section be considered
 36 classified as agricultural land under conservation
 37 cover. If a tract of land so classified is thereafter
 38 plowed or used for growing row crops, the
 39 commissioners of the soil and water conservation
 40 district in which the land is located shall not
 41 approve use of state cost-sharing funds for
 42 establishing permanent or temporary soil and water
 43 conservation practices on that tract of land in an
 44 amount greater than one-half the amount of cost-
 45 sharing funds which would be available for that land
 46 if it were not considered classified as agricultural
 47 land under conservation cover. The restriction
 48 imposed by this section applies even if an
 49 administrative order or court order has been issued
 50 requiring establishment of soil and water conservation

Page 2

1 practices on that land. The commissioners may waive
 2 the restriction imposed by this section if they
 3 determine in advance that the purpose of plowing or
 4 row cropping land classified as land under
 5 conservation cover is to revitalize permanent pasture
 6 and that the land will revert to permanent pasture
 7 within two years after it is plowed."

8 2. By renumbering as necessary.

Petersen of Muscatine rose on a point of order that amendment
 H—5825 was not germane.

The Speaker ruled the point well taken and amendment H—5825
 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—5825.

A non-record roll call was requested.

The ayes were 53, nays 23.

The motion prevailed and the rules were suspended.

On motion by Osterberg of Linn, amendment H—5825 was adopted.

The House stood at ease at 5:48 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 2364 at 5:53 p.m., Speaker Avenson in the chair.

Swartz of Marshall offered the following amendment H—5832 filed by him and Johnson of Winneshiek from the floor:

H—5832

1 Amend Senate File 2364, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 17, by inserting before line 18 the
4 following:

5 "Sec. 800. Section 455A.25 WASTE MANAGEMENT
6 RESEARCH BY PERSONS IN CONJUNCTION WITH INSTITUTIONS
7 OF HIGHER EDUCATION.

8 A person acting in conjunction with a private
9 college, community college, or state board of regents'
10 institution, to conduct research relating to waste
11 management, on private property, or on property in
12 which a city or county holds an interest, shall notify
13 the department in writing. The person is not required
14 to obtain authorization, including but not limited to
15 a permit, by the department for one hundred twenty
16 days after submitting the notice. After the end of
17 the one hundred-twenty-day period the department shall
18 conduct an evaluation of the research, and may approve
19 or deny continuation of the research."

20 2. Page 18, by inserting after line 10 the
21 following:

22 "Sec. _____.

23 Section 800 of this Act, being deemed of immediate
24 importance, takes effect upon enactment."

25 3. Title page, line 5, by inserting after the
26 word "fees" the following: "and providing an
27 effective date".

28 4. By renumbering as necessary.

Bennett of Ida rose on a point of order that amendment H—5832 was not germane.

The Speaker ruled the point well taken and amendment H—5832 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—5832.

A non-record roll call was requested.

The ayes were 53, nays 33.

The motion prevailed and the rules were suspended.

Swartz of Marshall moved the adoption of amendment H—5832.

A non-record roll call was requested.

The ayes were 39, nays 17.

Amendment H—5832 was adopted. (Lines 25 through 27 out of order.)

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2364)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Shultz

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

(Senate File 2364)

Arnould of Scott asked and received unanimous consent that Senate File 2364 be immediately messaged to the Senate.

Senate File 2280, a bill for an act relating to and making appropriations to various state agencies including certain state elected officials, the executive council, the department of general services, the department of personnel, the department of revenue and finance, the office of state-federal relations, and the department of management, increasing certain fees, changing the procurement program, and providing for repeals of certain provisions, with report of committee recommending amendment and passage was taken up for consideration.

Renaud of Polk asked and received unanimous consent to withdraw the committee amendment H—5478 filed by the committee on appropriations on March 1, 1990, placing the following amendments, to the committee amendment H—5478, out of order:

H—5526 filed by Kremer of Buchanan on March 5, 1990.

H—5538 filed by Blanshan of Greene on March 5, 1990.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—5640 filed by him on March 13, 1990.

Renaud of Polk offered the following amendment H—5811 filed by him and Jochum of Dubuque from the floor and moved its adoption:

H—5811

- 1 Amend Senate File 2280, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 10, by striking the figure
- 4 "1,746,989" and inserting the following: "1,677,000".
- 5 2. Page 1, by striking lines 16 through 19.
- 6 3. Page 1, line 22, by striking the figure
- 7 "76,750" and inserting the following: "74,000".
- 8 4. Page 1, line 32, by striking the figure
- 9 "939,984" and inserting the following: "889,000".
- 10 5. Page 1, line 35, by striking the figure
- 11 "5,434" and inserting the following: "4,000".

- 12 6. Page 2, line 4, by striking the figure
13 "97,117" and inserting the following: "95,000".
14 7. Page 2, line 18, by striking the figure
15 "8,009" and inserting the following: "7,000".
16 8. Page 2, line 23, by striking the figure
17 "105,414" and inserting the following: "103,000".
18 9. Page 2, line 27, by striking the figure
19 "77,870" and inserting the following: "75,000".
20 10. Page 2, by striking lines 28 through 31.
21 11. Page 3, line 7, by striking the figure
22 "107,294" and inserting the following: "105,000".
23 12. Page 3, line 22, by striking the figure
24 "87,652" and inserting the following: "85,000".
25 13. Page 4, line 1, by striking the figure
26 "70,500" and inserting the following: "34,000".
27 14. Page 4, line 18, by striking the figure
28 "814,435" and inserting the following: "762,000".
29 15. Page 4, line 32, by striking the figure
30 "50,148" and inserting the following: "40,000".
31 16. Page 5, line 7, by striking the figure
32 "71,502" and inserting the following: "69,000".
33 17. Page 5, line 10, by striking the figure
34 "15,000" and inserting the following: "14,000".
35 18. Page 5, by striking lines 11 through 13.
36 19. Page 5, line 24, by striking the figure
37 "533,954" and inserting the following: "492,000".
38 20. Page 5, line 30, by striking the figure
39 "438,960" and inserting the following: "413,000".
40 21. Page 6, line 1, by striking the figure
41 "104,644" and inserting the following: "102,000".
42 22. Page 6, line 7, by striking the figure
43 "94,823" and inserting the following: "92,000".
44 23. Page 6, line 13, by striking the figure
45 "4,239,496" and inserting the following: "3,744,000".
46 24. Page 6, line 19, by striking the figure
47 "595,620" and inserting the following: "492,000".
48 25. Page 6, line 25, by striking the figure
49 "429,998" and inserting the following: "422,000".
50 26. Page 6, line 31, by striking the figure

Page 2

- 1 "7,282,826" and inserting the following: "7,175,000".
2 27. Page 7, line 17, by striking the figure
3 "3,000" and inserting the following: "2,000".
4 28. Page 7, line 20, by striking the figure
5 "2,033,000" and inserting the following: "2,002,000".
6 29. Page 7, line 34, by striking the figure
7 "618,056" and inserting the following: "608,000".
8 30. Page 8, line 3, by striking the figure
9 "80,000" and inserting the following: "67,000".

10 31. Page 11, line 15, by striking the figure
11 "1,423,044" and inserting the following: "1,224,000".

12 32. Page 11, line 21, by striking the figure
13 "1,477,953" and inserting the following: "1,454,000".

14 33. Page 11, line 24, by inserting before the
15 word "For" the following: "a."

16 34. Page 11, line 27, by striking the figure
17 "1,279,529" and inserting the following: "1,118,000".

18 35. Page 11, line 28, by striking the figure
19 "38.00" and inserting the following: "34.00".

20 36. Page 11, by inserting after line 28 the
21 following:

22 "b. WORKERS' COMPENSATION ADMINISTRATION

23 For salaries for the administration of the workers'
24 compensation fund and not more than the following
25 full-time equivalent positions:

26	\$	140,000
27	FTEs	4.00

28 Any funds received by the department for workers'
29 compensation purposes other than the funds
30 appropriated in paragraph "b" shall be used only for
31 the payment of workers' compensation claims."

32 37. Page 12, line 21, by striking the figure
33 "109,141" and inserting the following: "107,000".

34 38. Page 15, line 5, by striking the figure
35 "9,350,844" and inserting the following: "8,948,000".

36 39. Page 15, line 9, by striking the figure
37 "6,541,472" and inserting the following: "6,259,000".

38 40. Page 15, line 13, by striking the figure
39 "1,790,106" and inserting the following: "1,712,000".

40 41. Page 15, line 17, by striking the figure
41 "1,363,212" and inserting the following: "1,304,000".

42 42. Page 15, line 21, by striking the figure
43 "1,962,900" and inserting the following: "1,878,000".

44 43. Page 15, line 25, by striking the figure
45 "774,903" and inserting the following: "740,000".

46 44. Page 16, by striking lines 1 through 11, and
47 inserting the following: "The funds shall be expended
48 by the audit and compliance division for personnel
49 salaries and support to increase tax receipts."

50 45. Page 17, line 25, by striking the figure

Page 3

1 "1,740,622" and inserting the following: "1,566,000".

2 46. Page 17, line 28, by striking the figure

3 "1,570,027" and inserting the following: "1,410,270".

4 47. Page 17, line 32, by striking the figure

5 "226,595" and inserting the following: "210,730".

6 48. Page 18, line 18, by striking the figure

7 "62,100" and inserting the following: "61,000".

8 49. Page 18, line 23, by striking the figure
 9 "125,000" and inserting the following: "123,000".
 10 50. Page 18, line 33, by striking the figure
 11 "225,562" and inserting the following: "221,000".
 12 51. Page 19, by inserting after line 24, the
 13 following:

14 "Sec. _____. LAYOFFS.
 15 It is the intent of the general assembly that
 16 employees of the state of Iowa who are laid off
 17 pursuant to section 19A.9, subsection 14, be provided
 18 assistance by the department of personnel to identify
 19 alternative job opportunities within state government
 20 before the layoff occurs."

Amendment H—5811 was adopted.

The following amendments were withdrawn by unanimous consent:

- H—5422 filed by Tyrrell of Iowa on February 28, 1990.
- H—5472 filed by Kremer, et al., on March 1, 1990.
- H—5674 filed by Renaud of Polk on March 14, 1990.

Blanshan of Greene offered the following amendment H—5482 filed by Blanshan, et al., and moved its adoption:

H—5482

- 1 Amend Senate File 2280, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 12, line 33, through page 13,
- 4 line 14.

Amendment H—5482 was adopted.

Kremer of Buchanan offered the following amendment H—5830 filed by him and Carpenter of Polk from the floor and moved its adoption:

H—5830

- 1 Amend Senate File 2280, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 19, by inserting after line 24 the
- 4 following:
- 5 "Sec. _____. BUDGET LIMITATION FOR LEGISLATIVE
- 6 AGENCIES.
- 7 The annual budgets for the following designated
- 8 legislative agencies shall be limited to the amounts
- 9 indicated for the fiscal year beginning July 1, 1990,
- 10 and ending June 30, 1991:
- 11 Legislative Agency 1990-1991 Budget
- 12 Office of Citizens' Aide\$ 481,000

13	Legislative Computer Support Bureau	\$	1,262,832
14	Legislative Fiscal Bureau	\$	1,187,400
15	Legislative Service Bureau	\$	2,952,237
16	Administrative Rules Review Committee	\$	62,006"

Roll call was requested by Kremer of Buchanan and Tyrrell of Iowa.

Rule 75 was invoked.

On the question "Shall amendment H—5830 be adopted?"
(S.F. 2280)

The ayes were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 60:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 1:

Ollie

Amendment H—5830 lost.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2280)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Iverson	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Ollie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(Senate File 2280)

Arnould of Scott asked and received unanimous consent that Senate File 2280 be immediately messaged to the Senate.

MOTION TO RECONSIDER

(House File 2057)

I move to reconsider the vote by which House File 2057 passed the House on March 21, 1990.

BEATTY of Warren

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of March, 1990: House Files 512, 2045, 2103, 2104, 2109, 2118, 2160, 2165, 2304, 2309, 2369, 2453, 2454, 2457, 2458 and 2485.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth and sixth grade students from Norway Community School, Norway, accompanied by Alice Werning. By Brand of Benton.

Twenty-six students from North Kossuth High School, Swea City, accompanied by John Larson and Brian Ney. By Branstad of Winnebago.

Sixty senior students from Central Lyon High School, Rock Rapids, accompanied by Eldon Maxwell and Dean Osterberg. By De Groot of Lyon.

Sixty sixth grade students from Union-Whitten and Beaman-Conrad Liscomb Community Schools, Union, accompanied by John Ehn and Mary Pieper. By Renken of Grundy and Fuller of Hardin.

Thirty-five senior students from Colo-Nesco High School, Colo, accompanied by Jack Roberts. By Rosenberg and Garman of Story.

One hundred twenty fifth grade students from Milford Middle School, Nevada, accompanied by Mary Hardin Nedtwig. By Rosenberg of Story.

Fifty-six fifth grade students from Cody Elementary School, LeClaire, accompanied by Sonia Vogel and Harold Hubbard. By Schnekloth of Scott.

SUBCOMMITTEE ASSIGNMENTS

House File 2553

Ways and Means: Osterberg, Chair; Hanson of Delaware and Rosenberg.

House File 2557

Local Government: Connors, Chair; Bisignano, McKean, Muhlbauer and Royer.

Senate File 2304

Ways and Means: Chapman, Chair; Groninga, Hanson of Delaware, May and Metcalf.

Senate File 2407

Ways and Means: Groninga, Chair; Murphy and Schneklloth.

Senate File 2410

Education: Shoultz, Chair; Lageschulte, Neuhauser, Shearer and Siegrist.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 2456, a bill for an act relating to the county agricultural extension education tax by increasing the maximum dollar amount of property tax revenue which may be raised, establishing state supplemental assistance for districts which are unable to raise a minimum dollar amount by the permitted property tax levy, and providing an appropriation.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5826** March 22, 1990.

Senate File 2327, a bill for an act relating to and making appropriations to the department of economic development, INTERNET, Wallace technology transfer foundation, Iowa finance authority, and small business advocate, and establishing a small business advocate.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5831** March 22, 1990.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 824), relating to the formation of community commonwealths by certain governmental units for the joint exercise of powers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 1990.

Committee Bill (Formerly House Study Bill 827), relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 1990.

AMENDMENTS FILED

H—5806	S.F.	2326	Adams of Hamilton
H—5807	S.F.	2329	Hanson of Delaware
			Black of Jasper
H—5808	S.F.	431	Koenigs of Mitchell
H—5809	H.F.	2547	Shoultz of Black Hawk
H—5810	S.F.	2328	Spear of Lee
			Jochum of Dubuque
H—5812	H.F.	2287	Senate Amendment
H—5813	H.F.	2552	Hatch of Polk
H—5814	S.F.	2328	Halvorson of Webster
H—5815	S.F.	2328	Halvorson of Webster
H—5817	H.F.	2517	Senate Amendment
H—5818	H.F.	2115	Senate Amendment
H—5819	S.F.	2169	Senate Amendment
H—5821	S.F.	2402	Fogarty of Palo Alto
H—5822	S.F.	2402	Cohoon of Des Moines
H—5823	H.F.	2553	Muhlbauer of Crawford
			Mertz of Kossuth
			Royer of Page
			Iverson of Wright
			Murphy of Dubuque
			Branstad of Winnebago
H—5826	H.F.	2456	Committee on
			Appropriations
H—5827	S.F.	2206	Teaford of Black Hawk
			Halvorson of Webster
H—5829	S.F.	2402	Svoboda of Tama
H—5831	S.F.	2327	Committee on
			Appropriations
H—5834	S.F.	2402	Schrader of Marion
H—5835	S.F.	2408	Knapp of Dubuque
			Jochum of Dubuque

On motion by Arnould of Scott, the House adjourned at 6:51 p.m., until 9:00 a.m., Friday, March 23, 1990.

JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day — Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 23, 1990

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Paul Fredrickson, pastor of the United Methodist Church, Ventura.

The Journal of Thursday, March 22, 1990 was approved.

INTRODUCTION OF BILL

House File 2560, by committee on ways and means, a bill for an act relating to the formation of community clusters by certain governmental units for the joint exercise of powers.

Read first time and placed on the **ways and means calendar**.

SENATE MESSAGE CONSIDERED

Senate File 2413, by Hutchins, a bill for an act relating to certain specific crimes and the disposition of offenders by providing for payment of sexual abuse medical examinations, providing for workers' compensation coverage and the liability of certain persons performing community service, providing for notification of the parents of persons under age eighteen discovered to be in possession of alcohol or drugs, providing for a term of confinement for distribution of illegal drugs within one thousand feet of a public park, providing for the reporting and identification of certain precursor drugs, providing for the disposition of certain juvenile offenders, establishing a family preservation program, establishing institutional reading room requirements, providing for the diversion of certain offenders to treatment facilities, providing that certain persons serving mandatory minimum sentences serve a portion of their sentence on work release, establishing a penalty for certain persons who cause a serious injury to another while operating a motor vehicle, providing for certain offenders to serve their sentence on consecutive days, providing for posttreatment services as a condition of probation, establishing a tax on marijuana and controlled substances, providing an expansion of the business deduction for businesses employing individuals on parole,

probation, work release, or convicted of a felony, establishing penalties for participation in criminal gang activity, providing for the non-bailability of certain offenders, providing requirements for presentence investigations, providing for early release of offenders participating in certain treatment or for certain property offenders, making certain changes relating to conditions of parole and work release, authorizing parole and probation officers to discharge certain offenders, making certain changes relating to the victim reparation program, establishing a pilot project for the chemical testing of persons arrested for felony offenses, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

ADOPTION OF SENATE CONCURRENT RESOLUTION 109

Pursuant to House Rule 26, Senate Concurrent Resolution 109, a concurrent resolution recognizing the efforts of United States Army Specialist Thomas Hageman in the service of his country, filed February 26, 1990 was adopted by unanimous consent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1990, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Joint Resolution 2003, a joint resolution proposing the establishment of a state office of disability prevention activities and requiring certain state agencies to perform various activities and to submit a report relating to coordination of disability prevention programs.

Also: That the Senate has on March 22, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2080, a bill for an act providing for the sale, offer for sale, or distribution of sterile varieties of purple loosestrife.

Also: That the Senate has on March 22, 1990, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2365, a bill for an act relating to and making appropriations to the department of human services and the Iowa department of public health and providing other properly related matters.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2100**, a bill for an act relating to fraternal benefit societies, imposing penalties, and providing an effective date, previously deferred and placed on the unfinished business calendar.

Chapman of Linn offered the following amendment H—5590 filed by the committee on small business and commerce and moved its adoption:

H—5590

- 1 Amend Senate File 2100, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 31, by inserting after line 6, the
4 following:
5 "SUBCHAPTER VIII
6 COMMUNITY REINVESTMENT
7 Sec. _____. NEW SECTION, 512B.37 COMMUNITY
8 REINVESTMENT.
9 1. A society shall contribute to the welfare of
10 each community in which it has subordinate lodges or
11 assemblies as a condition of its exemption from the
12 two percent premium tax provided for under chapter
13 432.
14 2. As a continuing condition of admission or
15 authorization to do business in this state a domestic,
16 foreign, or alien society subject to this chapter
17 shall annually file a community reinvestment statement
18 in a form and containing such substance as the
19 commissioner requires, demonstrating to the
20 satisfaction of the commissioner that the society has,
21 at minimum, reinvested at least two percent of gross
22 premiums and dues collected from members, subordinate
23 lodges, or subordinate assemblies within this state.
24 3. The commissioner may adopt rules under chapter
25 17A as are necessary and convenient to administer and
26 enforce this subchapter."
27 2. By renumbering as necessary.

The committee amendment H—5590 lost.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2100)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Carpenter	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Iverson	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schneklath	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stueland	Svoboda
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 6:

Buhr	Chapman	Groninga	Johnson
Neuhauser	Teaford		

Absent or not voting, 3:

Maulsby	Rosenberg	Schrader
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 2113**, a bill for an act relating to reporting ingredients of pesticides, making penalties applicable, and providing penalties, previously deferred and placed on the unfinished business calendar.

Osterberg of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2113)

The ayes were, 85:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Miller	Muhlbauer	Murphy	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Wise
Mr. Speaker			
Avenson			

The nays were, 11:

Branstad	Daggett	Iverson	Maulsby
Mertz	Metcalf	Pellett	Renken
Royer	Schnekloth	Van Maanen	

Absent or not voting, 4:

Hermann	Neuhauser	Rosenberg	Tabor
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:12 a.m., until the fall of the gavel.

The House resumed session at 10:14 a.m., Connors of Polk in the chair.

The House resumed consideration of **Senate File 2379**, a bill for an act relating to anaerobic lagoons, making penalties applicable, and providing for applicability of the Act, previously deferred and placed on the unfinished business calendar.

Mertz of Kossuth offered the following amendment H – 5797 filed by Mertz, et al., and moved its adoption:

H-5797

1 Amend Senate File 2379, 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 455B.131, Code 1989, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 10. "Earthen waste slurry storage
8 basin" means an uncovered and exclusively earthen
9 cavity which, on a regular basis, receives waste
10 discharges from a confinement animal feeding operation
11 if accumulated wastes from the basin are completely
12 removed at least twice each year.

13 Sec. 2. Section 455B.134, subsection 3, paragraph
14 e, subparagraph (1), unnumbered paragraphs 1 and 2,
15 Code 1989, are amended to read as follows:

16 Notwithstanding any other provision of division II
17 of this chapter, the following siting requirements
18 shall apply to anaerobic lagoons and earthen waste
19 slurry storage basins:

20 Anaerobic lagoons or earthen waste slurry storage
21 basins, which are used in connection with animal
22 feeding operations containing less than six hundred
23 twenty-five thousand pounds live animal weight
24 capacity of animal species other than beef cattle or
25 containing less than one million six hundred thousand
26 pounds live animal weight capacity of beef cattle,
27 shall be located at least one thousand two hundred
28 fifty feet from a residence not owned by the owner of
29 the feeding operation or from a public use area other
30 than a public road. Anaerobic lagoons or earthen
31 waste slurry storage basins, which are used in
32 connection with animal feeding operations containing
33 six hundred twenty-five thousand pounds or more live
34 animal weight capacity of animal species other than
35 beef cattle or containing one million six hundred
36 thousand pounds or more live animal weight capacity of
37 beef cattle, shall be located at least one thousand
38 eight hundred seventy-five feet from a residence not
39 owned by the owner of the feeding operation or from a
40 public use area other than a public road. For the
41 purpose of this paragraph the determination of live
42 animal weight capacity shall be based on the average
43 animal weight capacity during a production cycle and
44 the maximum animal capacity of the animal feeding
45 operation. These separation distances apply to the
46 construction of new facilities and the expansion of
47 existing facilities.

48 Sec. 3. Section 455B.134, subsection 3, paragraph
49 e, subparagraph (2), Code 1989, is amended to read as
50 follows:

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1 (2) A person may build or expand an anaerobic
 2 lagoon or an earthen waste slurry storage basin closer
 3 to a residence not owned by the owner of the anaerobic
 4 lagoon or to a public use area than is otherwise
 5 permitted by subparagraph (1) of this paragraph, if
 6 the affected landowners enter into a written agreement
 7 with the anaerobic lagoon owner to waive the
 8 separation distances under such terms the parties
 9 negotiate. The written agreement becomes effective
 10 only upon recording in the office of the recorder of
 11 deeds of the county in which the residence is located.
 12 Sec. 4.
 13 This Act applies to earthen waste slurry storage
 14 basins constructed on or after July 1, 1990.”
 15 2. Title page, line 1, by striking the words
 16 “anaerobic lagoons” and inserting the following:
 17 “earthen waste slurry storage basins”.

Amendment H—5797 was adopted.

Schrader of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2379)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Iverson
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	Mertz	Metcalf	Miller
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor

Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Chapman	Hansen, S. D.	Jay	McKinney
Peters	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MOTION TO RECONSIDER PREVAILED
(Senate File 2329)

Jay of Appanoose called up for consideration the motion to reconsider Senate File 2329, filed on March 20, 1990, and moved to reconsider the vote by which Senate File 2329, a bill for an act relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semiannual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable, passed the House and was placed on its last reading on March 20, 1990.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 54, nays 42.

The motion prevailed and the House reconsidered Senate File 2329.

Arnould of Scott asked and received unanimous consent that Senate File 2329 be deferred and that the bill retain its place on the unfinished business calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 534, a bill for an act relating to the regulation of commercial feed and providing for the increase of fees.

Also: That the Senate has on March 22, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2177, a bill for an act relating to the operation of state hospital-schools under the control of the department of human services by authorizing the offering of goods and services to the public as part of client training programs and by deleting the requirement of maintaining daily records of time worked by institutional staff.

Also: That the Senate has on March 22, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2201, a bill for an act relating to the disclosure of the names and certain contract costs of all subcontractors by bidders on a state procurement contract.

Also: That the Senate has on March 22, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2422, a bill for an act relating to retroactive modifications of support orders.

Also: That the Senate has on March 22, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2455, a bill for an act relating to state chartered legal entities, especially nonprofit corporations and cooperative associations, by altering requirements and procedure for filing corporate documents in the office of the secretary of state and by requiring corporations organized under or subject to Iowa Code chapter 504 to convert to chapter 504A within a certain period of time.

Also: That the Senate has on March 22, 1990, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2233, a bill for an act relating to the prosecution of persons violating provisions regulating grain dealers or warehouse operators.

Also: That the Senate has on March 22, 1990, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2240, a bill for an act relating to the transfer of racing dogs.

JOHN F. DWYER, Secretary

The House stood at ease at 10:44 a.m., until the fall of the gavel.

The House resumed session at 1:06 p.m., Groninga of Cerro Gordo in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, for the remainder of the day, on request of Van Maanen of Mahaska.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2188, a bill for an act relating to the issuance of alcoholic beverage licenses and permits for certain licensed premises and prescribing fees.

Also: That the Senate has on March 23, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2271, a bill for an act relating to phase III pay plans.

Also: That the Senate has on March 23, 1990, amended and passed the following bill in which the concurrence of the House is asked:

House File 2431, a bill for an act allowing a person to purchase insurance through the Iowa comprehensive health association even if the person has coverage under another insurance plan.

Also: That the Senate has on March 23, 1990, passed the following bill in which the concurrence of the Senate was asked:

House File 2436, a bill for an act restricting the conditions under which a third-party payor of medical benefits may limit coverage for prescription drugs.

Also: That the Senate has on March 23, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2418, a bill for an act providing for payment in lieu of property taxes on certain state properties under the jurisdiction of the department of natural resources and including applicability dates.

Also: That the Senate has on March 23, 1990, passed the following bill in which the concurrence of the House is asked:

Senate File 2419, a bill for an act relating to technology enterprise zones, and providing an effective date.

JOHN F. DWYER, Secretary

CONSIDERATION OF BILLS Appropriations Calendar

Senate File 2328, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the office of the state public defender, the department of inspections and appeals, the department of commerce, and the racing and gaming commission, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered the following amendment H—5595 filed by the committee on appropriations:

H—5595

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 23, by striking the figure
- 4 "239,118" and inserting the following: "263,118".
- 5 2. Page 2, line 24, by striking the figure "5.75"
- 6 and inserting the following: "6.75".
- 7 3. Page 2, by inserting after line 24, the
- 8 following:
- 9 "Of the amount appropriated, \$24,000, or so much
- 10 thereof as is necessary shall be expended for 1 clerk
- 11 typist FTE, and necessary expenses, in connection with
- 12 the performance of administrative duties for the
- 13 director of the commission."
- 14 4. Page 7, by inserting after line 9, the
- 15 following:
- 16 "_____. The division may expend up to \$50,000 from
- 17 the fund for repairs to the exterior of the office
- 18 building located at 150 Des Moines Street, Des Moines,
- 19 Iowa."
- 20 5. Page 9, line 5, by striking the figure
- 21 "546,796" and inserting the following: "582,796".
- 22 6. Page 9, line 6, by striking the figure "25.00"
- 23 and inserting the following: "26.00".
- 24 7. Page 9, line 34, by striking the figure
- 25 "1,663,109" and inserting the following: "1,627,109".
- 26 8. Page 9, line 35, by striking the figure
- 27 "105.00" and inserting the following: "104.00".
- 28 9. Page 12, line 1, by striking the figure
- 29 "10,341,229" and inserting the following:
- 30 "10,069,000".
- 31 10. Page 12, by inserting after line 1, the
- 32 following:
- 33 "Of the amount appropriated in this subsection,
- 34 \$75,000, or so much thereof as is necessary, shall be
- 35 transferred to the legal services corporation of Iowa
- 36 for the general obligations of the legal services
- 37 corporation of Iowa."
- 38 11. Page 12, line 5, by striking the figure
- 39 "10,341,229" and inserting the following:
- 40 "10,069,000".
- 41 12. Page 15, line 16, by striking the figure
- 42 "\$5,590,448" and inserting the following:
- 43 "5,650,448".
- 44 13. Page 16, line 17, by striking the figure
- 45 "1,037,070" and inserting the following: "1,067,070".
- 46 14. Page 17, line 23, by striking the figure
- 47 "151,818" and inserting the following: "162,818".

48 15. Page 20, line 27, by inserting after the word
49 "necessary," the following: "conditioned upon the
50 creation of the state racing and gaming commission as

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1 a separate and distinct state department not under the
2 authority of the department of inspections and
3 appeals,".

4 16. Page 21, line 13, by inserting after the word
5 "necessary," the following: "conditioned upon the
6 creation of the state racing and gaming commission as
7 a separate and distinct state department not under the
8 authority of the department of inspections and
9 appeals,".

10 17. Page 21, line 25, by inserting after the word
11 "fund," the following: "conditioned upon the creation
12 of the state racing and gaming commission as a
13 separate and distinct state department not under the
14 authority of the department of inspections and
15 appeals,".

16 18. Page 22, line 16, by striking the figure "20"
17 and inserting the following: "21".

18 19. By striking page 22, line 33 through page 23,
19 line 1.

20 20. Page 23, by inserting after line 22, the
21 following:

22 "Sec. _____. Section 96.5, subsection 10, Code 1989,
23 is amended to read as follows:

24 10. ALIENS - DISQUALIFIED. For services
25 performed by an alien unless such alien is an
26 individual who was lawfully admitted for permanent
27 residence at the time such services were performed,
28 was lawfully present for the purpose of performing
29 such services, or was permanently residing in the
30 United States under color of law at the time such
31 services were performed, including an alien who is
32 lawfully present in the United States as a result of
33 the application of the provisions of section 203(a)(7)
34 or section 212(d)(5) of the Immigration and
35 Nationality Act. Any data or information required of
36 individuals applying for benefits to determine whether
37 benefits are not payable to them because of their
38 alien status shall be uniformly required from all
39 applicants for benefits. In the case of an individual
40 whose application for benefits would otherwise be
41 approved, no determination that benefits to such
42 individual are not payable because of the individual's
43 alien status shall be made except upon a preponderance
44 of the evidence."

45 21. Page 26, lines 17 and 18, by striking the
46 words "of the department of inspections and appeals".

47 22. Page 26, line 29, by inserting after the
 48 figure "99D.14" the following: "and 99D.15, fifty
 49 thousand dollars shall be used by".

50 23. By striking page 28, line 13, through page

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1 29, line 15.

2 24. By striking page 29, line 16, through page
 3 30, line 18.

4 25. Page 30, by striking lines 19 through 35.

5 26. Page 31, by inserting after line 20, the
 6 following:

7 "Sec. 100. 1989 Iowa Acts, chapter 321, section
 8 42, is repealed.

9 Sec. _____.

10 Section 100 of this Act, being deemed of immediate
 11 importance, takes effect April 30, 1990."

12 27. By renumbering, relettering, and
 13 redesignating as necessary.

Spear of Lee offered amendment H—5810, to the committee amendment H—5595, filed by him and Jochum of Dubuque. Division was requested as follows:

H—5810

1 Amend the amendment, H—5595, to Senate File 2328,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

H—5810A

4 1. Page 1, by inserting after line 13 the
 5 following:

6 "_____. Page 3, line 19, by striking the figure
 7 "2,058,120" and inserting the following: "1,989,820".

8 _____. Page 3, line 20, by striking the figure
 9 "47.76" and inserting the following: "45.76".

10 _____. Page 3, line 22, by striking the figure
 11 "471,508" and inserting the following: "403,208".

12 _____. Page 3, line 23, by striking the figure "11"
 13 and inserting the following: "9".

14 _____. Page 3, line 24, by striking the figure "5"
 15 and inserting the following: "4".

16 _____. Page 3, line 25, by striking the figure "3"
 17 and inserting the following: "2".

18 _____. Page 4, line 17, by striking the words
 19 "Cedar Rapids, Dubuque," and inserting the following:
 20 "Dubuque".

21 _____. Page 6, line 5, by striking the figure
 22 "270,000" and inserting the following: "180,000".

23 _____. Page 6, line 6, by striking the figure
 24 "6.00" and inserting the following: "4.00".

H-5810B

- 25 2. Page 1, by inserting after line 27, the
26 following:
27 "_____. Page 11, line 11, by striking the figure
28 "129,430" and inserting the following: "87,430".
29 _____. Page 11, line 12, by striking the figure
30 "3.00" and inserting the following: "2.00".
31 3. Page 1, by striking lines 28 through 30 and
32 inserting the following:
33 "_____. Page 12, line 1, by striking the figure
34 "10,341,229" and inserting the following:
35 "9,700,000".
36 4. Page 1, by inserting after line 40, the
37 following:
38 "_____. Page 13, line 7, by striking the figure
39 "693,982" and inserting the following: "685,409".
40 _____. Page 13, line 10, by striking the word
41 "shall" and inserting the following: "may".
42 5. Page 2, by inserting after line 9, the
43 following:
44 "_____. Page 21, line 19, by striking the figure
45 "418,213" and inserting the following: "448,213".
46 6. Page 2, by inserting after line 15, the
47 following:
48 "_____. Page 21, line 26, by striking the figure
49 "265,154" and inserting the following: "106,154".
50 _____. Page 21, by inserting after line 26, the

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- 1 following:
2 "Notwithstanding section 99D.13 to the contrary,
3 for the fiscal year beginning July 1, 1990, and ending
4 June 30, 1991, of the moneys escheated to the state
5 pursuant to section 99D.13, subsection 2, which are
6 directed to the racing and gaming commission, the
7 first \$129,000 received shall be deposited into the
8 excursion boat gambling revolving fund for expenditure
9 as provided for under subsection 3 of this section.
10 Moneys received by the commission in excess of
11 \$129,000 shall be subject to the standing
12 appropriation formula contained in section 99D.13,
13 subsection 2.
14 There is appropriated from the funds available
15 under section 99D.13 to the racing and gaming
16 commission for the fiscal year beginning July 1, 1990,
17 and ending June 30, 1991, for deposit in the excursion
18 boat gambling revolving fund, \$129,000."
19 "_____. Page 22, line 12, by striking the figure
20 "265,154" and inserting the following: "235,154".
21 7. Page 2, by inserting after line 44, the
22 following:

H-5810B

23 "_____. Page 24, by inserting after line 4 the
 24 following:
 25 "Sec. _____. Section 99D.13, subsection 2, Code
 26 Supplement 1989, is amended to read as follows:
 27 2. Winnings from each racetrack forfeited under
 28 subsection 1 shall escheat to the state and to the
 29 extent appropriated by the general assembly shall be
 30 used by the department of agriculture and land
 31 stewardship to administer sections ~~section~~ 99D.22 and
 32 ~~99D.27~~. The remainder shall be paid over to the
 33 commission to pay the cost of drug testing at the
 34 tracks. To the extent the remainder paid over to the
 35 commission, less the cost of drug testing, is from
 36 unclaimed winnings from harness racing meets, the
 37 remainder shall be used as provided in subsection 3.
 38 To the extent the remainder paid over to the
 39 commission, less the cost of drug testing, is from
 40 unclaimed winnings from tracks licensed for dog or
 41 horse races, the commission, at least quarterly, shall
 42 remit one-third of the amount to the treasurer of the
 43 city in which the racetrack is located, one-third of
 44 the amount to the treasurer of the county in which the
 45 racetrack is located, and one-third of the amount to
 46 the racetrack from which it was forfeited. If the
 47 racetrack is not located in a city, then one-third
 48 shall be deposited as provided in chapter 556. The
 49 amount received by the racetrack under this subsection
 50 shall be used only for retiring the debt of the

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- 1 racetrack facilities and for capital improvements to
- 2 the racetrack facilities." "
- 3 8. By renumbering as necessary.

Spear of Lee moved the adoption of amendment H-5810A, to the committee amendment H-5595.

Roll call was requested by Lundby of Linn and Siegrist of Pottawattamie.

On the question "Shall amendment H-5810A, to the committee amendment H-5595, be adopted?" (S.F. 2328)

The ayes were, 60:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Clark	Cohoon
Connors	De Groot	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman

Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Murphy	Neuhauser	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Spenner	Svoboda
Swartz	Teaford	Wise	Groninga Presiding

The nays were, 36:

Banks	Beaman	Bennett	Brammer
Branstad	Carpenter	Chapman	Corbett
Daggett	Diemer	Eddie	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hermann
Hester	Iverson	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Nielsen	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Trent	Tyrrell	Van Maanen

Absent or not voting, 4:

May	Ollie	Stueland	Tabor
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Amendment H—5810A was adopted.

On motion by Spear of Lee, amendment H—5810B was adopted.

Speaker Avenson in the chair at 1:34 p.m.

Halvorson of Webster offered the following amendment H—5814, to the committee amendment H—5595, filed by him and moved its adoption:

H—5814

- 1 Amend the amendment, H—5595, to Senate File 2328,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 1, line 48, through page 2,
- 5 line 15.
- 6 2. Page 2, by inserting after line 44, the
- 7 following:
- 8 "_____. By striking page 23, line 29, through page
- 9 24, line 4."
- 10 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 37, nays 48.

Amendment H—5814 lost.

On motion by Spear of Lee, the committee amendment H—5595, as amended, was adopted.

Garman of Story offered the following amendment H—5601 filed by her and Halvorson of Clayton:

H—5601

- 1 Amend Senate File 2328, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 4, line 11, through page 6,
- 4 line 28.
- 5 2. By renumbering as necessary.

The House stood at ease at 1:58 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5601 to Senate File 2328 at 2:05 p.m., Speaker Avenson in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, Banks of Plymouth and Tyrrell of Iowa, on request of Van Maanen of Mahaska, all for the remainder of the day.

Garman of Story moved the adoption of amendment H—5601.

Roll call was requested by Hansen of Woodbury and Jochum of Dubuque.

On the question "Shall amendment H—5601 be adopted?"
(S.F. 2328)

The ayes were, 34:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Iverson	Kistler	Lageschulte	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Trent	Van Maanen		

The nays were, 56:

Arnould	Beatty	Bisignano	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Doderer	Fey
Fogarty	Fuller	Groninga	Gruhn

Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lundby	Lykam	May
McKinney	Mertz	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 10:

Adams	Banks	Black	Connors
Dvorsky	Jesse	Kremer	Stueland
Tabor	Tyrrell		

Amendment H—5601 lost.

Jochum of Dubuque offered the following amendment H—5585 filed by him and moved its adoption:

H—5585

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 13, the
- 4 following:
- 5 "_____. The division may expend moneys in the fund
- 6 in accordance with section 96.13, subsection 3,
- 7 paragraph "a", for the payment of costs of
- 8 administration which are found not to have been
- 9 properly and validly chargeable against federal grants
- 10 or other funds, received for or in the employment
- 11 security administration fund."
- 12 2. Page 7, by striking lines 30 through 35.
- 13 3. By relettering as necessary.

Amendment H—5585 was adopted.

Spear of Lee offered the following amendment H—5851 filed by him from the floor and moved its adoption:

H—5851

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 20, by inserting after line 5, the
- 4 following:
- 5 "The insurance division may expend additional
- 6 funds, including funds for additional personnel, if
- 7 those additional expenditures are actual expenses
- 8 which exceed the funds budgeted for administrative law

9 duties and directly result from the administration of
 10 duties assigned the commissioner of insurance pursuant
 11 to Senate File 2249, if enacted by the 1990 Session of
 12 the General Assembly, and the expenditure is
 13 reasonably necessary to eliminate or prevent the
 14 creation of a backlog of workers' compensation
 15 contested-case-related determinations. Before the
 16 division expends or encumbers an amount in excess of
 17 the funds budgeted for administrative law duties, the
 18 director of the department of management shall approve
 19 the expenditure or encumbrance. Before approval is
 20 given, the director of the department of management
 21 shall determine the need for the additional
 22 expenditures by the division and that the division
 23 does not have other funds from which the
 24 administrative law expenses can be paid. Upon
 25 approval of the director of the department of
 26 management, the division may expend and encumber funds
 27 for excess administrative law expenses. The amounts
 28 necessary to fund the excess administrative law
 29 expenses shall be expended from the insurance
 30 revolving fund subject to such terms and conditions
 31 imposed by the director of the department of
 32 management when the expenditure is approved."

Amendment H—5851 was adopted.

Halvorson of Webster offered the following amendment H—5605
 filed by him and moved its adoption:

H—5605

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 20, by inserting after line 22, the
- 4 following:
- 5 "Sec. 100.
- 6 There is appropriated from the general fund of the
- 7 state to the racing commission fund for the fiscal
- 8 year beginning July 1, 1989, and ending June 30, 1990,
- 9 the following amount, or so much thereof as is
- 10 necessary, to be used for the purpose designated:
- 11 For salaries, support, maintenance, and
- 12 miscellaneous purposes:
- 13\$ 186,000".
- 14 2. By striking page 24, line 5 through page 27,
- 15 line 3.
- 16 3. Page 31, by striking lines 23 through 25, and
- 17 inserting the following:
- 18 "Sec. _____.
- 19 Section 100 of this Act, being deemed of immediate
- 20 importance, takes effect upon enactment."
- 21 4. By renumbering as necessary.

Amendment H—5605 lost.

Hermann of Scott offered the following amendment H—5631 filed by him:

H—5631

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, by inserting after line 32, the
- 4 following:
- 5 "As a condition, limitation, and qualification of
- 6 the appropriation made in this section, a nonprofit
- 7 corporation conducting gambling or games of chance or
- 8 pari-mutuel wagering on dog or horse races shall be
- 9 required, as a condition of any license issued by the
- 10 racing and gaming commission to the nonprofit
- 11 corporation, to adopt bylaws requiring open meetings
- 12 according to the procedures in chapter 21 applicable
- 13 to governmental bodies."

Jochum of Dubuque rose on a point of order that amendment H—5631 was not germane.

The Speaker ruled the point not well taken and amendment H—5631 germane.

Spear of Lee offered the following amendment H—5800, to amendment H—5631, filed by him and moved its adoption:

H—5800

- 1 Amend the amendment, H—5631, to Senate File 2328,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 5 and 6, and
- 5 inserting the following: "A nonprofit".
- 6 2. Page 1, by striking lines 8 through 11, and
- 7 inserting the following: "pari-mutuel wagering on dog
- 8 or horse races shall adopt bylaws requiring open
- 9 meetings".

Amendment H—5800 was adopted.

Hermann of Scott asked and received unanimous consent to withdraw amendment H—5631, as amended.

The following amendments filed by Halvorson of Webster were withdrawn by unanimous consent:

H—5815 filed March 22, 1990.

H—5567 filed March 8, 1990, placing out of order amendment H—5604 (to amendment H—5567) filed March 12, 1990.

Shoultz of Black Hawk offered the following amendment H—5736 filed by him and moved its adoption:

H—5736

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 31, by inserting after line 20, the
- 4 following:
- 5 "Sec. 200. 1989 Iowa Acts, chapter 272, section
- 6 42, is amended, to read as follows:
- 7 SEC. 42. Sections 34, 35, and 36 of this Act are
- 8 effective July 1, 1990. Section 34 of this Act is
- 9 effective July 1, 1991.
- 10 Sec. 201. Section 200 of the Act, being deemed of
- 11 immediate importance, takes effect upon enactment."
- 12 2. By renumbering as necessary.

Amendment H—5736 was adopted.

Shoultz of Black Hawk asked and received unanimous consent to reconsider the vote by which amendment H—5736 was adopted.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H—5736.

Shoultz of Black Hawk offered the following amendment H—5738 filed by him and moved its adoption:

H—5738

- 1 Amend Senate File 2328, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 31, by inserting after line 20, the
- 4 following:
- 5 "Sec. 200. 1989 Iowa Acts, chapter 272, section
- 6 42, is amended, to read as follows:
- 7 SEC. 42. Sections 34, 35, and 36 of this Act are
- 8 effective July 1, 1990 1991.
- 9 Sec. 201. Section 200 of the Act, being deemed of
- 10 immediate importance, takes effect upon enactment."
- 11 2. By renumbering as necessary.

Amendment H—5738 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass and De Groot of Lyon, for the remainder of the day, on request of Van Maanen of Mahaska.

Corbett of Linn offered the following amendment H—5852 filed by him from the floor:

H—5852

- 1 Amend Senate File 2328, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 23, by inserting after line 1 the
- 4 following:
- 5 "Sec. _____. DOG COMPANIONSHIP PROJECT.
- 6 The agency responsible for administering the dog
- 7 adoption program under section 99D.27 shall institute
- 8 a pilot program to place dogs with persons needing a
- 9 pet to provide companionship as recommended by the
- 10 appropriate district office of the department of human
- 11 services or the appropriate area agency on aging of
- 12 the department of elder affairs."
- 13 2. By renumbering as necessary.

Jochum of Dubuque rose on a point of order that amendment H—5852 was not germane.

The Speaker ruled the point well taken and amendment H—5852 not germane.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2328)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hester	Hibbard	Holveck	Iverson
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Murphy	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear

Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 11:

Banks	Black	Branstad	Fey
Haverland	Hermann	Kremer	Pellett
Plasier	Stueland	Tyrrell	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

(Senate File 2328)

Arnould of Scott asked and received unanimous consent that Senate File 2328 be immediately messaged to the Senate.

(Senate Concurrent Resolution 109)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 109 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott on request of Miller of Cherokee; Royer of Page on request of Maulsby of Calhoun, both for the remainder of the day.

Senate File 2402, 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, primary road fund, and state aviation fund, mandating reports of certain agency purchases and providing expenses for certain members of the Iowa highway research board, with report of committee recommending amendment and passage was taken up for consideration.

Cohoon of Des Moines offered the following amendment H—5588 filed by the committee on appropriations:

H—5588

- 1 Amend Senate File 2402 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 12, by inserting after the word
- 4 "purchase" the following: "and distribution".

5 2. Page 3, line 8, by inserting after the word
6 "enforcement," the following: "and for river boat
7 gambling enforcement,".

8 3. Page 5, by inserting after line 2, the
9 following:

10 "The unfunded liability of the peace officers'
11 retirement, accident, and disability system, as of
12 July 1, 1990, is not a liability of funds paid to the
13 state racing and gaming commission under section
14 99D.14."

15 4. Page 6, by inserting after line 11 the fol-
16 lowing:

17 "The unfunded liability of the peace officers'
18 retirement, accident, and disability system, under
19 chapter 97A is not a liability of the road use tax
20 fund as of July 1, 1986."

21 5. Page 10, line 33, by striking the figure
22 "2,883" inserting the following: "2,886".

23 6. Page 11, by striking lines 5 through 8 and
24 inserting the following:

25 "(3) For parcel acquisition:
26\$ 153,000".

27 7. Page 11, line 19, by striking the figure
28 "281,100" and inserting the following: "331,100".

29 8. Page 11, by inserting after line 20 the
30 following:

31 "As a condition, limitation, and qualification of
32 the appropriation in this paragraph, \$50,000, or so
33 much thereof as is necessary, shall be used to conduct
34 a demonstration study to assess the economic and
35 technical feasibility of establishing an intermodal
36 transportation facility at or near a location on the
37 Mississippi river that has access to year-round
38 navigation. The demonstration study shall be
39 conducted by a regional planning agency. The
40 department shall coordinate the demonstration study
41 with the department of economic development and shall
42 report to the general assembly, not later than March
43 31, 1991, on the outcome of the study, on the
44 applicability of integrating intermodal transportation
45 analysis into regional economic development studies,
46 and on the contribution that regional planning can
47 make to statewide planning."

48 9. Page 11, line 25, by striking the figure
49 "2,000,000" and inserting the following: "1,600,000".

50 10. By striking page 13, line 30, through page

Page 2

1 14, line 8, and inserting the following:

2 "2. For essential air service airport terminal
3 improvements:

4\$ 250,000

5 In selecting projects, the state department of
6 transportation shall give preference to projects that
7 will assist in maintaining and attracting air service.
8 The state department of transportation shall provide
9 funding for as many essential air service communities
10 as possible based on merit and need. The state
11 department of transportation shall notify essential
12 air service airports of this program and make
13 tentative selection of projects forty-five days from
14 the effective date of this Act.

15 For an approved terminal improvement project, the
16 provisions of section 8.33 do not apply to the funds
17 appropriated by this section and the funds shall
18 remain available for expenditure for the purposes
19 designated until June 30, 1993. Unencumbered or
20 unobligated funds, not allocated to a specific
21 project, remaining on June 30, 1991, from funds
22 appropriated for the fiscal year beginning July 1,
23 1990, shall revert to the fund from which appropriated
24 on August 30, 1991."

25 11. Page 14, by inserting after line 35 the
26 following:

27 "Sec. _____. RULES VALID.

28 The administrative rules adopted by the state fire
29 marshal pursuant to 1986 Iowa Acts, chapter 1246,
30 section 206, subsection 2, are valid."

31 12. Page 16, by striking lines 20 through 31 and
32 inserting the following:

33 "Sec. _____. Section 135C.2, subsection 5, paragraph
34 b, Code Supplement 1989, is amended by striking the
35 paragraph and inserting in lieu thereof the following:

36 b. A facility must be located in an area zoned for
37 single or multiple-family housing and must be
38 constructed in compliance with applicable local
39 housing codes and the rules adopted for the special
40 classification by the state fire marshal in accordance
41 with the concept of the least restrictive environment
42 for the facility residents. The rules adopted by the
43 state fire marshal for the special classification
44 shall be no more restrictive than the rules adopted by
45 the state fire marshal for demonstration waiver
46 project facilities pursuant to 1986 Iowa Acts, chapter
47 1246, section 206, subsection 2."

48 13. Page 18, by inserting after line 18 the
49 following:

50 "Sec. _____. NEW SECTION. 325.37 ADVERTISING BY

2 Any advertising of available service provided by a
3 motor carrier of property shall contain or display the
4 number of the certificate issued by the department
5 pursuant to this chapter.

6 Sec. _____. Section 331.660, Code 1989, is amended
7 to read as follows:

8 331.660 APPROPRIATION — INDIAN SETTLEMENT
9 OFFICER.

10 There is appropriated annually from the general
11 fund of the state to the county of Tama the sum of
12 ~~three thousand three hundred sixty-five~~ thirty-five
13 thousand dollars to be used by the county only for the
14 payment of the salary and expenses of an additional
15 deputy sheriff for the county. The principal duty of
16 the deputy sheriff is to provide law enforcement on
17 the Sac and Fox Indian settlement in the county of
18 Tama. If possible, the deputy sheriff shall reside on
19 the settlement. Additional funds necessary to pay the
20 salary and expenses of the deputy sheriff shall be
21 paid by the county of Tama.”

Cohoon of Des Moines asked and received unanimous consent to withdraw amendment H—5822, to the committee amendment H—5588, filed by him on March 22, 1990.

Cohoon of Des Moines offered the following amendment H—5846, to the committee amendment H—5588, filed by him from the floor and moved its adoption:

H—5846

1 Amend the amendment, H—5588, to Senate File 2402,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 12, by striking the figure “1990”
5 and inserting the following: “1989”.

6 2. Page 1, by striking lines 21 through 26.

7 3. Page 3, line 12, by striking the word “thirty-
8 five” and inserting the following: “twenty-five”.

9 4. Page 3, line 21, by inserting after the word
10 “Tama.” the following: “The state shall not be held
11 liable for the performance or nonperformance of law
12 enforcement duties pursuant to this section.”

13 5. By renumbering as necessary.

Amendment H—5846 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schnekloth of Scott, for the remainder of the day, on request of Van Maanen of Mahaska.

Poncy of Wapello offered the following amendment H—5697, to the committee amendment H—5588, filed by Poncy, et al., and moved its adoption:

H—5697

- 1 Amend the amendment, H—5588, to Senate File 2402,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. By striking page 1, line 50, through page 2,
- 5 line 24.
- 6 2. By renumbering as necessary.

Amendment H—5697 was adopted.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H—5727, to the committee amendment H—5588, filed by her on March 15, 1990.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—5737, to the committee amendment H—5588, filed by him and Harbor of Mills on March 15, 1990.

On motion by Cohoon of Des Moines, the committee amendment H—5588, as amended, was adopted.

Cohoon of Des Moines offered amendment H—5845 filed by him from the floor and requested division as follows:

H—5845

- 1 Amend the Senate File 2402, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—5845A

- 3 1. Page 1, line 12, by striking the figure
- 4 "961,617" and inserting the following: "953,617".
- 5 2. Page 1, line 25, by striking the letter "a."
- 6 3. Page 1, line 28, by striking the figure
- 7 "3,508,957" and inserting the following: "3,448,957".
- 8 4. Page 1, by striking lines 30 through 34.
- 9 5. Page 2, line 4, by striking the figure
- 10 "320,482" and inserting the following: "307,271".
- 11 6. Page 2, line 5, by striking the figure "13"
- 12 and inserting the following: "12".
- 13 7. Page 2, line 18, by striking the figure
- 14 "15,000" and inserting the following: "10,000".
- 15 8. Page 2, line 35, by striking the letter "a."
- 16 9. Page 3, by striking lines 4 and 5.

H—5845B

- 17 10. Page 3, line 14, by striking the figure
- 18 "6,557,018" and inserting the following: "6,534,828".

H-5845A

19 11. Page 3, line 15, by striking the figure "137"
20 and inserting the following: "136".

21 12. Page 3, line 17, by striking the figure
22 "250,000" and inserting the following: "100,000".

23 13. Page 3, by striking lines 18 through 21.

24 14. Page 4, line 14, by striking the figure
25 "50,000" and inserting the following: "25,000".

26 15. Page 5, by striking lines 9 and 10.

27 16. Page 5, line 11, by striking the figure "2."

28 17. Page 6, by striking lines 25 through 30.

29 18. Page 7, by inserting after line 19 the

30 following:

31 "Sec. _____.

32 There is appropriated from use tax receipts
33 collected under chapter 423 prior to deposit in the
34 road use tax fund, to the department of public safety,
35 for the fiscal year beginning July 1, 1990, and ending
36 June 30, 1991, the following amounts, or so much
37 thereof as may be necessary, to be used for the
38 purposes designated:

39 For communications equipment, the law enforcement
40 intelligence network, and the automated fingerprint
41 information system:

42\$374,800

43 As a condition, limitation, and qualification of
44 this appropriation, the department of public safety
45 shall allocate \$75,000 to the communications division
46 for service monitors and radio spare parts, \$20,000 to
47 the division of criminal investigation for the law
48 enforcement intelligence network, and \$279,800 for the
49 continuing purchase of four local remote terminals for
50 the automated fingerprint information system."

Page 2

1 19. Page 7, line 22, by striking the words
2 "general fund of the state" and inserting the
3 following: "road use tax fund".

4 20. Page 8, line 17, by striking the figure
5 "105,000" and inserting the following: "55,000".

6 21. Page 9, by striking lines 11 and 12.

7 22. Page 14, by inserting after line 35 the
8 following:

9 "Sec. _____.

10 The Iowa highway research board shall conduct an
11 experimental roadway paving project using recycled
12 rubber in hot asphalt concrete. The materials shall
13 be applied by a company with experience in the use of
14 recycled tire rubber. The project shall be funded
15 from moneys allocated to the Iowa highway research
16 board. The Iowa highway research board shall submit a
17 report to the general assembly by January 1, 1991,
18 detailing the results of the project."

19 23. By renumbering as necessary.

Beaman of Clarke offered the following amendment H—5853, to amendment H—5845A, filed by him from the floor and moved its adoption:

H—5853

- 1 Amend amendment H—5845 to Senate File 2402, as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 6 and 7.
- 5 2. By renumbering as necessary.

Roll call was requested by Beaman of Clarke and Lageschulte of Bremer.

On the question “Shall amendment H—5853, to amendment H—5845A, be adopted?” (S.F. 2402)

The ayes were, 29:

Beaman	Bennett	Branstad	Brown
Carpenter	Clark	Corbett	Daggett
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Iverson
Kistler	Lageschulte	Lundby	Maulsby
Miller	Petersen, D. F.	Plasier	Renken
Shoning	Siegrist	Spenner	Trent
Van Maanen			

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Brammer	Brand	Buhr	Chapman
Cohoon	Connors	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Murphy	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Rosenberg	Schrader
Shearer	Sherzan	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Avenson, Spkr.			

Absent or not voting, 14:

Banks	Black	Blanshan	De Groot
Doderer	Hermann	Kremer	Pellett
Renaud	Royer	Schnekloth	Shoultz
Stueland	Tyrrell		

Amendment H—5853 lost.

Halvorson of Clayton offered the following amendment H—5855, to amendment H—5845A, filed by him from the floor and moved its adoption:

H—5855

- 1 Amend amendment H—5845 to Senate File 2402, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 32 through 34 and
- 5 inserting the following:
- 6 "There is appropriated from the general fund, to
- 7 the department of public safety,".

Amendment H—5855 lost.

On motion by Cohoon of Des Moines, amendment H—5845A was adopted.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—5647 filed by Carpenter, et al., on March 13, 1990 and amendment H—5750 filed by Carpenter, et al., on March 19, 1990.

Renken of Grundy in the chair at 3:35 p.m.

Blanshan of Greene offered the following amendment H—5850 filed from the floor by Blanshan, Carpenter, Hanson of Delaware, Connors, Doderer, Hammond and Renaud, and moved its adoption:

H—5850

- 1 Amend Senate File 2402, as amended, passed, and
- 2 reprinted, by the Senate, as follows:
- 3 1. Page 3, line 11, by striking the figure "16"
- 4 and inserting the following: "18".
- 5 2. Page 3, line 14, by striking the figure
- 6 "6,557,018" and inserting the following: "6,587,943".
- 7 3. Page 3, line 32, by striking the figure "16"
- 8 and inserting the following: "18".
- 9 4. Page 3, line 35, by striking the figure
- 10 "2,243,579" and inserting the following: "2,264,416".
- 11 5. Page 4, line 7, by striking the figure "16"
- 12 and inserting the following: "18".
- 13 6. Page 4, line 10, by striking the figure
- 14 "1,560,379" and inserting the following: "1,568,020".
- 15 7. Page 4, line 33, by striking the figure "16"
- 16 and inserting the following: "18".
- 17 8. Page 5, line 1, by striking the figure
- 18 "281,970" and inserting the following: "285,177".
- 19 9. Page 5, line 24, by striking the figure "16"
- 20 and inserting the following: "18".

21 10. Page 5, line 27, by striking the figure
 22 "23,568,231" and inserting the following:
 23 "23,849,387".

Amendment H—5850 was adopted, placing out of order amendment H—5845B, found on page 1374 of the House Journal.

Trent of Muscatine offered the following amendment H—5854 filed by him from the floor:

H—5854

1 Amend Senate File 2402, as amended, passed, and re-
 2 printed by the Senate, as follows:
 3 1. Page 9, by inserting after line 7 the
 4 following:
 5 "As a condition, limitation, and qualification of
 6 the appropriation in this lettered paragraph, and
 7 notwithstanding provisions of the Code to the
 8 contrary, the state department of transportation shall
 9 not issue a temporary restricted license under chapter
 10 321J if a person's motor vehicle license has been
 11 revoked under chapter 321J, until the first thirty
 12 days of the revocation period have expired."

Speaker Avenson in the chair at 3:54 p.m.

Cohoon of Des Moines rose on a point of order that amendment H—5854 was not germane.

The Speaker ruled the point well taken and amendment H—5854 not germane.

Trent of Muscatine moved that the rules be suspended to consider amendment H—5854.

Roll call was requested by Trent of Muscatine and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H—5854?" (S.F. 2402)

The ayes were, 29:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	Diemer
Eddie	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Iverson	Kistler	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Petersen, D. F.	Plasier	Renken
Shoning	Siegrist	Spenner	Trent
Van Maanen			

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Spear	Svoboda
Swartz	Tabor	Teaford	Mr. Speaker Avenson

Absent or not voting, 15:

Banks	Black	De Groot	Garman
Halvorson, R. N.	Hatch	Hermann	Kremer
Pellett	Royer	Schnekloth	Shoultz
Stueland	Tyrrell	Wise	

The motion to suspend the rules lost.

The following amendments were withdrawn by unanimous consent:

- H—5483 filed by Peterson of Carroll on March 1, 1990.
- H—5783 filed by Svoboda of Tama on March 21, 1990.
- H—5829 filed by Svoboda of Tama on March 22, 1990.

Osterberg of Linn offered the following amendment H—5715 filed by him and McKean of Jones and moved its adoption:

H—5715

- 1 Amend Senate File 2402, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by inserting after line 23 the
- 4 following:
- 5 "Sec. _____. Section 317.13, Code Supplement 1989,
- 6 is amended by adding the following new unnumbered
- 7 paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. The program of weed
- 9 control shall include a program of permits for the
- 10 burning, mowing, or spraying of roadsides by private
- 11 individuals. The county board of supervisors shall
- 12 allow only that burning, mowing, or spraying of
- 13 roadsides by private individuals that is consistent
- 14 with the adopted integrated roadside vegetation

15 management plan. This paragraph applies only to those
 16 roadside areas of a county which are included in an
 17 integrated roadside vegetation management plan.”
 18 2. By renumbering as necessary.

Amendment H—5715 was adopted.

The following amendments were withdrawn by unanimous consent:

H—5751 filed by Muhlbauer of Crawford, et al., on March 19, 1990, placing out of order amendment H—5821, to amendment H—5751, filed by Fogarty of Palo Alto on March 22, 1990.

H—5834 filed by Schrader of Marion on March 22, 1990.

Schrader of Marion offered the following amendment H—5856 filed by him from the floor and moved its adoption:

H—5856

1 Amend Senate File 2402, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 18, by inserting after line 18 the
 4 following:
 5 “Sec. _____. Section 321L.2, subsection 3,
 6 unnumbered paragraph 2, Code Supplement 1989, is
 7 amended to read as follows:
 8 A handicapped person who owns a motor vehicle for
 9 which the handicapped person has been issued radio
 10 operator registration plates under section 321.34,
 11 subsection 3, or registration plates as a seriously
 12 disabled veteran under section 321.105 may apply to
 13 the department for a handicapped identification
 14 sticker to be affixed to the plates. The handicapped
 15 identification stickers shall bear the international
 16 symbol of accessibility. The handicapped
 17 identification stickers shall be acquired by the
 18 department and sold at a cost not to exceed five
 19 dollars, to eligible handicapped persons upon
 20 application on forms prescribed by the department.”
 21 2. Renumber sections as necessary.

Amendment H—5856 was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 2402)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Cohoon	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Iverson	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Murphy
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 11:

Banks	Black	Clark	De Groot
Hermann	Kremer	Pellet	Royer
Schneklath	Stueland	Tyrrell	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Halvorson of Clayton; Daggett of Adams on request of Bennett of Ida, both for the remainder of the day.

Senate File 2408, a bill for an act relating to and making appropriations to the justice system, with report of committee recommending amendment and passage was taken up for consideration.

Knapp of Dubuque offered the following amendment H—5685 filed by the committee on appropriations:

H-5685

1 Amend Senate File 2408 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 12, by striking the figure
4 "166.00" and inserting the following: "167.00".

5 2. Page 2, line 5, by inserting after the figure
6 "714.16", the following: "and \$25,000 for the
7 attorney general's task force on fraud against older
8 Iowans to be used for investigation, prosecution, and
9 consumer education relating to consumer and criminal
10 fraud against older persons".

11 3. Page 3, by striking lines 5 and 6, and
12 inserting the following:
13 " \$ 2,049,789
14 FTEs 32.00".

15 4. Page 10, by striking lines 1 through 35, and
16 inserting the following:
17 "There is appropriated from the general fund of the
18 state to the department of corrections for the fiscal
19 year beginning July 1, 1990, and ending June 30, 1991,
20 the following amounts, or so much thereof as is
21 necessary, to be allocated as follows:

22 1. For the first judicial district department of
23 correctional services, the following amount, or so
24 much thereof as is necessary:
25 \$ 5,066,185

26 As a condition, limitation, and qualification of
27 this appropriation, \$55,328 shall be used to expand
28 the intensive supervision program, \$36,298 shall be
29 used to replace federal funds for a job development
30 program, \$296,103 shall be used to provide additional
31 staff for field services, \$202,132 shall be used to
32 provide additional staff for residential services,
33 \$53,519 shall be used to continue funding of the
34 treatment alternatives to street crimes program, and
35 \$77,733 shall be used to continue the job development
36 grant program established by House File 772 enacted
37 during the 1989 Session of the General Assembly."

38 5. By striking page 11, line 18 through page 12,
39 line 8, and inserting the following:

40 "2. For the second judicial district department of
41 correctional services, the following amount, or so
42 much thereof as is necessary:
43 \$ 4,361,509

44 As a condition, limitation, and qualification of
45 this appropriation, \$99,505 shall be used to replace
46 federal funds for job development, \$527,448 shall be
47 used to provide additional staff for residential
48 services, \$305,319 shall be used for additional staff
49 for field services, and \$85,333 shall be used to
50 continue funding the treatment alternatives to street

Page 2

1 crimes program."

2 6. By striking page 12, line 23, through page 13,
3 line 12, and inserting the following:

4 "3. For the third judicial district department of
5 correctional services, the following amount, or so
6 much thereof as is necessary:
7\$ 2,186,002

8 As a condition, limitation, and qualification of
9 this appropriation, \$26,847 shall be used to provide
10 additional staff for 25 additional beds authorized
11 during the 1989 Session of the General Assembly,
12 \$117,047 shall be used to provide additional staff for
13 field services, \$62,327 shall be used to provide for
14 the intensive supervision program, and \$38,567 shall
15 be used to continue the treatment alternatives to
16 street crimes program."

17 7. By striking page 13, line 27, through page 14,
18 line 2, and inserting the following:

19 "4. For the fourth judicial district department of
20 correctional services, the following amount, or so
21 much thereof as is necessary:
22\$ 1,896,028

23 As a condition, limitation, and qualification of
24 this appropriation, \$42,158 shall be used to continue
25 funding of the treatment alternatives to street crimes
26 program."

27 8. By striking page 14, line 17, through page 15,
28 line 20, and inserting the following:

29 "5. For the fifth judicial district department of
30 correctional services, the following amount, or so
31 much thereof as is necessary:
32\$ 6,432,399

33 As a condition, limitation, and qualification of
34 this appropriation, \$125,586 shall be used to provide
35 additional staff for residential service, \$66,506
36 shall be used to provide additional technical support
37 staff, \$410,348 shall be used to expand the intensive
38 supervision program, \$36,360 shall be used to employ
39 an additional parole/probation supervisor, \$35,000
40 shall be used to replace federal funds for a job
41 development program, \$86,294 shall be used to
42 establish a tactical unit, and \$109,182 shall be used
43 to continue funding of the treatment alternatives to
44 street crimes program."

45 9. By striking page 16, line 1 through page 17,
46 line 13, and inserting the following:

47 "6. For the sixth judicial district department of
48 correctional services, the following amount, or so
49 much thereof as is necessary:
50\$ 5,855,058

Page 3

1 As a condition, limitation, and qualification of
 2 this appropriation, \$609,228 shall be used to provide
 3 additional staff for field services, \$307,466 shall be
 4 used to expand the intensive supervision program,
 5 \$149,389 shall be used to provide additional support
 6 staff, \$195,922 shall be used to provide additional
 7 staff for residential services, \$41,556 shall be used
 8 to provide computer access to criminal history data,
 9 \$361,958 shall be used to provide staff for the
 10 additional beds at the Cedar Rapids residential
 11 facility as authorized during the 1989 Session of the
 12 General Assembly, \$68,432 shall be used to establish a
 13 home work release program, \$35,100 shall be used to
 14 continue funding of the treatment alternatives to
 15 street crimes program, and \$77,733 shall be used to
 16 continue funding of the job development grant program
 17 established in House File 772 enacted during the 1989
 18 Session of the General Assembly."

19 10. By striking page 17, line 31 through page 18,
 20 line 27, and inserting the following:

21 "7. For the seventh judicial district department
 22 of correctional services, the following amount, or so
 23 much thereof as is necessary:

24 \$ 3,982,495

25 As a condition, limitation, and qualification of
 26 this appropriation, \$260,003 shall be used to provide
 27 additional staff for field services, \$225,253 shall be
 28 used to provide additional staff for residential
 29 services, \$123,525 shall be used to expand the
 30 intensive supervision program, \$55,890 shall be used
 31 to continue funding for the treatment alternatives to
 32 street crimes program, and \$90,000 shall be used to
 33 continue to contract for job development with a
 34 private entity which is not controlled or administered
 35 by any state agency or any political subdivision of
 36 the state, and which has a minimum of 15 years of
 37 service experience with offender and ex-offender
 38 populations."

39 11. By striking page 19, line 12, through page
 40 20, line 13, and inserting the following:

41 "8. For the eighth judicial district department of
 42 correctional services, the following amount, or so
 43 much thereof as is necessary:

44 \$ 3,030,795

45 As a condition, limitation, and qualification of
 46 this appropriation, \$299,190 shall be used to provide
 47 additional staff for field services, \$74,955 shall be
 48 used to provide additional staff for residential
 49 services, \$654,337 shall be used to provide staff for
 50 additional beds at the Ottumwa facility authorized

Page 4

1 during the 1989 Session of the General Assembly,
 2 \$61,979 shall be used to continue funding of the
 3 treatment alternatives to street crimes program,
 4 \$77,733 shall be used to continue funding of the job
 5 development grant program established in House File
 6 772 enacted during the 1989 Session of the General
 7 Assembly, and \$90,000 shall be used to continue to
 8 contract for job development with a private entity
 9 which is not controlled or administered by any state
 10 agency or any political subdivision of the state, and
 11 which has a minimum of 15 years of services experience
 12 with offender and ex-offender populations."

13 12. By striking page 20, line 34, through page
 14 21, line 16, and inserting the following: "following
 15 amounts, or so much thereof as is necessary, for the
 16 assistance and support of each judicial district
 17 department of correctional services:
 18\$ 787,250

19 As a condition, limitation, and qualification of
 20 this appropriation, \$85,272 shall be used to provide
 21 staff to expand the intensive supervision program in
 22 conjunction with electronic monitoring established
 23 within the districts, \$150,180 shall be used to
 24 provide additional staff for the treatment
 25 alternatives to street crimes program, and \$350,000
 26 shall be used to fund pilot projects to reduce
 27 revocation rates to prison."

28 13. Page 22, line 9, by striking the word
 29 "quarterly" and inserting the following: "monthly".

30 14. By striking page 22, line 12, through page
 31 23, line 33.

32 15. Page 24, by striking lines 27 through 31.

33 16. Page 25, line 12, by striking the figure
 34 "68,425,664" and inserting the following:
 35 "70,425,664".

36 17. Page 25, by inserting after line 30, the
 37 following:

38 "The judicial department shall submit monthly
 39 financial statements to the legislative fiscal bureau
 40 and the department of management containing all
 41 appropriated accounts in the same manner as provided
 42 in the monthly financial status reports and personal
 43 services usage reports of the department of revenue
 44 and finance. The monthly financial statements shall
 45 include a comparison of the dollars and percentage
 46 spent of budgeted versus actual revenues and
 47 expenditures on a cumulative basis for full-time
 48 equivalent positions and dollars."

49 18. Page 26, by striking line 13, and inserting
 50 the following:

Page 5

1 "\$ 1,500,000
 2 As a condition, limitation, and qualification of
 3 this appropriation, the judicial department shall not
 4 duplicate the state payroll, accounting, and budgeting
 5 systems, and shall use the current state systems.
 6 _____. For the implementation of the pilot program
 7 of mandatory mediation of contested issues of child
 8 custody and visitation established pursuant to House
 9 File 2533, if enacted by the Seventy-third General
 10 Assembly, 1990 Session:

11\$ 136,000

12 The department shall establish the program at the
 13 dispute resolution center in Linn county."

14 19. Page 26, line 15, by inserting after the
 15 figure "2533" the following: ", if".

16 20. Page 26, line 17, by striking the figure
 17 "265,000" and inserting the following: "400,000".

18 21. Page 26, by striking lines 18 through 24 and
 19 inserting the following:

20 "3. Notwithstanding section 602.5205, for expenses
 21 of judges of the court of appeals located outside the
 22 seat of government:

23\$ 7,500".

24 22. Page 27, line 3, by inserting after the
 25 figure "2468" the following: ", if".

26 23. Page 27, line 6, by striking the figure
 27 "100,000" and inserting the following: "150,000".

28 24. Page 27, by striking lines 8 through 11.

29 25. Page 28, by striking lines 11 through 30.

30 26. Page 29, by striking lines 8 through 14, and
 31 inserting the following:

32 "Sec. 101.

33 The department of human services shall enter into a
 34 cooperative agreement with the judicial department by
 35 May 1, 1990, which shall provide for reimbursement and
 36 incentive payments to the judicial department for
 37 those activities eligible for federal financial
 38 participation pursuant to 45 C.F.R., pt. 304.

39 Sec. _____. Section 911.2, Code 1989, is amended to
 40 read as follows:

41 911.2 SURCHARGE.

42 When a court imposes a fine or forfeiture for a
 43 violation of a state law, or of a city or county
 44 ordinance except an ordinance regulating the parking
 45 of motor vehicles, the court shall assess an
 46 additional penalty in the form of a surcharge equal to
 47 fifteen twenty percent of the fine or forfeiture
 48 imposed. In the event of multiple offenses, the
 49 surcharge shall be based upon the total amount of
 50 fines or forfeitures imposed for all offenses. When a

Page 6

1 fine or forfeiture is suspended in whole or in part,
2 the surcharge shall be reduced in proportion to the
3 amount suspended.

4 The surcharge is subject to the provisions of
5 chapter 909 governing the payment and collection of
6 fines, as provided in section 909.8.

7 Sec. _____. Section 911.3, Code 1989, is amended to
8 read as follows:

9 911.3 DISPOSITION OF SURCHARGE.

10 When a court assesses a surcharge under section
11 911.2, the clerk of the district court shall transmit
12 ninety twenty-five percent of the surcharge collected
13 to the treasurer of state to be deposited pursuant to
14 section 321J.17. Ninety percent of the remainder of
15 the surcharge collected shall be transmitted to the
16 treasurer of state by the fifteenth day of the
17 following month. The treasurer of state shall deposit
18 one third of the that money in the law enforcement
19 training reimbursement fund established under section
20 384.15 and the remaining two thirds of the that money
21 in the general fund of the state. The clerk of the
22 district court shall transmit ten percent of the
23 remainder of the surcharge to the county treasurer or
24 shall remit ten percent of the remainder of the
25 surcharge to the city that was the plaintiff in any
26 action for deposit in the general fund of the city.

27 Sec._____.

28 Section 101 of this Act, being deemed of immediate
29 importance, takes effect upon enactment."

30 27. By renumbering as necessary.

Knapp of Dubuque offered amendment H—5835, to the committee amendment H—5685, filed by him and Jochum of Dubuque. Division was requested as follows:

H—5835

1 Amend the amendment, H—5685, to Senate File 2408,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

H—5835A

4 1. Page 1, by striking lines 3 and 4, and
5 inserting the following:

6 "_____. Page 1, by striking lines 11 and 12, and
7 inserting the following:

8 ".....\$ 4,705,733
9FTEs 166.00".

H—5835B

10 2. Page 1, by inserting after line 10, the
 11 following:
 12 "_____. Page 2, line 20, by striking the figure
 13 "580,000" and inserting the following: "540,000".
 14 _____. Page 2, line 22, by striking the figure
 15 "480,000" and inserting the following: "440,000"."

H—5835C

16 3. Page 1, by inserting after line 14, the
 17 following:
 18 "_____. Page 5, by striking lines 4 and 5, and
 19 inserting the following:
 20 " \$ 20,398,056
 21 FTEs 501.50".
 22 _____. Page 5, by striking lines 8 and 9, and
 23 inserting the following: "officers, and an additional
 24 counselor." "
 25 _____. Page 5, by striking lines 32 and 33, and
 26 inserting the following:
 27 " \$ 10,689,482
 28 FTEs 258.50".
 29 _____. Page 6, line 1, by striking the figure "4"
 30 and inserting the following: "3".
 31 _____. Page 6, by striking lines 8 and 9, and
 32 inserting the following:
 33 " \$ 3,114,302
 34 FTEs 71.00".
 35 _____. Page 6, by striking lines 30 and 31, and
 36 inserting the following:
 37 " \$ 2,993,389
 38 FTEs 73.00".
 39 _____. Page 7, by striking lines 5 and 6, and
 40 inserting the following:
 41 " \$ 4,451,237
 42 FTEs 118.30"."

H—5835D

43 4. Page 1, line 25, by striking the figure
 44 "5,066,185" and inserting the following: "4,893,530".
 45 5. Page 1, by striking lines 28 through 32, and
 46 inserting the following: "the intensive supervision
 47 program, \$296,103 shall be used to provide additional
 48 staff for field services, \$90,000 shall be used to
 49 contract for aptitude and job-related interest
 50 assessment, career exploration, the individualized

Page 2

1 employability development plan, and job placement with
 2 a private entity which is not controlled or

H-5835D

- 3 administered by any state agency or any political
4 subdivision of the state, and which has a minimum of
5 fifteen years of service experience with offender and
6 exoffender populations,”.
- 7 6. Page 1, line 43, by striking the figure
8 “4,361,509” and inserting the following: “3,941,218”.
- 9 7. Page 1, line 46, by striking the figure
10 “527,448” and inserting the following: “242,696”.
- 11 8. Page 2, line 7, by striking the figure
12 “2,186,002” and inserting the following: “2,127,489”.
- 13 9. Page 2, line 9, by striking the figure
14 “26,847” and inserting the following: “18,278”.
- 15 10. Page 2, line 12, by striking the figure
16 “117,047” and inserting the following: “76,303”.
- 17 11. Page 2, line 22, by striking the figure
18 “1,896,028” and inserting the following: “1,858,405”.
- 19 12. Page 2, line 32, by striking the figure
20 “6,432,399” and inserting the following: “6,074,027”.
- 21 13. Page 2, by striking lines 34 through 41, and
22 inserting the following: “this appropriation,
23 \$410,348 shall be used to expand the intensive
24 supervision program, \$86,294 shall be used to”.
- 25 14. Page 2, line 50, by striking the figure
26 “5,855,058” and inserting the following: “5,290,375”.
- 27 15. Page 3, line 3, by striking the figure
28 “307,466” and inserting the following: “179,814”.
- 29 16. Page 3, by striking lines 5 through 9 and
30 inserting the following: “\$337,733 shall be used to
31 provide staff for the”.
- 32 17. Page 3, line 24, by striking the figure
33 “3,982,495” and inserting the following: “3,690,848”.
- 34 18. Page 3, by striking lines 27 through 29 and
35 inserting the following: “additional staff for field
36 services, \$57,131 shall be used to expand the”.
- 37 19. Page 3, line 44, by striking the figure
38 “3,030,795” and inserting the following: “2,751,570”.
- 39 20. Page 3, line 47, by striking the figure
40 “74,955” and inserting the following: “43,384”.
- 41 21. Page 3, line 49, by striking the figure
42 “654,337” and inserting the following: “570,035”.
- 43 22. Page 4, line 3, by inserting after the word
44 “program,” the following: “and”.
- 45 23. Page 4, by striking lines 7 through 12 and
46 inserting the following: “Assembly.””
- 47 24. Page 4, line 18, by striking the figure
48 “787,250” and inserting the following: “637,250”.
- 49 25. Page 4, line 25, by striking the figure
50 “350,000” and inserting the following: “200,000”.

Page 3

H—5835E

- 1 26. Page 4, by striking line 35 and inserting the
- 2 following: "70,272,600."
- 3 27. Page 4, by inserting after line 35, the
- 4 following:
- 5 "_____. Page 25, by striking lines 27 and 28, and
- 6 inserting the following: "payments, and"."

H—5835F

- 7 28. Page 4, by inserting after line 37 the
- 8 following:
- 9 "As a condition, limitation, and qualification of
- 10 this appropriation, the judicial department shall not
- 11 duplicate the state payroll, accounting, and budgeting
- 12 systems, and shall use the current state budget
- 13 system, the state payroll system, and the Iowa finance
- 14 and accounting system in administration of programs
- 15 and payments for services."
- 16 29. Page 5, line 5, by striking the word
- 17 "systems." and inserting the following: "budget
- 18 system, the state payroll system, and the Iowa finance
- 19 and accounting system in administration of programs
- 20 and payments for services."

H—5835G

- 21 30. Page 5, by striking lines 26 and 27.
- 22 31. Renumber as necessary.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for the remainder of the day, on request of Van Maanen of Mahaska.

On motion by Knapp of Dubuque, amendment H—5835A was adopted.

On motion by Knapp of Dubuque, amendment H—5835B was adopted.

On motion by Knapp of Dubuque, amendment H—5835C was adopted.

Clark of Cerro Gordo offered amendment H—5858, to the committee amendment H—5685, filed by her from the floor and requested division as follows:

H-5858

1 Amend amendment, H-5685, to Senate File 2408, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

H-5858A

- 4 1. Page 1, by inserting after line 14, the
- 5 following:
- 6 "_____. Page 5, line 4, by striking the figure
- 7 "20,428,846" and inserting the following:
- 8 "20,365,000.
- 9 _____ Page 5, by striking lines 6 through 9.
- 10 _____ Page 5, line 14, by striking the figure
- 11 "15,171,304" and inserting the following:
- 12 "15,171,000".
- 13 _____ Page 5, by striking lines 16 through 23.
- 14 _____ Page 5, line 24, by striking the figure
- 15 "(3)".
- 16 _____ Page 5, line 32, by striking the figure
- 17 "10,781,134" and inserting the following:
- 18 "10,781,000".
- 19 _____ By striking page 5, line 34, through page 6,
- 20 line 3.
- 21 _____ Page 6, line 8, by striking the figure
- 22 "3,145,434" and inserting the following: "2,912,000".
- 23 _____ Page 6, by striking lines 10 through 12.
- 24 _____ Page 6, line 17, by striking the figure
- 25 "10,933,204" and inserting the following:
- 26 "10,875,000".
- 27 _____ Page 6, by striking lines 19 through 25.
- 28 _____ Page 6, line 30, by striking the figure
- 29 "3,013,272" and inserting the following: "2,877,000".
- 30 _____ Page 6, by striking lines 32 through 35.
- 31 _____ Page 7, line 5, by striking the figure
- 32 "4,479,443" and inserting the following: "4,196,000".
- 33 _____ Page 7, by striking lines 7 through 9.
- 34 _____ Page 7, line 14, by striking the figure
- 35 "3,679,450" and inserting the following: "3,679,000".
- 36 _____ Page 7, by striking lines 16 through 19.
- 37 _____ Page 9, line 25, by striking the figure
- 38 "366,476" and inserting the following: "366,000".
- 39 _____ Page 9, by striking lines 27 through 29."

H-5858B

- 40 2. Page 1, by striking lines 25 through 37, and
- 41 inserting the following:
- 42 ".....\$ 4,447,000".
- 43 3. By striking page 1, line 43, through page 2,
- 44 line 1, and inserting the following:
- 45 ".....\$ 3,295,000".

H—5858B

- 46 4. Page 2, by striking lines 7 through 16, and
 47 inserting the following:
 48 “..... \$ 2,008,000.”
 49 5. Page 2, by striking lines 22 through 26, and
 50 inserting the following:

Page 2

- 1 “..... \$ 1,816,000.”
 2 6. Page 2, by striking lines 32 through 44, and
 3 inserting the following:
 4 “..... \$ 5,959,000.”

H—5858C

- 5 7. By striking page 2, line 50, through page 3,
 6 line 18, and inserting the following:
 7 “..... \$ 4,745,000.”

H—5858B

- 8 8. Page 3, by striking lines 24 through 38 and
 9 inserting the following:
 10 “..... \$ 3,444,000.”
 11 9. By striking page 3, line 44, through page 4,
 12 line 12, and inserting the following:
 13 “..... \$ 2,353,000.”
 14 10. Page 4, by striking lines 18 through 27, and
 15 inserting the following:
 16 “..... \$ 1,175,000.”
 17 11. Renumber as necessary.

The Speaker announced that amendment H—5858A was out of order with the previous adoption of amendment H—5835C.

The House resumed consideration of amendment H—5835D, to the committee amendment H—5685, placing out of order amendment H—5858C.

On motion by Knapp of Dubuque, amendment H—5835D was adopted.

The House resumed consideration of amendment H—5858B.

Clark of Cerro Gordo moved the adoption of amendment H—5858B, to the committee amendment H—5685.

Roll call was requested by Knapp of Dubuque and Dvorsky of Johnson.

On the question “Shall amendment H—5858B, to the committee amendment H—5685, be adopted?” (S.F. 2408)

The ayes were, 21:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Diemer	Garman
Halvorson, R. A.	Hester	Iverson	Kistler
Lundby	Metcalf	Miller	Petersen, D. F.
Plasier	Renken	Shoning	Tabor
Van Maanen			

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fey	Fogarty	Groninga
Hammond	Hansen, S. D.	Harper	Hatch
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lykam	Maulsby	May
McKean	McKinney	Mertz	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Spenner	Swartz	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 21:

Banks	Black	Buhr	Daggett
De Groot	Eddie	Fuller	Gruhn
Halvorson, R. N.	Hanson, D. R.	Harbor	Haverland
Hermann	Kremer	Pellett	Royer
Schnekloth	Stueland	Svoboda	Trent
Tyrrell			

Amendment H—5858B lost.

The House resumed consideration of amendment H—5835E, to the committee amendment H—5685.

On motion by Knapp of Dubuque, amendment H—5835E was adopted.

The House resumed consideration of amendment H—5835F, to the committee amendment H—5685.

On motion by Knapp of Dubuque, amendment H—5835F was adopted.

The following amendments, to the committee amendment H—5685, were withdrawn by unanimous consent:

H—5756 filed by Peterson of Carroll on March 19, 1990.

H—5777 filed by Wise, et al., on March 20, 1990.

The House resumed consideration of amendment H—5835G, to the committee amendment H—5685.

On motion by Knapp of Dubuque, amendment H—5835G was adopted.

On motion by Knapp of Dubuque, the committee amendment H—5685, as amended, was adopted, placing out of order amendment H—5586 filed by Maulsby, et al., on March 8, 1990.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H—5784 filed by him on March 21, 1990.

Doderer of Johnson offered the following amendment H—5849 filed by her and Holveck of Polk from the floor:

H—5849

1 Amend Senate File 2408 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 27, by inserting after line 11, the
4 following:

5 "Sec. _____. NEW SECTION. 566A.12 RECORDS.

6 A cemetery subject to any trust requirements under
7 this chapter shall file a copy of its report to the
8 district court with the consumer protection division
9 of the department of justice within seven days of
10 filing the report with the district court, but in any
11 event, not later than March 1 of each year. The
12 cemetery shall maintain accurate records of all
13 receipts, expenditures, interest or earnings, and
14 disbursements relating to funds held in trust. The
15 cemetery shall make the records available to the
16 attorney general, upon request, for examination at any
17 reasonable time.

18 Sec. _____. NEW SECTION. 566A.13 VIOLATIONS AND
19 PENALTIES.

20 A violation of this chapter or rules adopted by the
21 attorney general pursuant to this chapter is a
22 violation of section 714.16, subsection 2, paragraph
23 "a". The remedies and penalties provided by section
24 714.16, including but not limited to provisions
25 relating to injunctive relief and penalties, apply to
26 a violation of this chapter or the rules adopted
27 pursuant to this chapter."

28 2. Title page, line 2, by inserting after the
29 word "system" the following: "and providing
30 penalties".

31 3. By renumbering as necessary.

Bennett of Ida rose on a point of order that amendment H—5849 was not germane.

The Speaker ruled the point well taken and amendment H—5849 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—5849.

A non-record roll call was requested.

The ayes were 54, nays 22.

The motion prevailed and the rules were suspended.

On motion by Doderer of Johnson, amendment H—5849 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Buhr of Polk, for the remainder of the day, on request of Beatty of Warren.

Knapp of Dubuque offered the following amendment H—5693 filed by him and moved its adoption:

H—5693

- 1 Amend Senate File 2408 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Title page, line 2, by inserting after the
- 4 word "system" the following: "and providing effective
- 5 dates".

Amendment H—5693 was adopted.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2408)

The ayes were, 66:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Chapman	Clark
Cohoon	Connors	Corbett	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs

Lykam	Maulsby	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Murphy	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spenner
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 18:

Bennett	Branstad	Carpenter	Diemer
Eddie	Halvorson, R. A.	Hester	Iverson
Kistler	Lageschulte	Lundby	Metcalf
Petersen, D. F.	Plasier	Renken	Rosenberg
Siegrist	Van Maanen		

Absent or not voting, 16:

Banks	Buhr	Daggett	De Groot
Hanson, D. R.	Harbor	Haverland	Hermann
Kremer	Pellett	Royer	Schnekloth
Spear	Stueland	Trent	Tyrrell

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

(Senate File 2402)

Arnould of Scott asked and received unanimous consent that Senate File 2402 be immediately messaged to the Senate.

MOTION TO RECONSIDER

(Senate File 2408)

I move to reconsider the vote by which Senate File 2408 passed the House on March 23, 1990.

PETERSON of Carroll

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 21 and March 22, 1990. Had I been present, I would have voted "nay" on amendment H—5249 to House File 2407; amendment H—5703 to House File 673; amendment H—5830 to Senate File 2280 and "aye" on Senate File 2280.

OLLIE of Clinton

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23rd day of March, 1990: House Files 2314, 2322, 2339, 2372, 2381, 2430, 2451, 2508, 2518 and 2549.

JOSEPH O'HERN
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

Rosenberg of Story presented to the House thirty-five Jewish political refugees from the Union of Soviet Socialist Republics.

The Speaker announced that the following visitors were present in the House chamber:

Thirty sixth grade students from Lincoln Elementary School, Newton, accompanied by Larry Lloyd. By Black of Jasper.

Forty seventh grade students from Maharishi School of The Age Enlightenment, Fairfield, accompanied by Elizabeth Stanton and Richard Beall. By Kistler of Jefferson.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 2124), relating to the charge for the use of an automobile by a public officer or employee other than a state officer or employee.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 1990.

AMENDMENTS FILED

H - 5836	S.F.	2327	Metcalf of Polk
H - 5837	H.F.	2422	Senate Amendment
H - 5838	H.F.	2455	Senate Amendment
H - 5839	S.F.	2240	Senate Amendment

H-5840	H.F.	2201	Senate Amendment
H-5841	H.F.	534	Senate Amendment
H-5842	H.F.	2177	Senate Amendment
H-5843	H.F.	2188	Senate Amendment
H-5844	H.F.	2431	Senate Amendment
H-5848	S.F.	2329	Hanson of Delaware Black of Jasper
H-5857	H.F.	2552	Fogarty of Palo Alto Hatch of Polk
H-5859	H.F.	2057	Beatty of Warren
H-5860	H.F.	2543	Blanshan of Greene Connors of Polk Renaud of Polk

On motion by Arnould of Scott, the House adjourned at 5:16 p.m., until 10:00 a.m., Monday, March 26, 1990.