

State of Iowa

1984

# JOURNAL OF THE SENATE

1984

## REGULAR SESSION SEVENTIETH GENERAL ASSEMBLY

Convened January 9, 1984

Adjourned April 20, 1984

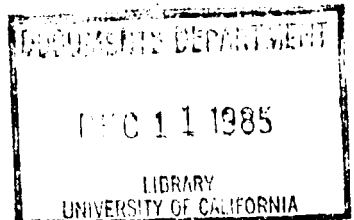
Volume II

April 9 - April 20

**ROBERT T. ANDERSON, President of the Senate**

**DONALD D. AVENSON, Speaker of the House**

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# JOURNAL OF THE SENATE.

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NINETY-SECOND CALENDAR DAY  
SIXTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 9, 1984

The Senate met in regular session at 10:06 a.m., President Anderson presiding.

Prayer was offered by the Reverend Lynn Ryon, pastor of the United Methodist Church, Fremont, Iowa.

The Journal of Friday, April 6, 1984, was approved.

## HOUSE MESSAGES RECEIVED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 5, 1984, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

**House File 595**, a bill for an act relating to the deferring of judgment or deferring of sentence of a person previously convicted of a felony.

**ALSO:** That the House has on April 5, 1984, refused to concur in the Senate amendment as amended to the following bill in which the concurrence of the House was asked:

**House File 2247**, a bill for an act relating to the reimbursement of law enforcement officer training costs incurred by cities or counties.

## BILLS ASSIGNED TO COMMITTEE

President Anderson announced that House Files 2481 and 2516 were assigned to the committee on Ways and Means.

## QUORUM CALL

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

The vote revealed 39 present, 11 absent and a quorum present.

### SPECIAL RECOGNITION

Senator Miller of Cerro Gordo announced that Senate Page, Candi Cline, 18, of Mason City, was chosen to represent Iowa in the America's Homecoming Queen Pageant to be held in Nashville, Tennessee on June 29 - July 2, 1984.

Candi competed in the Iowa competition against forty Iowa high school homecoming queens at the Hilton Inn in Des Moines on April 7 and 8, and in addition to her trip to Nashville for the national competition, she was awarded a \$400 scholarship and a plaque.

### HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

#### House File 523

Senator Doyle called up for consideration House File 523, a bill for an act to provide for reciprocity among the states on the license fee for fur buyers, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5813 to Senate amendment H—5106 filed April 6, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 523) the vote was:

Ayes, 45:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rife	Rodgers	Schwengels	Slater

Small  
Vande Hoef  
Welsh

Soorholtz  
Van Gilst

Taylor  
Waldstein

Tieden  
Wells

Nays, none.

Absent or not voting, 5:

DeLuhery  
Ritsema

Hultman

Lind

Mann

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

### House File 2172

Senator Wells called up for consideration House File 2172, a bill for an act relating to the surety bond required for an employment agency license, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5814 to Senate amendment H—5907 filed April 6, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2172) the vote was:

Ayes, 38:

Anderson  
Carr  
Doyle  
Goodwin  
Hulse  
Kinley  
Palmer  
Rodgers  
Taylor  
Wells

Briles  
Coleman  
Drake  
Hall  
Husak  
Miller, A.V.  
Priebe  
Schwengels  
Tieden  
Welsh

Brown  
Colton  
Gallagher  
Hester  
Jensen  
Miller, C.P.  
Readinger  
Small  
Vande Hoef

Bruner  
Dieleman  
Gettings  
Horn  
Jenkins  
Nystrom  
Rife  
Soorholtz  
Van Gilst

Nays, 6:

Gentleman  
Hutchins

Gratias  
Waldstein

Holden

Holt

Absent or not voting, 6:

Deluhery	Hultman	Lind	Mann
Ritsema	Slater		

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

### House File 2389

Senator Wells called up for consideration House File 2389, a bill for an act relating to the interest of an elected city officer or employee in contracts for the purchase of good and services by a city, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5815 to Senate amendment H—5923 filed April 6, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2389) the vote was:

Ayes, 46:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

### PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

Senator Junkins requested that the name of Molly A. Scott be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar."

### HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

#### House File 2440

Senator Carr called up for consideration House File 2440, a bill for an act relating to the Iowa veterans home and its administration, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5817 to Senate amendment H—5966 filed April 6, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2440) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

Deluhery

Lind

Ritsema

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

### **House File 2471**

Senator Colton called up for consideration House File 2471, a bill for an act creating a hazardous waste remedial fund and providing for the cleanup of hazardous conditions and the management and cleanup of abandoned or uncontrolled hazardous waste disposal sites, amended by the Senate in House amendment S—5818 to Senate amendment H—5983 filed April 6, 1984.

Senator Hultman asked and received unanimous consent that further action on House amendment S—5818 to Senate amendment H—5983 and **House File 2471** be deferred.

## **HOUSE AMENDMENT CONSIDERED**

### **Senate File 2306**

Senator Mann called up for consideration Senate File 2306, a bill for an act authorizing the use of computer data storage systems for the collection, storage, and retrieval of intelligence data, providing for restrictions on access to these computer data storage systems, and requiring the adoption of rules for authorization to access a computer data storage system containing intelligence data, amended by the House, and moved that the Senate concur in House amendment S—5819 filed April 6, 1984.

A non record roll call was requested.

The ayes were 23, nays 18.

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

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

On the question "Shall the bill pass?" (S.F. 2306) the vote was:

Ayes, 45:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rodgers	Schwengels
Slater	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilat	Waldstein	Wells
Welsh			

Nays, none.

Absent or not voting, 5:

DeLuhery	Lind	Rife	Ritsema
Small			

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

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

The Senate resumed session, Senator Brown presiding.

### CONSIDERATION OF BILL (Appropriations Calendar)

#### Senate File 2335

On motion of Senator Bruner, Senate File 2335, a bill for an act relating to appropriations to the department of human services for the fiscal year beginning July 1, 1983, and ending June 30, 1984, by appropriating funds for payments to certain recipients of aid to dependent children under the unemployed parent program due to denial of a portion of benefits to them in the 1982-1983 fiscal year and for reimbursement to the United States department of health and human services for audit exceptions relating to federal funds received pursuant to Title XIX of the federal Social Security Act, by removing the prohibition on the expenditure of certain funds for job training, and by requiring that excess social services block

grant funds replace state funds previously appropriated for the purchase of local services, with report of committee on Finance recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2335) the vote was:

Ayes, 46:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

## HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 1984, amended the Senate amendments and passed the following bills in which the concurrence of the Senate is asked:

House File 2180, a bill for an act relating to vehicle requirements by allowing a county treasurer to transfer title by operation of law in the county of the new owner's residence,



allowing a county treasurer to issue, under certain circumstances, a restricted certificate of title to a person who was issued a junking certificate, and making odometer statement requirements affect model years after the eleventh year prior to the current registration year (S—5831).

**House File 2373**, a bill for an act relating to attorney fees in proceedings to enforce or modify orders or decrees relating to dissolution of marriage (S—5832).

### RECESS

On motion of Senator Junkins, the Senate recessed at 11:26 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., Senator Colton presiding.

### QUORUM CALL

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

The vote revealed 46 present, 4 absent and a quorum present.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 109**, by Committee on Appropriations, a resolution commending Senator Bass Van Gilst and Representative Lester Menke for their efforts in the field of education.

Read first time and placed on the Appropriations Calendar.

### MOTIONS TO RECONSIDER WITHDRAWN

#### Senate File 2333

Senator Holden withdrew the motion to reconsider Senate File 2333, a bill for an act relating to the administration and financing of correctional, mental health, mental retardation and veterans programs and capital projects under the jurisdiction of the department of corrections, the department of human services, or

the board of parole, filed by him on April 6, 1984, and found on page 1378 of the Senate Journal.

### **Senate File 2272**

Senator Gallagher withdrew the motion to reconsider Senate File 2272, a bill for an act relating to modification of orders made in proceedings for dissolution of marriage, annulment or separate maintenance, filed by him on April 6, 1984, and found on page 1381 of the Senate Journal.

### **Senate File 2277**

Senator Slater withdrew the motion to reconsider Senate File 2277, a bill for an act relating to the selection process of subscriber directors of a board of a hospital-service corporation, medical service corporation, dental service corporation, or pharmaceutical or optometric corporation by requiring the commissioner of insurance to adopt rules to establish criteria for the selection of nominees and to permit the nomination process by a petition, requiring the subscriber members of the board of such corporations to establish procedures to permit nomination by petition, and exempting the independent subscriber nominating committee from chapter 17A and prohibiting the members of such committee from receiving per diem and expenses and providing an effective date, filed by him on April 3, 1984, and found on page 1276 of the Senate Journal.

## **HOUSE MESSAGE RECEIVED AND CONSIDERED**

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 6, 1984, passed the following bill in which the concurrence of the Senate is asked:

**House File 2518, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies.**

This bill was read first time and referred to the committee on **Appropriations.**

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

The Senate resumed session, Senator Colton presiding.

### HOUSE MESSAGE RECEIVED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 9, 1984, refused to concur in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

**Senate File 2248**, a bill for an act relating to the collection and dissemination of information regarding hazardous chemicals and providing penalties and authorizing the department of water, air and waste management to adopt hazardous waste rules in respect to hazardous chemicals which are more restrictive than, but consistent with, federal requirements.

### QUORUM CALL

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

The vote revealed 45 present, 5 absent and a quorum present.

### CONSIDERATION OF BILL (Appropriations Calendar)

#### Senate File 2337

On motion of Senator Welsh, Senate File 2337, a bill for an act relating to transportation by making appropriations to state agencies whose responsibilities relate to transportation, public safety and public defense, with report of committee on Finance recommending amendment and passage, was taken up for consideration.

Senator Rodgers offered amendment S-5830 filed by the committee on Finance on April 6, 1984, to pages 7 through 12 of the bill and called for a division:

Division S—5830A: lines 2 and 3.

Division S—5830B: line 4.

Division S—5830C: lines 5 and 6.

Division S—5830D: line 7.

Division S—5830E: line 8.

Senator Welsh asked and received unanimous consent that action on division S—5830A be deferred.

Senator Holden asked and received unanimous consent that further action on division S—5830B be deferred.

Senator Rodgers moved the adoption of division S—5830C.

A non record roll call was requested.

The ayes were 47, nays 2.

Division S—5830C was adopted.

Senator Rodgers moved the adoption of division S—5830D.

A record roll call was requested.

On the question "Shall division S—5830D be adopted?" (S.F. 2337) the vote was:

Ayes, 27:

Briles	Colton	Doyle	Goodwin
Gratias	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Lind
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Readinger	Rife	Rodgers
Schwengels	Small	Soorholtz	Taylor
Tieden	Van Gilat	Waldstein	

Nays, 22:

Anderson	Brown	Bruner	Carr
Coleman	Deluhery	Dieleman	Drake
Gallagher	Gentleman	Gettings	Hall
Holden	Holt	Horn	Husak
Kinley	Priebe	Slater	Vande Hoef
Wells	Welsh		

Absent or not voting, 1:

Ritsema

Division S—5830D was adopted.

Senator Welsh asked and received unanimous consent that further action on division S—5830E be deferred.

Senator Welsh withdrew amendment S—5834 filed by him from the floor to page 9 of the bill.

Senator Gallagher offered amendment S—5824 filed by him on April 6, 1984, to page 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5824 be adopted?" (S.F. 2337) the vote was:

Ayes, none.

Nays, 48:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Husak	Hutchins
Jensen	Junkins	Kinley	Lind
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Absent or not voting, 2:

Hultman                      Ritsema

Amendment S—5824 lost.

Senator Drake offered amendment S—5828 filed by Senators Drake and Welsh on April 6, 1984, to page 12 of the bill and moved its adoption.

Amendment S—5828 was adopted by a voice vote.

Senator Rodgers moved the adoption of division S—5830A, previously deferred, and requested a non record roll call.

The ayes were 14, nays 35.

Division S—5830A lost.

Senator Drake offered amendment S—5826 filed by him on April 6, 1984, to page 8 of the bill.

A non record roll call was requested.

The ayes were 17, nays 29.

Amendment S—5826 lost.

Senator Holden offered amendment S—5836 filed by him from the floor to division S—5830B and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5836 be adopted?" (S.F. 2337) the vote was:

Ayes, 12:

Drake	Goodwin	Holden	Holt
Hulse	Jensen	Miller, C.P.	Rife
Taylor	Tieden	Vande Hoef	Waldstein

Nays, 37:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Gallagher	Gentleman
Gettings	Gratias	Hall	Hester
Horn	Hultman	Husak	Hutchins
Junkins	Kinley	Lind	Mann
Miller, A.V.	Nystrom	Palmer	Priebe
Readinger	Rodgers	Schwengels	Slater
Small	Soorholtz	Van Gilst	Wells
Welsh			

Absent or not voting, 1:

Ritsema

Amendment S—5836 lost.

Senator Rodgers moved the adoption of division S—5830B, previously deferred.

A record roll call was requested.

On the question "Shall division S—5830B be adopted?" (S.F. 2337) the vote was:

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

Ayes, 24:

Briles	Brown	Bruner	Deluhery
Dieleman	Gentleman	Gratias	Hester
Hultman	Husak	Hutchins	Jensen
Junkins	Mann	Miller, A.V.	Nystrom
Priebe	Readinger	Rodgers	Slater
Small	Soorholtz	Van Gilst	Waldstein

Nays, 23:

Anderson	Carr	Coleman	Colton
Doyle	Drake	Gallagher	Gettings
Goodwin	Hall	Holden	Holt
Horn	Hulse	Kinley	Miller, C.P.
Palmer	Rife	Taylor	Tieden
Vande Hoef	Wells	Welsh	

Absent or not voting, 3:

Lind	Ritsema	Schwengels
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Division S—5830B was adopted.

President Anderson took the chair at 5:15 p.m.

Senator Rodgers moved the adoption of division S—5830E, previously deferred.

A non record roll call was requested.

The ayes were 25, nays 20.

Division S—5830E was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for the remainder of the day on request of Senator Hutchins.

## BUSINESS PENDING

**Senate File 2337**

The Senate resumed consideration of Senate File 2337.

The Chair ruled amendment S—5823 filed by Senator Holden on April 6, 1984, to pages 7 and 8 of the bill, out of order.

Senator Waldstein offered amendment S—5837 filed by him from the floor to page 6 of the bill and moved its adoption.

Amendment S—5837 was adopted by a voice vote.

Senator Priebe offered amendment S—5838, filed by Senators Priebe and Hutchins from the floor to page 12 of the bill.

Senator Drake raised the point of order that amendment S—5838 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5838 in order.

Senator Priebe moved the adoption of amendment S—5838.

A record roll call was requested.

On the question "Shall amendment S—5838 be adopted?" (S.F. 2337) the vote was:

**Ayes, 30:**

Anderson	Brown	Carr	Colton
Deluhery	Dieleman	Doyle	Gallagher
Gettings	Gratias	Hall	Horn
Husak	Hutchins	Junkins	Kinley
Lind	Mann	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Slater
Small	Soorholtz	Van Gilst	Waldstein
Wells	Welsh		

**Nays, 16:**

Bruner	Drake	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Jensen	Nystrom	Readerger	Rife
Schwengels	Taylor	Tieden	Vande Hoef



Absent or not voting, 4:

Briles                      Coleman                      Holt                      Ritsema

Amendment S—5838 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2337) the vote was:

Ayes, 46:

Anderson	Brown	Bruner	Carr
Colton	Deluhery	Dieleman	Doyle
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

Briles                      Coleman                      Lind                      Ritsema

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

#### MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2337 passed the Senate on April 9, 1984.

JOE WELSH

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2337 passed the Senate on April 9, 1984.

JAMES V. GALLAGHER

**MR. PRESIDENT:** I move to reconsider the vote by which Senate File 2337 passed the Senate on April 9, 1984.

**LOWELL L. JUNKINS**

**MR. PRESIDENT:** I move to reconsider the vote by which Senate File 2337 passed the Senate on April 9, 1984.

**CALVIN O. HULTMAN**

## **UNFINISHED BUSINESS** (Deferred April 6, 1984)

### **Senate File 2334**

The Senate resumed consideration of Senate File 2334, a bill for an act relating to the funding of state agencies for designated service programs including health programs, civil rights, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal year beginning July 1, 1984 and ending June 30, 1985 and providing an effective date, deferred on April 6, 1984.

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

**MR. PRESIDENT:** I move to reconsider the vote by which division S—5827A to Senate File 2334 was adopted by the Senate on April 6, 1984.

The motion prevailed by a voice vote and division S—5827A by Senator Small to pages 6, 15 and the title page of the bill, was taken up for reconsideration.

Senator Small asked and received unanimous consent that further action on division S—5827A be deferred.

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

**MR. PRESIDENT:** I move to reconsider the vote by which division S—5827B was adopted by the Senate on April 6, 1984.

The motion prevailed by a voice vote and division S—5827B was taken up for reconsideration.

Senator Small asked and received unanimous consent that further action on division S—5827B be deferred.

Senator Small offered amendment S—5839 filed by him from the floor to pages 6, 7, 15 and the title page of the bill and moved its adoption.

Amendment S—5839 was adopted by a voice vote.

With the adoption of amendment S—5839, the Chair ruled divisions S—5827A and S—5827B, previously deferred, out of order.

Senator Readinger offered amendment S—5835 filed by Senators Readinger, Schwengels and Holden from the floor to page 12 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5835 be adopted?" (S.F. 2334) the vote was:

Ayes, 11:

Drake	Gentleman	Goodwin	Holden
Holt	Hultman	Readinger	Rodgers
Schwengels	Taylor	Tieden	

Nays, 34:

Anderson	Brown	Bruner	Carr
Colton	Deuhery	Dieleman	Doyle
Gallagher	Gettings	Gratias	Hall
Hester	Horn	Hulse	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Rife	Small
Soorboltz	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Absent or not voting, 5:

Briles	Coleman	Lind	Ritsema
Slater			

Amendment S—5835 lost.

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

On the question "Shall the bill pass?" (S.F. 2334) the vote was:

Ayes, 46:

Anderson	Brown	Bruner	Carr
Colton	Deluhery	Dieleman	Doyle
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

### COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

Ms. K. Marie Thayer  
Secretary of the Senate  
State Capitol Building  
LOCAL

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the following Governor's appointees as members of state boards and commissions:

April 9, 1984

To the Board of Certification of Waterworks and Waste Waterworks Operators pursuant to Section 455B.214, 1983 Code of Iowa, for three-year terms beginning May 1, 1984, and ending April 30, 1987:

James L. Copeman, Grundy Center, Grundy County, Iowa; Stanley W. DeRoo, Cherokee, Cherokee County, Iowa; Curtis D. Downey, Grimes, Polk County, Iowa; and Joseph E. Obr, West Des Moines, Polk County, Iowa.

ALSO:

Alan M. Shepley, Mount Vernon, Linn County, Iowa, for appointment to the State Board of Pharmacy Examiners pursuant to Section 147.12, 1983 Code of Iowa, for a three-year term beginning May 1, 1984, and ending April 30, 1987.

ALSO:

To the Iowa Real Estate Commission pursuant to Section 117.8, 1983 Code of Iowa:

James R. Berry, Iowa City, Johnson County, Iowa, for an unexpired term beginning immediately and ending April 30, 1985.

Robert H. Christensen, Humboldt, Humboldt County, Iowa, for a three-year term beginning May 1, 1984, and ending April 30, 1987.

ALSO:

April 9, 1984

Ms. K. Marie Thayer  
Secretary of the Senate  
State Capitol Building  
LOCAL

Dear Ms. Thayer:

This morning Robert Holetz contacted me with letter withdrawing his name from consideration for confirmation by the Senate for the position of Director of the Iowa Department of Job Service.

I have accepted his withdrawal from the appointment, and I will fill the vacancy pursuant to Section 2.32(2) of the 1983 Code of Iowa.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

Communications were read and referred to the committee on Rules and Administration.

## INTRODUCTION OF RESOLÚTIONS

**Senate Resolution 110**, by Brown, a resolution to urge Governor Branstad to appoint a student to the State Board of Regents.

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

## SENATE CONCURRENT RESOLUTION 112

By: Colton:

1 A Senate Concurrent Resolution relating to American  
2 POW's and MIA's.  
3 WHEREAS, there are currently 2,491 Americans still  
4 missing and otherwise unaccounted for in Southeast  
5 Asia; and  
6 WHEREAS, the United States government has collected  
7 and analyzed information which clearly establishes  
8 that the governments of Indochina possess information  
9 regarding American POW's and MIA's; and  
10 WHEREAS, the Defense Intelligence Agency is  
11 currently investigating over 500 firsthand live  
12 sighting reports of Americans in Southeast Asia, based  
13 on the assumption that at least some may still be  
14 held captive; and  
15 WHEREAS, the United States government obtained  
16 and substantiated information that the Socialist  
17 Republic of Vietnam has in its possession the remains  
18 of at least 400 United States personnel who were  
19 killed as a result of hostilities in Southeast Asia;  
20 and  
21 WHEREAS, former Congressman Bill Hendon who also  
22 was a member of the House POW/MIA Task Force states  
23 that our Pentagon has classified documents that prove  
24 beyond a shadow of a doubt, that United States military  
25 personnel are being held alive, against their will,  
26 in communist prisons in Southeast Asia; and  
27 WHEREAS, the Iowa state legislature has an interest  
28 in the welfare of Americans listed as missing or  
29 otherwise unaccounted for in Southeast Asia; NOW  
30 THEREFORE,

## Page 2

1 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
2 That the people and the state of Iowa urge the United  
3 States government to obtain the return of all United  
4 States personnel who may still be held captive, and  
5 an accounting for those still missing and the  
6 repatriation of the remains of those who died serving  
7 our nation; and  
8 BE IT FURTHER RESOLVED, That this resolution be  
9 forwarded to the United States Congress and President  
10 of the United States for action at the national level.

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

(The text of Senate Concurrent Resolution 112 was printed in the Senate Journal pursuant to Senate Rule 30.)

### INTRODUCTION OF BILLS

**Senate File 2338**, by Junkins and Hultman, a bill for an act appropriating funds to replace and care for certain trees on the state capitol grounds.

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

**Senate File 2339**, by Junkins and Hultman, a bill for an act relating to raffles by permitting the holding of a raffle to award scholarships to accredited educational institutions located within Iowa.

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

**APPENDIX****BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this ninth day of April, 1984:

Senate Files 441, 510, 2002, 2129, 2184, 2243, 2263, 2283, 2295 and 2312.

**K. MARIE THAYER**  
Secretary of the Senate

**MOTIONS TO RECONSIDER**

**MR. PRESIDENT:** I move to reconsider the vote by which Senate File 2293 passed the Senate on April 6, 1984.

**CHARLES BRUNER**

**MR. PRESIDENT:** I move to reconsider the vote by which the Senate concurred in House amendment S—5735 as amended to Senate File 2293 on April 6, 1984.

**CHARLES BRUNER**

**MR. PRESIDENT:** I move to reconsider the vote by which amendment S—5811 to House amendment S—5735 to Senate File 2293 was adopted by the Senate on April 6, 1984.

**CHARLES BRUNER**

**MR. PRESIDENT:** I move to reconsider the vote by which Senate File 2334 passed the Senate on April 9, 1984.

**CALVIN O. HULTMAN**

**MR. PRESIDENT:** I move to reconsider the vote by which Senate File 2334 passed the Senate on April 9, 1984.

**EMIL J. HUSAK**



**EXPLANATION OF VOTES**

**MR. PRESIDENT:** I was necessarily absent from the Senate chamber on the morning of April 9, 1984.

Had I been present, I would have voted "aye" on Senate File 2306 and House Files 523, 2172, 2389 and 2440.

PATRICK J. DELUHERY

**STUDY BILL RECEIVED****S.S.B. 2262 Ways and Means**

To increase from five thousand dollars to seven thousand dollars the threshold to qualify for claiming a credit for special assessments due and payable under the extraordinary property tax relief law.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 9, 1984, the Governor approved and transmitted to the Secretary of the State the following bills:

**S.F. 324**—Relating to skilled nursing care coverage provided by insurers and hospital and medical service corporations to hospitalized insureds and subscribers.

**S.F. 2042**—Abolishing the Council on Child Abuse Information.

**S.F. 2167**—To repeal the requirement that a meeting be called upon request by the area education agency board or a contiguous school district concerning a proposal by a school district board to issue general obligation bonds for construction or renovation of a school building.

**S.F. 2168**—Relating to programs for returning dropouts and dropout prevention by a local school district.

**S.F. 2175**—Relating to dispensing of generically equivalent drugs.

**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES**

Convened: April 6, 1984, 8:01 a.m.

**Members Present:** Husak, Chair; Colton, Vice Chair; Readinger, Ranking Member (arrived 8:21 a.m.); A. Miller (arrived 8:08 a.m.) and Rife.

**Members Absent:** none.

**Other Committee Business:** Subcommittee approved and submitted proposed substance abuse funding bill to the full Appropriations committee.

**Adjourned:** 8:49 a.m.

## APPROPRIATIONS

**Convened:** April 5, 1984, 11:45 a.m.

**Members Present:** Small, Chair; Palmer, Vice Chair; Tieden, Ranking Member; Bruner, Carr, Deluhery, Dieleman, Gentleman, Holt, Horn, Readinger, Waldstein and Welsh.

**Members Absent:** Hall, Husak, Lind, Schwengels and Wells.

**Final Bill Action:** SENATE RESOLUTION 109, a bill for an act commending Senator Van Gilst and Representative Lester Menke for the efforts in the field of education.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 13: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Holt, Horn, Readinger, Waldstein and Welsh. Nays, none. Absent or not voting, 5: Hall, Husak, Lind, Schwengels and Wells.

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

**Other Committee Business:** Amended and approved LSB 4243S.

**Adjourned:** 12:16 p.m.

## PRESENTATION OF VISITORS

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

Sixty students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mary Huggins, Kristie Nichole, Mrs. Hafner and Mr. Linn. Senator Gentleman.

Ten students from Clinton County 4-H Council, De Witt, Iowa, accompanied by Nancy Tometich. Senator Goodwin.

Thirty-three students from St. John's School, Bancroft, Iowa, accompanied by Madeline Summit, Mary Ann Loebach, Esther Deitering and Mr. & Mrs. Gene Meister. Senator Priebe.

### PETITIONS

The following petitions were presented and placed on file by:

Senator Junkins from eighty-three residents of Iowa opposing legislation relating to the day school shall commence for elementary and secondary schools each school year.

Senator Priebe from fifteen residents of Kossuth, Hancock and Humboldt Counties favoring legislation for a federal constitutional convention.

Senator Priebe from fourteen residents of Kossuth and Hancock Counties favoring legislation for a autonomous professional standards board.

Senator Priebe from nineteen residents of Kossuth, Hancock and Humboldt Counties favoring legislation that all school employees receive a five percent adjustment above the negotiated 1984-85 contract.

### AMENDMENTS FILED

S-5831	H.F.	2180	House Amendment
S-5832	H.F.	2373	House Amendment
S-5833	H.F.	2439	Milo Colton Donald V. Doyle
S-5834	S. F.	2337	Joe J. Welsh
S-5835	S. F.	2334	David M. Readinger Forrest V. Schwengels Edgar H. Holden
S-5836	S. F.	2337	Edgar H. Holden
S-5837	S. F.	2337	Arne Waldstein
S-5838	S. F.	2337	Berl E. Priebe C.W. Bill Hutchins
S-5839	S. F.	2334	Arthur A. Small, Jr.
S-5840	H.F.	2513	Berl E. Priebe Joe J. Welsh Alvin V. Miller Charles P. Miller

S—5841

H.F.

2471

Ray Taylor

**ADJOURNMENT**

On motion of Senator Junkins, the Senate adjourned at 6:30 p.m., until 9:00 a.m., Tuesday, April 10, 1984.

# JOURNAL OF THE SENATE

1413

NINETY-THIRD CALENDAR DAY  
SIXTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 10, 1984

The Senate met in regular session at 9:05 a.m., President Anderson presiding.

Prayer was offered by the Reverend Eugene Weimer, pastor of the Holy Name Catholic Church, West Union, Iowa.

The Journal of Monday, April 9, 1984, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Mann for the day on request of Senator Junkins.

## QUORUM CALL

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

The vote revealed 40 present, 10 absent and a quorum present.

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

The Senate resumed session, Senator Dieleman presiding.

## QUORUM CALL

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

The vote revealed 45 present, 5 absent and a quorum present.

## HOUSE AMENDMENT CONSIDERED (Deferred April 9, 1984)

### House File 2471

The Senate resumed consideration of House File 2471, a bill for an act creating a hazardous waste remedial fund and providing for

## HOUSE AMENDMENT CONSIDERED

### Senate File 2098

Senator Deluhery called up for consideration Senate File 2098, a bill for an act relating to the liability for torts committed by offenders assigned to perform unpaid community service, amended by the House, and moved that the Senate concur in House amendment S—5697 filed March 30, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 2098) the vote was:

Ayes, 46:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ritsema for the week on request of Senator Hultman.

### CONSIDERATION OF RESOLUTION (Appropriations Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration Senate Resolution 109.

#### Senate Resolution 109

On motion of Senator Horn, Senate Resolution 109, a resolution commending Senator Bass Van Gilst and Representative Lester Menke for their efforts in the field of education, was taken up for consideration.

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

### RECESS

On motion of Senator Junkins, the Senate recessed at 10:15 a.m., until 11:15 a.m.

### RECONVENED

The Senate reconvened at 11:12 a.m., Senator Hutchins presiding.

### QUORUM CALL

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

The vote revealed 38 present, 12 absent and a quorum present.

President Anderson took the chair at 11:18 a.m.

## PRESENTATION OF PELLA TULIP QUEEN

Senator Dieleman appeared in the well of the Senate and presented Beth Boomsma, Queen of the Forty-ninth Annual Tulip Time celebration, who in turn introduced the members of her court: Patti Beintema, Julie De Reus, Carol Rooda and Julie Vander Wilt. The girls are seniors at the Pella Christian High School and were members of the 1984 Girls' State Tournament basketball team (Carol as a cheerleader).

Queen Beth presented President Anderson with a box of Dutch pastries and invited the Senate to attend the Tulip Time celebration in Pella on May 10, 11 and 12, 1984.

The Queen, her attendants and their parents, distributed the famous Dutch cookies to the Senators and staff.

## RECESS

On motion of Senator Junkins, the Senate recessed at 11:22 a.m., until 1:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., Senator Coleman presiding.

## QUORUM CALL

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

President Anderson took the chair at 1:36 p.m.

The vote revealed 44 present, 6 absent and a quorum present.

## HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 4, 1984, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:



**House File 558**, a bill for an act revising Iowa's aid to dependent children law to conform to federal law and the practices of the department of human services.

ALSO: That the House has on April 6, 1984, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2323**, a bill for an act relating to the state inheritance tax by changing the due date of the tax, providing for monthly interest, providing for a period of limitations for assessments and refunds, requiring recording to give a lien preference after a release of the lien is issued, taxing gifts made within three years of death, and making technical corrections (S—5843).

ALSO: That the House has on April 9, 1984, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2330**, a bill for an act relating to the financing of state government by providing for a reduction in general fund appropriations through reallocation of general fund financial aid to merged area schools, by reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983, by updating references to the Internal Revenue Code for individual and corporate income, franchise tax, and inheritance tax purposes with coordinating amendments, by imposing an additional income tax of two percent on the amount of taxable income exceeding thirty thousand dollars for the tax year beginning after December 31, 1983 subject to certain limitations, by restructuring the fee for operator's and chauffeur's licenses, by providing for the creation of an Iowa economic emergency fund including its funding, by providing for the payment of one-half of the additional personal property tax credit in the fiscal year beginning July 1, 1984, by imposing the sales and use tax on beverages, electronic repair and installation, and rental of tangible personal property, and making certain provisions of the Act retroactive (S—5845).

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 113**, by Gallagher, a concurrent resolution relating to a hazardous waste superfund study.

Read first time and passed on file.

### INTRODUCTION OF BILL

**Senate File 2340**, by Committee on Finance, a bill for an act relating to the structure of certain divisions within the department of public safety.

Read first time and placed on calendar.

### QUORUM CALL

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

The vote revealed 47 present, 3 absent and a quorum present.

### UNFINISHED BUSINESS (Deferred March 29, 1984)

#### House File 2217

The Senate resumed consideration of House File 2217, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, deferred on March 29, 1984.

Senator Gratias offered amendment S—5667 filed by Senators Gratias, et al., on March 29, 1984, to strike everything after the enacting clause and to the title page of the bill.

Senator Junkins raised the point of order that amendments S—5842 and S—5844 to amendment S—5667 were out of order because they strike the operational clause of amendment S—5667.

Senator Junkins withdrew his point of order.

The Chair ruled the following amendments to amendment S—5667 out of order because they were improperly drafted:

S—5842 filed by Senator Gratias from the floor.

S—5844 filed by Senator Horn from the floor.

Senator Horn offered amendment S—5801 filed by him on April 5, 1984, to amendment S—5667.

Senator Hultman moved that House File 2217 be referred to the committee on Education.

A non record roll call was requested.

The ayes were 20, nays 28.

The motion lost.

Senator Horn moved the adoption of amendment S—5801 to amendment S—5667.

A record roll call was requested.

On the question "Shall amendment S—5801 to amendment S—5667 be adopted?" (H.F. 2217) the vote was:

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

**Ayes, 26:**

Anderson	Brown	Carr	Coleman
Colton	Deluhery	Doyle	Drake
Gallagher	Gettings	Horn	Hutchins
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rodgers	Slater	Small
Wells	Welsh		

**Nays, 23:**

Briles	Bruner	Dieleman	Gentleman
Goodwin	Gratias	Hall	Hester
Holden	Holt	Hulse	Hultman
Husak	Jensen	Lind	Rife
Schwengels	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	

Absent or not voting, 1:

Ritsema

Amendment S—5801 was adopted.

With the adoption of amendment S—5801 to amendment S—5667, the Chair ruled the following amendments to amendment S—5667 out of order:

S—5846 filed by Senator Hultman from the floor.

S—5683 filed by Senators Small, et al., on March 29, 1984.

Senator Gratias moved the adoption of amendment S—5667 as amended.

A record roll call was requested.

On the question "Shall amendment S—5667 as amended be adopted?" (H.F. 2217) the vote was:

Ayes, 26:

Anderson	Brown	Carr	Coleman
Colton	Deluhery	Doyle	Gallagher
Gettings	Hall	Horn	Hutchins
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rodgers	Slater	Small
Wells	Welsh		

Nays, 22:

Briles	Bruner	Dieleman	Drake
Goodwin	Gratias	Hester	Molden
Holt	Hulse	Hultman	Husak
Jensen	Lind	Rife	Schwengels
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein		

Absent or not voting, 2:

Gentleman	Ritsema
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Amendment S—5667 as amended was adopted.

With the adoption of amendment S—5667 as amended, the Chair ruled the following amendments out of order:

S—5484 filed by the committee on Education on March 22, 1984, to pages 2 through 9 and 11 through 13 of the bill.

S—5561 filed by Senator Horn on March 27, 1984, to amendment S—5484.

S—5633 filed by Senator Gentleman on March 28, 1984, to page 8 of the bill.

S-5634 filed by Senator Bruner on March 28, 1984, to pages 2, 3 and 5 of the bill.

S-5666 filed by Senator Gallagher on March 29, 1984, to page 3 of the bill.

S-5669 filed by Senator Small on March 29, 1984, to pages 1 through 3 of the bill.

S-5671 filed by Senator Horn on March 29, 1984, to pages 2 and 6 through 8 of the bill.

S-5672 filed by Senator Horn on March 29, 1984, to amendment S-5484.

S-5682 filed by Senator Waldstein on March 29, 1984, to amendment S-5484.

S-5689 filed by Senator Husak and Taylor on March 30, 1984, to pages 1 and 3 of the bill.

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

On the question "Shall the bill pass?" (H.F. 2217) the vote was:

Ayes, 27:

Anderson	Brown	Carr	Coleman
Colton	Deluhery	Doyle	Drake
Gallagher	Gettings	Horn	Hultman
Husak	Hutchins	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Slater
Small	Wells	Welsh	

Nays, 21:

Briles	Bruner	Dieleman	Goodwin
Gratias	Hall	Hester	Holden
Holt	Hulse	Jensen	Lind
Rife	Rodgers	Schwengels	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein			

Absent or not voting, 2:

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

#### MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2217 passed the Senate on April 10, 1984.

CALVIN O. HULTMAN

MR. PRESIDENT: I move to reconsider the vote by which House File 2217 passed the Senate on April 10, 1984.

LOWELL L. JUNKINS

MR. PRESIDENT: I move to reconsider the vote by which House File 2217 passed the Senate on April 10, 1984.

JOE BROWN

MR. PRESIDENT: I move to reconsider the vote by which House File 2217 passed the Senate on April 10, 1984.

BERL E. PRIEBE

MR. PRESIDENT: I move to reconsider the vote by which House File 2217 passed the Senate on April 10, 1984.

EMIL J. HUSAK

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

The Senate resumed session, Senator Brown presiding.

#### QUORUM CALL

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

The vote revealed 47 present, 3 absent and a quorum present.

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

Senate File 2326

On motion of Senator Van Gilst, Senate File 2326, a bill for an act relating to the taxation of engraving, photography, retouching, printing, and binding under the state sales, services, and use tax, was taken up for consideration.

Senator Van Gilst asked and received unanimous consent that House File 2503 be substituted for Senate File 2326.

### **House File 2503**

On motion of Senator Van Gilst, House File 2503, a bill for an act relating to the taxation of engraving, photography, retouching, printing, and binding under the state sales, services, and use tax, was taken up for consideration.

Senator Hutchins asked and received unanimous consent that action on House File 2503 be deferred.

## **SENATE INSISTS**

### **House File 595**

Senator Mann called up for consideration House File 595, a bill for an act relating to the deferring of judgment or deferring of sentence of a person previously convicted of a felony, amended by the Senate and moved that the Senate insists on its amendment.

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

## **SENATE RECEDES**

### **House File 2247**

Senator Miller of Cerro Gordo called up for consideration House File 2247, a bill for an act relating to the reimbursement of law enforcement officer training costs incurred by cities or counties, amended by the Senate and moved that the Senate recede from its amendment.

A non record roll call was requested.

The ayes were 32, nays 15.

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

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

On the question "Shall the bill pass?" (H.F. 2247) the vote was:

Ayes, 32:

Anderson	Bruner	Deluhery	Dieleman
Drake	Gallagher	Gettings	Goodwin
Gratias	Hall	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Lind	Miller, A.V.	Miller, C.P.
Priebe	Readinger	Rife	Rodgers
Schwengels	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, 15:

Brown	Carr	Coleman	Colton
Doyle	Gentleman	Holden	Holt
Horn	Kinley	Mann	Palmer
Slater	Small	Welsh	

Absent or not voting, 3:

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

## BUSINESS PENDING

### House File 2503

The Senate resumed consideration of House File 2503, previously deferred.

Senator Holden offered amendment S—5855 filed by him from the floor to page 2 of the bill.

Senator Van Gilst raised the point of order that amendment S—5855 was not germane to the bill.



The Chair ruled the point well taken and amendment S—5855 out of order.

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

On the question "Shall the bill pass?" (H.F. 2503) the vote was:

Ayes, 45:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lind	Mann
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Wells
Welsh			

Nays, 2:

Hulse	Waldstein
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Absent or not voting, 3:

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

Senator Van Gilst asked and received unanimous consent that Senate File 2326 be withdrawn from further consideration of the Senate.

### MOTION TO RECONSIDER ADOPTED

Senator Coleman called up the motion to reconsider House File 2470 filed by him on April 4, 1984, found on page 1318 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2470) the vote was:

Ayes, 43:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Heater	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Lind	Mann
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Readinger	Rodgers	Schwengels	Slater
Soorholtz	Taylor	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, 2:

Rife	Tieden
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Absent or not voting, 5:

Briles	Kinley	Nystrom	Ritsema
Small			

The motion prevailed.

Senator Coleman moved to reconsider the vote by which House File 2470 went to its last reading, which motion prevailed by a voice vote.

### House File 2470

On motion of Senator Coleman, House File 2470, a bill for an act relating to the platting requirements upon the subdivision of a parcel of land and the vacating of certain public streets, alleys, and other public lands, was taken up for reconsideration.

Senator Coleman offered amendment S—5847 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5847 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2470) the vote was:

Ayes, 46:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Lind	Mann
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

### MOTION TO RECONSIDER ADOPTED

#### Senate File 2268

Senator Hall called up the motion to reconsider the vote by which the Senate refused to concur in House amendment S—5777 to Senate File 2268 on April 6, 1984, filed by him on April 6, 1984, found on page 1381 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2268) the vote was:

Ayes, 27:

Drake	Gentleman	Goodwin	Gratias
Hall	Hester	Holden	Holt
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Lind	Miller, A.V.
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Soorholtz	Taylor
Vande Hoef	Van Gilst	Waldstein	

Nays, 19:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gallagher	Gettings	Horn
Mann	Miller, C.P.	Slater	Small
Tieden	Wells	Welsh	

Absent or not voting, 4:

Briles	Kinley	Nystrom	Ritsema
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The motion prevailed and House amendment S—5777 was taken up for reconsideration.

Senator Mann offered amendment S—5856 filed by Senators Mann and Doyle from the floor to House amendment S—5777 and moved its adoption.

A non record roll call was requested.

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

The ayes were 24, nays 22.

Amendment S—5856 was adopted.

Senator Mann moved that the Senate concur in House amendment S—5777 as amended.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2268) the vote was:

Ayes, 30:

Brown	Dieleman	Drake	Gentleman
Goodwin	Gratias	Hall	Hester
Holden	Holt	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Lind	Miller, A.V.	Palmer	Priebe
Readinger	Rife	Schwengels	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein		

## Nays, 16:

Anderson	Bruner	Carr	Coleman
Colton	Deluhery	Doyle	Gallagher
Gettings	Horn	Mann	Miller, C.P.
Rodgers	Slater	Wells	Welsh

## Absent or not voting, 4:

Briles	Kinley	Nystrom	Ritsema
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The motion prevailed and the Senate concurred in the House amendment as amended.

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

On the question "Shall the bill pass?" (S.F. 2268) the vote was:

## Ayes, 31:

Brown	Bruner	Deluhery	Drake
Gentleman	Goodwin	Hall	Hester
Holt	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Lind
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Readinger	Rife	Schwengels	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Welsh	

## Nays, 15:

Anderson	Carr	Coleman	Colton
Dieleman	Doyle	Gallagher	Gettings
Gratias	Holden	Horn	Mann
Rodgers	Slater	Wells	

## Absent or not voting, 4:

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

**IMMEDIATELY MESSAGED**

Senator Junkins asked and received unanimous consent to send an immediate message to the House on **Senate File 2248**.

**INTRODUCTION OF RESOLUTION**

**Senate Concurrent Resolution 114**, by Doyle, a concurrent resolution relating to the Taxpayer Antitrust Enforcement Act of 1983.

Read first time and passed on file.

**HOUSE MESSAGES RECEIVED**

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House, on April 9, 1984, insisted on its amendment to **Senate File 513**, a bill for an act relating to the name of a state bank, and that the members of the Conference Committee on the part of the House are: The Representative from Polk, Mr. Chiodo, Chair; the Representative from Pottawattamie, Mr. Gronstal; the Representative from Jasper, Mr. Parker; the Representative from Pottawattamie, Mr. Schroeder; and the Representative from Grundy, Mr. Renken.

**ALSO:** That the House has on April 10, 1984, amended the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 2436**, a bill for an act relating to the licensure and operation of a hospice program (S—5852).

**APPENDIX****COMMUNICATIONS**

The following communications have been received and filed in the office of the Secretary of the Senate:

**SENATE RESOLUTION 102**

Acknowledgment from United States Senator Charles E. Grassley and United States Congressman Neal Smith that they have received an enrolled copy of Senate Resolution 102, adopted by the Iowa Senate on January 30, 1984.

**OFFICE FOR PLANNING AND PROGRAMMING**

On April 10, 1984, received a copy of the Office of Planning and Programming's annual report for the Iowa Community Development Loan Program, pursuant to Chapter 201, Section 49 of the Code.

**REPORT OF THE COMMITTEE  
ON RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following appointees to the standing committees as indicated for investigation on April 10, 1984:

**Board of Certification of Waterworks & Waste Waterworks Operators—Natural Resources**

James L. Copeman  
Stanley W. DeRoo  
Curtis D. Downey  
Joseph E. Obr

LOWELL L. JUNKINS, Chair

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this tenth day of April, 1984:

Senate Files 2053, 2138, 2202, 2205 and 2221.

**K. MARIE THAYER**  
Secretary of the Senate

**REPORT OF THE COMMITTEE  
ON RULES AND ADMINISTRATION**

The committee on Rules and Administration placed the following Governor's appointees on the *En Bloc Calendar* on April 10, 1984, and recommended the appointments be confirmed by the Senate:

James R. Berry—Iowa Real Estate Commission  
Robert H. Christensen—Iowa Real Estate Commission  
Alan M. Shepley—State Board of Pharmacy Examiners

LOWELL L. JUNKINS, Chair

**SUBCOMMITTEE ASSIGNMENTS FOR  
GOVERNOR'S APPOINTEES**

In accordance with Senate Rule 60, the following Senators were appointed to subcommittees of standing committees:

**NATURAL RESOURCES:** As a member of the Board of Certification of Waterworks and Waste Waterworks Operators:

**JAMES L. COPEMAN**  
Schwengels, Chair  
Priebe  
Rodgers

**NATURAL RESOURCES:** As a member of the Board of Certification of Waterworks and Waste Waterworks Operators:

**STANLEY W. DE ROO**  
Rife, Chair  
Gettings  
Hall

**NATURAL RESOURCES:** As a member of the Board of Certification of Waterworks and Waste Waterworks Operators:

**CURTIS D. DOWNEY**  
Hester, Chair  
Priebe  
Schwengels



**NATURAL RESOURCES:** As a member of the Board of Certification of Waterworks and Waste Waterworks Operators:

JOSEPH E. OBR  
Goodwin, Chair  
Rodgers  
Hall

#### PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

**MR. PRESIDENT:** Pursuant to Senate Rule 60, I hereby request that the name of Norma J. Harmison be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

NORMAN G. RODGERS

#### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 10, 1984, the Governor approved and transmitted to the Secretary of the State the following bills:

**S.F. 2119**—Making the three-day notice to quit given by mobile/manufactured home landlords concurrent with the three-day notice for failure to pay rent.

**S.F. 2285**—Permitting the deposit of a credit union certified share draft as a security on a bid for a contract for a public improvement.

#### STUDY BILLS RECEIVED

##### **S.S.B. 2263** Ways and Means

To impose a state alternative minimum tax to replace the state minimum tax under the individual income tax and making the Act retroactive.

##### **S.S.B. 2264** Appropriations

Relating to the administration and financing of current programs other than mental health programs under the jurisdiction of the department of human services and to the foster care review board for the fiscal year beginning July 1, 1984, and ending June 30, 1985.

**S.S.B. 2265 Appropriations**

Relating to the funding of and to substance abuse treatment and prevention programs by making appropriations to the department of substance abuse for the fiscal year beginning July 1, 1984 and ending June 30, 1985 for administration, program grants, treatment programs not licensed by the department, and prevention programs, requiring the treasurer of state to deposit certain amounts of the sales made by the state liquor stores in a special fund, permitting the governor to order the beer and liquor control council to adjust the sales margin on liquor with limitations, requiring the beer and liquor control council to adjust the sales margin on liquor July 1, 1984 to raise certain revenue, requiring the state to incur one hundred percent of the cost of certain substance abuse treatment programs for the fiscal year beginning July 1, 1984 and ending June 30, 1985, crediting certain fees to the beer and liquor control fund, requiring the department of substance abuse to distribute program grant funding by a certain formula, requiring an assessment of a patient before admittance to a state mental health institute for substance abuse treatment, limiting the amount of money distributed to cities from the gross sales made by the state liquor stores, prohibiting counties from certifying a supplemental levy for certain substance abuse treatment facilities, requiring the county auditor to recompute the levy rates to reduce the amount budgeted for certain substance abuse treatment programs in the fiscal year beginning July 1, 1984 and ending June 30, 1985, and providing an effective date.

**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS**

**Convened:** April 10, 1984, 10:45 a.m.

**Members Present:** Small, Chair; Palmer, Vice Chair; Tieden, Ranking Member; Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Husak, Readinger, Schwengels, Waldstein and Welsh.

**Members Absent:** Bruner, Horn, Lind and Wells.

**Final Bill Action:** SENATE FILE 2256, a bill for an act relating to county finance by deleting or amending incorrect references to county funds and making amendments to resolve conflicts in county finance laws.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Small, Palmer, Tieden, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Husak, Readinger, Schwengels, Waldstein and Welsh. Nays, none. Absent or not voting, 4: Bruner, Horn, Lind and Wells.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 446, a bill for an act providing for the creation, management and administration of a protected water area system in this state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Small, Palmer, Tieden, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Husak, Readinger, Schwengels, Waldstein and Welsh. Nays, none. Absent or not voting, 4: Bruner, Horn, Lind and Wells.

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

**Adjourned:** 10:50 a.m.

## FINANCE

**Convened:** April 10, 1984, 9:18 a.m.

**Members Present:** Rodgers, Chair; Hutchins, Vice Chair; Hultman, Ranking Member; Holden, Junkins, Palmer, Small and Tieden.

**Members Absent:** none.

**Final Bill Action:** SENATE FILE 2340, a bill for an act relating to the structure of certain divisions within the department of public safety.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Rodgers, Hutchins, Holden, Palmer, Small, Tieden and Junkins. Nays, 1: Hultman.

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

**ALSO:**

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 117, a resolution relating to the bonding authority of the state board of regents.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 6: Rodgers, Hutchins, Junkins, Palmer, Small and Tieden. Nays, 2: Holden and Hultman.

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

**Adjourned:** 9:28 a.m.

### LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Curtis Wuest, M.D., Marshalltown, Iowa.

### PRESENTATION OF VISITORS

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

Sixty students from Audubon Elementary School, Audubon, Iowa, accompanied by Carol Kallesen, Phyllis Madsen and Diane Wagner. Senator Hutchins.

Twenty Campfire Girls, Iowa City, Iowa, accompanied by Karen Zeman. Senator Small.

The following students were present in the Senate gallery:

Twenty-five students from Gladbrook Elementary School, Gladbrook, Iowa, accompanied by Barb Schwarck. Senator Husak.

Fifty students from Lakeview Elementary School, Council Bluffs, Iowa, accompanied by Mrs. Mc Burney. Senators Hester and Slater.

Nine students from Monticello High School, Monticello, Iowa, accompanied by Keith Stamp. Senator Hulse.

### AMENDMENTS FILED

S—5842	H.F.	2217	Arthur L. Gratias
S—5843	S. F.	2323	House Amendment
S—5844	H.F.	2217	Wally E. Horn
S—5845	S. F.	2330	House Amendment
S—5846	H.F.	2217	Calvin O. Hultman
S—5847	H.F.	2470	C. Joseph Coleman
S—5848	H.F.	2481	Edgar H. Holden

S-5849	S. F.	2330	Jack Rife John E. Soorholtz
S-5850	S. F.	2330	Richard F. Drake
S-5851	S. F.	2330	Richard F. Drake
S-5852	H.F.	2436	House Amendment
S-5853	S. F.	2330	Julia Gentleman
S-5854	S. F.	2293	Julia Gentleman
S-5855	H.F.	2503	Edgar H. Holden
S-5856	S. F.	2268	Tom Mann, Jr. Donald V. Doyle
S-5857	S. F.	2330	Richard F. Drake
S-5858	S. F.	2330	Richard F. Drake Joe J. Welsh
S-5859	S. F.	2330	Tom Slater Arthur A. Small, Jr.

### ADJOURNMENT

On motion of Senator Junkins, the Senate adjourned at 6:40 p.m., until 9:00 a.m., Wednesday, April 11, 1984.

# JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY  
SIXTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 11, 1984.

The Senate met in regular session at 9:20 a.m., Senator Brown presiding.

Prayer was offered by the Honorable C. Joseph Coleman, member of the Senate from Clare, Webster County, Iowa.

The Journal of Tuesday, April 10, 1984, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 9, 1984, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

**House File 2340**, a bill for an act relating to the investigations and findings of a complaint filed against a health care facility.

**ALSO:** That the House has on April 9, 1984, concurred in the Senate amendments and passed the following bills in which the concurrence of the House was asked:

**House File 2392**, a bill for an act relating to the psychological testing of law enforcement and corrections officers.

**House File 2398**, a bill for an act allowing a maximum set-aside of ten percent of the total dollar amount of federal aid highway construction contracts let by the state department of transportation for bidding by prequalified disadvantaged business enterprises.

**ALSO:** That the House has on April 9, 1984, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the House was asked:

**House File 2306**, a bill for an act permitting the conservation commission to alter or restrict the taking of wildlife (S-5860).

ALSO: That the House has on April 10, 1984, passed the following bill in which the concurrence of the Senate is asked:

**House File 2519**, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs for this state.

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

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 115**, by Mann, Bruner, Anderson, Brown, Carr, Coleman, Colton, Deluhery, Dieleman, Doyle, Gallagher, Gettings, Hall, Horn, Husak, Hutchins, Junkins, Kinley, Miller of Cerro Gordo, Miller of Des Moines, Palmer, Priebe, Rodgers, Slater, Small, Van Gilst, Wells, Welsh, Gentleman, Lind, Nystrom, Readinger, Rife, Schwengels, Soorholtz and Vande Hoef, a concurrent resolution relating to the food and hunger problems in Iowa.

Read first time and assigned to the committee on **Human Resources**.

### BILLS ASSIGNED TO COMMITTEE

The Chair announced that **Senate Concurrent Resolution 113** was assigned to the committee on **Rules and Administration** and **Senate Concurrent Resolution 114** was assigned to the committee on **Judiciary**.

### QUORUM CALL

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

The vote revealed 44 present, 6 absent and a quorum present.

### HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

**House File 2180**

Senator Nystrom called up for consideration House File 2180, a bill for an act relating to vehicle requirements by allowing a county treasurer to transfer title by operation of law in the county of the new owner's residence, allowing a county treasurer to issue, under certain circumstances, a restricted certificate of title to a person who was issued a junking certificate, and making odometer statement requirements affect model years after the eleventh year prior to the current registration year, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5831 to Senate amendment H—6052 filed April 9, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2180) the vote was:

Ayes, 46:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Hutchins
Jensen	Junkins	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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



**House File 2373**

Senator Gentleman called up for consideration House File 2373, a bill for an act relating to attorney fees in proceedings to enforce or modify orders or decrees relating to dissolution of marriage, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5832 to Senate amendment H—5958 filed April 9, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2373) the vote was:

Ayes, 46:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A. V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

**House File 2436**

Senator Horn called up for consideration House File 2436, a bill for an act relating to the licensure and operation of a hospice program, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5852 to Senate amendment H—6027 filed April 10, 1984.

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

**SENATE RECEDES****House File 558**

Senator Soorholtz called up for consideration House File 558, a bill for an act revising Iowa's aid to dependent children law to conform to federal law and the practices of the department of human services, amended by the Senate and moved that the Senate recede from its amendment.

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

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

On the question "Shall the bill pass?" (H.F. 558) the vote was:

Ayes, 48:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 2:

Lind

Ritsema

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

### MOTION TO RECONSIDER ADOPTED

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

**MR. PRESIDENT:** I move to reconsider the vote by which the Senate refused to concur in House amendment S—5852 to Senate amendment H—6027 to House File 2436 on April 11, 1984.

The motion prevailed by a voice vote and House amendment S—5852 to Senate amendment H—6027 was taken up for reconsideration.

Senator Horn moved that the Senate concur in House amendment S—5852 to Senate amendment H—6027.

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

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

On the question "Shall the bill pass?" (H.F. 2436) the vote was:

Ayes, 48:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Dehivery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Lind
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, 1:

Holden

Absent or not voting, 1:

Ritsema

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

### HOUSE AMENDMENT CONSIDERED

#### Senate File 2323

Senator Van Gilst called up for consideration Senate File 2323, a bill for an act relating to the state inheritance tax by changing the due date of the tax, providing for monthly interest, providing for a period of limitations for assessments and refunds, requiring recording to give a lien preference after a release of the lien is issued, taxing gifts made within three years of death, and making technical corrections, amended by the House, and moved that the Senate concur in House amendment S—5843 filed April 10, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 2323) the vote was:

Ayes, 46:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gettings	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lind	Mann
Miller, A. V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Welsh		

Nays, 1:

Gentleman

Absent or not voting, 3:

Holden

Ritsema

Wells

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

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 2439

Senator Mann called up for consideration House File 2439, a bill for an act relating to pari-mutuel betting by requiring certain information from an applicant for a racing license or an occupational license, requiring the fingerprinting of an applicant, permitting warrantless searches of an applicant or an applicant's property, authorizing the state racing commission to require employees to provide certain information and to authorize employees to expel certain people from racetrack facilities, prohibiting the use or possession of certain devices or techniques to stimulate or depress a horse or dog, permitting the disclosure of confidential information to the state racing commission, setting fees for applications, and providing for penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5816 to Senate amendment H—6006 filed April 6, 1984.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 2439) the vote was:

Ayes, 32:

DeLuhery	Dieleman	Drake	Gettings
Goodwin	Gratias	Hall	Hester
Holt	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Lind	Miller, A. V.	Miller, C. P.	Nystrom
Priebe	Readinger	Rife	Schwengels

Small	Taylor	Tieden	Vande Hoëf
Van Gilst	Waldstein	Wells	Welsh

Nays, 16:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Doyle
Gallagher	Gentleman	Horn	Mann
Palmer	Rodgers	Slater	Soorholtz

Absent or not voting, 2:

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

The Chair ruled amendment S—5833 filed by Senators Colton and Doyle on April 9, 1984, to House amendment S—5816 to Senate amendment H—6006, out of order.

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

On the question "Shall the bill pass?" (H.F. 2439) the vote was:

Ayes, 39:

Anderson	Briles	Brown	Bruner
Carr	Deluhery	Dieleman	Drake
Gallagher	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lind	Miller, A.V.
Miller, C.P.	Nystrom	Priebe	Readinger
Rife	Rodgers	Schwengels	Slater
Small	Tieden	Vande Hoëf	Van Gilst
Waldstein	Wells	Welsh	

Nays, 8:

Coleman	Colton	Doyle	Gentleman
Mann	Palmer	Soorholtz	Taylor

Absent or not voting, 3:

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

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

The Senate resumed session, Senator Colton presiding.

### QUORUM CALL

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

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

### RECESS

On motion of Senator Junkins, the Senate recessed at 11:10 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The Senate reconvened at 1:40 p.m., Senator Colton presiding.

### QUORUM CALL

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

President Anderson took the chair at 1:52 p.m.

The vote revealed 46 present, 4 absent and a quorum present.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 2330

Senator Rodgers called up for consideration Senate File 2330, a bill for an act relating to the financing of state government by providing for a reduction in general fund appropriations through reallocation of general fund financial aid to merged area schools, by reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983, by updating references to the Internal Revenue Code for individual and corporate income,

franchise tax, and inheritance tax purposes with coordinating amendments, by imposing an additional income tax of two percent on the amount of taxable income exceeding thirty thousand dollars for the tax year beginning after December 31, 1983 subject to certain limitations, by restructuring the fee for operator's and chauffeur's licenses, by providing for the creation of an Iowa economic emergency fund including its funding, by providing for the payment of one-half of the additional personal property tax credit in the fiscal year beginning July 1, 1984, by imposing the sales and use tax on beverages, electronic repair and installation, and rental of tangible personal property, and making certain provisions of the Act retroactive, amended by the House in House amendment S—5845 filed April 10, 1984.

Senator Palmer offered amendment S—5862 filed by him from the floor to pages 1, 2 and 13 through 15 of House amendment S—5845 and called for a division: lines 4 through 43 as division S—5862A and lines 44 and 45 as division S—5862B.

Senator Hultman called for a further division of amendment S—5862 to House amendment S—5845:

Division S—5862A: lines 4 and 5.

Division S—5862B: lines 6 through 9.

Division S—5862C: lines 10 through 40.

Division S—5862D: line 41.

Division S—5862E: lines 42 and 43.

Division S—5862F: lines 44 and 45.

Senator Palmer moved the adoption of division S—5862A to House amendment S—5845.

Division S—5862A was adopted by a voice vote.

Senator Palmer asked and received unanimous consent that action on divisions S—5862B and S—5862C to House amendment S—5845 be deferred.

Senator Palmer moved the adoption of division S—5862D to House amendment S—5845.



Division S—5862D was adopted by a voice vote.

Senator Palmer moved the adoption of division S—5862E to House amendment S—5845.

A record roll call was requested.

On the question "Shall division S—5862E to House amendment S—5845 be adopted?" (S.F. 2330) the vote was:

Ayes, 28:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gallagher	Gettings	Hall
Horn	Husak	Hutchins	Junkins
Kinley	Mann	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Slater
Small	Van Gilst	Wells	Welsh

Nays, 21:

Briles	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Holt
Hulse	Hultman	Jensen	Lind
Nystrom	Readinger	Rife	Schwengels
Scorholtz	Taylor	Tieden	Vande Hoef
Waldstein			

Absent or not voting, 1:

Ritserna

Division S—5862E was adopted.

Senator Palmer withdrew division S—5862F to House amendment S—5845.

Senator Holden offered amendment S—5861 filed by him from the floor to pages 4 through 9, 11 through 13 and 16 of House amendment S—5845 and to the title page of the bill and called for a division:

Division S—5861A: lines 3 through 6 and lines 8 through 13.

Division S—5861B: line 7.

Division S—5861C: lines 14 through 22.

Senator Holden moved the adoption of division S—5861A to House amendment S—5845.

A non record roll call was requested.

The ayes were 18, nays 30, voting present 1.

Division S—5861A lost.

Senator Holden moved the adoption of division S—5861B to House amendment S—5845.

A non record roll call was requested.

The ayes were 18, nays 29.

Division S—5861B lost.

Senator Holden moved the adoption of division S—5861C to House amendment S—5845 and requested a record roll call.

On the question "Shall division S—5861C to House amendment S—5845 be adopted?" (S.F. 2330) the vote was:

Ayes, 20:

Briles	Drake	Gallagher	Goodwin
Gratias	Hester	Holden	Holt
Hulse	Hultman	Jensen	Lind
Nystrom	Readinger	Rife	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein

Nays, 29:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gentleman	Gettings	Hall
Horn	Husak	Hutchins	Junkins
Kinley	Mann	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Slater
Small	Soorholtz	Van Gilst	Wells
Welsh			

Absent or not voting, 1:

Ritsema

Division S—5861C lost.

Senator Palmer moved the adoption of division S—5862B to House amendment S—5845, previously deferred.

Division S—5862B was adopted by a voice vote.

Senator Palmer moved the adoption of division S—5862C to House amendment S—5845, previously deferred.

Division S—5862C was adopted by a voice vote.

With the adoption of divisions S—5862A and S—5862D to House amendment S—5845, the Chair ruled amendment S—5853 filed by Senator Gentleman on April 10, 1984, to pages 1 and 14 of House amendment S—5845, out of order.

Senator Drake offered amendment S—5851 filed by him on April 10, 1984, to pages 2, 8, 9 and 14 of House amendment S—5845.

Senator Palmer called for a division of amendment S—5851 to House amendment S—5845: lines 4 through 8 and line 13 as division S—5851A and lines 9 through 12 as division S—5851B.

Senator Drake moved the adoption of division S—5851A to House amendment S—5845.

Division S—5851A was adopted by a voice vote.

Senator Drake moved the adoption of division S—5851B to House amendment S—5845.

A record roll call was requested.

On the question "Shall division S—5851B to House amendment S—5845 be adopted?" (S.F. 2330) the vote was:

Ayes, 19:

Briles	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Hultman
Jensen	Lind	Nystrom	Readinger
Rife	Schwengels	Soorholtz	Taylor
Tieden	Vande Hoef	Waldstein	

Nays, 29:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman

Doyle	Gallagher	Gettings	Hall
Horn	Hulse	Husak	Hutchins
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Slater	Small	Van Gilst	Wells
Welsh			

Voting present, 1:

Holt

Absent or not voting, 1:

Ritsema

Division S—5851B lost.

Senator Drake offered amendment S—5858 filed by Senators Drake and Welsh on April 10, 1984, to pages 2 and 14 of House amendment S—5845.

Senator Small asked and received unanimous consent that action on amendment S—5858 to House amendment S—5845 be deferred for immediate consideration of amendment S—5859 to House amendment S—5845.

Senator Slater offered amendment S—5859 filed by Senators Slater and Small on April 10, 1984, to page 4 of House amendment S—5845.

Senator Welsh raised the point of order that amendment S—5859 to House amendment S—5845 was not germane.

Senator Welsh withdrew his point of order.

Senator Slater moved the adoption of amendment S—5859 to House amendment S—5845.

A record roll call was requested.

On the question "Shall amendment S—5859 to House amendment S—5845 be adopted?" (S.F. 2330) the vote was:

Ayes, 3:

Mann	Slater	Small
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Nays, 46:

Anderson	Briles	Brown	Bruner
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Carr	Coleman	Colton	Deluhery
Diefeman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Lind	Miller, A. V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Absent or not voting, 1:

Ritsema

Amendment S—5859 lost.

### APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on **House File 595** on the part of the Senate: Senators Mann, Chair; Coleman, Doyle, Gentleman and Holt.

The Chair announced the following conference committee on **Senate File 513** on the part of the Senate: Senators Palmer, Chair; Bruner, Jensen, Kinley and Tieden.

### BUSINESS PENDING

#### Senate File 2330

The Senate resumed consideration of Senate File 2330.

Senator Drake moved the adoption of amendment S—5858 to House amendment S—5845, previously deferred.

Amendment S—5858 was adopted by a voice vote.

With the adoption of amendment S—5858 to House amendment S—5845, the Chair ruled amendment S—5857 filed by Senator Drake on April 10, 1984, to pages 2 and 14 of House amendment S—5845, out of order.

Senator Hutchins offered amendment S—5864 filed by him from the floor to page 3 of House amendment S—5845 and moved its adoption.

Amendment S—5864 was adopted by a voice vote.

With the adoption of amendment S—5864 to House amendment S—5845, the Chair ruled amendment S—5850 filed by Senator Drake on April 10, 1984, to page 3 of House amendment S—5845, out of order.

Senator Rife offered amendment S—5849 filed by Senators Rife and Soorholtz on April 10, 1984, to page 15 of House amendment S—5845.

Senator Palmer raised the point of order that amendment S—5849 to House amendment S—5845 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5849 out of order.

Senator Palmer moved that the Senate concur in House amendment S—5845 as amended.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2330) the vote was:

Ayes, 26:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gettings	Horn	Husak
Hutchins	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Rodgers	Slater	Small	Van Gilst
Wells	Welsh		

Nays, 23:

Briles	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hall	Hester
Holden	Holt	Hulse	Hultman
Jensen	Lind	Nystrom	Readinger
Rife	Schwengels	Soorholtz	Taylor
Tieden	Vande Hoef	Waldstein	

Absent or not voting, 1:

Ritsema

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

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

On the question "Shall the bill pass?" (S.F. 2330) the vote was:

**Ayes, 27:**

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gallagher	Gettings	Horn
Husak	Hutchins	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Rodgers	Slater	Small
Van Gilst	Wells	Welsh	

**Nays, 22:**

Briles	Drake	Gentleman	Goodwin
Gratias	Hall	Hester	Holden
Holt	Hulse	Hultman	Jensen
Lind	Nystrom	Readinger	Rife
Schwengels	Soorholtz	Taylor	Tieden
Vande Hoef	Waldstein		

Absent or not voting, 1:

Ritsema

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

**MOTION TO RECONSIDER**

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2330 passed the Senate on April 11, 1984.

LOWELL L. JUNKINS

**REPORT OF COMMITTEE MEETING**

**HUMAN RESOURCES**

Convened: April 11, 1984, 1:25 p.m.

**Members Present:** Carr, Chair; C. Miller, Vice Chair; Gentleman, Ranking Member; Coleman, Horn, Hall, Gratias, Slater and Soorholtz.

**Members Absent:** Ritsema (excused), Briles and Mann.

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 110, a resolution encouraging passage of a federal house joint resolution declaring November 4-10 as National Medical Assistants Week.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Carr, C. Miller, Gentleman, Coleman, Horn, Hall, Gratias, Slater and Soorholtz. Nays, none. Absent or not voting, 3: Briles, Mann and Ritsema.

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

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 115, a resolution relating to the food and hunger problems in Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Carr, C. Miller, Gentleman, Coleman, Horn, Hall, Gratias, Slater and Soorholtz. Nays, none. Absent or not voting, 3: Briles, Mann and Ritsema.

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

**Adjourned:** 1:30 p.m.

## ADOPTION OF RESOLUTION

Senator Junkins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 115.

### Senate Concurrent Resolution 115

On motion of Senator Carr, Senate Concurrent Resolution 115, a resolution relating to the food and hunger problems in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Carr moved the adoption of Senate Concurrent Resolution 115, which motion prevailed by a voice vote.



**IMMEDIATELY MESSAGED**

Senator Junkins asked and received unanimous consent that **Senate Concurrent Resolution 115** and **House File 2471** be immediately messaged to the House.

**BILL REFERRED TO COMMITTEE**

Senator Junkins asked and received unanimous consent that **Senate File 2256** be referred from the Appropriations Calendar to the committee on Appropriations.

**MOTION TO RECONSIDER WITHDRAWN****Senate Concurrent Resolution 106**

Senator Taylor withdrew the motion to reconsider Senate Concurrent Resolution 106, a concurrent resolution citing legislative approval of the plan of operation for the state of Iowa federal surplus property program of the department of general services as drafted in accordance with Public Law 94-519, filed by him on April 4, 1984, and found on page 1320 of the Senate Journal.

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

In accordance with Senate Rule 60, Senator Junkins asked and received unanimous consent to take up the following appointees listed on the En Bloc Confirmation Calendar:

**Commission for the Blind**

Arlene H. Dayhoff, committee recommendation found on page 995 of the Senate Journal.

**State Historical Board**

Committee recommendations found on page 995 of the Senate Journal:

Dale R. Henning  
Nance A. McMinimee

**Iowa High Technology Council**

Cloyd E. Robinson, committee recommendation found on page 994 of the Senate Journal.

**State Transportation Commission**

Delmar Van Horn, committee recommendation found on page 995 of the Senate Journal.

**Public Employment Relations Board**

Committee recommendations found on page 1094 of the Senate Journal:

James A. McClimon  
Peter L. Pashler

**Iowa Higher Education Loan Authority**

Irvin R. Burling, committee recommendation found on page 1381 of the Senate Journal.

**Iowa Railway Finance Authority**

Committee recommendations found on page 1344 of the Senate Journal:

Fred E. McKim, Jr.  
O.R. Woods

**State Board of Public Instruction**

Committee recommendations found on page 1381 of the Senate Journal:

Karen K. Goodenow  
Wesley S. Chapman

**Tax Study Committee**

Gregory M. Brown, committee recommendation found on page 290 of the Senate Journal.

**Iowa Board of Parole**

Lillie Virginia Harper, committee recommendation found on page 948 of the Senate Journal.

### Iowa Real Estate Commission

Joe Ann Lutz, committee recommendation found on page 1286 of the Senate Journal.

Committee recommendations found on page 1434 of the Senate Journal:

James R. Berry  
Robert H. Christensen

### State Board of Pharmacy Examiners

Alan M. Shepley, committee recommendation found on page 1434 of the Senate Journal.

Senator Junkins moved that the foregoing appointments be confirmed.

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

Aye, 49:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Hester
Holt	Horn	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Lind	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 1:

Ritsema

The Chair declared the appointments confirmed.

### ADOPTION OF RESOLUTION

Senator Junkins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 110.

### **Senate Concurrent Resolution 110**

On motion of Senator Coleman, Senate Concurrent Resolution 110, a concurrent resolution encouraging passage of a federal house joint resolution declaring November 4-10 as National Medical Assistants' Week, with report of committee recommending passage, was taken up for consideration.

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

### **INTRODUCTION OF RESOLUTIONS**

**Senate Concurrent Resolution 116**, by Mann, a concurrent resolution to amend the joint rules relating to bills amended in the other house.

Read first time and passed on file.

**Senate Concurrent Resolution 117**, by Bruner, Mann, Anderson, Briles, Brown, Carr, Colton, Deluhery, Dieleman, Gallagher, Gentleman, Hall, Horn, Hutchins, Junkins, Miller of Cerro Gordo, Priebe, Readinger, Rodgers, Slater, Small, Taylor, Tieden, Van Gilst and Welsh, a concurrent resolution relating to refugees of the civil war in El Salvador.

Read first time and passed on file.

### **INTRODUCTION OF BILLS**

**Senate File 2341**, by Committee on Ways and Means, a bill for an act relating to the apportionment of the net income of a farm corporation for purposes of the corporate income tax, with a retroactive effective date.

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

**Senate File 2342**, by Committee on Ways and Means, a bill for an act relating to regional transit systems by defining the systems to include systems which receive state or federal funds, by providing motor fuel and special fuel tax exemptions for these systems, and by providing free registration plates and validation stickers for these systems.

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

**Senate File 2343**, by Committee on Ways and Means, a bill for an act to eliminate the county auditor's annual property valuation and tax report to the department of revenue.

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

### **HOUSE MESSAGE RECEIVED AND CONSIDERED**

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 11, 1984, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

**House File 2491**, a bill for an act relating to public utilities by providing for an income tax checkoff for the low income home energy assistance program, the right of parties to appeal the final decision in a rate proceeding, the notification of the office of consumer advocate when a public utility is engaged in certain legal actions, procedures establishing excess electric generating capacity, the use of competitive bidding procedures by public utilities, by requiring investor-owned utilities to purchase combustible gas from municipalities under certain circumstances, making civil penalties applicable and providing effective dates.

## APPENDIX

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 10, 1984, the Governor approved and transmitted to the Secretary of the State the following bills:

**S.F. 497**—Relating to activities of the Citizens' Aide and members of the Citizens' Aide staff.

**S.F. 2021**—Relating to the tolling of a statute of limitations when restitution is ordered.

**S.F. 2137**—Relating to the certification of documents and providing a penalty.

**S.F. 2154**—To extend the sunset provision on community action agencies to July 1, 1986.

**S.F. 2176**—Eliminating the requirement that a facility licensed by the department of substance abuse providing child foster care be licensed by the department of human services.

**S.F. 2197**—Relating to the establishment and dissolution of a sanitary district.

**S.F. 2222**—Allowing a city to redraw precinct lines when adopting a system which provides for election of council members from wards or when changing the number of council members who are elected from wards.

**S.F. 2297**—Relating to the payment of workers' compensation benefits in pneumoconiosis cases.

### STUDY BILLS RECEIVED

#### **S.S.B. 2266** Appropriations

Relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility relates to agricultural affairs, economic development, and energy and natural resources management.

#### **S.S.B. 2267** Appropriations

Relating to and making appropriations to various state regulatory, administrative and finance departments, boards and commissions.

## REPORTS OF COMMITTEE MEETINGS

## APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

**Convened:** April 10, 1984, 8:15 a.m.

**Members Present:** Bruner, Chair; Slater, Vice Chair; Waldstein, Ranking Member; Taylor and Anderson.

**Members Absent:** none.

**Other Committee Business:** Subcommittee approved and submitted the proposed FY '85 Social Services appropriations bill to the full Appropriations committee.

**Adjourned:** 8:45 a.m.

## APPROPRIATIONS

**Convened:** April 11, 1984, 11:10 a.m.

**Members Present:** Small, Chair; Palmer, Vice Chair; Tieden, Ranking Member; Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh.

**Members Absent:** none.

**Final Bill Action:** HOUSE FILE 2518, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 18: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh. Nays, none.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 2519, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs for this state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 18: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh. Nays, none.

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

**Adjourned:** 11:40 a.m.

## WAYS AND MEANS

**Convened:** April 10, 1984, 10:20 a.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Holden, Ranking Member; Brown, Carr, Deluhery, Gratiias, Hester, Holt, Readinger, Rodgers, Small, Soorholtz and Van Gilst.

**Members Absent:** Dieleman.

**Final Bill Action:** SENATE FILE 2178, a bill for an act to exempt from the individual income tax the income of a taxpayer who is a member of the armed forces of the United States who is killed in a hostile action for the year in which the death of the taxpayer occurs and making the Act retroactive.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Palmer, Husak, Holden, Brown, Carr, Deluhery, Gratiias, Hester, Holt, Readinger, Rodgers, Small, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 1: Dieleman.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2341 (SSB 2211), a bill for an act relating to the apportionment of the net income of a farm corporation for purposes of the corporate income tax, with a retroactive effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Palmer, Husak, Holden, Brown, Carr, Deluhery, Gratiias, Hester, Holt, Readinger, Rodgers, Small, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 1: Dieleman.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2342, a bill for an act to define regional transit systems and to include regional systems which receive state or federal funds within the definition of Iowa urban transit systems for the purpose of obtaining motor fuel and special fuel tax exemptions.



**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Palmer, Husak, Holden, Brown, Carr, Deluhery, Gratiias, Hester, Holt, Readinger, Rodgers, Small, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 1: Dieleman.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2343 (SSB 2120), a bill for an act to eliminate the county auditor's annual property valuation and tax report to the department of revenue.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Palmer, Husak, Holden, Brown, Carr, Deluhery, Gratiias, Hester, Holt, Readinger, Rodgers, Small, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 1: Dieleman.

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

**Other Committee Business:** Assigned bills to subcommittees; deferred action on SSB 2178.

**Adjourned:** 10:35 a.m.

## PRESENTATION OF VISITORS

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

Sixty-five students from St. Edwards School, Waterloo, Iowa, accompanied by Don Sullivan and Duane Wince. Senators Anderson and Lind.

Seventeen students from Colo Elementary School, Colo, Iowa, accompanied by Elizabeth Robinson. Senator Bruner.

Thirty-three Campfire Girls from the Cedar Rapids area, accompanied by Susan Vrba. Senators Hulse, Hall, Horn and Wells.

Thirty-four students from Beaman-Conrad-Liscomb Elementary School, Conrad, Iowa, accompanied by John Ehn and Mary Pieper. Senators Jensen and Husak.

Forty-three students from Nora Springs-Rock Falls Junior-Senior High School, Nora Springs, Iowa, accompanied by Frank Altman. Senators Gratias and A. Miller.

Thirty-six students from Washington Middle School, Clinton, Iowa, accompanied by Margaret Dihlmann, Lee Camp and Bob Lyons. Senator Goodwin.

Fifty-four students from Milford Elementary School, Milford, Iowa, accompanied by Eileen Anderson, Judy Hagedorn and Barb Mayer. Senator Holt.

#### AMENDMENTS FILED

S—5860	H.F.	2306	House Amendment
S—5861	S. F.	2330	Edgar H. Holden
S—5862	S. F.	2330	William D. Palmer
S—5863	H.F.	2518	Tom Slater
S—5864	S. F.	2330	C.W. Bill Hutchins
S—5865	S. F.	2337	Joe J. Welsh

#### ADJOURNMENT

On motion of Senator Junkins, the Senate adjourned at 4:30 p.m., until 10:30 a.m., Thursday, April 12, 1984.

# JOURNAL OF THE SENATE

1469

NINETY-FIFTH CALENDAR DAY  
SIXTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 12, 1984

The Senate met in regular session at 10:30 a.m., President Anderson presiding.

Prayer was offered by the Reverend Walter Phelps, pastor of the Trinity United Methodist Church, Waverly, Iowa.

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

The Senate resumed session, Senator Colton presiding.

The Journal of Wednesday, April 11, 1984, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 11, 1984, passed the following bill in which the concurrence of the Senate is asked:

**House File 2520**, a bill for an act relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility relates to agricultural affairs, economic development, and energy and natural resources management.

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

## INTRODUCTION OF BILLS

**Senate File 2344**, by Committee on Appropriations, a bill for an act relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility

relates to agricultural affairs, economic development, and energy and natural resources management.

Read first time and placed on the Appropriations Calendar.

**Senate File 2345**, by Committee on Appropriations, a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards and commissions.

Read first time and placed on the Appropriations Calendar.

### QUORUM CALL

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

The vote revealed 47 present, 3 absent and a quorum present.

### MOTION TO RECONSIDER ADOPTED

Senator Husak called up the motion to reconsider Senate File 2334 filed by him on April 9, 1984, found on page 1408 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2334) the vote was:

Ayes, 42:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, 2:

Holden	Tieden
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Absent or not voting, 6:

Briles  
Palmer

Kinley  
Ritsema

Lind

Mann

The motion prevailed.

Senator Husak moved to reconsider the vote by which Senate File 2334 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2334

On motion of Senator Husak, Senate File 2334, a bill for an act relating to the funding of state agencies for designated service programs including health programs, civil rights, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal year beginning July 1, 1984 and ending June 30, 1985 and providing an effective date, was taken up for reconsideration.

Senator Welsh offered amendment S—5869 filed by him from the floor to page 15 of the bill.

Senator Junkins asked and received unanimous consent that further action on amendment S—5869 and Senate File 2334 be deferred.

### RECESS

On motion of Senator Junkins, the Senate recessed at 12:15 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., Senator Carr presiding.

### QUORUM CALL

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

The vote revealed 41 present, 9 absent and a quorum present.

## BUSINESS PENDING

## Senate File 2334

The Senate resumed consideration of Senate File 2334 and amendment S—5869 to page 15 of the bill, previously deferred.

Senator Welsh offered amendment S—5870 filed by him from the floor to page 15 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5870 be adopted?" (S.F. 2334) the vote was:

Ayes, 34:

Anderson	Brown	Bruner	Carr
Colton	Deluhery	Dieleman	Doyle
Gallagher	Gettings	Gratias	Hall
Holt	Horn	Hulse	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, C.P.	Nystrom	Priebe
Rife	Rodgers	Schwengels	Slater
Small	Soorholtz	Tieden	Van Gilst
Wells	Welsh		

Nays, 5:

Gentleman	Goodwin	Holden	Readinger
Taylor			

Absent or not voting, 11:

Briles	Coleman	Drake	Hester
Hultman	Lind	Miller, A.V.	Palmer
Ritsema	Vande Hoef	Waldstein	

Amendment S—5870 was adopted.

With the adoption of amendment S—5870, the Chair ruled the following amendments out of order:

S—5866 filed by Senator Welsh from the floor to page 15 of the bill.

S—5869 by Senator Welsh to page 15 of the bill, previously deferred.

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

On the question "Shall the bill pass?" (S.F. 2334) the vote was:

Ayes, 40:

Anderson	Brown	Bruner	Carr
Colton	Deluhery	Dieleman	Doyle
Gallagher	Gentleman	Gettings	Goodwin
Gratias	Hall	Holt	Horn
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Priebe	Readinger
Rife	Rodgers	Schwengels	Slater
Small	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Wells	Welsh

Nays, 1:

Coleman

Absent or not voting, 9:

Briles	Drake	Hester	Holden
Hultman	Lind	Palmer	Ritserna
Waldstein			

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

The Chair ruled the motion to reconsider filed by Senator Hultman to Senate File 2334 on April 9, 1984, and found on page 1408 of the Senate Journal, out of order.

Senator Junkins asked and received unanimous consent that Senate File 2334 be immediately messaged to the House.

Senator Brown took the chair at 2:00 p.m.

### MOTION TO RECONSIDER ADOPTED

Senator Welsh called up the motion to reconsider Senate File 2337 filed by him on April 9, 1984, found on page 1401 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2337) the vote was:

Ayes, 36:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gallagher	Gentleman	Gettings
Goodwin	Hall	Hester	Holden
Holt	Horn	Hulse	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A. V.	Miller, C.P.	Nystrom	Priebe
Readinger	Rodgers	Schwengels	Slater
Soorholtz	Van Gilst	Wells	Welsh

Nays, 4:

Rife	Taylor	Tieden	Vande Hoef
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Absent or not voting, 10:

Briles	Drake	Gratias	Hultman
Husak	Lind	Palmer	Ritsema
Small	Waldstein		

The motion prevailed.

Senator Welsh moved to reconsider the vote by which Senate File 2337 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2337

On motion of Senator Welsh, Senate File 2337, a bill for an act relating to transportation by making appropriations to state agencies whose responsibilities relate to transportation, public safety and public defense, was taken up for reconsideration.

Senator Welsh offered amendment S—5867 filed by him from the floor to pages 4 and 5 of the bill and moved its adoption.

Amendment S—5867 was adopted by a voice vote.

Senator Welsh offered amendment S—5865 filed by him on April 11, 1984, to pages 5 through 7 of the bill and called for a division: lines 2 through 4 as division S—5865A and lines 5 through 10 as division S—5865B.



With the adoption of amendment S—5867, the Chair ruled division S—5865A out of order.

Senator Welsh moved the adoption of division S—5865B, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2337) the vote was:

Ayes, 39:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Hall
Hester	Holt	Horn	Hulse
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Readinger	Rodgers	Schwengels
Slater	Small	Tieden	Van Gilst
Waldstein	Wells	Welsh	

Nays, 5:

Holden	Rife	Soorholtz	Taylor
Vande Hoef			

Absent or not voting, 6:

Gratias	Hultman	Husak	Lind
Palmer	Ritzeema		

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

The Chair ruled motions to reconsider to Senate File 2337 filed by Senators Gallagher, Junkins and Hultman on April 9, 1984, and found on pages 1401-1402 of the Senate Journal, out of order.

### MOTION TO RECONSIDER ADOPTED

Senator Welsh called up the motion to reconsider Senate File 2298 filed by him on April 3, 1984, found on page 1286 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2298) the vote was:

Ayes, 35:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gettings	Goodwin	Hall	Hester
Horn	Hutchins	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Van Gilst	Wells	Welsh	

Nays, 8:

Gentleman	Holt	Hulse	Jensen
Taylor	Tieden	Vande Hoef	Waldstein

Absent or not voting, 7:

Gratias	Holden	Hultman	Husak
Lind	Palmer	Ritsema	

The motion prevailed.

Senator Welsh moved to reconsider the vote by which Senate File 2298 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2298

On motion of Senator Welsh, Senate File 2298, a bill for an act to require the state department of transportation to include all federal funds in its annual or biennial budget which funds are subject to appropriation to the department, was taken up for reconsideration.

Senator Bruner called up the motion to reconsider the vote by which the Senate concurred in House amendment S—5656 to Senate File 2298 on April 2, 1984, filed by him on April 3, 1984, found on page 1286 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and House amendment S—5656 was taken up for reconsideration.

Senator Bruner offered amendment S—5749 filed by him on April 3, 1984, to House amendment S—5656 and moved its adoption.

Amendment S—5749 was adopted by a voice vote.

Senator Welsh moved that the Senate concur in House amendment S—5656 as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2298) the vote was:

Ayes, 39:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Horn	Hultman	Hutchins
Junkins	Kinley	Mann	Miller, A.V.
Nystrom	Palmer	Priebe	Readinger
Rife	Rodgers	Schwengels	Slater
Small	Soorholtz	Tieden	Van Gilst
Waldstein	Wells	Welsh	

Nays, 7:

Hester	Holt	Hulse	Jensen
Miller, C.P.	Taylor	Vande Hoef	

Absent or not voting, 4:

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

### IMMEDIATELY MESSAGED

Senator Junkins asked and received unanimous consent that Senate Files 2298 and 2337 be immediately messaged to the House.

## SENATE RECEDES

### House File 2340

Senator Carr called up for consideration House File 2340, a bill for an act relating to the investigations and findings of a complaint filed against a health care facility, amended by the Senate and moved that the Senate recede from its amendment.

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

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

On the question "Shall the bill pass?" (H.F. 2340) the vote was:

Ayes, 43:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rife	Rodgers	Schwengels	Slater
Small	Soorholtz	Taylor	Tieden
Van Gilst	Wells	Welsh	

Nays, 4:

Jensen	Mann	Vande Hoef	Waldstein
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Absent or not voting, 3:

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

## SENATE INSISTS

### House File 2491

Senator Deluhery called up for consideration House File 2491, a bill for an act relating to public utilities by providing for an income

tax checkoff for the low income home energy assistance program, the right of parties to appeal the final decision in a rate proceeding, the notification of the office of consumer advocate when a public utility is engaged in certain legal actions, procedures establishing excess electric generating capacity, the use of competitive bidding procedures by public utilities, by requiring investor-owned utilities to purchase combustible gas from municipalities under certain circumstances, making civil penalties applicable and providing effective dates, amended by the Senate and moved that the Senate insist on its amendment.

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

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 2306

Senator Goodwin called up for consideration House File 2306, a bill for an act permitting the conservation commission to alter or restrict the taking of wildlife, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5860 to Senate amendment H—6029 filed April 11, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2306) the vote was:

Ayes, 46:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Hutchins	Jensen
Jenkins	Kinley	Mann	Miller, A.V.

Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, 1:

Gentleman

Absent or not voting, 3:

Husak                      Lind                      Ritsema

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

### MOTION TO RECONSIDER WITHDRAWN

#### Senate File 2183

Senator Slater withdrew the motion to reconsider Senate File 2183, a bill for an act relating to sexual abuse committed by engaging in a sex act against the will of the other participant, filed by him on April 3, 1984, and found on page 1286 of the Senate Journal.

### CONSIDERATION OF BILL (Appropriations Calendar)

#### House Concurrent Resolution 117

On motion of Senator Horn, House Concurrent Resolution 117, a concurrent resolution relating to the bonding authority of the state board of regents, with report of committee recommending passage, was taken up for consideration.

Senator Horn moved the adoption of House Concurrent Resolution 117.

A non record roll call was requested.

The ayes were 37, nays 10.

The motion prevailed and House Concurrent Resolution 117 was adopted.

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

Senator Junkins asked and received unanimous consent to take up for consideration Senate Files 2178, 2341 and 2342.

**Senate File 2178**

On motion of Senator Hutchins, Senate File 2178, a bill for an act to exempt from the individual income tax the income of a taxpayer who is a member of the armed forces of the United States who is killed in a hostile action for the year in which the death of the taxpayer occurs and making the Act retroactive, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2178) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Miller, A. V.	Miller, C. P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

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

**Senate File 2341**

On motion of Senator Van Gilst, Senate File 2341, a bill for an act relating to the apportionment of the net income of a farm corporation for purposes of the corporate income tax, with a retroactive effective date, was taken up for consideration.

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

**Senate File 2342**

On motion of Senator Deluhery, Senate File 2342, a bill for an act relating to regional transit systems by defining the systems to include systems which receive state or federal funds, by providing motor fuel and special fuel tax exemptions for these systems, and by providing free registration plates and validation stickers for these systems, was taken up for consideration.

Senator Nystrom offered amendment S—5872 filed by him from the floor to page 6 of the bill and moved its adoption.

Senator Carr raised the point of order that amendment S—5872 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5872 out of order.

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

On the question "Shall the bill pass?" (S.F. 2342) the vote was:

Ayes, 46:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		



Nays, none.

Absent or not voting, 4:

Colton

Lind

Ritsema

Welsh

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

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2491** on the part of the Senate: Senators Deluhery, Chair; Rodgers, Bruner, Tieden and Holden.

### IMMEDIATELY MESSAGED

Senator Junkins asked and received unanimous consent that **House File 2491** and **Senate Files 2178** and **2342** be immediately messaged to the House.

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** April 12, 1984, 9:35 a.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Holden, Ranking Member; Brown, Carr, Deluhery (arrived 10:20 a.m.), Dieleman, Gratiás, Hester, Holt, Readinger (arrived 9:45 a.m.), Rodgers, Small (arrived 9:55 a.m.), Soorholtz and Van Gilst.

**Members Absent:** none.

**Final Bill Action:** HOUSE FILE 2326, a bill for an act to eliminate the county auditor's annual property valuation and tax report to the department of revenue.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Palmer, Husak, Holden, Brown, Carr, Dieleman, Gratiás, Hester, Holt, Rodgers, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 3: Deluhery, Readinger and Small.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2444, a bill for an act to provide that the taxable value of a building shall not be increased where the dollar amount of normal and necessary repairs to the building does not exceed two thousand five hundred dollars.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Palmer, Husak, Holden, Brown, Carr, Dieleman, Gratiias, Hester, Holt, Rodgers, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 3: Deluhery, Readinger and Small.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2507, a bill for an act relating to the penalties for certain taxes including cigarette and tobacco taxes, state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, withholding taxes, franchise taxes, inheritance and estate taxes, sales and use taxes, and generation skipping transfer taxes.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Palmer, Husak, Holden, Brown, Carr, Dieleman, Gratiias, Hester, Holt, Rodgers, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 3: Deluhery, Readinger and Small.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2513, a bill for an act relating to the requirement of a minimum nexus in at least one other state before an Iowa domiciled corporation may apportion its net income within and without the state for purposes of the corporate income tax and removing the special provision relating to apportionment of the net income of a farm corporation for purposes of the corporate income tax, with a retroactive effective date.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5874.

**Final Vote:** Ayes, 13: Palmer, Husak, Holden, Brown, Carr, Dieleman, Gratiias, Hester, Holt, Readinger, Rodgers, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 2: Deluhery and Small.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2516, a bill for an act to provide funding for the removal or encapsulation of asbestos by school districts.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Palmer, Husak, Brown, Carr, Dieleman, Readinger, Rodgers, Small, Soorholtz and Van Gilst. Nays, 4: Holden, Gratias, Hester and Holt. Absent or not voting, 1: Deluhery.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**Adjourned:** 10:55 a.m.

### CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2343.

#### Senate File 2343

On motion of Senator Rodgers, Senate File 2343, a bill for an act to eliminate the county auditor's annual property valuation and tax report to the department of revenue, was taken up for consideration.

Senator Rodgers asked and received unanimous consent that **House File 2326** be substituted for Senate File 2343.

#### House File 2326

On motion of Senator Rodgers, House File 2326, a bill for an act to eliminate the county auditor's annual property valuation and tax report to the department of revenue, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2326) the vote was:

**Ayes, 47:**

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt

Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

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

### WITHDRAWN

Senator Rodgers asked and received unanimous consent that **Senate File 2343** be withdrawn from further consideration of the Senate.

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

Senator Junkins asked and received unanimous consent to take up for consideration **House File 2513**.

#### **House File 2513**

On motion of Senator Van Gilst, **House File 2513**, a bill for an act relating to the requirement of a minimum nexus in at least one other state before an Iowa domiciled corporation may apportion its net income within and without the state for purposes of the corporate income tax and removing the special provision relating to apportionment of the net income of a farm corporation for purposes of the corporate income tax, with a retroactive effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on **House File 2513** be deferred.

## REPORT OF COMMITTEE MEETING

## JUDICIARY

**Convened:** April 11, 1984, 4:30 p.m.

**Members Present:** Doyle, Chair; Mann, Vice Chair; Coleman, Deluhery, Dieleman, Drake, Gentleman, Goodwin, Small and Welsh.

**Members Absent:** Ritsema, Ranking Member (excused); Briles, Holt and Horn.

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 114, a resolution relating to the Taxpayer Antitrust Enforcement Act of 1983.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Doyle, Mann, Coleman, Deluhery, Dieleman, Drake, Gentleman, Goodwin, Small and Welsh. Nays, none. Absent or not voting, 4: Ritsema, Briles, Holt and Horn.

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

**Adjourned:** 4:50 p.m.

## ADOPTION OF RESOLUTION

Senator Junkins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 114.

**Senate Concurrent Resolution 114**

On motion of Senator Doyle, Senate Concurrent Resolution 114, a concurrent resolution relating to the Taxpayer Antitrust Enforcement Act of 1983, with report of committee recommending passage, was taken up for consideration.

Senator Doyle offered amendment S—5873 filed by him from the floor to page 1 of the resolution and moved its adoption.

Amendment S—5873 was adopted by a voice vote.

Senator Doyle moved the adoption of Senate Concurrent Resolution 114 as amended, which motion prevailed by a voice vote.

## BUSINESS PENDING

### House File 2513

The Senate resumed consideration of House File 2513, previously deferred.

Senator Van Gilst offered amendment S—5874 filed by the committee on Ways and Means from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—5874 was adopted by a voice vote.

With the adoption of amendment S—5874, the Chair ruled amendment S—5840 filed by Senators Priebe, et al., on April 9, 1984, to page 1 of the bill, out of order.

Senator Colton took the chair at 3:42 p.m.

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

On the question "Shall the bill pass?" (H.F. 2513) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

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

## WITHDRAWN

Senator Van Gilst asked and received unanimous consent that Senate File 2341 be withdrawn from further consideration of the Senate.

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2513 passed the Senate on April 12, 1984.

JAMES V. GALLAGHER

## IMMEDIATELY MESSAGED

Senator Junkins asked and received unanimous consent that House Files 2306, 2326, 2340 and Senate Concurrent Resolution 114 be immediately messaged to the House.

Senator Junkins asked and received unanimous consent to send an immediate message to the House on Senate File 2186.

## FURTHER CONSIDERATION OF RESOLUTION

Senator Junkins asked and received unanimous consent to take up House Concurrent Resolution 117 and reflect a record roll call vote.

On the question "Shall the resolution be adopted?" (HCR 117) the vote was:

Ayes, 43:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gettings	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hultman
Husak	Hutchins	Jensen	Junkins
Kimley	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Wells	Welsh	

Nays, 4:

Gentleman	Holden	Hulse	Waldstein
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Absent or not voting, 3:

Lind	Palmer	Ritsema
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The motion prevailed and the resolution was adopted.

Senator Junkins asked and received unanimous consent that **House Concurrent Resolution 117** be immediately messaged to the House.

### MOTION TO RECONSIDER LOST

#### House File 2217

Senator Junkins called up the motion to reconsider House File 2217, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, filed by him on April 10, 1984, found on page 1424 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2217) the vote was:

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

Ayes, 23:

Briles	Bruner	Dieleman	Drake
Gentleman	Goodwin	Gratias	Hall
Hester	Holden	Holt	Hulse
Hultman	Jensen	Nystrom	Priebe
Rife	Rodgers	Schwengels	Soorholtz
Taylor	Vande Hoef	Waldstein	

Nays, 24:

Anderson	Brown	Carr	Coleman
Colton	Deluhery	Doyle	Gallagher
Gettings	Horn	Hutchins	Junkins
Kinley	Mann	Miller, A.V.	Miller, C.P.
Palmer	Readinger	Slater	Small
Tieden	Van Gilst	Wells	Welsh



Absent or not voting, 3:

Husak                      Lind                      Ritsema

The motion lost.

The Chair ruled the motions to reconsider filed by Senators Husak, Priebe, Brown and Hultman to House File 2217 on April 10, 1984, and found on page 1424 of the Senate Journal, out of order.

Senator Junkins asked and received unanimous consent that **House File 2217** be immediately messaged to the House.

### MOTION TO RECONSIDER WITHDRAWN

#### House File 2486

Senator Carr withdrew the motion to reconsider House File 2486, a bill for an act to provide a deterrent to persons operating a motor vehicle while under the influence of an alcoholic beverage or other drug, providing instruction and treatment for drinking drivers, declaring certain acts illegal and establishing penalties, filed by him on March 27, 1984, and found on page 1093 of the Senate Journal.

Senator Junkins asked and received unanimous consent **House File 2486** be immediately messaged to the House.

### BILLS REFERRED TO COMMITTEE

Senator Junkins asked and received unanimous consent that **House Files 2518 and 2519** be referred from the Appropriations Calendar to the committee on **Appropriations** and that the Senate Calendar reflect the bills are in the Appropriations committee.

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

The Senate resumed session, Senator Brown presiding.

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

The Senate resumed session, Senator Welsh presiding.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 111**, by Waldstein, Schwengels, Coleman, Gallagher, Priebe, Drake, Anderson, Holt, Brown, Rife, Gettings, Wells, Vande Hoef, Horn, Soorholtz, Miller of Cerro Gordo, Palmer, Taylor, Welsh and Colton, a resolution relating to telephone service for legislators.

**Read first time and passed on file.**

**Senate Concurrent Resolution 118**, by Committee on Appropriations, a concurrent resolution relating to state mental health institutes.

**Read first time and placed on the Appropriations Calendar.**

**Senate Concurrent Resolution 119**, by Miller of Des Moines, a concurrent resolution relating to the payment of funeral expenses for recipients of aid to families with dependent children program or state supplementary assistance.

**Read first time and passed on file.**

## INTRODUCTION OF BILL

**Senate File 2346**, by Committee on Ways and Means, a bill for an act to suspend the Iowa dairy industry commission during the effective period of a national promotional order established pursuant to the 1983 dairy Act.

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

## APPENDIX

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 11, 1984, the Governor approved and transmitted to the Secretary of the State the following bills:

**S.F. 441**—Relating to eminent domain procedures by providing constructive notice to possible purchasers that land is subject to condemnation proceedings, clarifying responsibilities for recording condemnation proceedings, and specifying the time at which title to property or an interest in property passes following condemnation.

**S.F. 2002**—Relating to ownership rights to dies, molds, and forms.

**S.F. 2129**—To make nonsubstantive corrections to the Code.

**S.F. 2184**—Relating to the qualifications of the Superintendent of Public Instruction.

**S.F. 2243**—Specifying which claims paid to county employees must be published in official newspapers.

**S.F. 2263**—Requiring the department of public instruction to adopt rules relating to the review of an action or omission relating to special education programs by state or local authorities.

**S.F. 2283**—Relating to the death of a fire fighter during an arson and providing a penalty.

**S.F. 2295**—Prohibiting reductions in sick leave, vacation leave, or compensatory time entitlements while an employee is receiving weekly workers' compensation benefits.

**S.F. 2312**—Relating to the deposit of interest earnings in designated employee insurance funds.

ALSO:

That on April 12, 1984, the Governor approved and transmitted to the Secretary of the State the following bill:

**S.F. 510**—Relating to liens against crops and livestock to secure payment for agricultural chemicals, seed, petroleum products, and feed used in the production of growing crops and livestock and providing for the perfection, enforcement, assignment, and satisfaction of these liens, and providing for statutory damages.

**MOTION TO RECONSIDER**

**MR. PRESIDENT:** I move to reconsider the vote by which House File 2439 passed the Senate on April 11, 1984.

**BOB CARR**

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this twelfth day of April, 1984:

Senate Files 517, 2082, 2116, 2163, 2248 and 2270.

**K. MARIE THAYER**  
Secretary of the Senate

**REPORT OF THE SECRETARY OF THE SENATE**

**MR. PRESIDENT:** Pursuant to Senate Rule 21, I report that in enrolling Senate File 2248, the following technical corrections were made:

House amendment S—5703:

1. Page 1, line 5, "455D.3A" changed to "455.D.4", increasing subsequent section numbers by 1 (one), up to Sec. 12.

2. Internal reference changes to the bill:

- a. Page 2, line 16, "455D.8" to "455D.9".
- b. Page 3, line 1, "455D.8" to "455D.9".
- c. Page 3, line 8, "455D.8" to "455D.9".
- d. Page 5, line 6, "455D.3A" to "455D.4".
- e. Page 5, line 24, "455D.8" to "455D.9".
- f. Page 10, line 8, "455D.7" to "455D.8".

3. Page 5, line 30, of the reprinted bill, "principle place" was changed to "principal place".

**K. MARIE THAYER**  
Secretary of the Senate

## CERTIFICATE OF RECOGNITION

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that certificate of recognition has been issued as follows:

The First United Methodist Church of Burlington—Sesquicentennial celebration on April 8, 1984. Senator Charles P. Miller. (April 9, 1984.)

## STUDY BILLS RECEIVED

**S.S.B. 2268** Ways and Means

Relating to the refund and crediting of motor vehicle registration fees.

**S.S.B. 2269** Appropriations

Creating a petroleum overcharge fund in the state treasury and appropriating money from the fund.

## CONFERENCE COMMITTEE REPORT RECEIVED (House File 123)

A conference committee report signed by the following Senate and House members was filed April 12, 1984, on House File 123, a bill for an act relating to crimes involving the unjustified interference with the body or duty of persons including fire fighters, persons providing emergency medical services, and penal and correctional facility staff, and providing penalties.

On the Part of the Senate:

**TOM MANN, JR.**, Chair  
**JOE J. WELSH**  
**DONALD V. DOYLE**  
**JULIA GENTLEMAN**  
**LEE W. HOLT**

On the Part of the House:

**RALPH ROSENBERG**, Chair  
**ROGER HALVORSON**  
**LEO P. MILLER**  
**DENNIS L. RENAUD**

## EXPLANATION OF VOTE

**MR. PRESIDENT:** I was necessarily absent from the Senate chamber on April 12, 1984, when the final vote was taken on Senate File 2342.

Had I been present, I would have voted "aye".

**MILO COLTON**

## REPORTS OF COMMITTEE MEETINGS

## APPROPRIATIONS

Convened: April 5, 1984, 11:45 a.m.

**Members Present:** Small, Chair; Palmer, Vice Chair; Tieden, Ranking Member; Bruner, Carr, Deluhery, Dieleman, Gentleman, Holt, Horn, Readinger, Waldstein and Welsh.

**Members Absent:** Hall, Husak, Lind, Schwengels and Wells.

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 118, a resolution relating to state mental health institutes.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 13: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Holt, Horn, Readinger, Waldstein and Welsh. Nays, none. Absent or not voting, 5: Hall, Husak, Lind, Schwengels and Wells.

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

Adjourned: 12:16 p.m.

## APPROPRIATIONS

Convened: April 11, 1984, 11:10 a.m.

**Members Present:** Small, Chair; Palmer, Vice Chair; Tieden, Ranking Member; Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh.

**Members Absent:** none.

**Final Bill Action:** SENATE FILE 2344 (SSB 2266), a bill for an act relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility relates to agricultural affairs, economic development, and energy and natural resources management.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 18: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2345 (SSB 2267), a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards and commissions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 18: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh. Nays, none.

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

**Adjourned:** 11:40 a.m.

## LABOR AND INDUSTRIAL RELATIONS

**Convened:** April 9, 1984, 9:05 a.m.

**Members Present:** Anderson, Chair; Colton, Gettings, Hultman, Hutchins, Jensen, Vande Hoef and Wells.

**Members Absent:** Slater, Vice Chair and Hulse, Ranking Member.

**Other Committee Business:** Discussed the Governors' appointee for the Director of the Iowa Department of Job Services.

**Adjourned:** 9:10 a.m.

## WAYS AND MEANS (also see pages 1488-1485.)

**Convened:** April 12, 1984, 9:35 a.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Holden, Ranking Member; Brown, Carr, Deluhery (arrived 10:20 a.m.), Dieleman, Gratias, Hester, Holt, Readinger (arrived 9:45 a.m.), Rodgers, Small (arrived 9:55 a.m.), Soorholtz and Van Gilst.

**Final Bill Action:** SENATE FILE 2346, a bill for an act to suspend the Iowa dairy industry commission during the effective period of a national promotional order established pursuant to the 1983 dairy Act.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Palmer, Husak, Holden, Brown, Carr, Dieleman, Gratias, Hester, Holt, Readinger, Rodgers, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 2: Deluhery, and Small.

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

**Adjourned:** 10:55 a.m.

#### LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, M.D., Boone, Iowa.

#### PRESENTATION OF VISITORS

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

Twenty-five students from Rockwell-Swaledale High School, Rockwell, Iowa, accompanied by Jim Fredrickson. Senators Gratias and A. Miller.

Sixty students from A. E. Kreft Elementary School, Council Bluffs, Iowa, accompanied by Mr. McBurney and Jack Evanoff. Senators Hester and Slater.

Thirty-five students from Bennett High School, Bennett, Iowa, accompanied by William Huckstadt. Senator Hulse.

Forty students from Lincoln Elementary School, Mechanicsville, Iowa, accompanied by Gladys Rife and Ruth Miller. Senator Hulse.

Forty-six students from Belle Plaine High School, Belle Plaine, Iowa, accompanied by Randy Northrop. Senator Husak.

Thirty students from Saint Pauls Lutheran School, Waverly, Iowa, accompanied by Mrs. Ott, Miss Langholz, Mrs. Wheeler, Mrs. Eagen and Mr. Kingery. Senator Jensen.

Sixty-six students from Southeast Elementary School, Ankeny, Iowa, accompanied by Jan Plantz. Senator Palmer.

Twenty-eight students from Central of Fenton, Fenton, Iowa, accompanied by Wiley Hanson, Lois Crouch, Karl Kielsholm and Tom Garman. Senator Priebe.



The following visitors were present in the Senate gallery:

Five students from Graceland College, accompanied by Bill Russell. Senator Briles.

#### AMENDMENTS FILED

S-5866	S. F.	2334	Joe J. Welsh
S-5867	S. F.	2337	Joe J. Welsh
S-5868	H.F.	2481	Hurley W. Hall
S-5869	S. F.	2334	Joe J. Welsh
S-5870	S. F.	2334	Joe J. Welsh
S-5871	H.F.	2481	James V. Gallagher Hurley W. Hall
S-5872	S. F.	2342	John N. Nystrom
S-5873	S. C.R.	114	Donald V. Doyle
S-5874	H.F.	2513	Ways and Means

#### ADJOURNMENT

On motion of Senator Palmer, the Senate adjourned at 6:03 p.m., until 8:00 a.m., Friday, April 13, 1984.

# JOURNAL OF THE SENATE

NINETY-SIXTH CALENDAR DAY  
SIXTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, April 13, 1984

The Senate met in regular session at 8:02 a.m., President Anderson presiding.

Prayer was offered by the Reverend Robert Ossman, pastor of the Green Mountain United Christian Church and Chapel United Methodist Church, Green Mountain, Iowa.

The Journal of Thursday, April 12, 1984, was approved.

## QUORUM CALL

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

The vote revealed 39 present, 11 absent and a quorum present.

## BILLS ASSIGNED TO COMMITTEE

President Anderson announced the assignment of the following bills to committee:

S. R.	111	Rules and Administration
S. C.R.	116	Rules and Administration
S. C.R.	117	State Government
S. C.R.	119	Human Resources

## CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration House File 2444 and Senate File 2346.

### House File 2444

On motion of Senator Van Gilst, House File 2444, a bill for an act to provide that the taxable value of a building shall not be increased

where the dollar amount of normal and necessary repairs to the building does not exceed two thousand five hundred dollars, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2444) the vote was:

Ayes, 42:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Dieleman	Drake
Gallagher	Gentleman	Gettings	Goodwin
Gratias	Hall	Hester	Holden
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Weish		

Nays, none.

Absent or not voting, 8:

Briles	Deluhery	Doyle	Holt
Lind	Mann	Ritsema	Taylor

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

### Senate File 2346

On motion of Senator Van Gilst, Senate File 2346, a bill for an act to suspend the Iowa dairy industry commission during the effective period of a national promotional order established pursuant to the 1983 dairy Act, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2346) the vote was:

Ayes, 43:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Dieleman	Drake
Gallagher	Gentleman	Gettings	Goodwin
Gratias	Hall	Hester	Holden
Holt	Horn	Hulse	Hultman
Husak	Hutchins	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readerger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, none.

Absent or not voting, 7:

Briles	Deluhery	Doyle	Jensen
Lind	Ritsema	Welsh	

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

Senator Junkins asked and received unanimous consent to take up for consideration House File 2516.

### House File 2516

On motion of Senator Carr, House File 2516, a bill for an act to provide funding for the removal or encapsulation of asbestos by school districts, with report of committee recommending passage, was taken up for consideration.

Senator Priebe asked and received unanimous consent that further action on House File 2516 be deferred.

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

The Senate resumed session, Senator Brown presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on March 29, 1984, passed the following bill in which the concurrence of the House was asked:

**Senate File 24**, a bill for an act relating to procedures in small claims actions.

**ALSO:** That the House has on April 10, 1984, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**Senate File 2277**, a bill for an act relating to the selection process of subscriber directors of a board of a hospital service corporation, medical service corporation, dental service corporation, or pharmaceutical or optometric corporation by requiring the commissioner of insurance to adopt rules to establish criteria for the selection of nominees and to permit the nomination process by a petition, requiring the subscriber members of the board of such corporations to establish procedures to permit nomination by petition, and exempting the independent subscriber nominating committee from chapter 17A and prohibiting the members of such committee from receiving per diem and expenses and providing an effective date.

**ALSO:** That the House, on April 12, 1984, insisted on its amendment to **Senate File 2262**, a bill for an act relating to health insurance by requiring that coverage for educational programs for diabetes be offered, and that the members of the Conference Committee on the part of the House are: the Representative from Jasper, Mr. Parker, Chair; the Representative from Polk, Mr. Chiodo, the Representative from Delaware, Mr. Hanson, the Representative from Muscatine, Mrs. Hoffman-Bright, and the Representative from Guthrie, Mr. Skow.

**ALSO:** That the conference committee on **House File 595**, a bill for an act relating to the deferring of judgment or deferring of sentence of a person previously convicted of a felony, appointed April 12, 1984, is: the Representative from Johnson, Mr. Varn, Chair; the Representative from Louisa, Mr. Corey, the Representative from Plymouth, Mr. Paulin, the Representative from Story, Mr. Rosenberg, and the Representative from Jackson, Mr. Tabor.

**ALSO:** That the conference committee on **House File 2491**, a bill for an act relating to public utilities by providing for an income tax checkoff for the low income home energy assistance program, the right of parties to appeal the final decision in a rate proceeding, the notification of the office of consumer advocate when a public utility is engaged in certain legal actions, procedures establishing excess electric generating capacity, the use of competitive bidding procedures by public utilities, by requiring investor-owned utilities to purchase combustible gas from municipalities under certain circumstances, making civil penalties applicable and providing effective dates, appointed April 12, 1984, is: the Representative from Polk,

Mr. Chiodo, Chair; the Representative from Pottawattamie, Mr. Gronstal, the Representative from Benton, Mr. Hummel, the Representative from Jasper, Mr. Parker, and the Representative from Black Hawk, Mr. McIntee.

ALSO: That the House has on April 12, 1984, refused to concur in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

**Senate File 2291**, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards.

ALSO: That the House has on April 12, 1984, concurred in the Senate amendments as amended and passed the following bills in which the concurrence of the House was asked:

**House File 582**, a bill for an act relating to the postconviction procedure Act (S—5875).

**House File 2015**, a bill for an act relating to the holding of games of skill, chance, and raffles including bingo and providing penalties (S—5876).

**House File 2211**, a bill for an act making changes in the practice act relating to physical therapy (S—5877).

**House File 2401**, a bill for an act relating to the creation of a public outdoor recreation and resources program, and advisory council, and a county conservation board fund (S—5878).

ALSO: That the House has on April 12, 1984, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 407**, a bill for an act relating to the eligibility for and annuities of the senior judge program (S—5879).

ALSO: That the House has on April 12, 1984, passed the following bills in which the concurrence of the Senate is asked:

**House File 2509**, a bill for an act relating to the imposition of a local option wheel tax by referendum.

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

**House File 2521**, a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards and commissions.

This bill was read first time and passed on file.

### QUORUM CALL

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

The vote revealed 44 present, 6 absent and a quorum present.

President Anderson took the chair at 10:00 a.m.

### SPECIAL GUEST

President Anderson presented George Gallup, founder and Chairman of The Gallup Poll, who was accompanied by his wife of sixty years, Ophelia.

Mr. Gallup was selected as the tenth recipient of Iowa's highest award—The Iowa Award—and in addition, was presented a Certificate of Recognition from the Iowa Senate.

Mr. Gallup, who was born in Jefferson, Iowa, on November 18, 1901, earned a B.A. degree and Ph. D. from the University of Iowa and taught courses in journalism and psychology at the University of Iowa (1923-29) and Drake University (1919-31). He addressed the Senate and expressed that receiving The Iowa Award was one of the greatest honors of his life.

He said the purpose of The Gallup Poll, which was founded in 1913 and extends into European and Latin American countries, is to measure the public's attitudes on social, political and economic issues of the day.

Mr. Gallup thanked the Centennial Committee and all persons who participated in bestowing him with The Iowa Award.

President Anderson announced that Mr. Gallup was selected nationally as one of fifty persons who had changed the world in the Twentieth Century.

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

The Senate resumed session, Senator Coleman presiding.

### QUORUM CALL

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

The vote revealed 20 present, 30 absent and a quorum not present.

### INTRODUCTION OF BILLS

**Senate File 2347**, by Committee on Ways and Means, a bill for an act relating to the issuance of bonds by certain counties for the acquisition, construction, reconstruction, improvement, repair, and equipping of water works, water mains and extensions, and real and personal property useful for providing potable water to county residents, establishment of a special tax district, and taxation of real property located within the special tax district.

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

**Senate File 2348**, by Committee on Ways and Means, a bill for an act to increase from five thousand dollars to seven thousand dollars the threshold to qualify for claiming a credit for special assessments due and payable under the extraordinary property tax relief law.

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

**Senate File 2349**, by Committee on Ways and Means, a bill for an act relating to the establishment of and improvements within a secondary road assessment district.

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

**Senate File 2350**, by Committee on Ways and Means, a bill for an act to impose a state alternative minimum tax to replace the state minimum tax under the individual income tax and making the Act retroactive.

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



**COMMUNICATION FROM THE GOVERNOR**

The following communication from the Governor was presented:

April 13, 1984

Ms. K. Marie Thayer  
Secretary of the Senate  
State Capitol Building  
LOCAL

Dear Ms. Thayer:

Pursuant to Section 2.32(4), 1983 Code of Iowa, I submit the deferral of the appointment of Director of the Iowa Department of Job Service.

Robert Holetz, who I appointed on March 29, 1984, withdrew from the appointment on April 9, 1984.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

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

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

The Senate resumed session, Senator Colton presiding.

**INTRODUCTION OF BILLS**

**Senate File 2351**, by Committee on Appropriations, a bill for an act relating to the administration and financing of current programs other than mental health programs under the jurisdiction of the department of human services and to the foster care review board for the fiscal year beginning July 1, 1984, and ending June 30, 1985.

**Read first time and placed on the Appropriations Calendar.**

**Senate File 2352**, by Committee on Appropriations, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

Read first time and placed on the Appropriations Calendar.

### BILLS REFERRED TO COMMITTEE

The Chair announced that the following bills were referred from the Appropriations Calendar to the committee on Finance:

Senate Files 2344, 2345, 2351, and 2352; and House Files 2518 and 2519.

The Chair announced that the following bills were referred from the Ways and Means Calendar to the committee on Finance:

Senate Files 2347, 2348, 2349 and 2350.

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

The Senate resumed session, Senator Coleman presiding.

### QUORUM CALL

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

The vote revealed 45 present, 5 absent and a quorum present.

### REQUEST FOR UNANIMOUS CONSENT (Individual Confirmation Calendar)

Senator Junkins asked and received unanimous consent that the Individual Confirmation Calendar be considered on Monday, April 16, 1984.

### HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

#### House File 2211

Senator Horn called up for consideration House File 2211, a bill for an act making changes in the practice act relating to physical therapy, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5877 to Senate amendment H—5957 filed April 13, 1984.

A non record roll call was requested.

The ayes were 7, nays 40.

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

President Anderson took the chair at 2:03 p.m.

### House File 2015

Senator Welsh called up for consideration House File 2015, a bill for an act relating to the holding of games of skill, chance, and raffles including bingo and providing penalties, amended by the Senate, further amended by the House in House amendment S—5876 to Senate amendment H—6014 filed on April 13, 1984.

Senator Anderson asked and received unanimous consent that further action on House amendment S—5876 to Senate amendment H—6014 and House File 2015 be deferred.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on Senate File 2262 on the part of the Senate: Senators Gallagher, Chair; Nystrom, Jensen, Priebe and Tieden.

### SENATE INSISTS

#### Senate File 2291

Senator Holden called up for consideration, Senate File 2291, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards, amended by the House and moved that the Senate insist on its amendment.

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

### HOUSE AMENDMENT CONSIDERED

#### Senate File 407

Senator Nystrom called up for consideration Senate File 407, a bill for an act relating to the eligibility for and annuities of the

senior judge program, amended by the House, and moved that the Senate concur in House amendment S—5879 filed April 13, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 407) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Lind
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

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

## BUSINESS PENDING

### House File 2015

The Senate resumed consideration of House File 2015 and House amendment S—5876 to Senate amendment H—6014, previously deferred.

Senator Welsh moved that the Senate concur in House amendment S—5876 to Senate amendment H—6014.

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

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

On the question "Shall the bill pass?" (H.F. 2015) the vote was:

Ayes, 49:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings *	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Lind	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rife	Rodgers	Schwengels	Slater
Small	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Welsh			

Nays, none.

Absent or not voting, 1:

Ritsema

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

#### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2015 passed the Senate on April 13, 1984.

TED ANDERSON

#### IMMEDIATELY MESSAGED

Senator Junkins asked and received unanimous consent that Senate File 2346 be immediately messaged to the House.

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

The Senate resumed session, President Anderson presiding.

### QUORUM CALL

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

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

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

Convened: April 13, 1984, 10:25 a.m.

**Members Present:** Small, Chair; Palmer, Vice Chair; Tieden, Ranking Member; Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh.

**Members Absent:** none.

**Final Bill Action:** SENATE FILE 2351 (SSB 2264), a bill for an act relating to the administration and financing of current programs other than mental health programs under the jurisdiction of the department of human services and to the foster care review board for the fiscal year beginning July 1, 1984, and ending June 30, 1985.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 18: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2352 (SSB 2260), a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 18: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh. Nays, none.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 2518, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5886.

**Final Vote:** Ayes, 18: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh. Nays, none.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 2519, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs for this state.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5887.

**Final Vote:** Ayes, 18: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh. Nays, none.

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

**Adjourned:** 12:20 p.m.

## **FINANCE**

**Convened:** April 13, 1984, 1:31 p.m.

**Members Present:** Rodgers, Chair; Hutchins, Vice Chair; Hultman, Ranking Member; Holden, Junkins, Palmer, Small and Tieden.

**Members Absent:** none.

**Final Bill Action:** SENATE FILE 2349, a bill for an act relating to the establishment of and improvements within a secondary road assessment district.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 2518, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 2519, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs for this state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**Adjourned:** 1:45 p.m. (meeting continued in the Appendix).

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration House File 2518.



**House File 2518**

On motion of Senator Dieleman, House File 2518, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies, with report of committee on Appropriations recommending amendment and passage, and report of committee on Finance recommending passage, was taken up for consideration.

Senator Dieleman offered amendment S—5886 filed by the committee on Appropriations from the floor to pages 1, 4, 10, 11, 15 and 19 of the bill and called for a division:

Division S—5886A: lines 3 through 5 and lines 19 through 21.

Division S—5886B: lines 6 through 8.

Division S—5886C: line 9.

Division S—5886D: lines 10 through 18.

Division S—5886E: lines 22 through 31.

Division S—5886F: line 32.

Senator Dieleman asked and received unanimous consent that action on divisions S—5886A and S—5886B be deferred.

Senator Dieleman asked and received unanimous consent to withdraw division S—5886C.

On motion of Senator Dieleman, divisions S—5886D, S—5886E and S—5886F were adopted by a voice vote.

Senator Slater offered amendment S—5863 filed by him on April 11, 1984, to page 13 of the bill and moved its adoption.

Amendment S—5863 was adopted by a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The Chair announced the following conference committee on **Senate File 2291** on the part of the Senate: Senators Kinley, Chair; Gallagher, Holden, Palmer and Rife.

**BUSINESS PENDING****House File 2518**

The Senate resumed consideration of House File 2518.

Senator Small offered amendment S—5890 filed by him from the floor to page 18 of the bill and moved its adoption.

Amendment S—5890 was adopted by a voice vote.

Senator Small offered amendment S—5891 filed by him from the floor to page 19 of the bill and moved its adoption.

Amendment S—5891 was adopted by a voice vote.

Senator Kinley took the chair at 3:22 p.m.

Senator Readinger offered amendment S—5893 filed by Senators Readinger, et al., from the floor to page 15 of the bill and moved its adoption.

Amendment S—5893 was adopted by a voice vote.

Senator Junkins asked and received unanimous consent that further action on divisions S—5886A, S—5886B and House File 2518 be deferred.

**CONSIDERATION OF BILL  
(Appropriations Calendar)**

Senator Junkins asked and received unanimous consent to take up for consideration House File 2519.

**House File 2519**

On motion of Senator Horn, House File 2519, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs for this state, with report of committee on Appropriations recommending amendment and passage and report of committee on Finance recommending passage, was taken up for consideration.

Senator Horn offered amendment S—5887 filed by the committee on Appropriations from the floor to pages 3, 9, 11, 12, 14 and 15 of the bill and called for a division:

Division S—5887A: Page 1, lines 3 through 14 and lines 36 through 38.

Division S—5887B: Page 1, lines 15 through 35 and lines 39 through 50; page 2 and page 3.

Senator Horn asked and received unanimous consent to withdraw division S—5887A.

Senator Anderson offered amendment S—5895 filed by him from the floor to division S—5887B and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5895 to division S—5887B be adopted?" (H.F. 2519) the vote was:

Ayes, 22:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Doyle
Gallagher	Gettings	Horn	Hutchins
Junkins	Mann	Miller, A. V.	Miller, C.P.
Palmer	Rodgers	Slater	Small
Wells	Welsh		

Nays, 27:

Briles	Dieleman	Drake	Gentleman
Goodwin	Gratias	Hall	Hester
Holden	Holt	Hulse	Hultman
Husak	Jensen	Kinley	Lind
Nystrom	Priebe	Readinger	Rife
Schwengels	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	

Absent or not voting, 1:

Ritsema

Amendment S—5895 lost.

Senator Gentleman offered amendment S—5892 filed by Senators Gentleman, Holden and Lind from the floor to division S—5887B and moved its adoption.

A non record roll call was requested.

The ayes were 16, nays 32.

Amendment S—5892 lost.

Senator Horn moved the adoption of division S—5887B, which motion prevailed by a voice vote.

Senator Holden offered amendment S—5885 filed by him from the floor to page 15 of the bill.

Senator Brown raised the point of order that amendment S—5885 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5885 out of order.

Action on House File 2519 was temporarily deferred.

### BUSINESS PENDING

#### House File 2518

The Senate resumed consideration of House File 2518 and divisions S—5886A and S—5886B, previously deferred.

Senator Dieleman asked and received unanimous consent to withdraw division S—5886A.

Senator Schwengels offered amendment S—5897 filed by Senators Schwengels, Hultman and Tieden from the floor to page 4 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 49, nays, none.

Amendment S—5897 was adopted.

Senator Dieleman withdrew amendment S—5896 filed by him from the floor to division S—5886B.

Senator Dieleman asked and received unanimous consent to withdraw division S—5886B.

Action on House File 2518 was temporarily deferred.

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

Senator Junkins asked and received unanimous consent to take up for consideration House File 2507.

**House File 2507**

On motion of Senator Holt, House File 2507, a bill for an act relating to the penalties for certain taxes including cigarette and tobacco taxes, state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, withholding taxes, franchise taxes, inheritance and estate taxes, sales and use taxes, and generation skipping transfer taxes, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2507) the vote was:

Ayes, 46:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A. V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Welsh		

Nays, none.

Absent or not voting, 4:

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

## BUSINESS PENDING

### House File 2518

The Senate resumed consideration of House File 2518, previously deferred.

Senator Waldstein offered amendment S—5899 filed by Senators Waldstein, et al., from the floor to page 4 of the bill.

Senator Rodgers raised the point of order that amendment S—5899 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5899 out of order.

Action on House File 2518 was temporarily deferred.

## BUSINESS PENDING

### House File 2519

The Senate resumed consideration of House File 2519, previously deferred.

Senator Horn withdrew amendment S—5898 filed by him from the floor to page 3 of the bill.

Senator Horn offered amendment S—5900 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5900 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2519) the vote was:

Ayes, 40:

Anderson	Brown	Bruner	Carr
Colton	Deluhery	Dieleman	Doyle
Drake	Gallagher	Gettings	Goodwin
Gratias	Hall	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley

Lind  
Nystrom  
Rodgers  
Soorholtz

Mann  
Palmer  
Schwengels  
Tieden

Miller, A.V.  
Priebe  
Slater  
Van Gilst

Miller, C.P.  
Rife  
Small  
Welsh

Nays, 5:

Coleman  
Waldstein

Gentleman

Heater

Taylor

Absent or not voting, 5:

Briles  
Wells

Readinger

Ritsema

Vande Hoef

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

### CONSIDERATION OF BILL (Regular Calendar)

#### Senate File 2340

On motion of Senator Welsh, Senate File 2340, a bill for an act relating to the structure of certain divisions within the department of public safety, was taken up for consideration.

Senator Welsh offered amendment S—5884 filed by Senators Welsh and Holt from the floor to strike everything after the enacting clause of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 38, nays 9.

Amendment S—5884 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2340) the vote was:

Ayes, 35:

Anderson  
Coleman  
Gallagher

Brown  
Colton  
Gentleman

Bruner  
Deluhery  
Hall

Carr  
Doyle  
Holden

Holt	Horn	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Slater	Small	Soorholtz	Tieden
Van Gilst	Waldstein	Welsh	

Nays, 11:

Dieleman	Drake	Gettings	Goodwin
Gratias	Hester	Hulse	Hultman
Schwengels	Taylor	Vande Hoef	

Absent or not voting, 4:

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

## BUSINESS PENDING

### House File 2518

The Senate resumed consideration of House File 2518, previously deferred.

Senator Schwengels offered amendment S—5902 filed by him from the floor to page 4 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 20, nays 27.

Amendment S—5902 lost.

The Chair ruled amendment S—5901 filed by Senator Schwengels from the floor to division S—5886B, out of order.

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

On the question "Shall the bill pass?" (H.F. 2518) the vote was:

Ayes, 45:

Anderson	Brown	Bruner	Carr
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Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lind	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Tieden	Vande Hoef	Van Gilst	Waldstein
Welsh			

Nays, 2:

Hester                      Taylor

Absent or not voting, 3:

Briles                      Ritsema                      Wells

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

### APPOINTMENT TO CONFERENCE COMMITTEE (Corrected)

The Chair announced that Senator Husak will replace Senator Gallagher on the conference committee appointed to Senate File 2291.

### IMMEDIATELY MESSAGED

Senator Junkins asked and received unanimous consent to send an immediate message to the House on Senate File 407.

Senator Junkins asked and received unanimous consent that the following bills be immediately messaged to the House:

**Senate Files 2340 and 2346 and House Files 2211, 2444, 2507, 2518 and 2519.**

### INTRODUCTION OF BILL

**Senate File 2353**, by Committee on Appropriations, a bill for an act relating to the funding of and to substance abuse treatment and prevention programs by making appropriations to the department

of substance abuse for the fiscal year beginning July 1, 1984 and ending June 30, 1985 for administration, program grants, treatment programs not licensed by the department, and prevention programs, requiring the treasurer of state to deposit certain amounts of the sales made by the state liquor stores in a special fund, permitting the governor to order the beer and liquor control council to adjust the sales margin on liquor with limitations, requiring the beer and liquor control council to adjust the sales margin on liquor July 1, 1984 to raise certain revenue, requiring the state to incur one hundred percent of the cost of certain substance abuse treatment programs for the fiscal year beginning July 1, 1984 and ending June 30, 1985, crediting certain fees to the beer and liquor control fund, requiring the department of substance abuse to distribute program grant funding by a certain formula, requiring an assessment of a patient before admittance to a state mental health institute for substance abuse treatment, prohibiting counties from certifying a supplemental levy for certain substance abuse treatment facilities, requiring the county auditor to recompute the levy rates to reduce the amount budgeted for certain substance abuse treatment programs in the fiscal year beginning July 1, 1984 and ending June 30, 1985, and providing an effective date.

Read first time and referred to the committee on Finance.

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

The Senate resumed session, Senator Junkins presiding.

#### INTRODUCTION OF BILL

Senate File 2354, by Committee on Finance, a bill for an act to treat the sale of vulcanizing, recapping, and retreading services under the state sales, services, and use tax as a sale of tangible personal property, and providing retroactive effect.

Read first time and placed on calendar.

## APPENDIX

## SUBCOMMITTEE ASSIGNMENTS

## SENATE FILE 2329

Human Resources  
Carr, Chair  
Soorholtz  
Slater

SENATE CONCURRENT  
RESOLUTION 114

Judiciary  
Doyle, Chair  
Mann  
Goodwin

## HOUSE FILE 2326

Ways and Means  
Soorholtz, Chair  
Deluhery  
Van Gilst

## HOUSE FILE 2481

Ways and Means  
Husak, Chair  
Small  
Gratias

## HOUSE FILE 2507

Ways and Means  
Holt, Chair  
Deluhery  
Carr

## HOUSE FILE 2512

Ways and Means  
Small, Chair  
Deluhery  
Holden

## HOUSE FILE 2515

Ways and Means  
Palmer, Chair  
Small  
Bester

SENATE CONCURRENT  
RESOLUTION 110

Human Resources  
Coleman, Chair  
Soorholtz  
C. Miller

SENATE CONCURRENT  
RESOLUTION 115

Human Resources  
Carr, Chair  
Horn  
Gentleman

## HOUSE FILE 2444

Ways and Means  
Van Gilst, Chair  
Dieleman  
Holden

## HOUSE FILE 2499

Ways and Means  
Van Gilst, Chair  
Brown  
Holt

## HOUSE FILE 2508

Local Government  
Wells, Chair  
A. Miller  
Waldstein

## HOUSE FILE 2513

Ways and Means  
Gratias, Chair  
Husak  
Deluhery

## HOUSE FILE 2516

Ways and Means  
Carr, Chair  
Deluhery  
Soorholtz

**HOUSE CONCURRENT  
RESOLUTION 113**

Rules and Administration  
Hutchins, Chair  
Hultman  
Junkins

**SSB 2251**

Ways and Means  
Readering, Chair  
Brown  
Carr

**SSB 2257**

Ways and Means  
Husak, Chair  
Rodgers  
Hester

**SSB 2258**

Ways and Means  
Small, Chair  
Dieleman  
Holden

**SSB 2259**

Ways and Means  
Small, Chair  
Deluhery  
Readering

**SSB 2261**

Ways and Means  
Small, Chair  
Dieleman  
Holden

**SSB 2262**

Ways and Means  
Carr, Chair  
Van Gilst  
Holt

**CERTIFICATE OF RECOGNITION**

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that certificate of recognition has been issued as follows:

George Gallup—Recipient of "The Iowa Award" on April 13, 1984. Senator Small. (April 13, 1984.)

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this thirteenth day of April, 1984:

Senate Files 2135, 2250, 2276, 2284 and 2304.

**K. MARIE THAYER**  
Secretary of the Senate

## REPORT OF COMMITTEE

## APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

**Final Business:** Subcommittee approved and submitted SSB 2264, the FY 85 social services appropriations bill, to the full Appropriations Committee.

FURTHER  
REPORT OF COMMITTEE MEETING

## WAYS AND MEANS\*

\*A previous report of this meeting was recorded on pages 1483-1485 and 1497-1498.

**Final Bill Action:** SENATE FILE 2347 (SSB 2251), a bill for an act relating to the issuance of bonds by certain counties for the acquisition, construction, reconstruction, improvement, repair, and equipping of water works, water mains and extensions, and real and personal property useful for providing potable water to county residents, establishment of a special tax district, and taxation of real property located within the special tax district.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Palmer, Husak, Brown, Carr, Dieleman, Readinger, Rodgers, Small and Soorholtz. Nays, 5: Holden, Gratias, Hester, Holt and Van Gilst. Absent or not voting, 1: Deluhery.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

## ALSO:

**Final Bill Action:** SENATE FILE 2348 (SSB 2262), a bill for an act to increase from five thousand dollars to seven thousand dollars the threshold to qualify for claiming a credit for special assessments due and payable under the extraordinary property tax relief law.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Palmer, Husak, Holden, Brown, Carr, Dieleman, Gratias, Hester, Holt, Readinger, Rodgers, Small, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 1: Deluhery.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

## ALSO:

**Final Bill Action:** SENATE FILE 2349 (SSB 2257), a bill for an act relating to the establishment of and improvements within a secondary road assessment district.

**Recommendation:** APPROVED COMMITTEE BILL

**Final Vote:** Ayes, 14: Palmer, Husak, Holden, Brown, Carr, Dieleman, Gratias, Hester, Holt, Readinger, Rodgers, Small, Soorholtz and Van Gilst. Nays, none. Absent or not voting, 1: Deluhery.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2350 (SSB 2263), a bill for an act to impose a state alternative minimum tax to replace the state minimum tax under the individual income tax and making the Act retroactive.

**Recommendation:** APPROVED COMMITTEE BILL

**Final Vote:** Ayes, 15: Palmer, Husak, Holden, Brown, Carr, Deluhery, Dieleman, Gratias, Hester, Holt, Readinger, Rodgers, Small, Soorhotz and Van Gilst. Nays, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**REPORT OF STANDING COMMITTEE**  
(Place Nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 60, the Committee on Natural Resources assigned to investigate the character and qualifications of the following appointees as members of the Board of Certification of Waterworks and Waste Waterworks Operators under the provisions of 455B. 214, Code of Iowa, for a term beginning May 1, 1984, and ending April 30, 1987, begs leave to report it has made investigation and recommends the appointments be confirmed:

James L. Copeman, Grundy Center, Grundy County, Iowa.  
Curtis D. Downey, Grimes, Polk County, Iowa.  
Stanley W. DeRoo, Cherokee, Cherokee County, Iowa.  
Joseph E. Obr, West Des Moines, Polk County, Iowa.

**COMMITTEE ON NATURAL RESOURCES**  
BASS VAN GILST, Chair

**REPORTS OF COMMITTEE MEETINGS**

**APPROPRIATIONS**

**Convened:** April 12, 1984, 4:17 p.m.

**Members Present:** Small, Chair, Palmer, Vice Chair; Tieden, Ranking Member; Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Readinger, Schwengels, Waldstein, Wells and Welsh.

**Members Absent:** Lind.

**Final Bill Action:** SENATE FILE 2338, a bill for an act appropriating funds to replace and care for certain trees on the state capitol grounds.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 17: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Readinger, Schwengels, Waldstein, Wells and Welsh. Nays, none. Absent or not voting 1: Lind.

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

**Adjourned:** 6:00 p.m.

#### **APPROPRIATIONS (also see pages 1512-1513.)**

**Convened:** April 13, 1984, 10:25 a.m.

**Members Present:** Small, Chair; Palmer, Vice Chair; Tieden, Ranking Member; Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh.

**Members Absent:** none.

**Final Bill Action:** SENATE FILE 2353 (SSB 2265), a bill for an act relating to the funding of and to substance abuse treatment and prevention programs by making appropriations to the department of substance abuse for the fiscal year beginning July 1, 1984 and ending June 30, 1985 for administration, program grants, treatment programs not licensed by the department, and prevention programs, requiring the treasurer of state to deposit certain amounts of the sales made by the state liquor stores in a special fund, permitting the governor to order the beer and liquor control council to adjust the sales margin on liquor with limitations, requiring the beer and liquor control council to adjust the sales margin on liquor July 1, 1984 to raise certain revenue, requiring the state to incur one hundred percent of the cost of certain substance abuse treatment programs for the fiscal year beginning July 1, 1984 and ending June 30, 1985, crediting certain fees to the beer and liquor control fund, requiring the department of substance abuse to distribute program grant funding by a certain formula, requiring an assessment of a patient before admittance to a state mental health institute for substance abuse treatment, prohibiting counties from certifying a supplemental levy for certain substance abuse treatment facilities, requiring the county auditor to recompute the levy rates to reduce the amount budgeted for certain substance abuse treatment programs in the fiscal year beginning July 1, 1984 and ending June 30, 1985, and providing an effective date.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 18: Small, Palmer, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Lind, Readinger, Schwengels, Waldstein, Wells and Welsh. Nays, none.

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

**Adjourned:** 12:20 p.m.

**FINANCE (also see pages 1513-1514.)**

**Convened:** April 13, 1984, 1:31 p.m.

**Members Present:** Rodgers, Chair; Hutchins, Vice Chair; Hultman, Ranking Member; Holden, Junkins, Palmer, Small and Tieden.

**Members Absent:** none.

**Final Bill Action:** SENATE FILE 2344, a bill for an act relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility relates to agricultural affairs, economic development, and energy and natural resources management.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2345, a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards and commissions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2347, a bill for an act relating to the issuance of bonds by certain counties for the acquisition, construction, reconstruction, improvement, repair, and equipping of water works, water mains and extensions,



and real and personal property useful for providing potable water to county residents, establishment of a special tax district, and taxation of real property located within the special tax district.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2348, a bill for an act to increase from five thousand dollars to seven thousand dollars the threshold to qualify for claiming a credit for special assessments due and payable under the extraordinary property tax relief law.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2350, a bill for an act to impose a state alternative minimum tax to replace the state minimum tax under the individual income tax and making the Act retroactive.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2351, a bill for an act relating to the administration and financing of current programs other than mental health programs under the jurisdiction of the department of human services and to the foster care review board for the fiscal year beginning July 1, 1984, and ending June 30, 1985.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2352, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**Adjourned:** 1:45 p.m.

## FINANCE

**Convened:** April 13, 1984, 5:30 p.m.

**Members Present:** Rodgers, Chair; Hutchins, Vice Chair; Hultman, Ranking Member; Holden, Junkins, Palmer, Small and Tieden.

**Members Absent:** none.

**Final Bill Action:** SENATE FILE 2353, a bill for an act relating to the funding of and to substance abuse treatment and prevention programs by making appropriations to the department of substance abuse for the fiscal year beginning July 1, 1984 and ending June 30, 1985 for administration, program grants, treatment programs not licensed by the department, and prevention programs, requiring the treasurer of state to deposit certain amounts of the sales made by the state liquor stores in a special fund, permitting the governor to order the beer and liquor control council to adjust the sales margin on liquor with limitations, requiring the beer and liquor control council to adjust the sales margin on liquor July 1, 1984 to raise certain revenue, requiring the state to incur one hundred percent of the cost of certain substance abuse treatment programs for the fiscal year beginning July 1, 1984 and ending June 30, 1985, crediting certain fees to the beer and liquor control fund, requiring the department of substance abuse to distribute program grant funding by a certain formula, requiring an assessment of a patient before admittance to a state mental health institute for substance abuse treatment, prohibiting counties from certifying a supplemental levy for certain substance

abuse treatment facilities, requiring the county auditor to recompute the levy rates to reduce the amount budgeted for certain substance abuse treatment programs in the fiscal year beginning July 1, 1984 and ending June 30, 1985, and providing an effective date.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5905.

**Final Vote:** Ayes, 7: Rodgers, Hutchins, Hultman, Holden, Junkins, Small and Tieden. Nays, none. Absent or not voting, 1: Palmer.

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

ALSO:

**Final Bill Action:** SENATE FILE 2354, a bill for an act to treat the taxation of vulcanizing recapping, and retreading services under the state sales, services, and use tax as a sale of tangible personal property, and providing retroactive effect.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Small, Palmer and Tieden. Nays, none.

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

Adjourned: 5:50 p.m.

## WAYS AND MEANS

Convened: April 13, 1984, 8:50 a.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Holden, Ranking Member; Brown (arrived 8:56 a.m.), Carr, Deluhery (arrived 9:08 a.m.), Dieleman, Gratiias (arrived 8:55 a.m.), Hester, Holt, Readinger, Rodgers, Small, Soorholtz and Van Gilst.

**Member Absent:** none.

**Final Bill Action:** SENATE FILE 2043, a bill for an act authorizing a partial exemption from property taxation for new warehouses and new warehouse machinery and equipment.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Palmer, Husak, Carr, Dieleman, Gratiias, Hester, Holt, Readinger, Rodgers, Small, Soorholtz and Van Gilst. Nays, 2: Holden and Brown. Absent or not voting, 1: Deluhery.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** SENATE FILE 2307, a bill for an act creating a valuation review commission and providing for its powers and relating to the valuation of agricultural property for property tax purposes.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Brown, Deluhery, Dieleman, Hester, Holt, Rodgers, Small, Soorholtz and Van Gilst. Nays, 4: Palmer, Holden, Carr and Readinger. Absent or not voting, 2: Gratias and Husak.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**Adjourned:** 9:35 a.m.

### PRESENTATION OF VISITORS

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

Thirty-four students from St. Patricks School, Cedar Falls, Iowa, accompanied by Julie Rokes. Senator Anderson.

Fifty-two students from East Elementary School, Ankeny, Iowa, accompanied by Joyce Anderson. Senator Palmer.

Six students from Washington Junior High School, Dubuque, Iowa, accompanied by Art Wiegand. Senator Carr.

Twenty-five students from Lakeview Elementary School, Centerville, Iowa, accompanied by Jane Schick. Senator Gettings.

Sixty-six students from Roland-Story Elementary School, Roland, Iowa, accompanied by Mr. Billerbeck, Mrs. York and Mr. Gostele. Senator Nystrom.

The following visitors were present in the Senate gallery:

One hundred students from Park View Elementary School, Ankeny, Iowa, accompanied by Margaret Law. Senator Palmer.

## AMENDMENTS FILED

S-5875	H.F.	582	House Amendment
S-5876	H.F.	2015	House Amendment
S-5877	H.F.	2211	House Amendment
S-5878	H.F.	2401	House Amendment
S-5879	S. F.	407	House Amendment
S-5880	S. F.	2307	William D. Palmer Edgar H. Holden
S-5881	S. F.	2307	William D. Palmer Edgar H. Holden
S-5882	H.F.	2516	Berl E. Priebe Arthur L. Gratias Dale L. Tieden Emil J. Husak
S-5883	S. F.	2307	C.W. Bill Hutchins Donald V. Doyle
S-5884	S. F.	2340	Joe J. Welsh Lee W. Holt
S-5885	H.F.	2519	Edgar H. Holden
S-5886	H.F.	2518	Appropriations
S-5887	H.F.	2519	Appropriations
S-5888	S. F.	2307	Arthur L. Gratias
S-5889	H.F.	2516	Arthur L. Gratias Dale L. Tieden Emil J. Husak Joe Brown Berl E. Priebe Ray Taylor
S-5890	H.F.	2518	Arthur A. Small, Jr.
S-5891	H.F.	2518	Arthur A. Small, Jr.
S-5892	H.F.	2519	Julia Gentleman Edgar H. Holden Thomas A. Lind
S-5893	H.F.	2518	David M. Readinger John N. Nystrom Tom Mann, Jr. Berl E. Priebe
S-5894	S. F.	2345	James D. Wells
S-5895	H.F.	2519	Ted Anderson

S—5896	H.F.	2518	Wm. W. (Bill) Dieleman
S—5897	H.F.	2518	Forrest V. Schwengels Calvin O. Hultman Dale L. Tieden
S—5898	H.F.	2519	Wally E. Horn
S—5899	H.F.	2518	Arne Waldstein Lee W. Holt Joe J. Welsh Ted Anderson
S—5900	H.F.	2519	Wally E. Horn
S—5901	H.F.	2518	Forrest V. Schwengels
S—5902	H.F.	2518	Forrest V. Schwengels
S—5903	S. F.	2351	Tom Mann, Jr. Tom Slater
S—5904	S. F.	2345	John W. Jensen Jack Rife Richard F. Drake John N. Nystrom
S—5905	S. F.	2353	Finance
S—5906	S. F.	2351	Charles Bruner

### ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:55 p.m., until 10:00 a.m., Monday, April 16, 1984.

# JOURNAL OF THE SENATE

1537

NINETY-NINTH CALENDAR DAY  
SIXTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday April 16, 1984

The Senate met in regular session at 10:03 a.m., President Anderson presiding.

Prayer was offered by Miss Beth Betts, a senior at East High School, Des Moines, Iowa, who vocally performed "The Lord's Prayer."

The Journal of Friday, April 13, 1984, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 11, 1984, passed the following concurrent resolutions in which the concurrence of the Senate is asked:

**House Concurrent Resolution 110**, a concurrent resolution in support of a United States academy of peace and conflict resolution.

This resolution was read first time and **passed on file**.

**House Concurrent Resolution 120**, a concurrent resolution relating to American POW's and MIA's.

This resolution was read first time and **passed on file**.

**ALSO:** That the House has on April 12, 1984, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**Senate File 2220**, a bill for an act relating to financial institutions by allowing savings and loan associations, savings banks and credit unions to accept public funds, requiring a commitment to community reinvestment to receive state public funds, providing for the giving of notice on minimum interest rates for public funds, providing for the pledging of assets, providing for the dissolution of the state sinking fund, expanding the deposit and geographic limits for bank holding companies, and providing reciprocity for credit unions.

ALSO: That the House has on April 13, 1984, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 244**, a bill for an act relating to the care given under workers' compensation medical benefits (S—5907).

ALSO: That the House has on April 13, 1984, passed the following bill in which the concurrence of the Senate is asked:

**House File 2496**, a bill for an act relating to the schools subject to the provisions of chapter 601A on sex discrimination in education.

This bill was read first time and **passed on file**.

### INTRODUCTION OF BILL

**Senate File 2355**, by Committee on Ways and Means, a bill for an act relating to the control, distribution, taxation, and private sale of wine containing more than five percent but not more than seventeen percent alcohol by weight, declaring certain acts relating to wine to be unlawful and prescribing penalties.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ritsema for the day on request of Senator Hultman.

### QUORUM CALL

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

The vote revealed 46 present, 4 absent and a quorum present.

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

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2348.



**Senate File 2348**

On motion of Senator Carr, Senate File 2348, a bill for an act to increase from five thousand dollars to seven thousand dollars the threshold to qualify for claiming a credit for special assessments due and payable under the extraordinary property tax relief law, with report of committee on Finance recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2348) the vote was:

Ayes, 48:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulbe	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 2:

Lind                      Ritsema

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

**CONSIDERATION OF BILL**  
(Regular Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2354.

**Senate File 2354**

On motion of Senator Hutchins, Senate File 2354, a bill for an act to treat the sale of vulcanizing, recapping, and retreading services under the state sales, services, and use tax as a sale of tangible personal property, and providing retroactive effect, was taken up for consideration.

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

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

Ayes, 48:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 2:

Lind                      Ritsema

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

**IMMEDIATELY MESSAGED**

Senator Junkins asked and received unanimous consent that Senate Files 2348 and 2354 be immediately messaged to the House.

## MOTION TO RECONSIDER WITHDRAWN

### House File 2015

Senator Anderson withdrew the motion to reconsider House File 2015, a bill for an act relating to the holding of games of skill, chance, and raffles including bingo, filed by him on April 13, 1984, and found on page 1511 of the Senate Journal.

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

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2349.

### Senate File 2349

On motion of Senator Husak, Senate File 2349, a bill for an act relating to the establishment of and improvements within a secondary road assessment district, with report of committee on Finance recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2349) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

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

#### MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2349 passed the Senate on April 16, 1984.

C. JOSEPH COLEMAN

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2349 passed the Senate on April 16, 1984.

BERLE E. PREIBE

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

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2350.

#### Senate File 2350

On motion of Senator Dieleman, Senate File 2350, a bill for an act to impose a state alternative minimum tax to replace the state minimum tax under the individual income tax and making the Act retroactive, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Rife asked and received unanimous consent that further action on Senate File 2350 be deferred.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Junkins asked and received unanimous consent to take up out of order Senate File 2345.

#### Senate File 2345

On motion of Senator Wells, Senate File 2345, a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards and commissions, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Wells offered amendment S—5894 filed by him on April 13, 1984, to strike everything after the enacting clause of the bill.

Senator Jensen asked and received unanimous consent to withdraw amendment S—5904 filed by Senators Jensen, et al., on April 13, 1984, to amendment S—5894.

Senator Wells moved the adoption of amendment S—5894, which motion prevailed by a voice vote.

Senator Wells asked and received unanimous consent that House File 2521 be substituted for Senate File 2345.

### House File 2521

On motion of Senator Wells, House File 2521, a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards and commissions, was taken up for consideration.

Senator Wells asked and received unanimous consent that further action on House File 2521 be deferred.

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

The Senate resumed session, President Anderson presiding.

### HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 1984, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2333, a bill for an act relating to the administration and financing of correctional, mental health, mental retardation and veterans programs and capital projects under the jurisdiction of the department of corrections, the department of human services, or the board of parole (S—5916).

## BILL REFERRED TO COMMITTEE

President Anderson announced that **Senate File 2355** was referred from the Ways and Means Calendar to the committee on **Finance**.

## QUORUM CALL

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

The vote revealed 43 present, 7 absent and a quorum present.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

In accordance with Senate Rule 60, Senator Junkins called up the appointment of Milton F. Schlein as a member of the State Board of Chiropractic Examiners, placed on the Individual Confirmation Calendar on March 26, 1984, and found on page 1043 of the Senate Journal.

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

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

Ayes, 46:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

Senator Junkins called up the appointment of Martha Leibhart as a member of the State Board of Chiropractic Examiners, placed on the Individual Confirmation Calendar on March 26, 1984, and found on page 1043 of the Senate Journal.

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

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

Ayes, 46:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

Senator Junkins called up the appointment of Jack C. Bailey as a member of the Iowa Development Commission, placed on the Individual Confirmation Calendar on February 2, 1984, and found on page 313 of the Senate Journal.

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

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

Ayes, 43:

Anderson	Briles	Bruner	Coleman
Deluhery	Dieleman	Doyle	Drake
Gallagher	Gentleman	Gettings	Goodwin
Gratias	Hall	Hester	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A. V.	Miller, C. P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, 3:

Brown	Carr	Colton
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Absent or not voting, 4:

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

### REFUSAL OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Junkins called up the appointment of Cecilia M. Zenti as a member of the State Board of Nursing Examiners, placed on the Individual Confirmation Calendar on March 21, 1984, and found on page 947 of the Senate Journal.

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

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

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

Ayes, 31:

Briles	Deluhery	Dieleman	Drake
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen



Kinley	Nystrom	Palmer	Priebe
Readinger	Rife	Schwengels	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilat	Waldstein	Welsh	

Nays, 17:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Doyle	Gallagher
Gentleman	Gettings	Junkins	Mann
Miller, A.V.	Miller, C.P.	Rodgers	Slater
Wells			

Absent or not voting, 2:

Lind	Ritsema
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The appointee not having received a two-thirds vote, the Chair declared the Senate **refused to confirm** the appointment of Cecilia M. Zenti.

Senator Junkins called up the appointment of Kim D. Schmett as a member of the Job Service Appeal Board, placed on the Individual Confirmation Calendar on March 22, 1984, and found on page 979 of the Senate Journal.

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

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

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

Ayes, 33:

Briles	Bruner	Carr	Drake
Gentleman	Goodwin	Gratias	Hall
Holden	Holt	Horn	Hulse
Hultman	Husak	Jensen	Junkins
Kinley	Mann	Miller, A.V.	Nystrom
Palmer	Readinger	Rife	Rodgers
Schwengels	Slater	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilat	Wells
Welsh			

Nays, 15:

Anderson	Brown	Coleman	Colton
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Deluhery	Dieleman	Doyle	Gallagher
Gettings	Hester	Hutchins	Miller, C.P.
Priebe	Small	Waldstein	

Absent or not voting, 2:

Lind	Ritsema
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The appointee not having received a two-thirds vote, the Chair declared the Senate **refused to confirm** the appointment of Kim D. Schmett.

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

Senator Junkins called up the appointment of Molly A. Scott as a member of the State Transportation Commission, placed on the Individual Confirmation Calendar on April 9, 1984, and found on page 1389 of the Senate Journal.

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

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

Ayes, 48:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readering	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 2:

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

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

Senator Junkins called up the appointment of Norma J. Harmison as a member of the Iowa Jobs Commission, placed on the Individual Confirmation Calendar on April 10, 1984, and found on page 1435 of the Senate Journal.

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

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

Ayes, 27:

Briles	Bruner	Deluhery	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Holt	Hulse	Hultman
Husak	Jensen	Nystrom	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	

Nays, 20:

Anderson	Brown	Carr	Coleman
Colton	Dieleman	Doyle	Gallagher
Gettings	Hall	Horn	Hutchins
Junkins	Mann	Miller, A.V.	Miller, C.P.
Palmer	Small	Wells	Welsh

Absent or not voting, 3:

Kinley	Lind	Ritsema
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The appointee not having received a two-thirds vote, the Chair declared the Senate refused to confirm the appointment of Norma J. Harmison.

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

In accordance with Senate Rule 60, Senator Junkins asked and received unanimous consent to take up the following appointees on the En Bloc Confirmation Calendar:

## Board of Certification of Waterworks and Waste Waterworks Operators

Committee recommendations found on page 1528 of the Senate Journal:

James L. Copeman  
Curtis D. Downey  
Stanley W. DeRoo  
Joseph E. Obr

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

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

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

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

## RECESS

On motion of Senator Junkins, the Senate recessed at 12:13 p.m., until 1:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., Senator Colton presiding.

### QUORUM CALL

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

The vote revealed 45 present, 5 absent and a quorum present.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2333

Senator Carr called up for consideration Senate File 2333, a bill for an act relating to the administration and financing of correctional, mental health, mental retardation and veterans programs and capital projects under the jurisdiction of the department of corrections, the department of human services, or the board of parole, amended by the House, and moved that the Senate concur in House amendment S—5916 filed on April 16, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 2333) the vote was:

Ayes, 42:

Brown	Bruner	Carr	Coleman
Colton	Dieleman	Doyle	Drake
Gallagher	Gentleman	Gettings	Goodwin
Gratias	Hall	Hester	Holden
Holt	Horn	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Readering	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor

Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 8:

Anderson	Briles	Deluhery	Kinley
Lind	Palmer	Rife	Ritsema

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

### MOTION TO RECONSIDER ADOPTED

Senator Bruner called up the motion to reconsider Senate File 2293 filed by him on April 9, 1984, found on page 1408 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2293) the vote was:

Ayes, 43:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Soorholtz	Taylor	Vande Hoef
Waldstein	Wells	Welsh	

Nays, 1:

Tieden

Absent or not voting, 6:

Briles	Kinley	Lind	Ritsema
Small	Van Gilst		

The motion prevailed.

Senator Bruner moved to reconsider the vote by which Senate File 2293 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2293

On motion of Senator Bruner, Senate File 2293, a bill for an act creating foster care review boards, creating a foster care registry, providing for rehabilitation for a child receiving foster care and the child's family unit, amending provisions relating to a court's dispositional order, and providing a penalty, was taken up for reconsideration.

Senator Bruner called up the motion to reconsider the vote by which the Senate concurred in House amendment S—5735 as amended to Senate File 2293 on April 6, 1984, filed by him on April 9, 1984, found on page 1408 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and House amendment S—5735 as amended, was taken up for reconsideration.

Senator Bruner called up the motion to reconsider the vote by which amendment S—5811 to House amendment S—5735 to Senate File 2293 was adopted by the Senate on April 6, 1984, filed by him on April 9, 1984, found on page 1408 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5811 by Senator Gentleman to House amendment S—5735, was taken up for reconsideration.

Senator Gentleman withdrew amendment S—5811.

Senator Gentleman offered amendment S—5908 filed by her from the floor to House amendment S—5735 and moved its adoption.

Amendment S—5908 was adopted by a voice vote.

With the adoption of amendment S—5908 to House amendment S—5735, the Chair ruled amendment S—5854 filed by Senator Gentleman on April 10, 1984, to House amendment S—5735, out of order.

Senator Bruner moved that the Senate concur in House amendment S—5735 as amended.

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

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

On the question "Shall the bill pass?" (S.F. 2293) the vote was:

Ayes, 45:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Welsh			

Nays, none.

Absent or not voting, 5:

Kinley	Lind	Mann	Ritsema
Small			

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

Senator Junkins asked and received unanimous consent that Senate File 2293 be immediately messaged to the House.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Junkins asked and received unanimous consent to take up out of order Senate File 2344.



**Senate File 2344**

On motion of Senator Hall, Senate File 2344, a bill for an act relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility relates to agricultural affairs, economic development, and energy and natural resources management, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Hall offered amendment S—5915 filed by him from the floor to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—5915 was adopted by a voice vote.

Senator Hall asked and received unanimous consent that House File 2520 be substituted for Senate File 2344.

**House File 2520**

On motion of Senator Hall, House File 2520, a bill for an act relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility relates to agricultural affairs, economic development, and energy and natural resources management, was taken up for consideration.

Senator Hall asked and received unanimous consent that Senate File 2344 be withdrawn from further consideration of the Senate.

Senator Hall asked and received unanimous consent that further action on House File 2520 be deferred.

**MOTION TO RECONSIDER WITHDRAWN****House File 434**

Senator Hutchins withdrew the motion to reconsider House File 434, a bill for an act authorizing cities to enter agreements to jointly invest public funds, filed by him on March 28, 1984, and found on page 1137 of the Senate Journal.

**UNFINISHED BUSINESS**  
(Deferred April 4, 1984)

**House File 2437**

The Senate resumed consideration of House File 2437, a bill for an act relating to the regulation of advanced emergency medical technicians and paramedics and providing a penalty, deferred on April 4, 1984.

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

On the question "Shall the bill pass?" (H.F. 2437) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

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

Senator Junkins asked and received unanimous consent that House File 2437 be immediately messaged to the House.

**CONSIDERATION OF RESOLUTION**  
(Appropriations Calendar)

Senator Junkins asked and received unanimous consent to take up out of order Senate Concurrent Resolution 118.

**Senate Concurrent Resolution 118**

On motion of Senator Carr, Senate Concurrent Resolution 118, a concurrent resolution relating to state mental health institutes, was taken up for consideration.

Senator Carr moved the adoption of Senate Concurrent Resolution 118, which motion prevailed by a voice vote.

Senator Junkins asked and received unanimous consent that Senate Concurrent Resolution 118 be immediately messaged to the House.

**CONSIDERATION OF BILL  
(Appropriations Calendar)**

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2353.

**Senate File 2353**

On motion of Senator Husak, Senate File 2353, a bill for an act relating to the funding of and to substance abuse treatment and prevention programs by making appropriations to the department of substance abuse for the fiscal year beginning July 1, 1984 and ending June 30, 1985 for administration, program grants, treatment programs not licensed by the department, and prevention programs, requiring the treasurer of state to deposit certain amounts of the sales made by the state liquor stores in a special fund, permitting the governor to order the beer and liquor control council to adjust the sales margin on liquor with limitations, requiring the beer and liquor control council to adjust the sales margin on liquor July 1, 1984 to raise certain revenue, requiring the state to incur one hundred percent of the cost of certain substance abuse treatment programs for the fiscal year beginning July 1, 1984 and ending June 30, 1985, crediting certain fees to the beer and liquor control fund, requiring the department of substance abuse to distribute program grant funding by a certain formula, requiring an assessment of a patient before admittance to a state mental health institute for substance abuse treatment, prohibiting counties from certifying a supplemental levy for certain substance abuse treatment facilities, requiring the county auditor to recompute the levy rates to reduce the amount budgeted for certain substance abuse treatment programs in the fiscal year

beginning July 1, 1984 and ending June 30, 1985, and providing an effective date, with report of committee on Finance recommending amendment and passage, was taken up for consideration.

Senator Husak offered amendment S—5905 filed by the committee on Finance on April 13, 1984, to page 1 and the title page of the bill.

Senator Welsh asked unanimous consent that further action on amendment S—5905 and Senate File 2353 be deferred.

Senator Welsh withdrew his request.

President Anderson took the chair at 2:50 p.m.

Senator Husak moved the adoption of amendment S—5905, which motion prevailed by a voice vote.

Senator Rife offered amendment S—5918 filed by him from the floor to page 4 and the title page of the bill.

Senator Hall raised the point of order that amendment S—5918 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5918 out of order.

Senator Holt offered amendment S—5917 filed by him from the floor to page 5 of the bill.

Senator Junkins raised the point of order that amendment S—5917 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5917 out of order.

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

On the question "Shall the bill pass?" (S.F. 2353) the vote was:

Ayes, 48:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias

Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 2:

Lind                      Ritsema

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

Senator Junkins asked and received unanimous consent that Senate File 2353 be immediately messaged to the House.

## BUSINESS PENDING

### House File 2520

The Senate resumed consideration of House File 2520, previously deferred.

Senator Brown took the chair at 3:11 p.m.

Senator Hall offered amendment S—5927 filed by Senators Hall and Vande Hoef from the floor to pages 1, 2, 4, 5, 6, 8, 9, and 11 through 16 of the bill.

Senator Gallagher called for a division of amendment S—5927:

Division S—5927A: Page 1, lines 3 through 30, 36 and 43 through 48; and page 2, lines 8 through 23.

Division S—5927B: Page 1, lines 31 through 35.

Division S—5927C: Page 1, lines 37 through 42.

Division S—5927D: Page 1, lines 49 and 50 and page 2, lines 1 through 7.

Senator Hall moved the adoption of division S—5927A, which motion prevailed by a voice vote.

Senator Hall moved the adoption of division S—5927B.

A record roll call was requested.

On the question "Shall division S—5927B be adopted?" (H.F. 2520) the vote was:

Ayes, 44:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gentleman
Gettings	Goodwin	Gratias	Hall
Holden	Holt	Horn	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rife	Rodgers	Schwengels	Slater
Small	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Welsh

Nays, 2:

Gallagher	Hester
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Absent or not voting, 4:

Husak	Lind	Ritsema	Wells
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Division S—5927B was adopted.

On motion of Senator Hall, divisions S—5927C and S—5927D were adopted by voice votes.

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

On the question "Shall the bill pass?" (H.F. 2520) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer

Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

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

Senator Junkins asked and received unanimous consent that House File 2520 be immediately messaged to the House.

### BUSINESS PENDING

#### House File 2521

The Senate resumed consideration of House File 2521, previously deferred.

Senator Wells offered amendment S—5911 filed by him from the floor to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5911 be adopted?" (H.F. 2521) the vote was:

Ayes, 38:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Doyle	Drake	Gallagher	Gentleman
Gettings	Hall	Hester	Holden
Horn	Hultman	Husak	Hutchins
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Priebe	Readinger
Rife	Rodgers	Schwengels	Slater
Small	Soorholtz	Tieden	Waldstein
Wells	Welsh		

Nays, 9:

Dieleman	Goodwin	Gratias	Holt
Hulse	Jensen	Taylor	Vande Hoef
Van Gilst			

Absent or not voting, 3:

Lind Palmer Ritsema

Amendment S—5911 was adopted.

Senator Kinley offered amendment S—5910 filed by him from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5910 be adopted?" (H.F. 2521) the vote was:

Ayes, 33:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Drake	Gallagher	Gentleman	Gettings
Hall	Horn	Hulse	Hultman
Hutchins	Junkins	Kinley	Mann
Miller, A. V.	Miller, C. P.	Nystrom	Palmer
Priebe	Readinger	Rodgers	Slater
Small	Soorholtz	Tieden	Wells
Welsh			

Nays, 15:

Dieleman	Doyle	Goodwin	Gratias
Hester	Holden	Holt	Husak
Jensen	Rife	Schwengels	Taylor
Vande Hoef	Van Gilst	Waldstein	

Absent or not voting, 2:

Lind Ritsema

Amendment S—5910 was adopted.

Senator Jensen offered amendment S—5919 filed by Senators Jensen, et al., from the floor to pages 6 through 9 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 18, nays 29.

Amendment S—5919 lost.



Senator Jensen asked and received unanimous consent to withdraw amendment S—5912 filed by Senators Jensen, et al., from the floor to pages 6 through 9 of the bill.

Senator Rodgers offered amendment S—5931 filed by him from the floor to page 9 of the bill.

Senator Hultman raised the point of order that amendment S—5931 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5931 out of order.

Senator Rodgers withdrew amendment S—5932 filed by him from the floor to page 9 of the bill.

Senator Junkins asked and received unanimous consent that further action on **House File 2521** be deferred.

### BILLS ASSIGNED TO COMMITTEE

The Chair announced that the following bills were assigned to the committee on **State Government**:

**House File 2496** and **House Concurrent Resolutions 110** and **120**.

### MOTION TO RECONSIDER WITHDRAWN

#### Senate File 2349

Senator Coleman withdrew the motion to reconsider Senate File 2349, filed by him on April 16, 1984, and found on page 1542 of the Senate Journal.

### GOVERNOR'S VETO MESSAGE

April 13, 1984

The Honorable Robert T. Anderson  
President of the Senate  
State Capitol Building  
LOCAL

Dear Governor Anderson:

I am enclosing Senate File 2270, a bill for an act relating to the crime victim reparation program's application to victims of a person operating a motor vehicle while under the influence of alcohol or a drug, which I hereby disapprove and transmit to you.

Senate File 2270 expands the definition of "crime" and Chapter 912, titled "Crime Victim Reparation Program" to include operating a motor vehicle while intoxicated or drugged as specified in Code Section 321.281. Further, the bill adds a civil penalty to Code Chapter 321B, Intoxicated Drivers, providing that a person whose license to operate a motor vehicle is revoked pursuant to the provisions of Chapter 321B, should pay \$100 for license reinstatement.

Senate File 2270 permits the revenue from this new civil penalty to be earmarked exclusively for the crime victim reparation fund. Civil funds collected under Chapter 321B which remain in the crime victim reparation fund at the end of any annual or biennial period would remain there rather than reverting to the state's general fund. In addition, the General Assembly could supplement the fund by an appropriation. This objectionable earmarking provision is the sole basis of my disapproval of this bill.

My position on enforcement of drunk driving is clear. This session I have urged the legislature to pass a bill which would stiffen drunk driving penalties. Drunk drivers should not be permitted to slide through our criminal justice system without paying a penalty for their senseless action. It is time that we toughen our drunk driving laws so that the crime is truly viewed as a crime rather than a social blunder.

I have spoken throughout the state on a need for stricter drunk driving laws. The public response has been strongly supportive. It is still my hope that this General Assembly will afford me the opportunity to sign an acceptable drunk driving bill.

Obviously, the great tragedy of drunk driving is the human pain and suffering of the innocent victims and drivers which occurs all too frequently as the result of motor vehicle accidents. Under present Chapter 912, victims of drunk drivers are not eligible for crime victim reparation funds. Senate File 2270 would make these victims eligible, and they should be eligible.

Unfortunately, Senate File 2270 provides for earmarking of funds by providing that a civil fine paid by drunk drivers would be rifled directly into the victim reparation fund. Earmarking the tax funds for specific uses is generally poor public policy. When a government program is funded by earmarked funds, it becomes less likely that the legislative and executive branches of government will scrutinize the program to ensure that public funds are spent in the most productive and cost-efficient manner. When funds are assured year after year, it is more likely that the recipient programs will be less responsive to the people. Further, the lack of assured funding stimulates program employees to strive for excellence.

Earmarking funds would set a troublesome precedent, particularly when the excess at the end of any fiscal period does not revert to the general fund. While other programs starve for lack of support from the general fund, programs with

earmarked funds that do not revert to the general fund could accumulate "savings accounts". This could very likely occur in a program such as the crime victim reparation fund, where the maximum amount a victim can claim is \$2,000 and the amount expended is totally dependent upon an unknown number of eligible victims who may apply in any one year.

Only in a rare case should earmarking be considered as an approach to funding an existing program. If earmarking is routinely accepted and carried to its logical extreme, all programs could be funded by earmarking, leaving less incentive for effective legislative and executive review and less flexibility in budgeting. Generally speaking, the public interest in an effective, flexible government far outweighs the rigidity of earmarking.

I am disappointed that the legislature chose to earmark funds in Senate File 2270. Prior to final legislative completion of this bill, I informed legislative leaders that the earmarking provision was unacceptable. It is my hope that the legislature will expand the definition of "crime" in section 912.1(4) to include victims of drunk driving and continue the Crime Victim Reparation Program without the objectionable earmarking provisions.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

**MOTION TO OVERRIDE GOVERNOR'S VETO**  
(Senate File 2270)

I move that the Senate, on reconsideration, agree to pass Senate File 2270, the objections of the Governor to the contrary notwithstanding.

DONALD V. DOYLE

**MOTION TO OVERRIDE GOVERNOR'S VETO LOST**

Senator Doyle called up for consideration the motion to reconsider filed by him on April 16, 1984, on Senate File 2270, a bill for an act relating to the crime victim reparation program's application to victims of a person operating a motor vehicle while under the influence of alcohol or a drug, as vetoed by the Governor on April 13, 1984.

Senator Doyle moved that the Senate, on reconsideration, agree to pass Senate File 2270, the objections of the Governor to the contrary notwithstanding and requested a record roll call.

On the question "Shall the Senate, on reconsideration, pass the bill, the objections of the Governor to the contrary notwithstanding?" (S.F. 2270) the vote was:

Ayes, 31:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gallagher	Gettings	Goodwin
Hall	Horn	Husak	Hutchins
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Slater	Small	Soorholtz	Van Gilst
Waldstein	Wells	Welsh	

Nays, 17:

Briles	Drake	Gentleman	Gratias
Hester	Holden	Holt	Hulse
Hultman	Jensen	Nystrom	Readinger
Rife	Schwengels	Taylor	Tieden
Vande Hoef			

Absent or not voting, 2:

Lind	Ritsema
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The motion having failed to receive a two-thirds majority was declared to have lost and the Governor's veto was sustained.

### WITHDRAWN

Senator Wells asked and received unanimous consent that **Senate File 2345** be withdrawn from further consideration of the Senate.

### MOTION TO RECONSIDER WITHDRAWN

#### Senate File 2349

Senator Priebe withdrew the motion to reconsider Senate File 2349, filed by him on April 16, 1984, and found on page 1542 of the Senate Journal.

## IMMEDIATELY MESSAGED

Senator Junkins asked and received unanimous consent that Senate File 2349 be immediately messaged to the House.

## BUSINESS PENDING

### House File 2521

The Senate resumed consideration of House File 2521, previously deferred.

Senator Jensen offered amendment S—5934 filed by him from the floor to pages 7 through 9, of the bill.

Senator Mann raised the point of order that amendment S—5934 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5934 out of order.

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

On the question "Shall the bill pass?" (H.F. 2521) the vote was:

#### Ayes, 28:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Doyle
Gallagher	Gentleman	Gettings	Hall
Horn	Husak	Hutchins	Junkins
Kinley	Mann	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Slater
Small	Van Gilst	Wells	Welsh

#### Nays, 18:

Dieleman	Drake	Goodwin	Gratias
Hester	Holden	Holt	Hulse
Hultman	Jensen	Nystrom	Rife
Schwengels	Soorholtz	Taylor	Tieden
Vande Hoef	Waldstein		

Absent or not voting, 4:

Briles

Lind

Readinger

Ritsema

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

Senator Junkins asked and received unanimous consent that House File 2521 be immediately messaged to the House.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 244

Senator Anderson called up for consideration Senate File 244, a bill for an act relating to the care given under workers' compensation medical benefits, amended by the House in House amendment S—5907 filed on April 16, 1984.

Senator Small offered amendment S—5930 filed by Senators Small and Rife from the floor to House amendment S—5907 and moved its adoption.

Amendment S—5930 was adopted by a voice vote.

Senator Junkins asked and received unanimous consent that further action on House amendment S—5907 as amended and Senate File 244 be deferred.

### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5930 to House amendment S—5907 to Senate File 244 was adopted by the Senate on April 16, 1984.

RAY TAYLOR

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

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2043.

#### Senate File 2043

On motion of Senator Miller of Des Moines, Senate File 2043, a bill for an act authorizing a partial exemption from property

taxation for new warehouses and new warehouse machinery and equipment, with report of committee recommending passage, was taken up for consideration.

Senator Hester offered amendment S—5909 filed by him from the floor to page 1 and the title page of the bill.

Senator Waldstein raised the point of order that amendment S—5909 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5909 out of order.

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

On the question "Shall the bill pass?" (S.F. 2043) the vote was:

Ayes, 44:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Horn	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 6:

Briles	Holden	Holt	Kinley
Lind	Ritsema		

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

Senator Junkins asked and received unanimous consent that Senate File 2043 be immediately messaged to the House.

**MOTION TO RECONSIDER ADOPTED**  
(Governor's Appointee)

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

**MR. PRESIDENT:** I move to reconsider the vote by which Kim D. Schmett, Governor's appointee to the Job Service Appeal Board, failed to be confirmed by the Senate on April 16, 1984.

On the question "Shall the motion to reconsider be adopted?" the vote was:

**Ayes, 34:**

Anderson	Brown	Bruner	Carr
Coleman	Deluhery	Drake	Gettings
Goodwin	Gratias	Hall	Hester
Horn	Hulse	Hultman	Husak
Jensen	Junkins	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Priebe	Readinger
Rife	Schwengels	Slater	Small
Soorholtz	Taylor	Vande Hoef	Van Gilst
Wells	Welsh		

**Nays, 8:**

Colton	Dieleman	Doyle	Hutchins
Palmer	Rodgers	Tieden	Waldstein

**Absent or not voting, 8:**

Briles	Gallagher	Gentleman	Holden
Holt	Kinley	Lind	Ritsema

The motion prevailed and the appointment of Kim D. Schmett to the Job Service Appeal Board was taken up for reconsideration.

Senator Junkins moved that the appointee be confirmed by the Senate.

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

**Ayes, 40:**

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Doyle
Drake	Gettings	Goodwin	Gratias



Hall	Hester	Horn	Hulse
Hultman	Husak	Jensen	Junkins
Mann	Miller, A. V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, 2:

Dieleman	Hutchins
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Absent or not voting, 8:

Briles	Gallagher	Gentleman	Holden
Holt	Kinley	Lind	Ritsema

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

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 4, 1984, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the House was asked:

**House File 2183**, a bill for an act relating to the regulation of business entities and workers engaging in the removal of encapsulation of asbestos and providing penalties (S—5928).

**ALSO:** That the House has on April 12, 1984, passed the following bill in which the concurrence of the Senate is asked:

**House File 2504**, a bill for an act relating to the interest and penalty on delinquent property taxes.

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

**ALSO:** That the House has on April 16, 1984, passed the following bills in which the concurrence of the Senate is asked:

**House File 2517**, a bill for an act to legalize proceedings by the city council of the city of Ryan, Iowa relating to the sale of certain property.

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

**House File 2522**, a bill for an act relating to the disposition of unclaimed property.

Read first time and referred to the committee on **Ways and Means**.

**House File 2523**, a bill for an act relating to the issuance of bonds by certain counties for the acquisition, construction, reconstruction, improvement, repair, and equipping of water works, water mains and extensions, and real and personal property useful for providing potable water to county residents, establishment of a special tax district, and taxation of real property located within the special tax district.

This bill was read first time and referred to the committee on **Finance**.

**House File 2524**, a bill for an act increasing the limit on the tax rate that may be certified by the board of directors of a school corporation to be levied on taxable property in a school district for the use of a free public library by residents of the school district.

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

**House File 2525**, a bill for an act to increase the authorized property tax levy for a benefited law enforcement district.

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

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 120**, by Slater, Palmer, Drake, Kinley, Junkins, Hultman, Mann, Anderson, Doyle, Colton, Gallagher, Coleman, Van Gilst, Priebe, Carr, Soorholtz, Bruner, Horn, Hall, Wells, Gettings, Nystrom, Dieleman, Hutchins, Miller of Cerro Gordo, Gratias, Taylor, Schwengels, Waldstein, Tieden,

Rife, Hester, Briles, Vande Hoef, Hulse, Jensen and Brown, a concurrent resolution relating to a study of the availability of health care insurance or benefit coverages.

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

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

The Senate resumed session, Senator Hultman presiding.

## APPENDIX

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 13, 1984, the Governor approved and transmitted to the Secretary of the State the following bills:

**S.F. 517**—Relating to missing persons and the time and manner in which missing person investigations are to be performed, and providing a penalty.

**S.F. 2053**—Specifying the number of affirmative votes of the board of directors of the Iowa Product Development Corporation that are necessary before action may be taken by the board.

**S.F. 2138**—Relating to the time within which the contest wills, file claims, make spousal elections and take certain other actions with respect to decedents' estates.

**S.F. 2202**—Relating to the procedure required for a savings and loan association chartered in another state or country to transact business in Iowa.

**S.F. 2205**—Relating to fees for the registration of vessels.

**S.F. 2221**—Relating to tests and standards for motor vehicle fuel.

ALSO

That on April 16, 1984, the Governor approved and transmitted to the Secretary of the State the following bills:

**S.F. 2082**—Relating to the confidentiality of Iowa Department of Corrections records and providing a penalty.

**S.F. 2116**—To provide resale rights to a holder of a farm implement or parts franchise upon termination of the franchise.

**S.F. 2163**—Relating to child custody.

**S.F. 2248**—Relating to the collection and dissemination of information regarding hazardous chemicals and providing penalties and authorizing the department of water, air and waste management to adopt hazardous waste rules in respect to hazardous chemicals which are more restrictive than, but consistent with, federal requirements.

FURTHER  
REPORT OF COMMITTEE MEETING

WAYS AND MEANS\*

\*A previous report of this meeting was recorded on pages 1483-1485, 1497-1498, and 1527-1528.

**Final Bill Action:** SENATE FILE 2355, a bill for an act relating to the control, distribution, taxation, and private sale of wine containing more than five percent but not more than seventeen percent alcohol by weight, declaring certain acts relating to wine to be unlawful and prescribing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Palmer, Husak, Brown, Carr, Deluhery, Holt, Readinger, Rodgers and Small. Nays, 5: Holden, Dieleman, Hester, Soorholtz and Van Gilst. Absent or not voting, 1: Gratias.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this sixteenth day of April, 1984:

Senate Files 2057, 2095, 2121, 2159 and 2261.

K. MARIE THAYER  
Secretary of the Senate

COMMUNICATION FROM THE SECRETARY OF STATE

April 13, 1984

Ms. K. Marie Thayer  
Secretary of the Senate  
State Capitol Building  
LOCAL

Dear Ms. Thayer:

Pursuant to the authority vested in the undersigned, Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1983, there being no newspaper by the name of the Waterloo Courier Record, published in Waterloo, Iowa, I hereby designate the Waterloo Courier Cedar Falls Record, a newspaper published in Waterloo, Iowa, to publish Senate File 2160.

I further certify that, Senate File 2160 was published in The Red Oak Express, Red Oak, Iowa, on April 6, 1984, and in the Waterloo Courier Cedar Falls Record, Waterloo, Iowa, on April 9, 1984.

Respectfully submitted  
MARY JANE ODELL  
Secretary of State

### COMMUNICATION

The following communication was received and placed on file in the Office of the Secretary of the Senate:

#### STATE LIBRARY OF IOWA

On April 16, 1984, received a copy of the Iowa Public Library Statistics for 1982 and 1983, pursuant to chapter 303A of the Code.

### STUDY BILL RECEIVED

#### S.S.B. 2270 Ways and Means

Allowing insurance companies, state banks and state savings and loan associations to invest their assets in venture capital firms that make investments in small businesses.

### REPORT OF COMMITTEE MEETING

#### NATURAL RESOURCES

Convened: April 13, 1984, 5:30 p.m.

Members Present: Van Gilst, Chair; Gettings, Goodwin, Hall, Hester, Priebe and Rife.

Members Absent: Rodgers, Vice Chair; Schwengels, Ranking Member and Doyle.

Other Committee Business: Recommended confirmation of Governor's appointees to the En Bloc Confirmation Calendar.

Adjourned: 5:32 p.m.

## PRESENTATION OF VISITORS

The Chair welcomed Ineke Christina Draisma, exchange student from Makkum, Netherlands, who was present in the Senate chamber as the guest of Senator Vande Hoef.

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

Ninety 4-H members from Linn County. Senators Hall, Horn, Hulse and Wells.

Fifty students from Northwest Elementary School, Ankeny, Iowa, accompanied by Shirley Crawford. Senator Palmer.

The Chair welcomed the Honorable Fred Schwengel, former U.S. Representative from Iowa's First Congressional District, who was present in the Senate chamber.

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

Thirty-eight students from Sacred Heart Elementary School, West Des Moines, Iowa, accompanied by Ms. Munoz and Ed Garza. Senator Gentleman.

The following visitors were present in the Senate gallery:

Students from Cedar Rapids Junior-Senior High School, Cedar Rapids, Iowa, accompanied by Linda O'Neil. Senator Horn.

## PETITIONS

The following petitions were presented and placed on file by:

Senator Hutchins from two hundred ninety residents of Audubon County favoring legislation declaring a financial crisis and requesting a reassessment of the 1984 farm program.

Senator Vande Hoef from one hundred thirty-seven residents of Senate District #4 supporting the medically needy program.

Senator Gratias from forty residents of Chickasaw and Howard Counties favoring bonding grain dealers in higher amounts and requiring grain dealers to pay for grain within a specified time limit and regulating the number of speculative positions a grain dealer holds.

## AMENDMENTS FILED

S—5907	S. F.	244	House Amendment
S—5908	S. F.	2293	Julia Gentleman
S—5909	S. F.	2043	Jack W. Hester
S—5910	H.F.	2521	George R. Kinley
S—5911	H.F.	2521	James D. Wells
S—5912	H.F.	2521	John W. Jensen Jack Rife Richard F. Drake John N. Nystrom
S—5913	S. F.	2350	Jack Rife
S—5914	S. F.	2258	Donald V. Doyle
S—5915	S. F.	2344	Hurley W. Hall
S—5916	S. F.	2333	House Amendment
S—5917	S. F.	2353	Lee W. Holt
S—5918	S. F.	2353	Jack Rife
S—5919	H.F.	2521	John W. Jensen Jack Rife Richard F. Drake John N. Nystrom
S—5920	S. F.	2352	James V. Gallagher Richard Vande Hoef Forrest V. Schwengels Wm. W. (Bill) Dieleman Ted Anderson
S—5921	S. F.	2351	Berl E. Priebe
S—5922	S. F.	2350	Edgar H. Holden
S—5923	S. F.	2258	Donald V. Doyle
S—5924	H.F.	2516	Arthur L. Gratias Emil J. Husak Berl E. Priebe Dale L. Tieden Ray Taylor Joe Brown
S—5925	S. F.	2351	Charles Bruner
S—5926	H.F.	2509	Edgar H. Holden
S—5927	H.F.	2520	Hurley W. Hall Richard Vande Hoef
S—5928	H.F.	2183	House Amendment
S—5929	S. F.	2351	Ray Taylor



S-5930	S. F.	244	Arthur A. Small, Jr. Jack Rife
S-5931	H.F.	2521	Norman G. Rodgers
S-5932	H.F.	2521	Norman G. Rodgers
S-5933	S. F.	2350	Jack Rife
S-5934	H.F.	2521	John W. Jensen
S-5935	S. F.	2350	Wm. W. (Bill) Dieleman
S-5936	S. F.	2347	David M. Readinger William D. Palmer
S-5937	S. F.	2350	Jack Rife

### ADJOURNMENT

On motion of Senator Junkins, the Senate adjourned at 7:15 p.m., until 9:00 a.m., Tuesday, April 17, 1984.

# JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY  
SIXTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 17, 1984

The Senate met in regular session at 9:00 a.m., Senator Van Gilst presiding.

Prayer was offered by the Honorable Robert T. Anderson, Lieutenant Governor of Iowa.

President Anderson took the chair at 9:03 a.m.

The Journal of Monday, April 16, 1984, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Ritsema and Lind for the day on request of Senator Hultman.

## HOUSE MESSAGES RECEIVED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 16, 1984, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2215, a bill for an act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract (S—5940).**

**ALSO:** That the conference committee on Senate File 2291, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards, appointed April 16, 1984 is: the Representative from Marshall, Mr. Swartz, Chair; the Representative from Scott, Mr. Arnould, the Representative from Polk, Mr. Chiodo, the Representative from Scott, Mr. Schneklath, and the Representative from Pottawattamie, Mr. Schroeder.

ALSO: That the House has on April 16, 1984, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

**House File 2470**, a bill for an act relating to the platting requirements upon the subdivision of a parcel of land and the vacating of certain public streets, alleys, and other public lands.

ALSO: That the House has on April 16, 1984, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the Senate is asked:

**House File 2487**, a bill for an act relating to liability in tort by establishing comparative fault as the basis for liability in relation to claims for damages arising from injury to or death of a person or harm to property and eliminating governmental immunity for certain public improvements and places (S-5939).

#### MOTION TO RECONSIDER WITHDRAWN

##### House File 2274

Senator Gallagher withdrew the motion to reconsider House File 2274, a bill for an act relating to the designation of moneys to be paid to the state fish and game protection fund by a taxpayer on an income tax return, filed by him on April 4, 1984, and found on page 1300 of the Senate Journal.

#### BILL RETURNED FROM COMMITTEE

Senator Junkins asked and received unanimous consent that **House File 2523**, referred to the committee on Finance on April 16, 1984, be withdrawn from committee and passed on file.

#### CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Junkins asked and received unanimous consent to take up out of order Senate File 2352.

##### Senate File 2352

On motion of Senator Small, Senate File 2352, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing

procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Gallagher offered amendment S—5920 filed by Senators Gallagher, et al., on April 16, 1984, to page 9 of the bill and moved its adoption.

Amendment S—5920 was adopted by a voice vote.

Senator Hall offered amendment S—5942 filed by him from the floor to page 16 of the bill and moved its adoption.

Amendment S—5942 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2352) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

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

Senator Junkins asked and received unanimous consent that Senate File 2352 be immediately messaged to the House.

Senator Junkins asked and received unanimous consent to take up out of order Senate File 2351.

#### **Senate File 2351**

On motion of Senator Bruner, Senate File 2351, a bill for an act relating to the administration and financing of current programs other than mental health programs under the jurisdiction of the department of human services and to the foster care review board for the fiscal year beginning July 1, 1984, and ending June 30, 1985, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on Senate File 2351 be deferred.

#### **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator Coleman for the morning session on request of Senator Junkins.

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

Senator Junkins asked and received unanimous consent to take up out of order Senate File 2347.

#### **Senate File 2347**

On motion of Senator Readinger, Senate File 2347, a bill for an act relating to the issuance of bonds by certain counties for the acquisition, construction, reconstruction, improvement, repair, and equipping of water works, water mains and extensions, and real and personal property useful for providing potable water to county residents, establishment of a special tax district, and taxation of real property located within the special tax district, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Readinger offered amendment S—5936 filed by Senators Readinger and Palmer on April 16, 1984, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—5936 was adopted by a voice vote.

Senator Readinger asked and received unanimous consent that House File 2523 be substituted for Senate File 2347.

### House File 2523

On motion of Senator Readinger, House File 2523, a bill for an act relating to the issuance of bonds by certain counties for the acquisition, construction, reconstruction, improvement, repair, and equipping of water works, water mains and extensions, and real and personal property useful for providing potable water to county residents, establishment of a special tax district, and taxation of real property located within the special tax district, was taken up for consideration.

Senator Readinger asked and received unanimous consent that Senate File 2347 be withdrawn from further consideration of the Senate.

Senator Schwengels asked and received unanimous consent that further action on House File 2523 be deferred.

## UNFINISHED BUSINESS (Deferred April 16, 1984)

### Senate File 2350

The Senate resumed consideration of Senate File 2350, a bill for an act to impose a state alternative minimum tax to replace the state minimum tax under the individual income tax and making the Act retroactive, deferred on April 16, 1984.

Senator Rife withdrew amendments S—5933 and S—5913 filed by him on April 16, 1984, to pages 1 and 2 of the bill.

Senator Rife offered amendment S—5937 filed by him on April 16, 1984, to pages 1 and 2 of the bill.

Senator Priebe asked and received unanimous consent that further action on amendment S—5937 and Senate File 2350 be deferred.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 2487

Senator Small called up for consideration House File 2487, a bill for an act relating to liability in tort by establishing comparative fault as the basis for liability in relation to claims for damages arising from injury to or death of a person or harm to property and modifying governmental immunity for certain public improvements and places, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5939 to Senate amendment H—6147 filed April 17, 1984.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 2487) the vote was:

Ayes, 38:

Anderson	Briles	Brown	Bruner
Carr	Deluhery	Dieleman	Drake
Gentleman	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Welsh		

Nays, 10:

Coleman	Colton	Doyle	Gallagher
Gettings	Holden	Husak	Mann
Miller, C.P.	Wells		

Absent or not voting, 2:

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

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

On the question "Shall the bill pass?" (H.F. 2487) the vote was:

Ayes, 42:

Anderson	Briles	Brown	Bruner
Carr	Deluhery	Dieleman	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, 6:

Coleman	Colton	Doyle	Gettings
Mann	Miller, C.P.		

Absent or not voting, 2:

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

Senator Junkins asked and received unanimous consent that House File 2487 be immediately messaged to the House.

### HOUSE AMENDMENT CONSIDERED (Deferred April 16, 1984)

#### Senate File 244

The Senate resumed consideration of Senate File 244, a bill for an act relating to the care given under workers' compensation medical benefits, House amendment S-5907 and amendment S-5930 to House amendment S-5907, deferred on April 16, 1984.



Senator Jensen offered amendment S—5943 filed by him from the floor to House amendment S—5907 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5943 to House amendment S—5907 be adopted?" (S.F. 244) the vote was:

Ayes, 17:

Briles	Dieleman	Drake	Gentleman
Goodwin	Gratias	Hester	Holden
Holt	Hulse	Hultman	Jensen
Nystrom	Schwengels	Taylor	Tieden
Waldstein			

Nays, 30:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Doyle
Gallagher	Gettings	Hall	Horn
Husak	Hutchins	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Readinger	Rife	Rodgers
Slater	Small	Soorholtz	Van Gilst
Wells	Welsh		

Absent or not voting, 3:

Lind	Ritsema	Vande Hoef
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Amendment S—5943 lost.

The Chair ruled amendment S—5938 filed by Senator Jensen from the floor to House amendment S—5907, out of order.

Senator Taylor withdrew the motion to reconsider the vote by which amendment S—5930 to House amendment S—5907 to Senate File 244 was adopted by the Senate on April 16, 1984, filed by him on April 16, 1984, and found on page 1568 of the Senate Journal.

Senator Anderson moved that the Senate concur in House amendment S—5907 as amended.

A record roll call was requested.

On the question "Shall the motion to concur as amended be adopted?" (S.F. 244) the vote was:

Ayes, 26:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Doyle
Gallagher	Gettings	Hall	Horn
Husak	Junkins	Kinley	Mann
Miller, A.V.	Palmer	Readinger	Rife
Rodgers	Slater	Small	Soorholtz
Wells	Welsh		

Nays, 22:

Briles	Dieleman	Drake	Gentleman
Goodwin	Gratias	Hester	Holden
Holt	Hulse	Hultman	Hutchins,
Jensen	Miller, C.P.	Nystrom	Priebe
Schwengels	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein		

Absent or not voting, 2:

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

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

On the question "Shall the bill pass?" (S.F. 244) the vote was:

Ayes, 28:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Doyle
Gallagher	Gettings	Hall	Horn
Husak	Hutchins	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Palmer
Readinger	Rife	Rodgers	Slater
Small	Soorholtz	Wells	Welsh

Nays, 20:

Briles	Dieleman	Drake	Gentleman
Goodwin	Gratias	Hester	Holden

Holt  
Nystrom  
Tieden

Hulse  
Priebe  
Vande Hoef

Hultman  
Schwengels  
Van Gilst

Jensen  
Taylor  
Waldstein

Absent or not voting, 2:

Lind

Ritsema

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

Senator Junkins asked and received unanimous consent that Senate File 244 be immediately messaged to the House.

### UNFINISHED BUSINESS (Deferred April 13, 1984)

#### House File 2516

The Senate resumed consideration of House File 2516, a bill for an act to provide funding for the removal or encapsulation of asbestos by school districts, deferred on April 13, 1984.

Senator Gratias offered amendment S—5924 filed by Senators Gratias, et al., on April 16, 1984, to page 1 of the bill and moved its adoption.

Amendment S—5924 was adopted by a voice vote.

With the adoption of amendment S—5924, the Chair ruled the following amendments out of order:

S—5882 filed by Senators Priebe, et al., on April 13, 1984, to page 1 of the bill.

S—5889 filed by Senators Gratias, et al., on April 13, 1984, to page 1 of the bill.

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

On the question "Shall the bill pass?" (H.F. 2516) the vote was:

Ayes, 47:

Anderson

Briles

Brown

Bruner

Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

Lind                      Mann                      Ritsema

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

Senator Junkins asked and received unanimous consent that House File 2516 be immediately messaged to the House.

### IMMEDIATELY MESSAGED LIFTED

Senator Junkins asked and received unanimous consent to have the Immediate Message, previously requested, removed from Senate File 244, a bill for an act relating to the care given under workers' compensation medical benefits.

### MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 244 passed the Senate on April 17, 1984.

C.W. BILL HUTCHINS

MR. PRESIDENT: I move to reconsider the vote by which Senate File 244 passed the Senate on April 17, 1984.

EMIL J. HUSAK

MR. PRESIDENT: I move to reconsider the vote by which Senate File 244 passed the Senate on April 17, 1984.

TED ANDERSON

**CONSIDERATION OF BILL  
(Appropriations Calendar)**

**House File 446**

On motion of Senator Hall, House File 446, a bill for an act providing for the creation, management, and administration of a protected water area system in this state, with report of committee on Appropriations recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 446) the vote was:

Ayes, 46:

Anderson	Briles	Brown	Bruner
Carr	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Welsh		

Nays, none.

Absent or not voting, 4:

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

Senator Junkins asked and received unanimous consent that **House File 446** be immediately messaged to the House.

**BUSINESS PENDING****Senate File 2350**

The Senate resumed consideration of Senate File 2350 and amendment S—5937, previously deferred.

Senator Priebe offered amendment S—5947 filed by Senators Priebe and Rife from the floor to pages 1 and 2 of the bill.

(Senate File 2350 and amendments S—5937 and S—5947, pending on recess.)

**RECESS**

On motion of Senator Junkins, the Senate recessed at 12:15 p.m., until 1:30 p.m.

**AFTERNOON SESSION**

The Senate reconvened at 1:34 p.m., Senator Coleman presiding.

**INTRODUCTION OF BILL**

**Senate File 2356**, by Junkins and Hultman, a bill for an act to allow the use of special railroad facility fund moneys for purchase or upgrading railroad right of way and trackage facilities for development of railroad passenger tourism.

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

**QUORUM CALL**

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

The vote revealed 45 present, 5 absent and a quorum present.

**HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED****House File 2183**

Senator Gettings called up for consideration House File 2183, a bill for an act relating to the regulation of business entities and

workers engaging in the removal or encapsulation of asbestos and providing penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5928 to Senate amendment H—5964 filed April 16, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2183) the vote was:

Ayes, 35:

Brown	Bruner	Carr	Coleman
Colton	Dieleman	Doyle	Drake
Gallagher	Gettings	Goodwin	Gratias
Hall	Hester	Holt	Hulse
Hultman	Husak	Jensen	Junkins
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Schwengels	Slater
Small	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Wells	

Nays, 4:

Gentleman	Holden	Rife	Waldstein
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Absent or not voting, 11:

Anderson	Briles	Deluhery	Horn
Hutchins	Kinley	Lind	Mann
Ritsema	Rodgers	Welsh	

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

Senator Junkins asked and received unanimous consent that House File 2183 be immediately messaged to the House.

President Anderson took the chair at 1:48 p.m.

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

The Senate resumed session, President Anderson presiding.

### BUSINESS PENDING

#### Senate File 2350

The Senate resumed consideration of Senate File 2350 and amendments S—5947 and S—5937, pending on recess.

Senator Priebe asked and received unanimous consent to withdraw amendment S—5947 to pages 1 and 2 of the bill.

Senator Rife withdrew amendment S—5937 to pages 1 and 2 of the bill.

Senator Holden offered amendment S—5922 filed by him on April 16, 1984, to page 3 of the bill.

Senator Palmer raised the point of order that amendment S—5922 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5922 out of order.

Senator Dieleman offered amendment S—5935 filed by him on April 16, 1984, to page 3 of the bill and moved its adoption.

Amendment S—5935 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2350) the vote was:

Ayes, 48:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Ritsema
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh



Nays, 1:

Mann

Absent or not voting, 1:

Lind

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

#### MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2350 passed the Senate on April 17, 1984.

JAMES V. GALLAGHER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2350 passed the Senate on April 17, 1984.

WILLIAM W. DIELEMAN

#### BUSINESS PENDING

##### Senate File 2351

The Senate resumed consideration of Senate File 2351, previously deferred.

Senator Waldstein offered amendment S—5944 filed by him from the floor to pages 1 through 4 and 7 of the bill.

Senator Waldstein asked and received unanimous consent that further action on amendment S—5944 be deferred.

Senator Slater offered amendment S—5948 filed by him from the floor to pages 1, 4 and 5 of the bill and moved its adoption.

Amendment S—5948 was adopted by a voice vote.

Senator Bruner offered amendment S—5906 filed by him on April 13, 1984, to pages 1, 2 and 10 of the bill.

Senator Bruner asked and received unanimous consent that further action on amendment S—5906 be deferred.

Senator Priebe offered amendment S—5941 filed by Senators Priebe, et al., from the floor to pages 1 through 4 and 13 and 14 of the bill and called for a division as follows:

Division S—5941A: lines 2 through 4.

Division S—5941B: lines 5 through 7.

Division S—5941C: lines 8 through 13.

Division S—5941D: lines 14 through 17.

Division S—5941E: lines 18 through 20.

Division S—5941F: lines 21 through 23.

Division S—5941G: lines 24 through 26.

Division S—5941H: lines 27 through 29.

Senator Priebe asked and received unanimous consent that action on division S—5941A be deferred for immediate consideration of division S—5941E.

Senator Coleman asked unanimous consent that his name be withdrawn as a sponsor of amendment S—5941.

Senator Coleman withdrew his request.

Senator Priebe moved the adoption of division S—5941E and requested a record roll call.

On the question “Shall division S—5941E be adopted?” (S.F. 2351) the vote was:

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

Ayes, 22:

Briles	Dieleman	Doyle	Drake
Goodwin	Gratias	Hester	Holt
Hulse	Hultman	Jensen	Miller, C.P.
Nystrom	Priebe	Readinger	Ritsema
Schwengels	Soorholtz	Taylor	Tieden
Vande Hoef	Waldstein		

Nays, 22:

Anderson	Brown	Bruner	Carr
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Coleman	Colton	Deluhery	Gallagher
Gentleman	Gettings	Hall	Horn
Hutchins	Junkins	Mann	Miller, A.V.
Rodgers	Slater	Small	Van Gilst
Wells	Welsh		

Absent or not voting, 6:

Holden	Husak	Kinley	Lind
Palmer	Rife		

Division S—5941E lost.

Senator Priebe asked and received unanimous consent that action on divisions S—5941F, S—5941G and S—5941H be deferred.

Senator Priebe moved the adoption of division S—5941A, previously deferred.

On the question "Shall division S—5941A be adopted?" (S.F. 2351) the vote was:

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

Ayes, 27:

Briles	Dieleman	Doyle	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Holt	Hulse	Hultman
Husak	Jensen	Miller, C.P.	Nystrom
Priebe	Readinger	Rife	Ritsema
Schwengels	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	

Nays, 22:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Gallagher
Gettings	Hall	Horn	Hutchins
Junkins	Kinley	Mann	Miller, A.V.
Palmer	Rodgers	Slater	Small
Wells	Welsh		

Absent or not voting, 1:

Lind

Division S—5941A was adopted.

Senator Priebe moved the adoption of division S—5941B, which motion prevailed by a voice vote.

Senator Priebe moved the adoption of division S—5941C.

A record roll call was requested.

On the question "Shall division S—5941C be adopted?" (S.F. 2351) the vote was:

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

Ayes, 23:

Briles	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Holt
Hulse	Hultman	Husak	Jensen
Nystrom	Priebe	Readinger	Rife
Ritsema	Schwengels	Soorboltz	Taylor
Tieden	Vande Hoef	Waldstein	

Nays, 26:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gallagher	Gettings	Hall
Horn	Hutchins	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Palmer
Rodgers	Slater	Small	Van Gilst
Wells	Welsh		

Absent or not voting, 1:

Lind

Division S—5941C lost.

Senator Priebe asked and received unanimous consent to withdraw division S—5941D.

The Senate resumed consideration of division S—5941F, previously deferred.

Senator Priebe asked and received unanimous consent that action on division S—5941F be deferred.

Senator Priebe moved the adoption of division S—5941G, previously deferred.

A record roll call was requested.

On the question "Shall division S—5941G be adopted?" (S.F. 2351) the vote was:

Ayes, 29:

Briles	Colton	Dieleman	Doyle
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hester	Holt
Hulse	Hultman	Husak	Jensen
Miller, C.P.	Nystrom	Priebe	Readinger
Rife	Ritsema	Schwengels	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein			

Nays, 18:

Anderson	Brown	Bruner	Carr
Coleman	Deluhery	Hall	Horn
Junkins	Kinley	Mann	Miller, A.V.
Palmer	Rodgers	Slater	Small
Wells	Welsh		

Absent or not voting, 3:

Holden	Hutchins	Lind
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Division S—5941G was adopted.

Senator Priebe moved the adoption of division S—5941H, previously deferred, which motion prevailed by a voice vote.

Senator Taylor offered amendment S—5929 filed by him on April 16, 1984, to pages 9, 10, 16 and 17 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5929 be adopted?" (S.F. 2351) the vote was:

Ayes, 18:

Drake	Goodwin	Gratias	Hester
Holt	Hulse	Hultman	Husak
Jensen	Nystrom	Priebe	Readinger
Rife	Schwengels	Soorholtz	Taylor
Vande Hoef	Waldstein		

Nays, 26:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Dieleman	Doyle
Gallagher	Gentleman	Gettings	Hall
Horn	Hutchins	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Palmer
Ritsema	Slater	Small	Van Gilst
Wells	Welsh		

Absent or not voting, 6:

Briles	Deluhery	Holden	Lind
Rodgers	Tieden		

Amendment S—5929 lost.

Senator Priebe moved the adoption of division S—5941F, previously deferred.

Division S—5941F was adopted by a voice vote.

Senator Mann offered amendment S—5903 filed by Senators Mann and Slater on April 13, 1984, to page 11 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 17.

Amendment S—5903 was adopted.

Senator Priebe offered amendment S—5921 filed by him on April 16, 1984, to page 12 of the bill and moved its adoption.

Amendment S—5921 was adopted by a voice vote.

Senator Bruner withdrew amendment S—5925 filed by him on April 16, 1984, to page 15 of the bill.

Senator Waldstein offered amendment S—5960 filed by him from the floor to page 16 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 15, nays 29.

Amendment S—5960 lost.

Senator Bruner offered amendment S—5959 filed by Senators Bruner and Waldstein from the floor to pages 4, 6 and 14 of the bill and moved its adoption.

Amendment S—5959 was adopted by a voice vote.

Senator Waldstein withdrew amendment S—5944 to pages 1, 4, and 7 of the bill, previously deferred.

The Senate resumed consideration of amendment S—5906 to pages 1, 2 and 10 of the bill, previously deferred.

Senator Bruner called for a division of amendment S—5906: lines 2 through 4 and 8 through 10 as division S—5906A; and lines 5 through 7 as division S—5906B.

Senator Bruner withdrew division S—5906B.

The Chair ruled amendment S—5945 filed by Senators Taylor and Husak to amendment S—5906, out of order.

Senator Bruner moved the adoption of division S—5906A, which motion prevailed by a voice vote.

Senator Junkins asked and received unanimous consent that further action on Senate File 2351 be deferred.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2215

Senator Brown called up for consideration Senate File 2215, a bill for an act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract, amended by the House in House amendment S—5940 filed April 17, 1984.

Senator Brown offered amendment S—5955 filed by Senators Brown and Gratias from the floor to House amendment S—5940.

Senator Brown offered amendment S—5958 filed by Senators Brown and Gratias from the floor to amendment S—5955 to House amendment S—5940 and moved its adoption.

Amendment S—5958 was adopted by a voice vote.

Senator Brown moved the adoption of amendment S—5955 as amended to House amendment S—5940, which motion prevailed by a voice vote.

With the adoption of amendment S—5955 as amended to House amendment S—5940, the Chair ruled amendment S—5946 filed by Senator Gratias from the floor to House amendment S—5940, out of order.

Senator Brown moved that the Senate concur in House amendment S—5940 as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2215) the vote was:

Ayes, 31:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gettings
Gratias	Holden	Holt	Horn
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Small	Van Gilst
Waldstein	Wells	Welsh	

Nays, 15:

Gentleman	Goodwin	Hall	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Ritsema	Schwengels	Soorholtz
Taylor	Tieden	Vande Hoef	

Absent or not voting, 4:

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



Senator Junkins asked and received unanimous consent that **Senate File 2215** be immediately messaged to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on March 29, 1984, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2271**, a bill for an act relating to the criminal and civil liability of state employees by modifying the definition of "claim" under the state tort claims Act, modifying the requirements of representation of, indemnification for, and restitution from state employees, providing for representation of department of public safety members in criminal actions and providing for the designation of department members as department administrative hearing officers (S-5953).

**ALSO:** That the House has on April 17, 1984, amended and passed the following bills in which the concurrence of the House was asked:

**Senate File 420**, a bill for an act relating to the collection of dishonored checks, drafts, or other negotiable instruments (S-5954).

**Senate File 2254**, a bill for an act relating to the state employee suggestion system (S-5952).

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 420**

Senator Hutchins called up for consideration **Senate File 420**, a bill for an act relating to the collection of dishonored checks, drafts, or other negotiable instruments, amended by the House, and moved that the Senate concur in House amendment S-5954 filed April 17, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 420) the vote was:

Ayes, 36:

Coleman	Deluhery	Dieleman	Drake
Gallagher	Gentleman	Gettings	Goodwin
Gratias	Hall	Hester	Holden
Holt	Horn	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Ritserna	Rodgers	Schwengels	Soorholtz
Taylor	Tieden	Vande Hoef	Waldstein

Nays, 9:

Anderson	Brown	Bruner	Carr
Colton	Doyle	Mann	Slater
Welsh			

Absent or not voting, 5:

Briles	Lind	Small	Van Gilst
Wells			

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

## HOUSE AMENDMENT CONSIDERED

### Senate File 2271

Senator Holt called up for consideration Senate File 2271, a bill for an act relating to the criminal and civil liability of state employees by modifying the definition of "claim" under the state tort claims Act, modifying the requirements of representation of, indemnification for, and restitution from state employees, providing for representation of department of public safety members in criminal actions and providing for the designation of department members as department administrative hearing officers, amended by the House in House amendment S—5953 filed April 17, 1984.

Senator Mann withdrew amendment S—5957 filed by him from the floor to House amendment S—5953.

Senator Colton took the chair at 6:10 p.m.

Senator Mann asked and received unanimous consent that further action on House amendment S—5953 and Senate File 2271 be deferred.

## BUSINESS PENDING

### Senate File 2351

The Senate resumed consideration of Senate File 2351, previously deferred.

Senator Bruner offered amendment S—5961 filed by Senators Bruner, et al., from the floor to pages 12 and 13 of the bill and moved its adoption.

Amendment S—5961 was adopted by a voice vote.

Senator Gentleman withdrew the following motion to reconsider filed by her from the floor:

MR. PRESIDENT: I move to reconsider the vote by which division S—5941E to Senate File 2351 failed to be adopted by the Senate on April 17, 1984.

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

On the question "Shall the bill pass?" (S.F. 2351) the vote was:

Ayes, 45:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Holden	Holt	Horn	Hulse
Husak	Hutchins	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Ritsema	Rodgers	Schwengels	Slater
Small	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Welsh			

Nays, 3:

Hester

Hultman

Jenseh

Absent or not voting, 2:

Briles

Lind

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

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

The Senate resumed session, Senator Hall presiding.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 112**, by Committee on Rules and Administration, a resolution relating to daily operations of the Senate.

Read first time and placed on calendar.

### INTRODUCTION OF BILLS

**Senate File 2357**, by Committee on Appropriations, a bill for an act creating a petroleum overcharge fund in the state treasury and appropriating money from the fund.

Read first time and placed on the Appropriations Calendar.

**Senate File 2358**, by Committee on Appropriations, a bill for a act relating to job training by establishing an Iowa job training and coordination program and making an appropriation.

Read first time and placed on the Appropriations Calendar.

**Senate File 2359**, by Committee on Appropriations, a bill for an act establishing comparable worth salary adjustments for state employees and making supplemental appropriations for salary adjustment and implementation.

Read first time and placed on the Appropriations Calendar.

**Senate File 2360**, by Committee on Appropriations, a bill for an act making statutory corrections and other changes relating to the court reorganization and court fee legislation enacted in 1983.

**Read first time and placed on the Appropriations Calendar.**

**Senate File 2361**, by Committee on Appropriations, a bill for an act relating to and making appropriations for various government projects and programs and providing effective dates.

**Read first time and placed on the Appropriations Calendar.**

**APPENDIX.****BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this seventeenth day of April, 1984:

Senate Files 256, 2155, 2173, 2189 and 2213.

**K. MARIE THAYER**  
Secretary of the Senate

**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 17, 1984, the Governor approved and transmitted to the Secretary of the State the following bills:

**S.F. 2135**—Relating to electric transmission lines, wire, or cable franchises and making civil penalties applicable.

**S.F. 2250**—Relating to the budget year and annual report provisions for secondary roads.

**S.F. 2276**—Relating to the State Board of Engineering Examiners.

**S.F. 2284**—Relating to lease-purchase agreements made by an area education agency.

**S.F. 2304**—Relating to penalties for fraudulently obtaining, manufacturing, delivering, or possessing with intent to manufacture or deliver, a controlled substance.

**STUDY BILL RECEIVED****S.S.B. 2271 Appropriations**

Establishing a comparable worth pay grade system for state employees and a comparable worth review committee, and making a supplemental appropriation for salary adjustments and appropriations for implementation.

## REPORTS OF COMMITTEE MEETINGS

## APPROPRIATIONS

Convened: April 17, 1984, 12:20 p.m.

**Members Present:** Small, Chair; Tieden, Ranking Member; Bruner, Deluhery, Dieleman, Hall, Holt, Horn, Husak, Readinger and Waldstein.

**Members Absent:** Palmer, Vice Chair, Lind (excused), Carr, Gentleman, Holt, Schwengels, Wells and Welsh.

**Final Bill Action:** SENATE FILE 2357 (SSB 2269), a bill for an act creating a petroleum overcharge fund in the state treasury and appropriating money from the fund.

**Recommendation:** APPROVED COMMITTEE BILL

**Final Vote:** Ayes, 10: Small, Tieden, Bruner, Deluhery, Dieleman, Hall, Horn, Husak, Readinger, and Waldstein. Nays, none. Absent or not voting; 8: Palmer, Carr, Gentleman, Holt, Lind, Schwengels, Wells and Welsh.

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

Adjourned: 12:32 p.m.

## APPROPRIATIONS

Convened: April 17, 1984, 6:25 p.m.

**Members Present:** Small, Chair; Tieden, Ranking Member; Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Readinger, Schwengels, Waldstein and Wells.

**Members Absent:** Palmer, Vice Chair, Lind (excused) and Welsh.

**Final Bill Action:** SENATE FILE 2358, a bill for an act relating to job training by establishing an Iowa job training and coordination program and making an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL

**Final Vote:** Ayes, 15: Small, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Readinger, Schwengels, Waldstein and Wells. Nays, none. Absent or not voting; 3: Palmer, Lind and Welsh.

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

**ALSO:**

**Final Bill Action: SENATE FILE 2359 (SSB 2271), a bill for an act establishing a comparable worth pay grade system for state employees and a comparable worth review committee, and making a supplemental appropriation for salary adjustments and appropriations for implementation.**

**Recommendation: APPROVED COMMITTEE BILL.**

**:Final Vote: Ayes, 13: Small, Tieden, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Readinger, Schwengels, Waldstein and Wells. Nays, 2: Bruner and Carr. Absent or not voting, 3: Palmer, Lind and Welsh.**

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

**ALSO:**

**Final Bill Action: SENATE FILE 2360 (SSB 2273), a bill for an act making statutory corrections and other changes relating to the court reorganization and court fee legislation enacted in 1983.**

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote: Ayes, 15: Small, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Readinger, Schwengels, Waldstein and Wells. Nays, none. Absent or not voting, 3: Palmer, Lind and Welsh.**

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

**ALSO:**

**Final Bill Action: SENATE FILE 2361 (SSB 2272), a bill for an act relating to and making appropriations for various government projects and programs and providing effective dates.**

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote: Ayes, 15: Small, Tieden, Bruner, Carr, Deluhery, Dieleman, Gentleman, Hall, Holt, Horn, Husak, Readinger, Schwengels, Waldstein and Wells. Nays, none. Absent or not voting, 3: Palmer, Lind and Welsh.**

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

**Adjourned: 7:55 p.m.**



**RULES AND ADMINISTRATION**

**Convened:** April 17, 1984, 6:37 p.m.

**Members Present:** Junkins, Chair; Hutchins, Vice Chair; Hultman, Ranking Member; Anderson, Hulse and Kinley.

**Members Absent:** none.

**Final Bill Action:** SENATE RESOLUTION 112, a resolution providing for the budget for the Iowa Senate fiscal year 1985.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 6: Junkins, Hutchins, Hultman, Anderson, Hulse and Kinley. Nays, none.

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

**ALSO:**

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 16, a resolution designating the American Library association's symbol for libraries as the official symbol.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 6: Junkins, Hutchins, Hultman, Anderson, Hulse and Kinley. Nays, none.

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

**Adjourned:** 6:44 p.m.

**LEGISLATIVE PHYSICIAN FOR THE DAY**

Dr. Dale Wulf, M.D., Clinton, Iowa.

**PRESENTATION OF VISITORS**

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

Fourteen students from Unity Christian Junior-Senior High School, Orange City, Iowa, accompanied by Gary Regnerus. Senator Ritsema.

Fifty-eight students from Adams Elementary School, Des Moines, Iowa, accompanied by Mrs. Norma Rutz and Mrs. Gay Ross. Senator Palmer.

The following visitors were present in the Senate gallery:

Fifty students from Northwest Elementary School, Ankeny, Iowa, accompanied by Shirley Crawford. Senator Palmer.

Fifty students from West Central Junior-Senior High School, Maynard, Iowa, accompanied by Ron Rushe. Senator Gallagher.

Twenty-two students from Urbana Junior-Senior High School, Urbana, Iowa, accompanied by Sharyl Stulken and Harlan Bell. Senator Husak.

#### AMENDMENTS FILED

S—5938	S. F.	244	John W. Jensen
S—5939	H. F.	2487	House Amendment
S—5940	S. F.	2215	House Amendment
S—5941	S. F.	2351	Berl E. Priebe Arne Waldstein Ray Taylor Donald V. Doyle Norman G. Rodgers Alvin V. Miller C. Joseph Coleman Charles P. Miller Emil J. Husak James V. Gallagher Dale L. Tieden Milo Colton
S—5942	S. F.	2352	Hurley W. Hall
S—5943	S. F.	244	John W. Jensen
S—5944	S. F.	2351	Arne Waldstein
S—5945	S. F.	2351	Ray Taylor Emil J. Husak
S—5946	S. F.	2215	Arthur L. Gratias
S—5947	S. F.	2350	Berl E. Priebe Jack Rife

S-5948	S. F.	2351	Tom Slater
S-5949	S. F.	2338	James V. Gallagher
S-5950	H.F.	2523	Hurley W. Hall
S-5951	S. F.	2355	Wm. W. (Bill) Dieleman
S-5952	S. F.	2254	House Amendment
S-5953	S. F.	2271	House Amendment
S-5954	S. F.	420	House Amendment
S-5955	S. F.	2215	Joe Brown Arthur L. Gratias
S-5956	H.F.	2523	Forrest V. Schwengels Bass Van Gilst
S-5957	S. F.	2271	Tom Mann, Jr.
S-5958	S. F.	2215	Joe Brown Arthur L. Gratias
S-5959	S. F.	2351	Charles Bruner Arne Waldstein
S-5960	S. F.	2351	Arne Waldstein
S-5961	S. F.	2351	Charles Bruner Arne Waldstein Berl E. Priebe Julia Gentleman Ray Taylor
S-5962	S. F.	2271	Tom Mann, Jr.
S-5963	H.F.	2509	Edgar H. Holden

### ADJOURNMENT

On motion of Senator Junkins, the Senate adjourned at 9:05 p.m., until 9:00 a.m., Wednesday, April 18, 1984.

# JOURNAL OF THE SENATE

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ONE HUNDRED FIRST CALENDAR DAY  
SIXTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 18, 1984

The Senate met in regular session at 9:00 a.m., President Anderson presiding.

Prayer was offered by the Honorable Jack W. Hester, member of the Senate from Pottawattamie County, Honey Creek, Iowa, who vocally performed "The Lord's Prayer."

The Journal of Tuesday, April 17, 1984, was approved.

## HOUSE MESSAGE RECEIVED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 17, 1984, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2337**, a bill for an act relating to transportation by making appropriations to state agencies whose responsibilities relate to transportation, public safety and public defense (S-5964).

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 121**, by Priebe, Mann, Wells, Hutchins, Slater, Tieden, Welsh, Colton, Holden, Gratias and Taylor, a concurrent resolution relating to the renewal of the Iowa Health Data Commission and use of information to encourage efforts by the State of Iowa to have citizens become more prudent purchasers of care.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Schwengels for the morning session on request of Senator Hultman.

## HOUSE AMENDMENT CONSIDERED

## Senate File 2254

Senator Nystrom called up for consideration Senate File 2254, a bill for an act relating to the state employee suggestion system, amended by the House in House amendment S—5952 filed April 17, 1984.

Senator Nystrom offered amendment S—5965 filed by him from the floor to House amendment S—5952 and moved its adoption.

Amendment S—5965 was adopted by a voice vote.

Senator Nystrom moved that the Senate concur in House amendment S—5952 as amended.

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

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

On the question "Shall the bill pass?" (S.F. 2254) the vote was:

Ayes, 42:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Rife	Rodgers	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Wells		

Nays, none.

Absent or not voting, 8:

Kinley	Lind	Mann	Readerger
Ritsema	Schwengels	Waldstein	Welsh

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

Senator Hutchins asked and received unanimous consent that Senate File 2254 be immediately messaged to the House.

### HOUSE AMENDMENT CONSIDERED (Deferred April 17, 1984)

#### Senate File 2271

Senator Holt called up for consideration Senate File 2271, a bill for an act relating to the criminal and civil liability of state employees by modifying the definition of "claim" under the state tort claims Act, modifying the requirements of representation of, indemnification for, and restitution from state employees, providing for representation of department of public safety members in criminal actions and providing for the designation of department members as department administrative hearing officers, and House amendment S—5953, deferred on April 17, 1984.

Senator Mann offered amendment S—5962 filed by him on April 17, 1984, to House amendment S—5953 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5962 to House amendment S—5953 be adopted?" (S.F. 2271) the vote was:

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

Ayes, 24:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gallagher	Gentleman	Gettings
Horn	Hutchins	Junkins	Mann

Miller, C.P.	Palmer	Readinger	Ritsema
Rodgers	Slater	Small	Welsh

Nays, 23:

Briles	Drake	Goodwin	Gratias
Hall	Hester	Holden	Holt
Hulse	Hultman	Husak	Jensen
Miller, A.V.	Nystrom	Priebe	Rife
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	

Absent or not voting, 3:

Kinley	Lind	Schwengels
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Amendment S—5962 was adopted.

Senator Mann withdrew amendment S—5966 filed by him from the floor to House amendment S—5953.

Senator Holt moved that the Senate concur in House amendment S—5953 as amended.

A non record roll call was requested.

The ayes were 21, nays 24.

The motion lost and the Senate refused to concur in the House amendment S—5953 as amended.

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

#### Senate File 2307

On motion of Senator Van Gilst, Senate File 2307, a bill for an act creating a valuation review commission and providing for its powers and relating to the valuation of agricultural property for property tax purposes, with report of committee on State Government recommending passage and report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Hutchins offered amendment S—5883 filed by Senators Hutchins and Doyle on April 13, 1984, to page 1 and the title page of the bill.

Senator Rodgers raised the point of order that amendment S—5883 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5883 out of order.

Senator Gratias offered amendment S—5888 filed by him on April 13, 1984, to pages 2 through 4 and the title page of the bill.

Senator Gratias asked and received unanimous consent that further action on amendment S—5888 be deferred.

Senator Palmer offered amendment S—5881 filed by Senators Palmer and Holden on April 13, 1984, to page 4 of the bill.

Senator Hester raised the point of order that amendment S—5881 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5881 out of order.

Senator Palmer offered amendment S—5880 filed by Senators Palmer and Holden on April 13, 1984, to pages 4 and 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5880 be adopted?" (S.F. 2307) the vote was:

Ayes, 30:

Anderson	Brown	Bruner	Carr
Colton	Delehery	Dieleman	Doyle
Gallagher	Gentleman	Gettings	Hall
Holden	Holt	Horn	Jensen
Junkins	Kinley	Mann	Miller, C.P.
Palmer	Readinger	Ritsema	Rodgers
Slater	Soorholtz	Tieden	Waldstein
Wells	Welsh		

Nays, 17:

Briles	Coleman	Drake	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Miller, A.V.	Nystrom
Priebe	Rife	Taylor	Vande Hoef
Van Gilst			



Absent or not voting, 3:

Lind                      Schwengels              Small

Amendment S—5880 was adopted.

Senator *Gratias* withdrew amendment S—5888 to pages 2 through 4 and the title page of the bill, previously deferred.

Senator Kinley asked and received unanimous consent that further action on Senate File 2307 be deferred.

### IMMEDIATELY MESSAGED

Senator Junkins asked and received unanimous consent that Senate File 2351 be immediately messaged to the House.

### BILLS REFERRED TO COMMITTEE

President Anderson announced that Senate Files 2357, 2358, 2359, 2360 and 2361 were referred from the Appropriations Calendar to the committee on Finance.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 582

Senator Ritsema called up for consideration House File 582, a bill for an act relating to the postconviction procedure Act, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5875 to Senate amendment H—3766 filed April 13, 1984.

A non record roll call was requested.

Senator Kinley took the chair at 10:45 a.m.

The ayes were 29, nays 16.

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

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

On the question "Shall the bill pass?" (H.F. 582) the vote was:

Ayes, 37:

Anderson	Briles	Brown	Coleman
Deluhery	Dieleman	Drake	Gallagher
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Palmer	Readinger	Rife	Ritsera
Rodgers	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Welsh			

Nays, 8:

Bruner	Carr	Colton	Gentleman
Mann	Miller, C.P.	Slater	Small

Voting present, 1:

Doyle

Absent or not voting, 4:

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

### HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 1984, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the House was asked:

House File 2217, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties (S-5967).

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

The Senate resumed session at 1:30 p.m., Senator Colton presiding.

### QUORUM CALL

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

The vote revealed 43 present, 7 absent and a quorum present.

### REPORT OF COMMITTEE MEETING

#### FINANCE

Convened: April 18, 1984, 11:29 a.m.

**Members Present:** Rodgers, Chair; Hutchins, Vice Chair; Hultman, Ranking Member; Holden, Junkins, Palmer, Small and Tieden.

**Members Absent:** none.

**Final Bill Action:** SENATE FILE 2313, a bill for an act relating to the administration and benefits of certain public retirement systems, to make an appropriation, and to provide a penalty.

#### ALSO:

SENATE FILE 2332, a bill for an act relating to the Iowa housing finance authority by changing the definitions of "small business" and "dominant in its field of operation" for the small business loan program and increasing the bonding capacity.

#### ALSO:

SENATE FILE 2356, a bill for an act to allow the use of special railroad facility fund moneys for purchase or upgrading railroad right of way and trackage facilities for development of railroad passenger tourism.

#### ALSO:

SENATE FILE 2357, a bill for an act creating a petroleum overcharge fund in the state treasury and appropriating money from the fund.

**ALSO:**

**SENATE FILE 2358**, a bill for an act relating to job training by establishing an Iowa job training and coordination program and making an appropriation.

**ALSO:**

**SENATE FILE 2359**, a bill for an act establishing comparable worth salary adjustments for state employees and making supplemental appropriations for salary adjustment and implementation.

**ALSO:**

**SENATE FILE 2360**, a bill for an act making statutory corrections and other changes relating to the court reorganization and court fee legislation enacted in 1983.

**ALSO:**

**SENATE FILE 2361**, a bill for an act relating to and making appropriations for various government projects and programs and providing effective dates.

**Recommendation: DO PASS.**

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**ALSO:**

**Final Bill Action:** **SENATE FILE 2355**, a bill for an act relating to the control, distribution, taxation, and private sale of wine containing more than five percent but not more than seventeen percent alcohol by weight, declaring certain acts relating to wine to be unlawful and prescribing penalties.

**Recommendation: WITHOUT RECOMMENDATION.**

**Final Vote:** Ayes, 6: Rodgers, Hutchins, Junkins, Small, Palmer and Tieden. Nays, 2: Hultman and Holden.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**Adjourned:** 11:57 a.m.

## CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2357.

### Senate File 2357

On motion of Senator Hall, Senate File 2357, a bill for an act creating a petroleum overcharge fund in the state treasury and appropriating money from the fund, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Hall offered amendment S—5970 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5970 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2357) the vote was:

**Ayes, 44:**

Anderson	Brown	Bruner	Carr
Coleman	Colton	Dieleman	Doyle
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holt	Horn	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Readinger	Rife	Ritsema
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

**Nays, 1:**

Holden

**Absent or not voting, 5:**

Briles	Deluhery	Lind	Mann
Priebe			

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

President Anderson took the chair at 2:10 p.m.

### CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk:

**MR. PRESIDENT:** Pursuant to Rule 18 of the Rules of the Senate of the Seventieth General Assembly, we, the undersigned, do hereby request a Call of the Senate on all business for the afternoon and evening on April 18, 1984:

LOWELL JUNKINS  
 BASS VAN GILST  
 DAVID READINGER  
 CALVIN O. HULTMAN  
 ARTHUR L. GRATIAS  
 JOHN N. NYSTROM  
 BOB CARR  
 WALLY E. HORN  
 DALE L. TIEDEN  
 GEORGE R. KINLEY

Senator Junkins asked and received unanimous consent that Senator Briles be excused from the Call of the Senate at 3:55 p.m.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2358.

#### Senate File 2358

On motion of Senator Husak, Senate File 2358, a bill for an act relating to job training by establishing an Iowa job training and coordination program and making an appropriation, with report of committee on Finance recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2358) the vote was:

Ayes, 48:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	DeLuhery
Dieleman	Doyle	Drake	Gallagher

Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Ritsema	Rodgers	Schwengels	Slater
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 2:

Lind                      Small

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

#### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

Convened: April 18, 1984, 11:00 a.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Holden, Ranking Member; Brown, Carr, Deluhery (arrived 11:04 a.m.), Dieleman, Gratias, Hester, Holt, Readinger (arrived 11:03 a.m.), Rodgers and Soorholtz.

**Members Absent:** Small and Van Gilst.

**Final Bill Action:** SENATE FILE 2133, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to appeal to the local board of review its property assessment values for designated assessment years and to allow refunds of taxes paid for designated tax years.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Palmer, Husak, Brown, Deluhery, Gratias, Hester, Holt, Readinger, Rodgers and Soorholtz. Nays, 3: Holden, Carr and Dieleman. Absent or not voting, 2: Small and Van Gilst.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2481, a bill for an act relating to the taxation, valuation and qualification of a fruit-tree or forest reservation for property tax purposes.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Palmer, Husak, Holden, Brown, Carr, Deluhery, Dieleman, Gratiias, Hester, Holt, Readinger, Rodgers and Soorholtz. Nays, none. Absent or not voting, 2: Small and Van Gilst.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 2509, a bill for an act relating to the imposition of a local option wheel tax by referendum.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5973.

**Final Vote:** Ayes, 10: Palmer, Holden, Brown, Carr, Deluhery, Dieleman, Gratiias, Holt, Readinger and Rodgers. Nays, 3: Husak, Hester and Soorholtz. Absent or not voting, 2: Small and Van Gilst.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 2522, a bill for an act relating to the disposition of unclaimed property.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Palmer, Husak, Brown, Carr, Deluhery, Dieleman, Gratiias, Readinger, Rodgers and Soorholtz. Nays, 3: Holden, Hester and Holt. Absent or not voting, 2: Small and Van Gilst.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2524, a bill for an act increasing the limit on the tax rate that may be certified by the board of directors of a school corporation to be levied on taxable property in a school district for the use of a free public library by residents of the school district.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Palmer, Husak, Holden, Brown, Carr, Deluhery, Dieleman, Gratiias, Hester, Holt, Readinger, Rodgers and Soorholtz. Nays, none. Absent or not voting, 2: Small and Van Gilst.

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



ALSO:

**Final Bill Action:** HOUSE FILE 2525, a bill for an act to increase the authorized property tax levy for a benefited law enforcement district.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Palmer, Husak, Holden, Brown, Carr, Deluhery, Dieleman, Gratiias, Hester, Holt, Readinger, Rodgers and Soorholtz. Nays, none. Absent or not voting, 2: Small and Van Gilst.

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

**Adjourned:** 11:25 a.m.

## CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration House Files 2522 and 2524.

### House File 2522

On motion of Senator Rodgers, House File 2522, a bill for an act relating to the disposition of unclaimed property, with report of committee on Ways and Means recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2522) the vote was:

Ayes, 45:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratiias
Hall	Hester	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Ritsera
Rodgers	Schwengels	Slater	Soorholtz
Tieden	Vande Hoef	Van Gilst	Waldstein
Welsh			

Nays, 1:

Holden

Absent or not voting, 4:

Lind

Small

Taylor

Wells

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

### House File 2524

On motion of Senator Brown, House File 2524, a bill for an act increasing the limit on the tax rate that may be certified by the board of directors of a school corporation to be levied on taxable property in a school district for the use of a free public library by residents of the school district, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2524) the vote was:

Ayes, 37:

Anderson	Briles	Brown	Bruner
Carr	Colton	Deluhery	Dieleman
Doyle	Drake	Gettings	Goodwin
Gratias	Hall	Hester	Holden
Holt	Horn	Husak	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Readinger
Rife	Rodgers	Schwengels	Slater
Small	Soorholtz	Taylor	Van Gilst
Welsh			

Nays, 10:

Coleman	Gallagher	Gentleman	Hulse
Hultman	Priebe	Ritsema	Tieden
Vande Hoef	Waldstein		

Absent or not voting, 3:

Lind

Mann

Wells

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

**CONSIDERATION OF BILL**  
(Regular Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2356.

**Senate File 2356**

On motion of Senator Nystrom, Senate File 2356, a bill for an act to allow the use of special railroad facility fund moneys for purchase or upgrading railroad right of way and trackage facilities for development of 'railroad passenger tourism, with report of committee on Finance recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2356) the vote was:

Ayes, 35:

Anderson	Briles	Brown	Bruner
Carr	Deluhery	Dieleman	Doyle
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Holt	Horn
Hulse	Hultman	Hutchins	Jensen
Junkins	Miller, A.V.	Nystrom	Readinger
Rife	Rodgers	Schwengels	Slater
Small	Taylor	Tieden	VanderHoef
Van Gilst	Waldstein	Wells	

Nays, 14:

Coleman	Colton	Hall	Hester
Holden	Husak	Kinley	Mann
Miller, C.P.	Palmer	Priebe	Ritsema
Soorholtz	Welsh		

Absent or not voting, 1:

Lind

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

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

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2525.

**House File 2525**

On motion of Senator Palmer, House File 2525, a bill for an act to increase the authorized property tax levy for a benefited law enforcement district, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2525) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Ritsema	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, 2:

Coleman	Holden
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Absent or not voting, 1:

Lind

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

## IMMEDIATELY MESSAGED

Senator Junkins asked and received unanimous consent that Senate Files 2356, 2357 and 2358 be immediately messaged to the House.

## BUSINESS PENDING

### Senate File 2307

The Senate resumed consideration of Senate File 2307, previously deferred.

The Chair ruled amendment S—5977 filed by Senator Bruner from the floor to strike everything after the enacting clause and to the title page of the bill, out of order.

Senator Kinley withdrew amendment S—5974 filed by him from the floor to page 1 of the bill.

Senator Kinley offered amendment S—5975 filed by him from the floor to page 5 of the bill.

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

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

Senator Kinley moved the adoption of amendment S—5975.

A record roll call was requested.

On the question "Shall amendment S—5975 be adopted?" (S.F. 2307) the vote was:

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

Ayes, 26:

Anderson	Brown	Bruner	Carr
Colton	Deluhery	Gallagher	Gentleman
Gettings	Hall	Holden	Holt
Horn	Kinley	Mann	Miller, C.P.
Palmer	Readinger	Ritsema	Rodgers

Slater  
Welsh

Small

Waldstein

Wells

Nays, 24:

Briles  
Drake  
Hulse  
Jensen  
Priebe  
Taylor

Coleman  
Goodwin  
Hultman  
Junkins  
Rife  
Tieden

Dieleman  
Gratias  
Husak  
Miller, A. V.  
Schwengels  
Vande Hoef

Doyle  
Hester  
Hutchins  
Nystrom  
Soorholtz  
Van Gilst

Absent or not voting, 1:

Lind

Amendment S—5975 was adopted.

### REQUEST FOR IMMEDIATE MESSAGE

Senator Junkins asked and received unanimous consent to send a message to the House requesting the return of Senate File 2215 to the Senate for further consideration.

### CALL OF THE SENATE LIFTED

Senator Junkins asked and received unanimous consent that the Call of the Senate be lifted.

### BUSINESS PENDING

#### Senate File 2307

The Senate resumed consideration of Senate File 2307.

Senator Palmer raised the point of order that Senate File 2307 should be referred to the committee on Appropriations under Senate Rule 38.

Senator Palmer withdrew his point of order.

Senator Priebe asked and received unanimous consent that further action on Senate File 2307 be deferred.

### QUORUM CALL

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

The vote revealed 41 present, 9 absent and a quorum present.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2313.

#### Senate File 2313

On motion of Senator Carr, Senate File 2313, a bill for an act relating to the administration and benefits of certain public retirement systems, to make an appropriation, and to provide a penalty, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Hutchins asked and received unanimous consent that further action on Senate File 2313 be deferred.

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2332.

#### Senate File 2332

On motion of Senator Dieleman, Senate File 2332, a bill for an act relating to the Iowa housing finance authority by changing the definitions of "small business" and "dominant in its field of operation" for the small business loan program and increasing the bonding capacity, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Dieleman offered amendment S—5982 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5982 was adopted by a voice vote.

Senator Coleman took the chair at 3:52 p.m.

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

On the question "Shall the bill pass?" (S.F. 2332) the vote was:

Ayes, 43:

Anderson	Brown	Bruner	Carr
Coleman	Colton	DeLuhery	Dieleman
Doyle	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hall	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, 5:

Drake	Hester	Holden	Rife
Ritsema			

Absent or not voting, 2:

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

Senator Hutchins asked and received unanimous consent that Senate File 2332 be immediately messaged to the House.

### CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House Concurrent Resolution 16.

#### House Concurrent Resolution 16

On motion of Senator Hutchins, House Concurrent Resolution 16, a resolution designating the American library association's symbol for libraries as the official symbol, filed April 12, 1983, and found on page 1204 of the 1983 Senate Journal, with report of committee recommending passage was taken up for consideration.

Senator Hutchins moved the adoption of House Concurrent Resolution 16, which motion prevailed by a voice vote.



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

### Senate Resolution 112

On motion of Senator Hutchins Senate Resolution 112, a resolution relating to daily operations of the Senate, was taken up for consideration.

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

On the question "Shall the resolution be adopted?" (S.R. 112) the vote was:

Ayes, 40:

Anderson	Brown	Bruner	Carr
Coleman	Colton	DeLuhery	Dieleman
Doyle	Drake	Gallagher	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Readinger	Rodgers
Schwengels	Slater	Small	Soorholtz
Vande Hoef	Van Gilst	Wells	Welsh

Nays, 6:

Gentleman	Rife	Ritsema	Taylor
Tieden	Waldstein		

Absent or not voting, 4:

Briles	Hultman	Lind	Priebe
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The motion prevailed and the resolution was adopted.

### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate Resolution 112 was adopted by the Senate on April 18, 1984.

JAMES V. GALLAGHER

## RECESS

On motion of Senator Hutchins, the Senate recessed at 4:05 p.m., until 5:30 p.m.

## EVENING SESSION

The Senate reconvened at 5:35 p.m., Senator Welsh presiding.

## QUORUM CALL

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

The vote revealed 41 present, 9 absent and a quorum present.

## HOUSE MESSAGES RECEIVED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has, in response to a request received April 18, 1984, returned to the Senate for further action Senate File 2215, a bill for an act to provide for the issuance of an extra curricular contract by school boards, to set criteria for receipt of the contract, including the establishment of a coaching authorization, and to provide for termination of the extra curricular contract.

**ALSO:** That the House has on April 18, 1984, refused to concur in the Senate amendments to the House amendments to the following bills in which the concurrence of the House was asked:

**Senate File 2238,** a bill for an act making Code corrections which strike or replace incorrect references, strike expired provisions, and make statutes consistent, including statutes relating to penalties.

**Senate File 2268,** a bill for an act providing for the mandatory assignment of a person's income when the person is delinquent in paying court-ordered support and providing a penalty.

**ALSO:** That the House has on April 18, 1984, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

**House File 2430**, a bill for an act relating to the selection and operation of foster care review committees under the department of human services.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 122**, by Horn, a concurrent resolution relating to the education visitation subcommittee.

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

### SENATE INSISTS

#### **House File 2470**

Senator Mann called up for consideration **House File 2470**, a bill for an act relating to the platting requirements upon the subdivision of a parcel of land and the vacating of certain public streets, alleys, and other public lands, amended by the Senate and moved that the Senate insist on its amendment.

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

Senator Junkins asked and received unanimous consent to send an **immediate message** to the House that the Senate insisted on its amendment to **House File 2470**.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration **Senate File 2360**.

#### **Senate File 2360**

On motion of Senator Small, **Senate File 2360**, a bill for an act making statutory corrections and other changes relating to the court reorganization and court fee legislation enacted in 1983, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Doyle offered amendment S—5968 filed by Senators Doyle and Mann from the floor to pages 1, 2, 4 and 13 of the bill and moved its adoption.

Amendment S—5968 was adopted by a voice vote.

Senator Mann offered amendment S—5981 filed by him from the floor to pages 1, 2, 5 and 6 of the bill.

Senator Hultman raised the point of order that amendment S—5981 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5981 out of order.

Senator Doyle offered amendment S—5969 filed by Senator Horn from the floor to page 2 of the bill and moved its adoption.

Amendment S—5969 was adopted by a voice vote.

Senator Mann offered amendment S—5971 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—5971 was adopted by a voice vote.

Senator Small offered amendment S—5978 filed by him from the floor to pages 4 and 12 of the bill.

Senator Carr raised the point of order that amendment S—5978 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5978 in order.

Senator Small moved the adoption of amendment S—5978.

A non record roll call was requested.

The ayes were 28, nays 18.

Amendment S—5978 was adopted.

Senator Palmer offered amendment S—5976 filed by him from the floor to page 6 of the bill.

Senator Palmer asked and received unanimous consent that action on amendment S—5976 be deferred.

Senator Mann asked and received unanimous consent that further action on amendment S—5976 and Senate File 2360 be deferred.

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

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2133.

**Senate File 2133**

On motion of Senator Taylor, Senate File 2133, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to appeal to the local board of review its property assessment values for designated assessment years and to allow refunds of taxes paid for designated tax years, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2133) the vote was:

Ayes, 40:

Brown	Bruner	Coleman	Colton
DeLuhery	Dieleman	Doyle	Drake
Gallagher	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, 8:

Anderson	Carr	Gentleman	Gettings
Holden	Mann	Rife	Ritsema

Absent or not voting, 2:

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

### BUSINESS PENDING

#### Senate File 2360

The Senate resumed consideration of Senate File 2360 and amendment S—5976, previously deferred.

Senator Mann offered amendment S—5985 filed by him from the floor to pages 2, 5 and 6 of the bill and moved its adoption.

Amendment S—5985 was adopted by a voice vote.

With the adoption of amendment S—5985, the Chair ruled amendment S—5976 by Senator Palmer to page 6 of the bill, previously deferred, out of order.

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

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5968 to Senate File 2360 was adopted by the Senate on April 18, 1984.

A non record roll call was requested.

The ayes were 39, nays 6.

The motion prevailed and amendment S—5968 to pages 1, 2, 4 and 13 of the bill, was taken up for reconsideration.

Senator Doyle called for a division of amendment S—5968:

Division S—5968A: Pages 1 and 2; page 3, lines 1 through 3 and 15 through 50; pages 4 and 5.

Division S—5968B: Page 3, lines 4 through 14.

Senator Ritsema raised the point of order that division S—5968A was not germane to the bill.

The Chair ruled the point not well taken and division S—5968A in order.

Senator Doyle moved the adoption of division S—5968A.

A non record roll call was requested.

The ayes were 16, nays 28.

Division S—5968A lost.

Senator Doyle moved the adoption of division S—5968B.

A non record roll call was requested.

The ayes were 10, nays 35.

Division S—5968B lost.

Senator Junkins asked and received unanimous consent that further action on Senate File 2360 be deferred.

### MOTION TO RECONSIDER ADOPTED

#### Senate File 2215

Senator Junkins asked and received unanimous consent to suspend Senate Rule 24 for the purpose of reconsideration of Senate File 2215.

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

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2215 passed the Senate on April 17, 1984.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2215) the vote was:

Ayes, 37:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gettings
Goodwin	Gratias	Hall	Holden
Horn	Husak	Hutchins	Junkins
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Van Gilst	Waldstein	Wells
Welsh			

Nays, 10:

Gentleman	Hester	Holt	Hulse
Hultman	Jensen	Rife	Ritsema
Tieden	Vande Hoef		

Absent or not voting, 3:

Briles	Kinley	Lind
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The motion prevailed.

Senator Brown moved to reconsider the vote by which Senate File 2215 went to its last reading, which motion prevailed by a voice vote.

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

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—5940 as amended to Senate File 2215 on April 17, 1984.

The motion prevailed by a voice vote and House amendment S—5940 as amended, was taken up for reconsideration.

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

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5955 as amended to House amendment S—5940 to Senate File 2215 was adopted by the Senate on April 17, 1984.

The motion prevailed by a voice vote and amendment S—5955 as amended by Senators Brown and Gratius to House amendment S—5940, was taken up for reconsideration.

Senator Brown asked and received unanimous consent to withdraw amendment S—5955 as amended to House amendment S—5940.

Senator Brown offered amendment S—5986 filed by Senators Brown and Gratius from the floor to House amendment S—5940 and moved its adoption.

Amendment S—5986 was adopted by a voice vote.



Senator Brown moved that the Senate concur in House amendment S—5940 as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2215) the vote was:

Aye, 34:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gettings
Gratias	Holden	Horn	Hutchins
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Slater
Small	Soorholtz	Van Gilst	Waldstein
Wells	Welsh		

Nays, 14:

Gentleman	Goodwin	Hall	Hester
Holt	Hulse	Hultman	Husak
Jensen	Ritsema	Schwengels	Taylor
Tieden	Vande Hoef		

Absent or not voting, 2:

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

Senator Hutchins asked and received unanimous consent that Senate File 2215 be immediately messaged to the House.

### APPOINTMENT OF CONFERENCE COMMITTEE

President Anderson announced the following conference committee on House File 2470 on the part of the Senate: Senators Mann, Chair: Coleman, Gallagher, Waldstein and Holt.

President Anderson took the chair at 7:30 p.m.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2337

Senator Welsh called up for consideration Senate File 2337, a bill for an act relating to transportation by making appropriations to state agencies whose responsibilities relate to transportation, public safety and public defense, amended by the House in House amendment S—5964 filed April 18, 1984.

Senator Welsh offered amendment S—5987 filed by him from the floor to House amendment S—5964 and moved its adoption.

Amendment S—5987 was adopted by a voice vote.

Senator Welsh moved that the Senate concur in House amendment S—5964 as amended.

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

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

On the question "Shall the bill pass?" (S.F. 2337) the vote was:

#### Ayes, 44:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Ritsema	Rodgers	Schwengels
Slater	Small	Soorholtz	Tieden
Van Gilst	Waldstein	Wells	Welsh

#### Nays, 3:

Rife	Taylor	Vande Hoef
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Absent or not voting, 3:

Briles

Holden

Lind

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

### REQUEST TO RETURN BILL TO COMMITTEE

Senator Hultman asked unanimous consent to refer Senate File 2355 from the Ways and Means Calendar to the committee on Ways and Means.

Objection was raised by Senator Junkins.

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

Senator Junkins asked and received unanimous consent to take up for consideration House File 2509.

#### House File 2509

On motion of Senator Readinger, House File 2509, a bill for an act relating to the imposition of a local option wheel tax by referendum, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Readinger offered amendment S—5973 filed by the committee on Ways and Means from the floor to page 3 of the bill.

Senator Readinger asked and received unanimous consent that further action on amendment S—5973 and House File 2509 be deferred.

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

The Senate resumed session, President Anderson presiding.

### QUORUM CALL

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

The vote revealed 38 present, 12 absent and a quorum present.

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

The Senate resumed session, Senator Tieden presiding.

### HOUSE MESSAGES RECEIVED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 16, 1984, concurred in the Senate amendments and passed the following bills in which the concurrence of the House was asked:

**House File 2459**, a bill for an act allowing a vendor to charge for reasonable attorneys fees in the forfeiture of a real estate contract.

**House File 2465**, a bill for an act relating to the discharge of seriously mentally impaired persons who have been involuntarily hospitalized in connection with a criminal conviction or unresolved criminal charge or pursuant to an acquittal due to insanity or diminished responsibility.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 113**, by Wells, a Senate Resolution relating to the recognition of female veterans.

Read first time and **passed on file**.

### INTRODUCTION OF BILLS

**Senate File 2362**, by Committee on Appropriations, a bill for an act to provide a supplemental appropriation for administrative costs for the Iowa public employees' retirement system.

Read first time and referred to the committee on **Finance**.

**Senate File 2363**, by Committee on Appropriations, a bill for an act relating to codified provisions affecting appropriations to the department of human services for the medical assistance program, for the state supplementary assistance program, and for the payment of certain court costs, transportation costs, attorney fees, and treatment or care expenses for children provided services under the juvenile code.

**Read first time and referred to the committee on Finance.**

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

**The Senate resumed session, Senator Hutchins presiding.**

#### **INTRODUCTION OF BILL**

**Senate File 2364, by Committee on Finance, a bill for an act relating to the administration and benefits of certain public retirement and benefit systems and to make an appropriation.**

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

## APPENDIX

### STUDY BILLS RECEIVED

#### S.S.B. 2272 Appropriations

Relating to and making appropriations for various government projects and programs and providing effective dates.

#### S.S.B. 2273 Appropriations

Making statutory corrections and other changes relating to the court reorganization and court fee legislation enacted in 1983.

### CONFERENCE COMMITTEE REPORT RECEIVED (House File 595)

A conference committee report signed by the following Senate and House members was filed April 18, 1984 on House File 595, a bill for an act relating to the deferring of judgment or deferring of sentence of a person previously convicted of a felony.

On the Part of the Senate:

TOM MANN, JR., Chair  
C. JOSEPH COLEMAN  
LEE W. HOLT  
DONALD V. DOYLE

On the Part of the House:

RICHARD VARN, Chair  
DONALD PAULIN  
RALPH ROSENBERG

### REPORT OF COMMITTEE

#### APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

**Final Business:** Subcommittee approved and submitted LSB 4079S 70, statutory bill for social services, to the full Appropriations Committee.

### MOTIONS TO RECONSIDER

**MR. PRESIDENT:** I move to reconsider the vote by which Senate File 244 passed the Senate on April 17, 1984.

CALVIN O. HULTMAN

**MR. PRESIDENT:** I move to reconsider the vote by which the Senate refused to concur in House amendment S—5953 as amended to Senate File 2271 on April 18, 1984.

**TOM MANN, JR.**

**MR. PRESIDENT:** I move to reconsider the vote by which amendment S—5985 to Senate File 2360 was adopted by the Senate on April 18, 1984.

**ALVIN V. MILLER**

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS

**Convened:** April 18, 1984, 8:10 p.m.

**Members Present:** Small, Chair; Palmer, Vice Chair; Tieden, Ranking Member; Bruner, Wells, Carr, Deluhery, Dieleman, Gentleman, Welsh, Horn, Husak, Waldstein, Holt, Hall and Readinger.

**Members Absent:** Schwengels and Lind (excused).

**Final Bill Action:** SENATE FILE 2362, a bill for an act to provide for administrative costs for the Iowa public employees' retirement system.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Small, Palmer, Tieden, Bruner, Wells, Carr, Deluhery, Dieleman, Gentleman, Welsh, Horn, Husak, Waldstein, Holt, Hall and Readinger. Nays, none. Absent or not voting, 2: Lind and Schwengels.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2363, a bill for an act relating to codified provisions affecting appropriations to the department of human services for the medical assistance program, and for the payment of certain court costs, transportation costs, attorney fees, and treatment or care expenses for children provided services under the juvenile code.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Small, Palmer, Tieden, Bruner, Wells, Carr, Deluhery, Dieleman, Gentleman, Welsh, Horn, Husak, Waldstein, Holt, Hall and Readinger. Nays, none. Absent or not voting, 2: Lind and Schwengels.

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

**Adjourned:** 8:20 p.m.

## FINANCE

**Convened:** April 18, 1984, 8:30 p.m.

**Members Present:** Rodgers, Chair; Hutchins, Vice Chair; Hultman, Ranking Member; Holden, Junkins, Small and Tieden.

**Members Absent:** Palmer.

**Final Bill Action:** SENATE FILE 2362, a bill for an act to provide a supplemental appropriation for administrative costs for the Iowa public employees' retirement system.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Rodgers, Hutchins, Hultman, Holden, Junkins, Small and Tieden. Nays, none. Absent or not voting, 1: Palmer.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2363, a bill for an act relating to codified provisions affecting appropriations to the department of human services for the medical assistance program, and for the payment of certain court costs, transportation costs, attorney fees, and treatment or care expenses for children provided services under the juvenile code.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Rodgers, Hutchins, Hultman, Holden, Junkins, Small and Tieden. Nays, none. Absent or not voting, 1: Palmer.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2364, a bill for an act relating to the administration and benefit of certain public retirement and benefit systems and to make an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Rodgers, Hutchins, Hultman, Holden, Junkins, Small and Tieden. Nays, none. Absent or not voting, 1: Palmer.



**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**Adjourned:** 8:39 p.m.

#### LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Codington, M.D., Humboldt, Iowa.

#### PRESENTATION OF VISITORS

The Chair welcomed the Honorable Pearle P. De Hart, former member of the Senate from Story County, who was present in the Senate chamber.

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

Eight students from Grinnell-Newburg School, Grinnell, Iowa, accompanied by Denny Lamb. Senator Brown.

Fifty-one students from St. John Elementary School, Independence, Iowa, accompanied by Joe Streit. Senator Gallagher.

Forty-one students from Naucalpan, Mexico, accompanied by Kathie Watts, Des Moines Sister City Comm. Senator Gentleman.

Eighty-five students from Grimes Junior High School, Grimes, Iowa, accompanied by Bill Wineland. Senators Palmer and Rodgers.

Seventeen students from Dexfield Junior-Senior High School, Redfield, Iowa, accompanied by Keith Kirby. Senator Rodgers.

Twenty students from Black Hawk Elementary School, Burlington, Iowa, accompanied by Paul Smith. Senators C. Miller and Junkins.

The following visitors were present in the Senate gallery:

Seventy students from Garner-Hayfield Junior High School, Garner, Iowa, accompanied by Dan Nielson. Senator Priebe.

## AMENDMENTS FILED

S-5964	S. F.	2337	House Amendment
S-5965	S. F.	2254	John N. Nystrom
S-5966	S. F.	2271	Tom Mann, Jr.
S-5967	H.F.	2217	House Amendment
S-5968	S. F.	2360	Donald V. Doyle Tom Mann, Jr.
S-5969	S. F.	2360	Wally E. Horn
S-5970	S. F.	2357	Hurley W. Hall
S-5971	S. F.	2360	Tom Mann, Jr.
S-5972	S. F.	2359	Joe J. Welsh Richard F. Drake
S-5973	H.F.	2509	Ways and Means
S-5974	S. F.	2307	George R. Kinley
S-5975	S. F.	2307	George R. Kinley
S-5976	S. F.	2360	William D. Palmer
S-5977	S. F.	2307	Charles Bruner
S-5978	S. F.	2360	Arthur A. Small, Jr.
S-5979	S. F.	2361	Arthur A. Small, Jr. Lowell L. Junkins
S-5980	S. F.	2271	Tom Mann, Jr. Lee W. Holt
S-5981	S. F.	2360	Tom Mann, Jr.
S-5982	S. F.	2332	Wm. W. (Bill) Dieleman
S-5983	H.F.	2509	David M. Readinger Ted Anderson
S-5984	H.F.	2509	David M. Readinger
S-5985	S. F.	2360	Tom Mann, Jr.
S-5986	S. F.	2215	Joe Brown Arthur L. Gratias
S-5987	S. F.	2337	Joe J. Welsh
S-5988	S. F.	2360	Tom Mann, Jr.
S-5989	S. F.	2359	Charles Bruner Arthur A. Small, Jr.
S-5990	S. F.	2330	Arthur A. Small, Jr.
S-5991	S. F.	2360	Donald V. Doyle
S-5992	S. F.	2271	Tom Mann, Jr.
S-5993	S. F.	2360	Donald V. Doyle

## ADJOURNMENT

On motion of Senator Colton, the Senate adjourned at 9:00 p.m., until 8:00 a.m., Thursday, April 19, 1984.

**CAPITOL CENTENNIAL  
TIME CAPSULE CEREMONY  
April 18, 1984.**

To commemorate the 100th anniversary of Iowa's State Capitol Building, the following program was presented:

—Slide presentations showing proposed capitol restoration program - 9:30, 11:00, 12:30 and 2:00, Room 118, Capitol Building.

—Ceremonial Time Capsule Burial - 4:00 p.m., Soldiers' and Sailors' Monument:

Remarks by Representative John Connors, Chair of the Capitol Centennial Committee and Governor Terry E. Branstad

Entertainment by Folksinger Dan Hunter, Des Moines

Items enclosed in the Time Capsule to be opened in the year 2084:

International Harvester tractor and plow, Rubika Cube, Iowa's Natural Heritage, "Where's the Beef" (Wendy's commercial), circuit photo from centennial joint legislative session on 1/17/84, capitol poster, Battle Ship Iowa print, capitol restoration blue prints and photos, Pioneer Seed cap and catalogue, seed collection, items about Iowa State Fair, capitol centennial items: postage lug, button, t-shirt, etching, posters, program, gala ball ticket and guest book from gala ball, Senate and House journal from 1-17-84, Olympic coin, 1984 directory of Iowa postmasters, Iowa flag and Place to Grow stickers, Iowa transportation map, pamphlets on How a Bill Becomes a Law, Iowa Capitol Guide and Three Branches of Government, history of ships named Iowa essay, 1884-1984 legislative highlights essay, questers directory, Sears catalogue, Des Moines phone directory, endangered species & Iowa natural features brochures, Department of Health biennial disease report, 5 tapes of Iowa: A State of Transition, World Almanac, 1984 cars book, Return of the Judi book, Iowa a Place to Grow logo, brochures on Iowa tourism opportunities, solar powered calculator, Iowa and U.S. flags, photo of downtown Des Moines, Michael Jackson Thriller album, caterpillar tractor, centennial commemorative plate, Iowa Official Register 1983-84 70th G.A., Frank Miller cartoon selections, Earl May Company seed catalog, Iowa Women's Political Caucus 1984 legislative program, consumer's resource handbook, 1983 federal income tax for individuals book, federal income tax forms, 1983 Iowa individual tax return forms, 49th Annual Tulip Time Festival brochure, map of Des Moines, sword to plow share pin, 1984 calendar featuring Maynard Reese prints, January 18, 1984, editions of The Daily Nonpareil, Quad City Times, The Des Moines Register and Cedar Rapids Gazette, American College Testing Program brochure, sample test and 1983 annual report, inaugural address - Edwin R. Lynn, Chairman, Iowa Hospital Association public opinion study, Reagan-Bush 1984 caucus kick-off button and bumper sticker, Lincoln highway bumper sticker, bronze recast of Lincoln highway marker (plaque), photo of David J. Manderchick with House Speaker Don Avenson, triabee from 75th Drake Relay, essays from Iowa school students, girls' basketball rule book, information about Des Moines Public Library, capitol centennial song by Dan Hunter, Wizard of Oz script and program, picture magazine of February 3, 1980 regarding capitol restoration, letters from several Iowa counties, Governor Branstad and other dignitaries.

—Pitchfork Fondue - 5:00 p.m., southeast Capitol lawn:

Menu (\$10 per ticket) - rib eye steak, baked potato, corn on the cob, tossed salad, roll, pie and beverage

Entertainment by Representative Andy McKean and friends.

(For further reference of the Capitol Centennial Celebration festivities, please see pages 133-150 and 155 of the Senate Journal).

# JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY  
SIXTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 19, 1984

The Senate met in regular session at 8:15 a.m., Senator Carr presiding.

Prayer was offered by the Honorable Tom Slater, member of the Senate from Pottawattamie County, Council Bluffs, Iowa.

The Journal of Wednesday, April 18, 1984, was approved.

## INTRODUCTION OF RESOLUTION

Senate Resolution 114, by Doyle, Carr, Mann, Ritsema, Holt, Junkins, Gentleman, Goodwin and Hulse, a Senate Resolution endorsing the first international congress on "The Overuse of Incarceration and Alternative Strategies."

Read first time and referred to the committee on Judiciary.

## BILL ASSIGNED TO COMMITTEE

The Chair announced that Senate Resolution 113 was assigned to the committee on State Government.

## QUORUM CALL

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

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

## CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration Senate Files 2362 and 2363.

**Senate File 2362**

On motion of Senator Wells, Senate File 2362, a bill for an act to provide a supplemental appropriation for administrative costs for the Iowa public employees' retirement system, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Welsh took the chair at 8:26 a.m.

Senator Nystrom asked and received unanimous consent that further action on **Senate File 2362** be deferred.

**Senate File 2363**

On motion of Senator Bruner, Senate File 2363, a bill for an act relating to codified provisions affecting appropriations to the department of human services for the medical assistance program, for the state supplementary assistance program, and for the payment of certain court costs, transportation costs, attorney fees, and treatment or care expenses for children provided services under the juvenile code, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Bruner asked and received unanimous consent that further action on **Senate File 2363** be deferred.

**HOUSE MESSAGES RECEIVED AND CONSIDERED**

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 17, 1984, passed the following bill in which the concurrence of the House was asked:

**Senate File 2232**, a bill for an act relating to charges by industrial loan licensees by authorizing industrial loan licensees to collect an appraisal fee on loans secured by a mortgage and requiring industrial loan licensees to pay interest on funds held in escrow in connection with a single-family or two-family home loan.

**ALSO:** That the House has on April 17, 1984, passed the following concurrent resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 108**, a resolution requesting an interim study of the cattle industry.

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

ALSO: That the House has on April 18, 1984, passed the following bills in which the concurrence of the House was asked:

**Senate File 2156**, a bill for an act relating to the administration of the extraordinary property tax credit or reimbursement.

**Senate File 2214**, a bill for an act relating to the regulation of hazardous waste and subjecting violators to a civil penalty.

ALSO: That the House has on April 18, 1984, amended and passed the following bills in which the concurrence of the House was asked:

**Senate File 2169**, a bill for an act including vehicles used to transport agricultural products being pulled by a tractor as implements of husbandry (S—5999).

**Senate File 2334**, a bill for an act relating to the funding of state agencies for designated service programs including health programs, civil rights, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal year beginning July 1, 1984 and ending June 30, 1985 and making a supplemental appropriation to the department of health for reallocation to the state board of regents for certain programs under the Iowa specialized child health care services for the fiscal year beginning July 1, 1983 and ending June 30, 1984, and providing an effective date (S—6001).

**Senate File 2342**, a bill for an act relating to regional transit systems by defining the systems to include systems which receive state or federal funds, by providing motor fuel and special fuel tax exemptions for these systems, and by providing free registration plates and validation stickers for these systems (S—6000).

ALSO: That the House has on April 18, 1984, concurred in the Senate amendments to the House amendments and passed the following bills in which the concurrence of the House was asked:

**Senate File 2293**, a bill for an act creating foster care review boards for a four-year period, creating a foster care registry, providing for rehabilitation for a child receiving foster care and the

child's family unit, amending provisions relating to a court's dispositional order, and providing a penalty.

**Senate File 2298**, a bill for an act to require the state department of transportation to include all federal funds in its annual or biennial budget which funds are subject to appropriation to the department.

**ALSO:** That the House has on April 18, 1984, concurred in the Senate amendments and passed the following bills in which the concurrence of the House was asked:

**House File 434**, a bill for an act authorizing cities to enter agreements to jointly invest public funds.

**House File 2100**, a bill for an act relating to the location and operation of anhydrous ammonia plants and defining nuisance as the term relates to the plants.

**House File 2386**, a bill for an act relating to transportation programs by defining a public transit system, requiring coordinated funding and services, establishing criteria to determine compliance, and providing penalties for violations.

**House File 2437**, a bill for an act relating to the regulation of advanced emergency medical technicians and paramedics and providing a penalty.

**House File 2516**, a bill for an act to provide funding for the removal or encapsulation of asbestos by school districts.

**ALSO:** That the House has on April 18, 1984, concurred in the Senate amendments as amended and passed the following bills in which the concurrence of the House was asked:

**House File 2518**, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies (S-5998).

**House File 2519**, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs for this state (S-5997).

**ALSO:** That the House has on April 18, 1984, adopted the following concurrent resolutions in which the concurrence of the House was asked:

**Senate Concurrent Resolution 106**, a resolution citing legislative approval of the plan of operation for the state of Iowa federal surplus property program of the department of general services as drafted in accordance with Public Law 94-519.

**Senate Concurrent Resolution 114**, a resolution relating to the Taxpayer Antitrust Enforcement Act of 1983.

ALSO: That the House, on April 18, 1984, insisted on its amendment to **House File 2211**, a bill for an act making changes in the practice act relating to physical therapy, and that the members of the Conference Committee on the part of the House are: the Representative from Linn, Mrs. Chapman, Chair; the Representative from Lyon, Mr. DeGroot, the Representative from Dickinson, Mrs. Gruhn, the Representative from Pottawattamie, Mr. Pavich, and the Representative from Mahaska, Mr. Van Maanen.

ALSO: That the Conference Committee on **House File 2470**, a bill for an act relating to the platting requirements upon the subdivision of a parcel of land, appointed April 18, 1984, is: the Representative from Johnson, Mr. Varn, Chair; the Representative from Appanoose, Mr. Jay, the Representative from Calhoun, Mr. Maulsby, the Representative from Jasper, Mr. Parker, and the Representative from Plymouth, Mr. Paulin.

ALSO: That the House has, on April 18, 1984, adopted the conference committee report and passed **House File 406**, a bill for an act relating to the issuing of licenses and permits for the purpose of taking wild mammals, fish, birds, amphibians, and reptiles.

ALSO: that the House has on April 18, 1984, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 121**, a resolution regarding the development of business and industry in the state of Iowa.

This resolution was read first time and passed on file.

ALSO: That the House has on April 18, 1984, passed the following bill in which the concurrence of the Senate is asked:

**House File 2528**, a bill for an act relating to the administration and benefits of certain public retirement and benefit systems and to make an appropriation.

This bill was read first time and passed on file.



**MOTIONS TO RECONSIDER WITHDRAWN****Senate File 2350**

Senator Gallagher withdrew the motion to reconsider Senate File 2350, a bill for an act to impose a state alternative minimum tax to replace the state minimum tax under the individual income tax and making the Act retroactive, filed by him on April 17, 1984, and found on page 1595 of the Senate Journal.

**House File 2513**

Senator Gallagher withdrew the motion to reconsider House File 2513, a bill for an act relating to the requirement of a minimum nexus in at least one other state before an Iowa domiciled corporation may apportion its net income within and without the state for purposes of the corporate income tax and removing the special provision relating to apportionment of the net income of a farm corporation for purposes of the corporate income tax, with a retroactive effective date, filed by him on April 12, 1984, and found on page 1489 of the Senate Journal.

**Senate File 244**

Senator Husak withdrew the motion to reconsider Senate File 244, a bill for an act relating to the care given under workers' compensation medical benefits, filed by him on April 17, 1984, and found on page 1590 of the Senate Journal.

Senator Hutchins withdrew the motion to reconsider Senate File 244 filed by him on April 17, 1984, and found on page 1590 of the Senate Journal.

**MOTION TO RECONSIDER CONSIDERED**

Senator Anderson called up the motion to reconsider Senate File 244 filed by him on April 17, 1984, and found on page 1590 of the Senate Journal.

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

The Senate resumed session, Senator Husak presiding.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on House File 2211 on the part of the Senate: Senators Horn, Chair; Carr, Miller of Des Moines, Schwengels and Soorholtz.

## MOTION TO RECONSIDER WITHDRAWN

### Senate File 2350

Senator Dieleman withdrew the motion to reconsider Senate File 2350, a bill for an act to impose a state alternative minimum tax to replace the state minimum tax under the individual income tax and making the Act retroactive, filed by him on April 17, 1984, and found on page 1595 of the Senate Journal.

## QUORUM CALL

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

The vote revealed 38 present, 12 absent and a quorum present.

## BUSINESS PENDING

### Senate File 244

The Senate resumed consideration of the motion to reconsider by Senator Anderson to Senate File 244, a bill for an act relating to the care given under workers' compensation medical benefits.

Senator Anderson moved the adoption of the motion to reconsider.

On the question "Shall the motion to reconsider be adopted?" (S.F. 244) the vote was:

Ayes, 16:

Drake	Gentleman	Goodwin	Gratias
Hester	Holden	Holt	Hulse
Hultman	Jensen	Nystrom	Ritsema
Schwengels	Taylor	Vande Hoef	Waldestein

Nays, 30:

Anderson	Brown	Bruner	Carr
Colton	Delehery	Dieleman	Doyle
Gallagher	Gettings	Hall	Horn
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Readinger	Rife	Rodgers	Slater
Small	Soorholtz	Tieden	Van Gilst
Wells	Welsh		

Absent or not voting, 4:

Briles	Coleman	Lind	Mann
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The motion lost.

The Chair ruled the motion to reconsider Senate File 244 filed by Senator Hultman on April 18, 1984, and found on page 1648 of the Senate Journal, out of order.

Senator Junkins asked and received unanimous consent that Senate File 244 be immediately messaged to the House.

### MOTION TO RECONSIDER WITHDRAWN

#### Senate Resolution 112

Senator Gallagher withdrew the motion to reconsider Senate Resolution 112, a resolution relating to daily operations of the Senate, filed by him on April 18, 1984, and found on page 1635 of the Senate Journal.

### UNFINISHED BUSINESS

(Deferred April 18, 1984)

#### Senate File 2360

The Senate resumed consideration of Senate File 2360, a bill for an act making statutory corrections and other changes relating to the court reorganization and court fee legislation enacted in 1983, deferred on April 18, 1984.

Senator Doyle offered amendment S-5993 filed by him on April 18, 1984, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5993 was adopted by a voice vote.

Senator Mann offered amendment S—5988 filed by him on April 18, 1984, to pages 12 and 14 of the bill.

Senator Hultman called for a division of amendment S—5988:

Division S—5988A: Page 1, lines 3 through 50, page 2 and page 3, lines 1 through 7.

Division S—5988B: Page 3, lines 8 through 22.

Senator Hultman raised the point of order that division S—5988A was not germane to the bill.

The Chair ruled the point well taken and division S—5988A out of order.

Senator Small raised the point of order that division S—5988B was not germane to the bill.

The Chair ruled the point well taken and division S—5988B out of order.

Senator Doyle offered amendment S—5991 filed by him on April 18, 1984, to pages 4 and 13 of the bill and moved its adoption.

Amendment S—5991 was adopted by a voice vote.

Senator Miller of Cerro Gordo called up the motion to reconsider the vote by which amendment S—5985 to Senate File 2360 was adopted by Senate on April 18, 1984, filed by him on April 18, 1984, found on page 1649 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5985 by Senator Mann to pages 2, 5 and 6 of the bill, was taken up for reconsideration.

Senator Mann asked and received unanimous consent that further action on amendment S—5985 and Senate File 2360 be deferred.

### IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that Senate Files 2133 and 2350 and House File 2513 be immediately messaged to the House.

## SENATE RECEDES

### Senate File 2238

Senator Doyle called up for consideration Senate File 2238, a bill for an act making Code corrections which strike or replace incorrect references, strike expired provisions, and make statutes consistent, including statutes relating to penalties, amended by the House, further amended by the Senate and moved that the Senate recedes from its amendment.

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

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

On the question "Shall the bill pass?" (S.F. 2238) the vote was:

Ayes, 39:

Anderson	Bruner	Carr	Coleman
Deluhery	Dieleman	Doyle	Drake
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Nystrom	Palmer	Readinger	Ritsema
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 11:

Briles	Brown	Colton	Gallagher
Hulse	Hultman	Lind	Miller, C.P.
Priebe	Rife	Van Gilst	

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

**BUSINESS PENDING**  
(Bill Referred To Committee)

**Senate File 2362**

The Senate resumed consideration of Senate File 2362, previously deferred.

Senator Wells asked and received unanimous consent that Senate File 2362 be referred to the committee on Appropriations.

### SENATE RECEDES

#### Senate File 2268

Senator Mann called up for consideration Senate File 2268, a bill for an act providing for the mandatory assignment of a person's income when the person is delinquent in paying court-ordered support and providing a penalty, amended by the House, further amended by the Senate and moved that the Senate recedes from its amendment.

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

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

On the question "Shall the bill pass?" (S.F. 2268) the vote was:

Ayes, 47:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Ritsema
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilat	Waldstein	Welsh	

Nays, none.

Absent or not voting, 3:

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

### SENATE RECEDES

#### House File 2430

Senator Slater called up for consideration House File 2430, a bill for an act relating to the selection and operation of foster care review committees under the department of human services, amended by the Senate and moved that the Senate recedes from its amendment.

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

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

On the question "Shall the bill pass?" (H.F. 2430) the vote was:

Ayes, 45:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Dehery	Dieleman
Doyle	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Ritsema	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Welsh			

Nays, none.

Absent or not voting, 5:

Briles	Drake	Lind	Rodgers
Van Gilst			

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

Senator Hutchins asked and received unanimous consent that House File 2430 be immediately messaged to the House.

### MOTION TO RECONSIDER ADOPTED

#### Senate File 2271

Senator Mann called up the motion to reconsider the vote by which the Senate refused to concur in House amendment S—5953 as amended on April 18, 1984, filed by him on April 18, 1984, found on page 1649 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and House amendment S—5953 as amended, was taken up for reconsideration.

Senator Mann asked and received unanimous consent to withdraw amendment S—5980 filed by Senators Mann and Holt on April 18, 1984, to House amendment S—5953.

Senator Mann offered amendment S—5992 filed by him on April 18, 1984, to House amendment S—5953.

Senator Hultman asked and received unanimous consent that further action on House amendment S—5953 as amended, amendment S—5992 to House amendment S—5953 and Senate File 2271 be deferred.

### BUSINESS PENDING

#### Senate File 2360

The Senate resumed consideration of Senate File 2360 and amendment S—5985 by Senator Mann to pages 2, 5 and 6 of the bill, previously deferred.

Senator Mann offered amendment S—6005 filed by him from the floor to amendment S—5985 and moved its adoption.

Amendment S—6005 was adopted by a voice vote.

Senator Mann moved the adoption of amendment S—5985 as amended, which motion prevailed by a voice vote.

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



On the question "Shall the bill pass?" (S.F. 2360) the vote was:

Ayes, 47:

Anderson	Brown	Bruner	Coleman
Colton	Dehivery	Dieleman	Doyle
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Ritsema	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Weish	

Nays, 1:

Carr

Absent or not voting, 2:

Briles

Lind

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

Senator Hutchins asked and received unanimous consent that Senate File 2360 be immediately messaged to the House.

## BUSINESS PENDING

### Senate File 2363

The Senate resumed consideration of Senate File 2363, previously deferred.

President Anderson took the chair at 11:00 a.m.

Senator Bruner offered amendment S—6004 filed by Senators Bruner, et al., from the floor to pages 1 through 4, 7 and the title page of the bill and moved its adoption.

Amendment S—6004 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2363) the vote was:

Ayes, 46:

Brown	Bruner	Carr	Coleman
Colton	Deluhery	Dieleman	Doyle
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Nystrom	Palmer	Priebe	Readinger
Rife	Ritsema	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, 1:

Miller, C.P.

Absent or not voting, 3:

Anderson                      Briles                      Lind

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

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up out of order Senate File 2359.

#### Senate File 2359

On motion of Senator Bruner, Senate File 2359, a bill for an act establishing comparable worth salary adjustments for state employees and making supplemental appropriations for salary adjustment and implementation, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Bruner offered amendment S—5989 filed by Senators Bruner and Small on April 18, 1984, to strike everything after the enacting clause and to the title page of the bill.

Senator Colton took the chair at 11:28 a.m.

Senator Gentleman offered amendment S—6007 filed by her from the floor to amendment S—5989.

Senator Gentleman called for a division of amendment S—6007 to amendment S—5989:

Division S—6007A: Page 1, lines 3 through 28 and lines 31 through 50 and page 2.

Division S—6007B: Page 1, lines 29 and 30.

Senator Gentleman moved the adoption of division S—6007A and requested a non record roll call.

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

The ayes were 20, nays 26.

Division S—6007A lost.

Senator Gentleman moved the adoption of division S—6007B to amendment S—5989, which motion prevailed by a voice vote.

Senator Gentleman withdrew amendment S—6009 filed by her from the floor to amendment S—5989.

Senator Gentleman offered amendment S—6011 filed by her from the floor to amendment S—5989.

Senator Gallagher called for a division of amendment S—6011 to amendment S—5989: lines 3 and 4 and 16 and 17 as division S—6011A; lines 6 through 15 as division S—6011B.

Action on division S—6011A to amendment S—5989 was deferred.

Senator Gentleman moved the adoption of division S—6011B to amendment S—5989.

A non record roll call was requested.

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

The ayes were 25, nays 22.

Division S—6011B was adopted.

Senator Gentleman moved the adoption of division S—6011A to amendment S—5989, previously deferred.

A non record roll call was requested.

The ayes were 21, nays 26.

Division S—6011A lost.

Senator Bruner offered amendment S—6006 filed by Senators Bruner and Small from the floor to amendment S—5989 and moved its adoption.

Amendment S—6006 was adopted by a voice vote.

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

MR. PRESIDENT: I move to reconsider the vote by which division S—6011B to amendment S—5989 to Senate File 2359 was adopted by the Senate on April 19, 1984.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2359) the vote was:

Ayes, 23:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gallagher	Gettings	Horn
Husak	Hutchins	Junkins	Mann
Miller, A.V.	Miller, C.P.	Rodgers	Slater
Small	Wells	Welsh	

Nays, 22:

Drake	Gentleman	Goodwin	Gratias
Hall	Hester	Holden	Holt
Hulse	Jensen	Kinley	Palmer
Priebe	Readinger	Rife	Ritsema
Schwengels	Soorholtz	Taylor	Vande Hoef
Van Gilst	Waldstein		

Absent or not voting, 5:

Briles	Hultman	Lind	Nystrom
Tieden			

The motion prevailed and division S—6011B to amendment S—5989 was taken up for reconsideration.

President Anderson took the chair at 12:55 p.m.

Senator Gentleman moved the adoption of division S—6011B to amendment S—5989.

A record roll call was requested.

On the question "Shall division S—6011B to amendment S—5989 be adopted?" (S.F. 2359) the vote was:

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

Ayes, 23:

Drake	Gentleman	Goodwin	Hester
Holden	Holt	Hulse	Hultman
Jensen	Kinley	Miller, A.V.	Nystrom
Palmer	Priebe	Readinger	Rife
Rittema	Schwengels	Soorholtz	Taylor
Vande Hoef	Van Gilst	Waldstein	

Nays, 24:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deuhery	Dieleman
Doyle	Gallagher	Gettings	Gratias
Hall	Horn	Husak	Hutchins
Junkins	Mann	Miller, C.P.	Rodgers
Slater	Small	Wells	Weish

Absent or not voting, 3:

Briles	Lind	Tieden
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Division S—6011B lost.

Senator Bruner offered amendment S—5994 filed by him from the floor to amendment S—5989 and moved its adoption.

Amendment S—5994 was adopted by a voice vote.

Senator Bruner moved the adoption of amendment S—5989 as amended.

A record roll call was requested.

On the question "Shall amendment S—5989 as amended be adopted?" (S.F. 2359) the vote was:

Ayes, 29:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gallagher	Gettings	Hall
Horn	Husak	Hutchins	Junkins
Kinley	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Rodgers
Slater	Small	Van Gilst	Wells
Welsh			

Nays, 18:

Drake	Gentleman	Goodwin	Gratias
Hester	Holden	Holt	Hulse
Hultman	Jensen	Readinger	Rife
Ritsema	Schwengels	Soorholtz	Taylor
Vande Hoef	Waldstein		

Absent or not voting, 3:

Briles	Lind	Tieden
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Amendment S—5989 as amended was adopted.

With the adoption of amendment S—5989 as amended, the Chair ruled the following amendments out of order:

S—5972 filed by Senators Welsh and Drake on April 18, 1984, to page 1 of the bill.

S—5995 filed by Senator Gentleman from the floor to pages 1 through 4 and to the title page of the bill.

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

On the question "Shall the bill pass?" (S.F. 2359) the vote was:

Ayea, 42:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyie	Drake	Gallagher	Gentleman
Gettings	Hall	Hester	Holden
Holt	Horn	Hultman	Husak
Hutchins	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Ritsema
Rodgers	Schwengels	Slater	Small
Soorholtz	Tieden	Vande Hoef	Van Gilat
Wells	Welsh		

Nays, 6:

Goodwin	Gratias	Hulse	Jensen
Taylor	Waldstein		

Absent or not voting, 2:

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

### HOUSE MESSAGE RECEIVED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 19, 1984, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

**Senate File 2215**, a bill for an act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract.

### SENATE INSISTS

#### Senate File 2215

Senator Brown called up for consideration Senate File 2215, a bill for an act to provide for the issuance of an extracurricular

contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract, amended by the House, further amended by the Senate and moved that the Senate insist on its amendment.

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

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on Senate File 2215 on the part of the Senate: Senators Brown, Chair; Grattias, Horn, Colton and Taylor.

### BILL ASSIGNED TO COMMITTEE

The Chair announced that House Concurrent Resolution 121 was assigned to the committee on Small Business and Economic Development.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 1984, passed the following bill in which the concurrence of the Senate is asked:

House File 2527, a bill for an act relating to economic development in the state by providing that the development commission monitor, oversee and spend certain federal funds, establish a primary research and marketing center and satellite centers, establish an informal export advisory group, establish a conversational foreign language program, be responsible for the operation of the existing Iowa community development loan program, participate in the certified development program of the United States small business administration through a state certified development program, and be solely responsible for coordinating and adopting rules for the existing Iowa industrial new jobs training program; by allowing insurance companies, state banks, and state savings and loan associations to invest their assets



in venture capital firms making investments in small businesses in the state; by establishing an export loan program as part of the Iowa housing finance authority's small business loan program to aid in providing financing for export sales by small businesses; and by increasing the bonding limits of the Iowa finance authority and its small business loan program and redefining "small business" and "dominant in its field of operation" for purposes of the small business loan program; and by allowing certain public utilities to charge incentive rates; by creating an agriculture, food, and energy demonstration center study committee to study the feasibility and desirability of establishing agricultural and energy demonstration centers; by creating an economic development study committee to study the economy of the state and to develop an economic development strategic plan.

**This bill was read first time and passed on file.**

**ALSO:** That the House has on April 19, 1984, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2043**, a bill for an act authorizing a partial exemption from property taxation for new warehouses and new warehouse machinery and equipment (S—6013).

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 123**, by Drake and Carr, a concurrent resolution relating to a study of the inmate classification and tracking systems and of the physical facilities of the correctional institutions.

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

### INTRODUCTION OF BILL

**Senate File 2365**, by Committee on Finance, a bill for an act relating to the payment of funds from the additional personal property tax credit fund.

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

### RECESS

**On motion of Senator Junkins, the Senate recessed at 1:15 p.m., until 1:30 p.m.**

**RECONVENED**

The Senate reconvened at 1:30 p.m., Senator Colton presiding.

**QUORUM CALL**

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

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

**BILLS ASSIGNED TO COMMITTEE**

The Chair announced that House Files 2527 and 2528 were assigned to the committee on Finance.

**HOUSE MESSAGE RECEIVED**

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1984, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2327, a bill for an act relating to what constitutes discounts on transactions occurring between January 1, 1978 and July 1, 1984 involving farm equipment and related products for purposes of the state sales, services, and use tax, relating to refunds, and providing retroactive effect (S—6014).

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

The Senate resumed session, Senator Colton presiding.

**QUORUM CALL**

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

The vote revealed 40 present, 10 absent and a quorum present.

President Anderson took the chair at 2:00 p.m.

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

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

**House File 2481**

On motion of Senator Husak, House File 2481, a bill for an act relating to the taxation, valuation, and qualification of a fruit-tree or forest reservation for property tax purposes, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Hall withdrew amendment S—5868 filed by him on April 12, 1984, to page 2 of the bill.

Senator Gallagher offered amendment S—5871 filed by Senators Gallagher and Hall on April 12, 1984, to page 2 of the bill and moved its adoption.

Amendment S—5871 was adopted by a voice vote.

Senator Holden offered amendment S—5848 filed by him on April 10, 1984, to page 2 of the bill and moved its adoption.

Amendment S—5848 was adopted by a voice vote.

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

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

**Ayes, 43:**

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Priebe	Readinger
Rittema	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Welsh	

Nays, none.

Absent or not voting, 7:

Briles	Gentleman	Lind	Palmer
Rife	Rodgers	Wells	

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

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

### BUSINESS PENDING

#### Senate File 2271

The Senate resumed consideration of Senate File 2271, House amendment S—5953 as amended and amendment S—5992 by Senator Mann to House amendment S—5953, previously deferred.

Senator Mann moved the adoption of amendment S—5992 to House amendment S—5953.

A non record roll call was requested.

The ayes were 13, nays 29.

Amendment S—5992 lost.

Senator Holt moved that the Senate concur in House amendment S—5953 as amended.

A non record roll call was requested.

The ayes were 34, nays 12.

The motion prevailed and the Senate concurred in House amendment S—5953 as amended.

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

On the question "Shall the bill pass?" (S.F. 2271) the vote was:

## Ayes, 40:

Anderson	Brown	Bruner	Carr
Delubery	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Soorholtz	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

## Nays, 4:

Coleman	Colton	Ritsema	Small
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## Voting present, 1:

Doyle

## Absent or not voting, 5:

Briles	Dieleman	Husak	Lind
Taylor			

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

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2271 passed the Senate on April 19, 1984.

TOM MANN, JR.

### HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

#### House File 2518

Senator Dielman called up for consideration House File 2518, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-5998 to Senate amendment H-6294 filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2518) the vote was:

Ayes, 47:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Ritsema	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, 1:

Doyle

Absent or not voting, 2:

Briles

Lind

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

### House File 2519

Senator Horn called up for consideration House File 2519, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs for this state, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5997 to Senate amendment H—6295 filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2519) the vote was:

Ayes, 43:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, 2:

Gentleman	Ritsema
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Absent or not voting, 5:

Briles	Drake	Gallagher	Lind
Slater			

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

## CONFERENCE COMMITTEE REPORT ADOPTED

### House File 406

Senator Van Gilst called up the conference committee report on House File 406, a bill for an act relating to the issuing of licenses and permits for the purpose of taking wild mammals, fish, birds, amphibians, and reptiles, filed April 18, 1984, and moved its adoption.

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

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

On the question "Shall the bill pass?" (H.F. 406) the vote was:

Ayes, 33:

Anderson	Brown	Bruner	Carr
Coleman	Deluhery	Dieleman	Goodwin
Gratias	Hall	Hester	Holt
Horn	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Miller, A. V.
Nystrom	Priebe	Readinger	Rife
Ritsema	Rodgers	Schwengels	Slater
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst			

Nays, 12:

Colton	Doyle	Gallagher	Gentleman
Gettings	Holden	Husak	Mann
Miller, C.P.	Waldstein	Wells	Welsh

Absent or not voting, 5:

Briles	Drake	Lind	Palmer
Small			

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

Senator Colton took the chair at 2:47 p.m.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 2401

Senator Hall called up for consideration, House File 2401, a bill for an act relating to the creation of a public outdoor recreation and resources program, an advisory council, and a county conservation board fund, amended by the Senate, further amended by the House



and moved that the Senate concur in House amendment S—5878 to Senate amendment H—5961 filed April 13, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2401) the vote was:

Ayes, 38:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gettings
Gratias	Hall	Hester	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Welsh		

Nays, 8:

Gentleman	Goodwin	Holden	Holt
Ritsema	Vande Hoef	Waldstein	Wells

Absent or not voting, 4:

Briles	Lind	Palmer	Van Gilat
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

President Anderson took the chair at 2:50 p.m.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2334

Senator Husak called up for consideration Senate File 2334, a bill for an act relating to the funding of state agencies for designated service programs including health programs, civil rights, veterans' services, and programs for minority, elderly, and disadvantaged

persons for the fiscal year beginning July 1, 1984 and ending June 30, 1985 and making a supplemental appropriation to the department of health for reallocation to the state board of regents for certain programs under the Iowa specialized child health care services for the fiscal year beginning July 1, 1983 and ending June 30, 1984, and providing an effective date, amended by the House in House amendment S—6001 filed April 19, 1984.

Senator Husak offered amendment S—6015 filed by Senators Husak and Rife from the floor to House amendment S—6001 and moved its adoption.

Amendment S—6015 was adopted by a voice vote.

Senator Husak moved that the Senate concur in House amendment S—6001 as amended.

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

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

On the question "Shall the bill pass?" (S.F. 2334) the vote was:

Ayes, 45:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Priebe	Readinger
Rife	Ritæema	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Van Gilst	Waldstein	Wells
Welsh			

Nays, none.

Absent or not voting, 5:

Briles	Holden	Lind	Palmer
Vande Hoef			

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

### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2334 passed the Senate on April 19, 1984.

ARTHUR A. SMALL, JR.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 2342

Senator Deluhery called up for consideration Senate File 2342, a bill for an act relating to regional transit systems by defining the systems to include systems which receive state or federal funds, by providing motor fuel and special fuel tax exemptions for these systems, and by providing free registration plates and validation stickers for these systems, amended by the House, and moved that the Senate concur in House amendment S—6000 filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 2342) the vote was:

Ayes, 46:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A. V.	Miller, C.P.	Nystrom	Priebe
Rife	Ritsema	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor

Tieden Wells	Vande Hoef Welsh	Van Gilst	Waldstein
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Nays, none.

Absent or not voting, 4:

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

### CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2262)

A conference committee report signed by the following Senate and House members was filed April 19, 1984 on Senate File 2262, a bill for an Act relating to health insurance by requiring that coverage for educational programs for diabetes be offered.

On the Part of the Senate:

JAMES V. GALLAGHER, Chair  
JOHN W. JENSEN  
JOHN N. NYSTROM  
BERL E. PRIEBE  
DALE L. TIEDEN

On the Part of the House:

EDWARD G. PARKER, Chair  
NED F. CHIDO  
DARRELL R. HANSON  
BETTY HUFFMAN-BRIGHT  
BOB SKOW

### CONFERENCE COMMITTEE REPORT ADOPTED

#### Senate File 2262

Senator Nystrom called up the conference committee report on Senate File 2262, a bill for an act relating to health insurance by requiring that coverage for educational programs for diabetes be offered, filed April 19, 1984, and moved its adoption.

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

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

On the question "Shall the bill pass?" (S.F. 2262) the vote was:

Ayes, 46:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Priebe
Rife	Ritserma	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

#### FURTHER REPORT OF COMMITTEE MEETING

#### FINANCE\*

\*A previous report of this meeting was recorded on pages 1650-1651 of the Senate Journal.

**Final Bill Action:** SENATE FILE 2365, a bill for an act relating to the payment of funds from the additional personal property tax credit fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Rodgers, Hutchins, Hultman, Junkins, Holden, Small and Tieden. Nays, none. Absent or not voting, 1: Palmer.

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

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2365.

**Senate File 2365**

On motion of Senator Small, Senate File 2365, a bill for an act relating to the payment of funds from the additional personal property tax credit fund, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2365) the vote was:

Ayes, 45:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Van Gilst	Waldstein	Wells
Welsh			

Nays, 2:

Ritsema	Vande Hoef
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Absent or not voting, 3:

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

**CONSIDERATION OF BILL**  
(Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2361.

**Senate File 2361**

On motion of Senator Small, Senate File 2361, a bill for an act relating to and making appropriations for various government projects and programs and providing effective dates, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Hultman offered amendment S—6008 filed by him from the floor to page 5 of the bill and moved its adoption.

Amendment S—6008 was adopted by a voice vote.

Senator Horn offered amendment S—6003 filed by Senators Horn, et al., from the floor to pages 6 through 8 of the bill.

Senator Small offered amendment S—6010 filed by him from the floor to amendment S—6003 and moved its adoption.

Amendment S—6010 was adopted by a voice vote.

Senator Ritsema called for a division of amendment S—6003 as amended: Page 1, lines 2 through 16 as division S—6003A; page 1, lines 17 through 50, pages 2 through 4 and page 5, line 1 as division S—6003B.

On motion of Senator Horn, divisions S—6003A and S—6003B were adopted by a voice vote.

Senator Small offered amendment S—5979 filed by Senators Small and Junkins on April 18, 1984, to pages 8 through 11 of the bill and called for a division:

Division S—5979A: Page 1, lines 2 through 10.

Division S—5979B: Page 1, lines 11 through 50 and page 2.

Senator Small asked and received unanimous consent to withdraw division S—5979A.

Senator Small moved the adoption of division S—5979B, which motion prevailed by a voice vote.

Senator Waldstein withdrew amendment S—6016 filed by him from the floor to page 8 of the bill.

Senator Waldstein offered amendment S—6019 filed by Senators Waldstein and Coleman from the floor to page 10 of the bill and moved its adoption.

Senator Junkins raised the point of order that amendment S—6019 was not germane to the bill.

Senator Junkins withdrew his point of order.

Senator Coleman asked and received unanimous consent to withdraw amendment S—6019.

Senator Schwengels offered amendment S—6018 filed by Senators Schwengels, et al., from the floor to pages 11 and 12 of the bill.

Senator Small raised the point of order that amendment S—6018 was not germane to the bill.

The Chair ruled the point well taken and amendment S—6018 out of order.

The Chair ruled amendment S—6012 filed by Senators Schwengels, et al., from the floor to pages 11 and 12 of the bill, out of order.

Senator Gentleman offered amendment S—6020 filed by her from the floor to page 10 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—6020 be adopted?" (S.F. 2361) the vote was:

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

Ayes, 22:

Anderson	Deluhery	Drake	Gallagher
Gentleman	Gettings	Gratias	Hester
Holden	Holt	Hultman	Husak
Jensen	Miller, A.V.	Nystrom	Priebe
Readinger	Rife	Soorholtz	Taylor
Vande Hoef	Wells		



Nays, 23:

Brown	Bruner	Carr	Coleman
Colton	Dieleman	Doyle	Goodwin
Hall	Horn	Hulse	Hutchins
Junkins	Mann	Miller, C.P.	Ritsema
Schwengels	Slater	Small	Tieden
Van Gilst	Waldstein	Welsh	

Absent or not voting, 5:

Briles	Kinley	Lind	Palmer
Rodgers			

Amendment S—6020 lost.

Senator Small asked and received unanimous consent that further action on Senate File 2361 be deferred.

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

The Senate resumed session, President Anderson presiding.

### BUSINESS PENDING

#### Senate File 2361

The Senate resumed consideration of Senate File 2361, previously deferred.

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

On the question "Shall the bill pass?" (S.F. 2361) the vote was:

Ayes, 45:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Ritsema	Schwengels	Slater
Small	Soorholtz	Taylor	Tieden

Vande Hoef  
Welsh

Van Gilst

Waldstein

Wells

Nays, 1:

Gentleman

Absent or not voting, 4:

Briles

Lind

Rife

Rodgers

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

#### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2361 passed the Senate on April 19, 1984.

ARTHUR A. SMALL, JR.

#### HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the conference committee on Senate File 2215, a bill for an act to provide for the issuance of an extracurricular contract, appointed April 19, 1984, is: the Representative from Henry, Mr. Carter, Chair; the Representative from Taylor, Mr. Daggett, the Representative from Buena Vista, Mr. Groth, the Representative from Polk, Mr. Haverland, and the Representative from Keokuk, Mr. Swearingen.

#### CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2291)

A conference committee report signed by the following Senate and House members was filed April 19, 1984, on Senate File 2291, a bill for an Act relating to the finance charges permitted in open-end credit accounts including credit cards, and that the members of the Conference Committee were unable to reach agreement.

On the Part of the Senate:

GEORGE R. KINLEY, Chair  
EDGAR H. HOLDEN  
EMIL J. HUSAK  
WILLIAM D. PALMER  
JACK RIFE

On the Part of the House:

THOMAS E. SWARTZ, Chair  
ROBERT C. ARNOULD  
NED F. CHIODO  
HUGO SCHNEKLOTH  
LAVERNE SCHROEDER

**APPOINTMENT OF SECOND CONFERENCE COMMITTEE**

The Chair announced the following second conference committee on **Senate File 2291** on the part of the Senate: Senators Junkins, Chair; Holden, Husak, Palmer and Rife.

Senator Colton took the chair at 4:18 p.m.

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

The Senate resumed session, Senator Colton presiding.

**QUORUM CALL**

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

The vote revealed 43 present, 7 absent and a quorum present.

**MOTIONS TO RECONSIDER WITHDRAWN****Senate File 2271**

Senator Mann withdrew the motion to reconsider the vote by which **Senate File 2271** passed the Senate on April 19, 1984, filed by him on April 19, 1984, and found on page 1679 of the Senate Journal.

**Senate File 2228**

Senator Vande Hoef withdrew the motion to reconsider **Senate File 2228**, a bill for an act prohibiting zoning regulations or other ordinances which disallow plans and specifications of a proposed residential dwelling solely because the proposed dwelling is a manufactured home, filed by him on April 2, 1984, and found on page 1238 of the Senate Journal.

**HOUSE AMENDMENTS CONSIDERED****Senate File 2169**

Senator Coleman called up for consideration **Senate File 2169**, a bill for an act including vehicles used to transport agricultural products being pulled by a tractor as implements of husbandry,

amended by the House, and moved that the Senate concur in House amendment S—5999 filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 2169) the vote was:

Ayes, 47:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Ritsema
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Welsh	

Nays, none.

Absent or not voting, 3:

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

### Senate File 2043

Senator Miller of Des Moines called up for consideration Senate File 2043, a bill for an act authorizing a partial exemption from property taxation for new warehouses and new warehouse machinery and equipment, amended by the House, and moved that the Senate concur in House amendment S—6013 filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 2043) the vote was:

Ayes, 44:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Ritsema	Rodgers	Slater
Small	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Welsh

Nays, 1:

Gallagher

Absent or not voting, 5:

Briles	Lind	Rife	Schwengels
Wells			

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

### Senate File 2327

Senator Deluhery called up for consideration Senate File 2327, a bill for an act relating to what constitutes discounts on transactions occurring between January 1, 1978 and July 1, 1984 involving farm equipment and related products for purposes of the state sales, services, and use tax, relating to refunds, and providing retroactive effect, amended by the House, and moved that the Senate concur in House amendment S-6014 filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 2327) the vote was:

Ayes, 46:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Readinger	Rife	Ritsema	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Welsh		

Nays, none.

Absent or not voting, 4:

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

## UNFINISHED BUSINESS

(Deferred April 17, 1984)

### House File 2523

The Senate resumed consideration of House File 2523, a bill for an act relating to the issuance of bonds by certain counties for the acquisition, construction, reconstruction, improvement, repair, and equipping of water works, water mains and extensions, and real and personal property useful for providing potable water to county residents, establishment of a special tax district, and taxation of real property located within the special tax district, deferred on April 17, 1984.

Senator Hall offered amendment S—5950 filed by him on April 17, 1984, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 22, nays 25.

Amendment S—5950 lost.

Senator Schwengels offered amendment S—5956 filed by Senators Schwengels and Van Gilst on April 17, 1984, to page 1 of the bill.

Senator Hutchins asked and received unanimous consent that further action on amendment S—5956 and House File 2523 be deferred.

#### HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 1984, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2433, a bill for an act amending Iowa's unemployment compensation law by limiting the waiver of certain requirements in job bumping situations, by treating educational employees similarly for purposes of denying benefits during certain regular academic recesses, by switching the burden of producing evidence back to the employee in certain cases, by modifying certain special contribution rate requirements both prospectively and retroactively, by authorizing recomputation of employer rates in certain overpayment cases, by crediting certain earned interest to the temporary emergency surcharge fund, and by providing for contribution refunds in overpayment cases.

#### INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 124, by Committee on Agriculture, a concurrent resolution requesting an interim study of the cattle industry.

Read first time and referred to the committee on Rules and Administration.

### RECESS

On motion of Senator Hutchins, the Senate recessed at 5:45 p.m., until 6:30 p.m.

### EVENING SESSION

The Senate reconvened at 6:36 p.m., Senator Anderson presiding.

### SPECIAL PRESENTATIONS

The Senate Pages appeared in the well of the Senate and President Anderson and Parliamentarian Allen Welsh presented each Page with a Certificate of Excellence from the Senate in appreciation for his or her service during the 1984 session of the Seventieth General Assembly.

### HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the members of the second conference committee to Senate File 2291, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards, appointed April 19, 1984, are: the Representative from Marshall, Mr. Swartz, Chair; the Representative from Scott, Mr. Arnould, the Representative from Polk., Mr. Chiodo, the Representative from Black Hawk, Mr. Diemer, and the Representative from Clayton, Mr. Halvorson.

ALSO: That the House has on April 19, 1984, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2351, a bill for an act relating to the administration and financing of current programs other than mental health programs under the jurisdiction of the department of human services and to the foster care review board for the fiscal year beginning July 1, 1984, and ending June 30, 1985 (S-6029).

ALSO: that the House has on April 19, 1984, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the House was asked:



**House File 2486**, a bill for an act to provide a deterrent to persons operating a motor vehicle while under the influence of an alcoholic beverage or other drug, providing instruction and treatment for drinking drivers, declaring certain acts illegal and establishing penalties (S-6028).

### QUORUM CALL

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

The vote revealed 36 present, 14 absent and a quorum present.

President Anderson took the chair at 6:55 p.m.

### REPORT OF COMMITTEE MEETING

#### FINANCE

Convened: April 19, 1984, 1:57 p.m.

**Members Present:** Hutchins, Vice Chair; Hultman, Ranking Member; Junkins, Small and Tieden.

**Members Absent:** Rodgers, Vice Chair; Palmer and Holden.

**Final Bill Action:** HOUSE FILE 2527, a bill for an act relating to economic development in the state by providing that the development commission monitor, oversee and spend certain federal funds, establish a primary research and marketing center and satellite centers, establish an informal export advisory group, establish a conversational foreign language program, be responsible for the operation of the existing Iowa community development loan program, participate in the certified development program of the United States small business administration through a state certified development program, and be solely responsible for coordinating and adopting rules for the existing Iowa industrial new jobs training program; by allowing insurance companies, state banks, and state savings and loan associations to invest their assets in venture capital firms making investments in small businesses in the state; by establishing an export loan program as part of the Iowa housing finance authority's small business loan program to aid in providing financing for export sales by small businesses; and by increasing the bonding limits of the Iowa finance authority and its small business loan program and redefining "small business" and "dominant in its field of operation" for purposes of the small business loan program; and by allowing certain public utilities to charge incentive rates; by creating an agriculture, food, and energy demonstration center study committee to study the feasibility and desirability of establishing agricultural and energy demonstration centers; by creating an economic development study committee to study the economy of the state and to develop an economic development strategic plan.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 5: Hutchins, Hultman, Junkins, Small and Tieden. Nays, none. Absent or not voting, 3: Rodgers, Holden and Palmer.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 2528, a bill for an act relating to the administration and benefits of certain public retirement and benefit systems and to make an appropriation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 5: Hutchins, Hultman, Junkins, Small and Tieden. Nays, 3: Rodgers, Holden and Palmer.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**Adjourned:** 1:59 p.m.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration House File 2528.

#### House File 2528

On motion of Senator Carr, House File 2528, a bill for an act relating to the administration and benefits of certain public retirement and benefit systems and to make an appropriation, with report of committee on Finance recommending passage, was taken up for consideration.

Senator Carr offered amendment S—6017 filed by Senators Carr, et al., from the floor to strike everything after the enacting clause of the bill.

Senator Carr offered amendment S—6026 filed by him from the floor to amendment S—6017.

Amendment S—6026 was adopted by a voice vote.

Senator Carr offered amendment S—6022 filed by Senator Palmer from the floor to amendment S—6017 and moved its adoption.

Amendment S—6022 was adopted by a voice vote.

Senator Horn offered amendment S—6021 filed by him from the floor to amendment S—6017 and moved its adoption.

Amendment S—6021 lost by a voice vote.

Senator Carr offered amendment S—6023 filed by Senator Palmer from the floor to amendment S—6017 and moved its adoption.

Amendment S—6023 was adopted by a voice vote.

Senator Carr moved the adoption of amendment S—6017 as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2528) the vote was:

Ayes, 48:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Ritzema
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 2:

Briles                      Lind

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

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2528 passed the Senate on April 19, 1984.

JOHN N. NYSTROM

## HOUSE AMENDMENT CONSIDERED

## Senate File 2351

Senator Bruner called up for consideration Senate File 2351, a bill for an act relating to the administration and financing of current programs other than mental health programs under the jurisdiction of the department of human services and to the foster care review board for the fiscal year beginning July 1, 1984, and ending June 30, 1985, amended by the House, and moved that the Senate concur in House amendment S-6029 filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 2351) the vote was:

Ayes, 45:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Priebe
Readinger	Rife	Ritsema	Rodgers
Schwengels	Slater	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Wells
Welsh			

Nays, 2:

Jensen	Waldstein
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Absent or not voting, 3:

Lind Palmer Small

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

**CONFERENCE COMMITTEE REPORT RECEIVED**  
(Senate File 2215)

A conference committee report signed by the following Senate and House members was filed April 19, 1984, on Senate File 2215, a bill for an Act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract.

On the Part of the Senate:

JOE BROWN, Chair  
MILO COLTON  
ARTHUR L. GRATIAS  
WALLY E. HORN

On the Part of the House:

BRIAN CARTER, Chair  
RICHARD GROTH  
GEORGE SWEARINGEN

**CONFERENCE COMMITTEE REPORT ADOPTED**

**Senate File 2215**

Senator Brown called up the conference committee report on Senate File 2215, a bill for an act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract, filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 2215) the vote was:

Ayes, 37:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gettings	Goodwin	Gratias	Holden
Holt	Horn	Hutchins	Junkins
Kinley	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rife	Rodgers	Slater	Small
Soorholtz	Van Gilst	Waldstein	Wells
Welsh			

Nays, 12:

Gentleman	Hall	Hester	Hulse
Hultman	Husak	Jensen	Ritsema
Schwengels	Taylor	Tieden	Vande Hoef

Absent or not voting, 1:

Lind

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

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 2486

Senator Doyle called up for consideration House File 2486, a bill for an act to provide a deterrent to persons operating a motor vehicle while under the influence of an alcoholic beverage or other drug, providing instruction and treatment for drinking drivers, declaring certain acts illegal and establishing penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—6028 to Senate amendment H—6285 filed April 19, 1984.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 2486) the vote was:

Ayes, 32:

Anderson	Brown	Bruner	Carr
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Coleman	Colton	Deluhery	Dieleman
Doyle	Gallagher	Gentleman	Gettings
Hall	Horn	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rodgers	Slater	Small	Soorholtz
Van Gilst	Waldstein	Wells	Welsh

Nays, 17:

Briles	Drake	Goodwin	Gratias
Hester	Holden	Holt	Hulse
Hultman	Jensen	Mann	Rife
Ritsema	Schwengels	Taylor	Tieden
Vande Hoef			

Absent or not voting, 1:

Lind

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

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

On the question "Shall the bill pass?" (H.F. 2486) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Ritsema	Rodgers
Schwengels	Slater	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, 2:

Mann	Rife
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Absent or not voting, 1:

Lind

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

### IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that Senate File 2359 be immediately messaged to the House.

### MOTION TO RECONSIDER ADOPTED

Senator Small called up the motion to reconsider on Senate File 2361 filed by him on April 19, 1984, found on page 1692 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2361) the vote was:

Ayes, 44:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Dehury
Dieleman	Doyle	Drake	Gallagher
Gettings	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Ritsema	Rodgers
Schwengels	Slater	Small	Soorholtz
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, 2:

Gentleman	Tieden
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Absent or not voting, 4:

Holden	Lind	Taylor	Welsh
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The motion prevailed.

Senator Small moved to reconsider the vote by which Senate File 2361 went to its last reading, which motion prevailed by a voice vote.



**Senate File 2361**

On motion of Senator Small, Senate File 2361, a bill for an act relating to and making appropriations for various government projects and programs and providing effective dates, was taken up for reconsideration.

Senator Welsh offered amendment S—6030 filed by him from the floor to page 8 of the bill.

Senator Gallagher raised the point of order that amendment S—6030 was not germane to the bill.

Senator Gallagher withdrew his point of order.

Senator Priebe raised the point of order that amendment S—6030 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—6030 in order.

Senator Welsh moved the adoption of amendment S—6030, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2361) the vote was:

**Ayes, 36:**

Briles	Brown	Bruner	Colton
DeFuhery	Dieleman	Gallagher	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Van Gilst	Wells	Welsh

Nays, 11:

Anderson  
Gentleman  
Rodgers

Carr  
Mann  
Vande Hoef

Coleman  
Rife  
Waldstein

Doyle  
Ritsema

Absent or not voting, 3:

Drake

Lind

Readeringer

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

### HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1984, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the House was asked:

**House File 2520**, a bill for an act relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility relates to agricultural affairs, economic development, and energy and natural resources management (S-6033).

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 2520

Senator Hall called up for consideration House File 2520, a bill for an act relating to and appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibility relates to agricultural affairs, economic development, and energy and natural resources management, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-6033 to Senate amendment H-6330 filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2520) the vote was:

Ayes, 47:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Junkins	Kinley	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Ritsema	Rodgers
Schwengels	Slater	Small	Soerholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Welsh	

Nays, none.

Absent or not voting, 3:

Drake                      Jensen                      Lind

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

### HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1984, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2354**, a bill for an act to treat the sale of vulcanizing, recapping, and retreading services under the state sales, services, and use tax as a sale of tangible personal property, and providing retroactive effect.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2354

Senator Hutchins called up for consideration Senate File 2354, a bill for an act to treat the sale of vulcanizing, recapping, and retreading services under the state sales, services, and use tax as a sale of tangible personal property, and providing retroactive effect, amended by the House, and moved that the Senate concur in House amendment S—6034 filed April 19, 1984.

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

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

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

Ayes, 48:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Readinger	Rife	Ritsema
Rodgers	Schwengels	Slater	Small
Soorboltz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, none.

Absent or not voting, 2:

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

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 125**, by Committee on Rules and Administration, a resolution relating to interim studies.

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

**IMMEDIATELY MESSAGED**

Senator Hutchins asked and received unanimous consent that Senate File 2215 be immediately messaged to the House.

**REPORT OF COMMITTEE MEETING****RULES AND ADMINISTRATION**

**Convened:** April 19, 1984, 5:46 p.m.

**Members Present:** Hutchins, Vice Chair; Hultman, Ranking Member; Anderson, Kinley and Hulse.

**Members Absent:** Junkins, Chair.

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 125, a resolution relating to interim studies.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 5: Hutchins, Hultman, Anderson, Kinley and Hulse. Nays, none. Absent or not voting, 1: Junkins.

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

**Other Committee Business:** Approved proposed resolution on adjournment.

**Adjourned:** 5:50 p.m.

**ADOPTION OF RESOLUTION**

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 125.

**Senate Concurrent Resolution 125**

On motion of Senator Hutchins, Senate Concurrent Resolution 125, a resolution relating to interim studies, with report of committee recommending passage, was taken up for consideration.

Senator Hutchins moved the adoption of Senate Concurrent Resolution 125, which motion prevailed by a voice vote.

## REPORT OF COMMITTEE MEETING

## JUDICIARY

Convened: April 19, 1984, 12:47 p.m.

Members Present: Doyle, Chair; Mann, Vice Chair; Ritsema, Ranking Member; Coleman, Deluhery, Dieleman, Drake, Gentleman, Goodwin, Holt, Horn, Small and Welsh.

Members Absent: Briles.

Final Bill Action: SENATE RESOLUTION 114, a resolution endorsing the first international congress on "The Overuse of Incarceration and Alternative Strategies."

Recommendation: DO PASS.

Final Vote: Ayes, 12: Doyle, Mann, Ritsema, Coleman, Deluhery, Dieleman, Drake, Goodwin, Holt, Horn, Small and Welsh. Nays, none. Absent or not voting, 2: Briles and Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

Adjourned: 12:49 p.m.

## ADOPTION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Resolution 114.

## Senate Resolution 114

On motion of Senator Doyle, Senate Resolution 114, a resolution endorsing the first international congress on "The Overuse of Incarceration and Alternative Strategies", with report of committee recommending passage, was taken up for consideration.

Senator Doyle moved the adoption of Senate Resolution 114, which motion prevailed by a voice vote.

## BUSINESS PENDING

House File 2523

The Senate resumed consideration of House File 2523 and amendment S—5956, previously deferred.

Senator Colton took the chair at 8:27 p.m.

Senator Schwengels moved the adoption of amendment S—5956 to page 1 of the bill.

A non record roll call was requested.

The ayes were 30, nays 13.

Amendment S—5956 was adopted.

Senator Hall offered amendment S—6025 filed by him from the floor to page 1 of the bill.

Senator Palmer asked and received unanimous consent that further action on amendment S—6025 and House File 2523 be deferred.

### UNFINISHED BUSINESS (Deferred April 6, 1984)

#### House File 2354

The Senate resumed consideration of House File 2354, a bill for an act relating to the purchase of equipment and supplies by the board of trustees of a county public hospital, deferred on April 6, 1984.

The Chair ruled amendment S—5692 filed by Senator Gallagher on March 30, 1984, to page 1 of the bill, out of order.

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

On the question "Shall the bill pass?" (H.F. 2354) the vote was:

Ayes, 48:

Anderson	Briles	Brown	Bruner
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall

Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Ritsema
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Welsh

Nays, 1:

Carr

Absent or not voting, 1:

Lind

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

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

The Senate resumed session, President Anderson presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1984, amended and passed the following bills in which the concurrence of the House was asked:

**Senate File 2352**, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants (S-6036).

**Senate File 2357**, a bill for an act creating a petroleum overcharge fund in the state treasury and appropriating money from the fund (S-6037).



**HOUSE AMENDMENT CONSIDERED****Senate File 2357**

Senator Hall called up for consideration Senate File 2357, a bill for an act creating a petroleum overcharge fund in the state treasury and appropriating money from the fund, amended by the House and moved that the Senate concur in House amendment S—6037 filed April 19, 1984.

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

**REPORT OF COMMITTEE MEETING****WAYS AND MEANS**

**Convened:** April 19, 1984, 4:20 p.m.

**Members Present:** Palmer, Chair; Husak, Vice Chair; Holden, Ranking Member; Hester, Rodgers, Readinger, Soorholtz, Dieleman and Small.

**Members Absent:** Holt, Carr, Deluhery, Brown, Van Gilst and Gratias.

**Final Bill Action:** HOUSE FILE 2512, a bill for an act relating to the exemption from the state sales, services, and use tax for sales by trade shops to printers and making the exemption retroactive to July 1, 1971.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Palmer, Husak, Holden, Dieleman, Hester, Readinger, Small and Soorholtz. Nays, 1: Rodgers. Absent or not voting, 6: Holt, Carr, Deluhery, Brown, Van Gilst and Gratias.

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

**Adjourned:** 4:30 p.m.

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

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2512.

**House File 2512**

On motion of Senator Holden, House File 2512, a bill for an act relating to the exemption from the state sales, services, and use tax for sales by trade shops to printers and making the exemption retroactive to July 1, 1971, with report of committee recommending passage, was taken up for consideration.

Senator Rodgers asked and received unanimous consent that further action on House File 2512 be deferred.

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

The Senate resumed session, President Anderson presiding.

**HOUSE MESSAGE RECEIVED AND CONSIDERED**

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1984, passed the following bill in which the concurrence of the Senate is asked:

House File 2532, a bill for an act allowing telephone utilities to offer certain services without filing a tariff with the Iowa state commerce commission and providing an effective date.

This bill was read first time and referred to the committee on Commerce.

**QUORUM CALL**

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

The vote revealed 44 present, 6 absent and a quorum present.

**HOUSE AMENDMENT CONSIDERED****Senate File 2352**

Senator Small called up for consideration Senate File 2352, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and

providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants, amended by the House in House amendment S—6036 filed April 19, 1984.

Senator Small offered amendment S—6039 filed by him from the floor to House amendment S—6036 and moved its adoption.

Amendment S—6039 was adopted by a voice vote.

Senator Small moved that the Senate concur in House amendment S—6036 as amended.

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

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

On the question "Shall the bill pass?" (S.F. 2352) the vote was:

Ayes, 46:

Anderson	Briles	Brown	Bruner
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A. V.	Miller, C.P.	Nystrom	Priebe
Readinger	Ritsema	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilat	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

**MOTION TO RECONSIDER**

**MR. PRESIDENT:** I move to reconsider the vote by which Senate File 2352 passed the Senate on April 19, 1984.

**ARTHUR A. SMALL, JR.**

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

The Senate resumed session, Senator Husak presiding.

**QUORUM CALL**

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

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

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

The Senate resumed session, President Anderson presiding.

**QUORUM CALL**

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

The vote revealed 47 present, 3 absent and a quorum present.

**IMMEDIATELY MESSAGED**

Senator Hutchins asked and received unanimous consent that House File 2354 be immediately messaged to the House.

**CONSIDERATION OF BILL  
(Regular Calendar)****House File 2527**

On motion of Senator Small, House File 2527, a bill for an act relating to economic development in the state by providing that the development commission monitor, oversee and spend certain federal funds, establish a primary research and marketing center and satellite centers, establish an informal export advisory group, establish a conversational foreign language program, be

responsible for the operation of the existing Iowa community development loan program, participate in the certified development program of the United States small business administration through a state certified development program, and be solely responsible for coordinating and adopting rules for the existing Iowa industrial new jobs training program; by allowing insurance companies, state banks, and state savings and loan associations to invest their assets in venture capital firms making investments in small businesses in the state; by establishing an export loan program as part of the Iowa housing finance authority's small business loan program to aid in providing financing for export sales by small businesses; and by increasing the bonding limits of the Iowa finance authority and its small business loan program and redefining "small business" and "dominant in its field of operation" for purposes of the small business loan program; and by allowing certain public utilities to charge incentive rates; by creating an agriculture, food, and energy demonstration center study committee to study the feasibility and desirability of establishing agricultural and energy demonstration centers; by creating an economic development study committee to study the economy of the state and to develop an economic development strategic plan, with report of committee recommending passage, was taken up for consideration.

Senator Junkins asked and received unanimous consent that amendment S—6042 be taken up for immediate consideration.

Senator Kinley offered amendment S—6042 filed by Senators Kinley, et al., from the floor to pages 16, 27 and the title page of the bill.

Senator Priebe asked unanimous consent that further action on amendment S—6042 and House File 2527 be deferred.

Senator Priebe withdrew his request.

Senator Holden offered amendment S—6044 filed by him from the floor to amendment S—6042 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—6044 to amendment S—6042 be adopted?" (H.F. 2527) the vote was:

Ayes, 15:

Coleman	Doyle	Gallagher	Goodwin
Gratias	Hall	Hester	Holden
Horn	Priebe	Schwengels	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, 34:

Anderson	Briles	Brown	Bruner
Carr	Colton	Deluhery	Dieleman
Drake	Gentleman	Gettings	Holt
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Readinger	Rife	Ritsema	Rodgers
Slater	Small	Soorholtz	Taylor
Tieden	Weish		

Absent or not voting, 1:

Lind

Amendment S—6044 lost.

Senator Hall offered amendment S—6045 filed by Senators Hall and Holden from the floor to amendment S—6042 and moved its adoption.

A non record roll call was requested.

The ayes were 13, nays 33.

Amendment S—6045 lost.

Senator Kinley offered amendment S—6046 filed by him from the floor to amendment S—6042 and moved its adoption.

Amendment S—6046 was adopted by a voice vote.

Senator Dieleman took the chair at 11:03 p.m.

Senator Ritsema raised the point of order that amendment S—6042 as amended was not germane to the bill.

The Chair ruled the point not well taken and amendment S—6042 as amended in order.

Senator Kinley moved the adoption of amendment S—6042 as amended.

A record roll call was requested.

On the question "Shall amendment S—6042 as amended be adopted?" (H.F. 2527) the vote was:

Ayes, 35:

Anderson	Briles	Brown	Bruner
Colton	Deluhery	Dieleman	Drake
Gentleman	Gettings	Goodwin	Gratias
Holt	Horn	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Readinger	Rife
Rodgers	Slater	Small	Soorholtz
Taylor	Waldstein	Welsh	

Nays, 14:

Carr	Coleman	Doyle	Gallagher
Hall	Hester	Holden	Priebe
Ritsema	Schwengels	Tieden	Vande Hoef
Van Gilst	Wells		

Absent or not voting, 1:

Lind

Amendment S—6042 as amended was adopted.

President Anderson took the chair at 11:41 p.m.

Senator Junkins asked and received unanimous consent to take up for immediate consideration amendment S—6040.

Senator Small offered amendment S—6040 filed by Senators Small and Junkins from the floor to pages 2, 3, 5 through 10, 12, 13, 16, 17, 18, and 21 through 25 and the title page of the bill and called for a division:

Division S—6040A: lines 5 through 15 and 22.

Division S—6040B: lines 3 and 4, 16 through 21 and 23 through 43.

Senator Small asked and received unanimous consent to withdraw division S—6040A.

Senator Holden called for a further division of amendment S—6040:

Division S—6040C: lines 23 and 24.

Senator Small moved the adoption of division S—6040B, which motion prevailed by a voice vote.

Senator Small moved the adoption of division S—6040C.

A record roll call was requested.

On the question "Shall division S—6040C be adopted?" (H.F. 2527) the vote was:

Ayes, 30:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	DeLuhery
Dieleman	Doyle	Gettings	Hall
Horn	Husak	Hutchins	Junkins
Kinley	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Rodgers
Schwengels	Slater	Small	Van Gilst
Wells	Welsh		

Nays, 18:

Drake	Gentleman	Goodwin	Gratias
Hester	Holden	Holt	Hulse
Hultman	Jensen	Readinger	Rife
Ritsema	Soorholtz	Taylor	Tieden
Vande Hoef	Waldstein		

Absent or not voting, 2:

Gallagher                      Lind

Division S—6040C was adopted.

Senator Small asked and received unanimous consent to reintroduce line 22 of division S—6040A as division S—6040D.

Senator Small moved the adoption of division S—6040D, which motion prevailed by a voice vote.



Senator Mann offered amendment S—6043 filed by him from the floor to page 7 and to the title page of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 28, nays 19.

Amendment S—6043 was adopted.

Senator Hutchins offered amendment S—6031 filed by him from the floor to page 16 and to the title page of the bill.

Senator Gentleman raised the point of order that amendment S—6031 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—6031 in order.

Senator Hutchins moved the adoption of amendment S—6031, which motion prevailed by a voice vote.

Senator Bruner offered amendment S—6032 filed by Senators Bruner and Slater from the floor to page 16 and to the title page of the bill.

Senator Slater asked and received unanimous consent to withdraw amendment S—6032.

Senator Taylor withdrew amendment S—6024 filed by him from the floor to page 27 and to the title page of the bill.

Senator Colton offered amendment S—6048 filed by him from the floor and moved its adoption.

Amendment S—6048 was adopted by a voice vote.

Amendment S—6041 filed by Senator Schwengels from the floor to page 2 of the bill, was out of order.

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

On the question "Shall the bill pass?" (H.F. 2527) the vote was:

Ayes, 38:

Anderson	Briles	Brown	Bruner
Carr	Colton	Deluhery	Dieleman
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Mann
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Readinger	Rife	Ritsema	Rodgers
Slater	Small	Soorholtz	Waldstein
Wells	Welsh		

Nays, 9:

Coleman	Doyle	Hall	Hester
Holden	Priebe	Schwengels	Vande Hoef
Van Gilst			

Absent or not voting, 3:

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

### HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1984, concurred in the Senate amendment as amended and passed the following bill in which the concurrence of the House was asked:

House File 2521, a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards and commissions (S-6050).

### REPORT OF COMMITTEE MEETING

#### COMMERCE

Convened: April 19, 1984, 9:32 p.m.

Members Present: Kinley, Chair; Priebe, Vice Chair; Jensen, Ranking Member; Bruner, Deluhery, Gallagher, Holden, Nystrom, Palmer and Tieden.

**Members Absent:** none.

**Final Bill Action:** HOUSE FILE 2532, a bill for an act allowing telephone utilities to offer certain services without filing a tariff with the Iowa state commerce commission and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Kinley, Priebe, Jensen, Bruner, Deluhery, Gallagher, Holden, Nystrom, Palmer and Tieden. Nays, none.

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

**Adjourned:** 9:35 p.m.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2532.

#### House File 2532

On motion of Senator Holden, House File 2532, a bill for an act allowing telephone utilities to offer certain services without filing a tariff with the Iowa state commerce commission and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2532) the vote was:

**Ayes, 48:**

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gentleman	Gettings	Goodwin	Gratias
Hall	Hester	Holden	Holt
Horn	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Mann	Miller, A. V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Ritzema	Rodgers	Schwengels	Slater

Small  
Van Gilst

Soorholtz  
Waldstein

Taylor  
Wells

Vande Hoef  
Welsh

Nays, none.

Absent or not voting, 2:

Lind

Tieden

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

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 2217

Senator Horn called up for consideration House File 2217, a bill for an act to establish a board of educational examiners to issue certificates and provide for their renewal, and to prescribe their duties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5967 to Senate amendment H—6282 filed April 18, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2217) the vote was:

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

Ayes, 26:

Anderson  
Colton  
Gallagher  
Hutchins  
Miller, A.V.  
Readinger  
Wells

Brown  
Deluhery  
Gettings  
Junkins  
Miller, C.P.  
Rodgers  
Welsh

Carr  
Doyle  
Horn  
Kinley  
Palmer  
Slater

Coleman  
Drake  
Husak  
Mann  
Priebe  
Small

Nays, 22:

Briles	Bruner	Dieleman	Gentleman
Goodwin	Gratias	Hall	Hester
Holden	Holt	Hulse	Hultman
Jensen	Nystrom	Rife	Ritsema
Schwengels	Soorholtz	Taylor	Vande Hoef
Van Gilst	Waldstein		

Absent or not voting, 2:

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

Senator Coleman took the chair at 12:55 a.m.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 2521

Senator Wells called up for consideration House File 2521, a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards and commissions, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—6050 to Senate amendment H—6334 filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (H.F. 2521) the vote was:

Ayes, 35:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Doyle	Gallagher	Gentleman	Gratias
Hall	Horn	Hulse	Hultman
Husak	Hutchins	Junkins	Kinley

Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rodgers
Slater	Small	Soorholtz	Taylor
Van Gilst	Wells	Welsh	

Nays, 12:

Dieleman	Drake	Gettings	Goodwin
Hester	Holden	Holt	Jensen
Rife	Ritsema	Vande Hoef	Waldstein

Absent or not voting, 3:

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

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1984, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2332**, a bill for an act relating to the Iowa housing finance authority by changing the definitions of "small business" and "dominant in its field of operation" for the small business loan program and increasing the bonding capacity (S-6051).

ALSO: That the House has, on April 19, 1984, adopted the conference committee report and passed House File 2211, a bill for an act making changes in the practice act relating to physical therapy.

ALSO: that the House has, on April 19, 1984, adopted the conference committee report and passed House File 2470, a bill for an act relating to the platting requirements upon the subdivision of a parcel of land.

ALSO: That the House has, on April 19, 1984, adopted the conference committee report and passed House File 123, a bill for an act relating to crimes involving the unjustified interference with the body or duty of persons including fire fighters, persons providing emergency medical services, and penal and correctional facility staff, and providing penalties.

ALSO: That the House has, on April 19, 1984, adopted the conference committee report and passed House File 595, a bill for an act relating to the deferring of judgment or deferring of sentence of a person previously convicted of a felony.

**ALSO:** That the House has on April 19, 1984, passed the following bill in which the concurrence of the Senate is asked:

**House File 2473**, a bill for an act to implement certain recommendations of the governor's task force by providing limitations on leaves of absence for certain military purposes, providing a phased retirement incentive program for full-time state employees, providing for the use of investment income as management expenses for certain retirement programs, providing that persons who are not full-time employees of the state who do not accrue sick leave or vacation and who work on a state holiday shall receive pay only for hours worked, and providing that all state departments and agencies shall have appropriations for the 1984-1985 fiscal year reduced by the amount of out-of-state travel incurred in the 1984-1985 fiscal year.

This bill was read first time and referred to the committee on **Finance**.

**ALSO:** That the House has on April 19, 1984, passed the following bill in which the concurrence of the Senate is asked:

**House File 2531**, a bill for an act relating to urban renewal.

This bill was read first time and referred to the committee on **Finance**.

### IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Files 2262 and 2271** be immediately messaged to the House.

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

The Senate resumed session, President Anderson presiding.

**APPENDIX****BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this nineteenth day of April, 1984:

Senate Files 163, 414, 2063, 2223 and 2233.

**K. MARIE THAYER**  
Secretary of the Senate

**EXPLANATION OF VOTE**

**MR. PRESIDENT:** Due to being in the Governor's office, I was necessarily absent from the Senate chamber on April 19, 1984, when the final vote was taken on Senate File 2238.

Had I been present, I would have voted "aye" on this bill.

**MILO COLTON**

**REPORT OF COMMITTEE MEETING****AGRICULTURE**

**Convened:** April 19, 1984, 3:57 p.m.

**Members Present:** Priebe, Chair; Van Gilst, Vice Chair; Hester, Ranking Member; Gallagher, Hutchins, A. Miller, Vande Hoef and Waldstein.

**Members Absent:** Husak and Taylor.

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 124, a resolution requesting an interim study of the cattle industry.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 8: Priebe, Van Gilst, Hester, Gallagher, Hutchins, A. Miller, Vande Hoef and Waldstein. Nays, none. Absent or not voting, 2: Husak and Taylor.



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

**Adjourned:** 4:01 p.m.

### PRESENTATION OF VISITORS

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

Forty students from Logan Magnolia Elementary School, Logan, Iowa, accompanied by Lowell Arps. Senator Hestor.

Twenty students from Wallace Elementary School, Des Moines, Iowa, accompanied by Sheila Hemminger, Kathy Ingram, Rita Watkins and Janean Reynolds. Senator Kinley.

Eighty-five students from Terrace Elementary School, Ankeny, Iowa, accompanied by Nick Pauly. Senator Palmer.

The following visitors were present in the Senate gallery:

Twenty-five students from Lakeview Elementary School, Centerville, Iowa, accompanied by Nancy White. Senator Gettings.

Twenty-five students from Shelby High School, Shelby, Iowa, accompanied by Dan Merriam. Senator Hester.

### AMENDMENTS FILED

S-5994	S. F.	2359	Charles Bruner
S-5995	S. F.	2359	Julia Gentleman
S-5996	H.F.	2509	Alvin V. Miller
S-5997	H.F.	2519	House Amendment
S-5998	H.F.	2518	House Amendment
S-5999	S. F.	2169	House Amendment
S-6000	S. F.	2342	House Amendment
S-6001	S. F.	2334	House Amendment
S-6002	S. F.	2355	Alvin V. Miller
S-6003	S. F.	2361	Wally E. Horn
			C.W. Bill Hutchins
			Bass Van Gilst
			Lowell L. Junkins
			Berl E. Priebe

S-6004	S. F.	2363	Charles Bruner C. Joseph Coleman Tom Mann, Jr. Dale L. Tieden Julia Gentleman
S-6005	S. F.	2360	Tom Mann, Jr.
S-6006	S. F.	2359	Charles Bruner Arthur A. Small, Jr.
S-6007	S. F.	2359	Julia Gentleman
S-6008	S. F.	2361	Calvin O. Hultman
S-6009	S. F.	2359	Julia Gentleman
S-6010	S. F.	2361	Arthur A. Small, Jr.
S-6011	S. F.	2359	Julia Gentleman
S-6012	S. F.	2361	Forrest V. Schwengels Calvin O. Hultman Ray Taylor John W. Jensen Arne Waldstein Wm. W. (Bill) Dieleman Bass Van Gilst Richard Vande Hoef Douglas Ritsema Jack W. Hester Jack Rife John E. Soorholtz Richard F. Drake Arthur L. Gratias Dale L. Tieden Merlin D. Hulse Norman J. Goodwin Lee W. Holt
S-6013	S. F.	2043	House Amendment
S-6014	S. F.	2327	House Amendment
S-6015	S. F.	2334	Emil J. Husak Jack Rife
S-6016	S. F.	2361	Arne Waldstein
S-6017	H.F.	2528	Bob Carr John N. Nystrom Charles Bruner Tom Slater Forrest V. Schwengels

S-6018	S. F.	2361	Forrest V. Schwengels Julia Gentleman Calvin O. Hultman Norman J. Goodwin John W. Jensen David M. Readinger Wm. W. (Bill) Dieleman Dale L. Tieden Douglas Ritsema Arthur L. Gratias Lee W. Holt Ray Taylor Arne Waldstein Richard F. Drake Jack W. Hester Merlin D. Hulse John N. Nystrom Richard Vande Hoef
S-6019	S. F.	2361	Arne Waldstein C. Joseph Coleman
S-6020	S. F.	2361	Julia Gentleman
S-6021	H.F.	2528	Wally E. Horn
S-6022	H.F.	2528	William D. Palmer
S-6023	H.F.	2528	William D. Palmer
S-6024	H.F.	2527	Ray Taylor
S-6025	H.F.	2523	Hurley W. Hall
S-6026	H.F.	2528	Bob Carr
S-6027	H.F.	2509	Richard F. Drake David M. Readinger
S-6028	H.F.	2486	House Amendment
S-6029	S. F.	2351	House Amendment
S-6030	S. F.	2361	Joe J. Welsh
S-6031	H.F.	2527	C.W. Bill Hutchins
S-6032	H.F.	2527	Charles Bruner Tom Slater
S-6033	H.F.	2520	House Amendment
S-6034	S. F.	2354	House Amendment
S-6035	H.F.	2473	Richard F. Drake Forrest V. Schwengels
S-6036	S. F.	2352	House Amendment
S-6037	S. F.	2357	House Amendment
S-6038	H.F.	2523	Forrest V. Schwengels Bass Van Gilst

S—6039	S. F.	2352	Arthur A. Small, Jr.
S—6040	H.F.	2527	Arthur A. Small, Jr. Lowell L. Junkins
S—6041	H.F.	2527	Forrest V. Schwengels
S—6042	H.F.	2527	George R. Kinley Lowell L. Junkins Calvin O. Hultman William D. Palmer David M. Readinger Julia Gentleman Tom Mann, Jr. Arthur A. Small, Jr. Emil J. Husak Tom Slater Norman G. Rodgers
S—6043	H.F.	2527	Tom Mann, Jr.
S—6044	H.F.	2527	Edgar H. Holden
S—6045	H.F.	2527	Hurley W. Hall Edgar H. Holden
S—6046	H.F.	2527	George R. Kinley
S—6047	H.F.	2512	Norman G. Rodgers Emil J. Husak C.W. Bill Hutchins
S—6048	H.F.	2527	Milo Colton
S—6049	H.F.	2473	Arthur A. Small, Jr.
S—6050	H.F.	2521	House Amendment
S—6051	S. F.	2332	House Amendment

### ADJOURNMENT

On motion of Senator Junkins, the Senate adjourned at 1:15 a.m., until 9:00 a.m., Friday, April 20, 1984.

# JOURNAL OF THE SENATE

1735

ONE HUNDRED THIRD CALENDAR DAY  
SIXTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, April 20, 1984

The Senate met in regular session at 9:00 a.m., President Anderson presiding.

Prayer was offered by the Honorable Norman J. Goodwin, member of the Senate from Clinton County, DeWitt, Iowa.

The Journal of Thursday, April 19, 1984, was approved.

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1984, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2328, a bill for an act to amend the Iowa pari-mutuel wagering Act and providing that part-time and seasonal employees of the racing commission are not under the merit employment system (S-6053).

## QUORUM CALL

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

The vote revealed 40 present, 10 absent and a quorum present.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kinley for the day on request of Senator Junkins.

**CONFERENCE COMMITTEE REPORTS RECEIVED**  
(Filed April 19, 1984)

A conference committee report signed by the following Senate and House members was filed April 19, 1984 on **Senate File 513**, a bill for an act relating to the name of a state bank.

On the Part of the Senate:

**WILLIAM D. PALMER**, Chair  
**CHARLES BRUNER**  
**JOHN W. JENSEN**  
**GEORGE R. KINLEY**  
**DALE L. TIEDEN**

On the Part of the House:

**NED F. CHIODO**, Chair  
**MICHAEL GRONSTAL**  
**EDWARD PARKER**  
**LAVERNE SCHROEDER**  
**BOB RENKEN**

A conference committee report signed by the following Senate and House members was filed April 19, 1984 on **House File 2211**, a bill for an act making changes in the practice act relating to physical therapy.

On the Part of the Senate:

**WALLY E. HORN**, Chair  
**BOB CARR**  
**CHARLES P. MILLER**  
**FORREST V. SCHWENGELS**  
**JOHN E. SOORHOLTZ**

On the Part of the House:

**KAY CHAPMAN**, Chair  
**EMIL S. PAVICH**  
**JOSEPHINE GRUHN**  
**HAROLD VAN MAANEN**  
**KENNETH DE GROOT**

A conference committee report signed by the following Senate and House members was filed April 19, 1984 on **House File 2470**, a bill for an act relating to the platting requirements upon the subdivision of a parcel of land.

On the Part of the Senate:

**TOM MANN, JR.**, Chair  
**C. JOSEPH COLEMAN**  
**LEE W. HOLT**  
**JAMES V. GALLAGHER**  
**ARNE WALDSTEIN**

On the Part of the House:

**RICHARD J. VARN**, Chair  
**DANIEL JAY**  
**EDWARD G. PARKER**  
**DONALD J. PAULIN**  
**RUHL MAULSBY**

## CONFERENCE COMMITTEE REPORTS ADOPTED

### House File 123

Senator Mann called up the conference committee report on House File 123, a bill for an act relating to crimes involving the unjustified interference with the body or duty of persons including fire fighters, persons providing emergency medical services, and penal and correctional facility staff, and providing penalties, filed April 12, 1984, and moved its adoption.

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

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

On the question "Shall the bill pass?" (H.F. 123) the vote was:

Ayes, 41:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Dieleman	Doyle
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Mann	Miller, C.P.	Priebe
Readinger	Rife	Ritsema	Rodgers
Schwengels	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells			

Nays, none.

Absent or not voting, 9:

Briles	Deluhery	Kinley	Lind
Miller, A.V.	Nystrom	Palmer	Slater
Welsh			

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

## House File 2211

Senator Horn called up the conference committee report on House File 2211, a bill for an act making changes in the practice act relating to physical therapy, filed April 19, 1984, and moved its adoption.

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

Senator Junkins asked and received unanimous consent that further action on House File 2211 be deferred.

## QUORUM CALL

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

The vote revealed 41 present, 9 absent and a quorum present.

## ADOPTION OF RESOLUTION

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

### SENATE RESOLUTION 118

By: Junkins and Hultman

- 1 A Senate Resolution paying tribute to Senator Tom Slater.
- 2 *Whereas*, Senator Tom Slater is completing his
- 3 second term as a state senator and is retiring from
- 4 legislative service upon completion of this term;
- 5 and
- 6 *Whereas*, Senator Tom Slater is known for his
- 7 interest in government reform especially as they
- 8 relate to professional regulation changes, the
- 9 department of corrections, the election of the governor
- 10 and lieutenant governor as a team, government records,
- 11 and election laws; and
- 12 *Whereas*, Senator Tom Slater while serving as a
- 13 member of the General Assembly and Chairman of the
- 14 Committee on State Government has executed his duties
- 15 diligently while at the same time displaying a keen
- 16 sense of humor and a sociable personality; and
- 17 *Whereas*, the humor of Senator Tom Slater has



18 contributed to the camaraderie of the Senate during  
19 many times of stress and has contributed to maintaining  
20 the tradition of the members of the Senate which is  
21 to maintain respect for each other; *Now Therefore,*  
22 *Be It Resolved by the Senate,* That the Senate pay  
23 tribute to Senator Tom Slater for his devoted service  
24 to the Iowa General Assembly and the citizens of this  
25 state and wish him the attainment of new heights in  
26 his future endeavors; and  
27 *Be It Further Resolved,* That an official copy of  
28 this resolution be prepared and presented to Senator  
29 Tom Slater.

Senator Junkins moved the adoption of Senate Resolution 118, which motion prevailed by a voice vote.

Senator Slater addressed the Senate with brief remarks.

#### IMMEDIATELY MESSAGED

Senator Junkins asked and received unanimous consent that Senate File 2363 be immediately messaged to the House.

#### HOUSE AMENDMENT CONSIDERED

##### Senate File 2332

Senator Dieleman called up for consideration Senate File 2332, a bill for an act relating to the Iowa housing finance authority by changing the definitions of "small business" and "dominant in its field of operation" for the small business loan program and increasing the bonding capacity, amended by the House, and moved that the Senate concur in House amendment S-6051 filed April 19, 1984.

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

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

On the question "Shall the bill pass?" (S.F. 2332) the vote was:

Ayes, 46:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulsé	Hultman	Husak	Hutchins
Jensen	Junkins	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Ritsema	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilat	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

### BILL REFERRED TO COMMITTEE

Senator Junkins asked and received unanimous consent that **Senate File 2364** be referred from the Regular Calendar to the committee on Finance.

### REPORTS OF COMMITTEE MEETINGS

#### FINANCE

Convened: April 20, 1984, 1:04 a.m.

**Members Present:** Rodgers, Chair; Hutchins, Vice Chair; Hultman, Ranking Member; Holden, Junkins, Palmer and Small.

**Members Absent:** Tieden.

**Final Bill Action:** HOUSE FILE 2473, a bill for an act to implement certain recommendations of the governor's task force by providing limitations on leaves of absence for certain military purposes, providing a phased retirement incentive program for full-time state employees, providing for the use of investment income as management expenses for certain retirement programs, providing that persons who are not full-time employees of the state who do not accrue sick leave or vacation and

who work on a state holiday shall receive pay only for hours worked, and providing that all state departments and agencies shall have appropriations for the 1984-1985 fiscal year reduced by the amount of out-of-state travel incurred in the 1984-1985 fiscal year. (On Senate Calendar April 20, 1984).

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-6052.

**Final Vote:** Ayes, 7: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer and Small. Nays, none. Absent or not voting, 1; Tieden.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2531, a bill for an act relating to urban renewal. (On Senate Calendar April 20, 1984).

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer and Small. Nays, none. Absent or not voting, 1; Tieden.

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

**Adjourned:** 1:06 a.m.

## JUDICIARY

**Convened:** April 20, 1984, 1:00 a.m.

**Members Present:** Doyle, Chair; Mann, Vice Chair; Ritsema, Ranking Member; Coleman, Deluhery, Dieleman, Gentleman, Goodwin, Holt, Horn and Welsh.

**Members Absent:** Briles, Drake and Small.

**Final Bill Action:** HOUSE FILE 2517, a bill for an act to legalize proceedings by the city council of the city of Ryan, Iowa relating to the sale of certain property. (On Senate Calendar April 20, 1984).

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Coleman, Deluhery, Dieleman, Gentleman, Goodwin, Holt, Horn and Welsh. Nays, none. Absent or not voting, 3: Briles, Drake and Small.

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

**Adjourned:** 1:05 a.m.

**CONSIDERATION OF BILLS**  
(Regular Calendar)

Senator Junkins asked and received unanimous consent to take up for consideration House File 2517.

**House File 2517**

On motion of Senator Hall, House File 2517, a bill for an act to legalize proceedings by the city council of the city of Ryan, Iowa relating to the sale of certain property, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2517) the vote was:

Ayes, 46:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Ritsema	Rodgers	Schwengels
Slater	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Welsh		

Nays, none.

Absent or not voting, 4:

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

Senator Junkins asked and received unanimous consent to take up for consideration House Files 2531 and 2473.

**House File 2531**

On motion of Senator Small, House File 2531, a bill for an act relating to urban renewal, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2531) the vote was:

**Ayes, 42:**

Anderson	Brown	Carr	Coleman
Colton	Deluhery	Dieleman	Doyle
Drake	Gentleman	Gettings	Goodwin
Gratias	Hall	Hester	Holden
Holt	Horn	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Rodgers	Schwengels	Slater	Small
Soorholtz	Taylor	Van Gilat	Waldstein
Wells	Welsh		

**Nays, 4:**

Gallagher	Ritsema	Tieden	Vande Hoef
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**Absent or not voting, 4:**

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

**House File 2473**

On motion of Senator Small, House File 2473, a bill for an act to implement certain recommendations of the governor's task force by providing limitations on leaves of absence for certain military purposes, providing a phased retirement incentive program for full-time state employees, providing for the use of investment income as management expenses for certain retirement programs, providing that persons who are not full-time employees of the state who do not accrue sick leave or vacation and who work on a state holiday shall receive pay only for hours worked, and providing that

all state departments and agencies shall have appropriations for the 1984-1985 fiscal year reduced by the amount of out-of-state travel incurred in the 1984-1985 fiscal year, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Small offered amendment S—6052, filed by the committee on Finance on April 19, 1984, to page 6 of the bill and moved its adoption.

Amendment S—6052 was adopted by a voice vote.

With the adoption of amendment S—6052, the Chair ruled amendment S—6049 filed by Senator Small to page 6 of the bill, out of order.

Senator Drake offered amendment S—6035 filed by Senators Drake and Schwengels on April 19, 1984, to pages 1 and 2 of the bill.

Senator Small asked and received unanimous consent that further action on amendment S—6035 and House File 2473 be deferred.

## BUSINESS PENDING

### House File 2211

The Senate resumed consideration of House File 2211, previously deferred.

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

On the question "Shall the bill pass?" (H.F. 2211) the vote was:

Ayes, 43:

Anderson	Brown	Bruner	Carr
Colton	Deluhery	Dieleman	Doyle
Drake	Gallagher	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger

Rife	Ritsema	Schwengels	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, none.

Absent or not voting, 7:

Briles	Coleman	Kinley	Lind
Rodgers	Slater	Welsh	

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

### CONFERENCE COMMITTEE REPORTS ADOPTED

#### House File 595

Senator Mann called up the conference committee report on House File 595, a bill for an act relating to the deferring of judgment or deferring of sentence of a person previously convicted of a felony, filed April 18, 1984, and moved its adoption.

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

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

On the question "Shall the bill pass?" (H.F. 595), the vote was:

Ayes, 44:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rife	Ritsema	Rodgers	Schwengels
Small	Soorholtz	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, 1:

Gentleman

Absent or not voting, 5:

Briles  
Welsh

Kinley

Lind

Slater

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

### House File 2470

Senator Mann called up the conference committee report on House File 2470, a bill for an act relating to the platting requirements upon the subdivision of a parcel of land and the vacating of certain public streets, alleys, and other public lands, filed April 19, 1984 and moved its adoption.

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

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

On the question "Shall the bill pass?" (H.F. 2470) the vote was:

Ayes, 44:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Ritsema	Rodgers
Schwengels	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein

Nays, none.

Absent or not voting, 6:

Briles  
Wells

Kinley  
Welsh

Lind

Slater



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

## HOUSE AMENDMENT CONSIDERED

### Senate File 2328

Senator Palmer called up for consideration Senate File 2328, a bill for an act to amend the Iowa pari-mutuel wagering Act and providing that part-time and seasonal employees of the racing commission are not under the merit employment system, amended by the House in House amendment S—6053 filed April 20, 1984.

Senator Palmer offered amendment S—6055 filed by him from the floor to House amendment S—6053.

Senator Gallagher called for a division of amendment S—6055 to House amendment S—6053: line 4 as division S—6055A and line 5 as division S—6055B.

Senator Palmer moved the adoption of division S—6055A to House amendment S—6053.

A record roll call was requested.

On the question "Shall division S—6055A to House amendment S—6053 be adopted?" (S.F. 2328) the vote was:

Ayes, 35:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Doyle
Drake	Gallagher	Gentleman	Gettings
Goodwin	Hall	Hester	Holt
Horn	Hulse	Hultman	Husak
Junkins	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rife	Ritsema	Rodgers	Soorholtz
Tieden	Waldstein	Wells	

Nays, 7:

Dieleman	Gratias	Holden	Schwengels
Taylor	Vande Hoef	Van Gilst	

Absent or not voting, 8:

Briles	Hutchins	Jensen	Kinley
Lind	Slater	Small	Welsh

Division S—6055A was adopted.

Senator Palmer moved the adoption of division S—6055B to House amendment S—6053.

The motion lost by a voice vote.

Senator Palmer moved that the Senate concur in House amendment S—6053 as amended.

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

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

On the question "Shall the bill pass?" (S.F. 2328) the vote was:

Ayes, 37:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Doyle
Drake	Gallagher	Gentleman	Gettings
Hall	Hester	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Ritsema	Rodgers
Small	Soorholtz	Tieden	Waldstein
Wells			

Nays, 8:

Dieleman	Goodwin	Gratias	Holden
Schwengels	Taylor	Vande Hoef	Van Gilst

Absent or not voting, 5:

Briles	Kinley	Lind	Slater
Welsh			

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

**BUSINESS PENDING****House File 2473**

The Senate resumed consideration of House File 2473 and amendment S—6035 to pages 1 and 2 of the bill, previously deferred.

Senator Drake moved the adoption of amendment S—6035, which motion prevailed by a voice vote.

Senator Carr offered amendment S—6056 filed by him from the floor to page 5 of the bill and moved its adoption.

Amendment S—6056 was adopted by a voice vote.

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

**HOUSE MESSAGES RECEIVED**

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 20, 1984, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

**Senate File 2254**, a bill for an act relating to the state employee suggestion system.

**SENATE RECEDES****Senate File 2254**

Senator Junkins called up for consideration Senate File 2254, a bill for an act relating to the state employee suggestion system, amended by the House, further amended by the Senate and moved that the Senate recedes from its amendment.

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

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

On the question "Shall the bill pass?" (S.F. 2254) the vote was:

Ayes, 39:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Delu hery	Dieleman
Doyle	Drake	Gentleman	Gettings
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Ritsema
Rodgers	Schwengels	Small	Soorholtz
Taylor	Tieden	Van Gilst	

Nays, none.

Absent or not voting, 11:

Briles	Gallagher	Kinley	Lind
Readinger	Rife	Slater	Vande Hoef
Waldstein	Wells	Welsh	

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

### CONFERENCE COMMITTEE REPORT ADOPTED

#### Senate File 513

Senator Palmer called up the conference committee report on Senate File 513, a bill for an act relating to the name of a state bank, filed April 19, 1984 and moved its adoption.

A non record roll call was requested.

The ayes were 40, nays 1.

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

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

On the question "Shall the bill pass?" (S.F. 513) the vote was:

## Ayes, 38:

Brown	Bruner	Carr	Coleman
Colton	Dieleman	Doyle	Drake
Gallagher	Gentleman	Gettings	Goodwin
Gratias	Hall	Hester	Holden
Holt	Horn	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Mann	Miller, A.V.	Nystrom	Palmer
Priebe	Rife	Ritsema	Rodgers
Schwengels	Small	Soorholtz	Taylor
Van Gilst	Wells		

## Nays, 2:

Miller, C.P.	Tieden
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## Absent or not voting, 10:

Anderson	Briles	Deluhery	Kinley
Lind	Readinger	Slater	Vande Hoef
Waldstein	Welsh		

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

Senator Junkins asked and received unanimous consent that Senate File 513 be immediately messaged to the House.

## BUSINESS PENDING

## House File 2473

The Senate resumed consideration of House File 2473, previously deferred.

Senator Brown took the chair at 11:09 a.m.

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

**MR. PRESIDENT:** I move to reconsider the vote by which amendment S—6035 to House File 2473 was adopted by the Senate on April 20, 1984.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2473) the vote was:

Ayes, 21:

Anderson	Brown	Coleman	Deluhery
Gallagher	Gentleman	Holden	Horn
Husak	Hutchins	Junkins	Mann
Miller, A.V.	Miller, C.P.	Palmer	Readinger
Rodgers	Small	Taylor	Van Gilst
Wells			

Nays, 25:

Briles	Bruner	Carr	Colton
Dieleman	Doyle	Drake	Gettings
Goodwin	Gratias	Hall	Hester
Holt	Hulse	Hultman	Jansen
Nystrom	Priebe	Rife	Ritsema
Schwengels	Soorholtz	Tieden	Vande Hoef
Waldstein			

Absent or not voting, 4:

Kinley	Lind	Slater	Welsh
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The motion lost.

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

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

Ayes, 45:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Hester	Holden	Holt	Horn
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Mann	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rife	Ritsema	Rodgers
Schwengels	Small	Soorholtz	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells			

Nays, none.

Absent or not voting, 5:

Deluhery	Kinley	Lind	Slater
Welsh			

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

### MOTION TO RECONSIDER ADOPTED

#### House File 2527

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

**MR. PRESIDENT:** I move to reconsider the vote by which House File 2527 passed the Senate on April 19, 1984.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2527) the vote was:

Ayes, 43:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Gallagher	Gentleman
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rife	Ritsema	Rodgers	Schwengels
Small	Soorholtz	Taylor	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, 1:

Tieden

Absent or not voting, 6:

Drake	Gettings	Kinley	Lind
Slater	Welsh		

The motion prevailed.

Senator Junkins moved to reconsider the vote by which House File 2527 went to its last reading, which motion prevailed by a voice vote.

**House File 2527**

On motion of Senator Small, House File 2527, a bill for an act relating to economic development in the state by providing that the development commission monitor, oversee and spend certain federal funds, establish a primary research and marketing center and satellite centers, establish an informal export advisory group, establish a conversational foreign language program, be responsible for the operation of the existing Iowa community development loan program, participate in the certified development program of the United States small business administration through a state certified development program, and be solely responsible for coordinating and adopting rules for the existing Iowa industrial new jobs training program; by allowing insurance companies, state banks, and state savings and loan associations to invest their assets in venture capital firms making investments in small businesses in the state; by establishing an export loan program as part of the Iowa housing finance authority's small business loan program to aid in providing financing for export sales by small businesses; and by increasing the bonding limits of the Iowa finance authority and its small business loan program and redefining "small business" and "dominant in its field of operation" for purposes of the small business loan program; and by allowing certain public utilities to charge incentive rates; by creating an agriculture, food, and energy demonstration center study committee to study the feasibility and desirability of establishing agricultural and energy demonstration centers; by creating an economic development study committee to study the economy of the state and to develop an economic development strategic plan, was taken up for reconsideration.

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

MR. PRESIDENT: I move to reconsider the vote by which division S—6040B to House File 2527 was adopted by the Senate on April 19, 1984.

The motion prevailed by a voice vote and division S—6040B by Senators Small and Junkins to lines 3 and 4, 16 through 21 and 23 through 43 of the bill, was taken up for reconsideration.

Senator Junkins offered amendment S—6057 filed by him from the floor to division S—6040B and moved its adoption.



Amendment S—6057 was adopted by a voice vote.

Senator Junkins moved the adoption of division S—6040B, as amended, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2527) the vote was:

Aye, 43:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hall	Hester
Holden	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Mann	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rife	Ritsema	Rodgers	Schwengels
Small	Soorholtz	Taylor	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, 2:

Doyle	Tieden
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Absent or not voting, 5:

Gettings	Kinley	Lind	Slater
Welsh			

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

### MOTION TO RECONSIDER ADOPTED

#### Senate File 2361

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

**MR. PRESIDENT:** I move to reconsider the vote by which Senate File 2361 passed the Senate on April 19, 1984.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2361) the vote was:

Ayes, 41:

Anderson	Brown	Bruner	Carr
Coleman	Colton	Deluhery	Dieleman
Doyle	Drake	Gallagher	Gentleman
Gettings	Goodwin	Gratias	Hall
Holt	Horn	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Mann	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rife
Ritsema	Rodgers	Schwengels	Small
Soorholtz	Taylor	Van Gilst	Waldstein
Wells			

Nays, 1:

Tieden

Absent or not voting, 8:

Briles	Hester	Holden	Kinley
Lind	Slater	Vande Hoef	Welsh

The motion prevailed.

Senator Hultman moved to reconsider the vote by which Senate File 2361 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2361

On motion of Senator Small, Senate File 2361, a bill for an act relating to and making appropriations for various government projects and programs and providing effective dates, was taken up for reconsideration.

Senator Hultman offered amendment S—6058 filed by Senator Junkins from the floor to page 8 of the bill and moved its adoption.

Amendment S—6058 was adopted by a voice vote.

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

MR. PRESIDENT: I move to reconsider the vote by which amendment S—6058 to Senate File 2361 was adopted by the Senate on April 20, 1984.

The motion prevailed by a voice vote and amendment S—6058 by Senator Junkins to page 8 of the bill, was taken up for reconsideration.

Senator Hultman moved the adoption of amendment S—6058, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2361) the vote was:

Ayes, 42:

Anderson	Briles	Brown	Bruner
Carr	Coleman	Colton	Deluhery
Dieleman	Doyle	Drake	Gallagher
Gettings	Goodwin	Gratias	Hall
Hester	Holt	Horn	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Mann	Miller, A. V.	Miller, C.P.
Nystrom	Palmer	Readinger	Rife
Ritsema	Rodgers	Schwengels	Small
Soorholtz	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein		

Nays, 1:

Gentleman

Absent or not voting, 7:

Holden	Kinley	Lind	Priebe
Slater	Wells	Welsh	

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

## MOTIONS TO RECONSIDER WITHDRAWN

### Senate File 2334

Senator Small withdrew the motion to reconsider Senate File 2334, a bill for an act relating to the funding of state agencies for

designated service programs including health programs, civil rights, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal year beginning July 1, 1984 and ending June 30, 1985 and making a supplemental appropriation to the department of health for reallocation to the state board of regents for certain programs under the Iowa specialized child health care services for the fiscal year beginning July 1, 1983 and ending June 30, 1984, and providing an effective date, filed by him on April 19, 1984, and found on page 1685 of the Senate Journal.

### **Senate File 2352**

Senator Small withdrew the motion to reconsider Senate File 2352, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants, filed by him on April 19, 1984, and found on page 1718 of the Senate Journal.

### **House File 2472**

Senator Carr withdrew the motion to reconsider House File 2472, a bill for an act relating to the transportation of open containers of alcoholic beverages and beer, the hours of sale of alcoholic beverages and beer, the notification of parents or legal guardians of a child that appears before the court for a violation of section 123.47, the motor vehicle license or nonoperator's identification card issued to a person under nineteen years of age, and providing penalties, filed by him on March 29, 1984, and found on page 1156 of the Senate Journal.

### **House File 2439**

Senator Carr withdrew the motion to reconsider House File 2439, a bill for an act relating to pari-mutuel betting by requiring certain information from an applicant for a racing license or an occupational license, requiring the fingerprinting of an applicant, permitting warrantless searches of an applicant or an applicant's property, authorizing the state racing commission to require employees to provide certain information and to authorize employees to expel certain people from racetrack facilities,

prohibiting the use or possession of certain devices or techniques to stimulate or depress a horse or dog, permitting the disclosure of confidential information to the state racing commission, setting fees for applications, and providing for penalties, filed by him on April 12, 1984, and found on page 1494 of the Senate Journal.

### **House File 2528**

Senator Nystrom withdrew the motion to reconsider House File 2528, a bill for an act relating to the administration and benefits of certain public retirement and benefit systems and to make an appropriation, filed by him on April 19, 1984, and found on page 1702 of the Senate Journal.

### **Senate File 2330**

Senator Junkins withdrew the motion to reconsider Senate File 2330, a bill for an act relating to the financing of state government by providing for a reduction in general fund appropriations through reallocation of general fund financial aid to merged area schools, by reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983, by updating references to the Internal Revenue Code for individual and corporate income, franchise tax, and inheritance tax purposes with coordinating amendments, by imposing an additional income tax of two percent on the amount of taxable income exceeding thirty thousand dollars for the tax year beginning after December 31, 1983 subject to certain limitations, by restructuring the fee for operator's and chauffeur's licenses, by providing for the creation of an Iowa economic emergency fund including its funding, by providing for the payment of one-half of the additional personal property tax credit in the fiscal year beginning July 1, 1984, by imposing the sales and use tax on beverages, electronic repair and installation, and rental of tangible personal property, and making certain provisions of the Act retroactive, filed by him on April 11, 1984, and found on page 1457 of the Senate Journal.

Amendment S—5990 to House amendment S—5845 filed by Senator Small on April 18, 1984, to Senate File 2330, was out of order.

**IMMEDIATELY MESSAGED**

Senator Junkins asked and received unanimous consent that Senate File 2361 be immediately messaged to the House.

**INTRODUCTION OF BILL**

Senate File 2366, by Junkins and Hultman, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards and retail credit sales.

Read first time and referred to the committee on Finance.

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

The Senate resumed session, Senator Brown presiding.

**MOTION TO RECONSIDER WITHDRAWN****Senate File 2352**

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

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2352, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants, passed the Senate on April 19, 1984.

**IMMEDIATELY MESSAGED**

Senator Junkins asked and received unanimous consent that House File 2527 be immediately messaged to the House.

**FURTHER  
REPORT OF COMMITTEE MEETING****RULES AND ADMINISTRATION\***

\*A previous report of this meeting was recorded on page 1711 of the Senate Journal.

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 126, a resolution providing for adjournment of the 1984 Session of the Seventieth General Assembly.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 5: Hutchins, Hultman, Anderson, Kinley and Hulse. Nays, none. Absent or not voting, 1: Junkins.

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

## ADOPTION OF RESOLUTION

Senator Junkins asked and received unanimous consent to take up the following resolution for immediate consideration:

### SENATE CONCURRENT RESOLUTION 126 By: Committee on Rules and Administration

- 1 A Senate Concurrent Resolution to provide for the
- 2 adjournment of the second regular session of
- 3 the seventieth general assembly.
- 4 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,
- 5 That when the adjournment is had on the date of adoption
- 6 of this resolution, it shall be the sine die
- 7 adjournment of the second regular session of the
- 8 seventieth general assembly.

Senator Junkins moved the adoption of Senate Concurrent Resolution 126, which motion prevailed by a voice vote.

## REPORT OF COMMITTEE MEETING

### FINANCE

**Convened:** April 20, 1984; 11:43 a.m.

**Members Present:** Rodgers, Chair; Hutchins, Vice Chair; Hultman, Ranking Member; Holden, Junkins, Palmer, Small and Tieden.

**Members Absent:** none.

**Final Bill Action:** SENATE FILE 2366, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards and retail credit sales.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rodgers, Hutchins, Hultman, Holden, Junkins, Palmer, Small and Tieden. Nays, none.

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

**Adjourned: 11:44 a.m.**

**CONSIDERATION OF BILL  
(Regular Calendar)**

Senator Junkins asked and received unanimous consent to take up for consideration Senate File 2366.

**Senate File 2366**

On motion of Senator Holden, Senate File 2366, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards and retail credit sales, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2366) the vote was:

**Ayes, 42:**

Anderson	Briles	Brown	Coleman
Colton	Deluhery	Dieleman	Doyle
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hall	Hester	Holden
Holt	Horn	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Readinger	Rife	Ritsema
Rodgers	Schwengels	Small	Soorholtz
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

**Nays, 3:**

Bruner	Carr	Gettings
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**Absent or not voting, 5:**

Kinley	Lind	Mann	Slater
Welsh			

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



President Anderson took the chair at 11:53 a.m.

### ADOPTION OF RESOLUTION

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

#### SENATE RESOLUTION 117

By: Junkins and Hultman

- 1 A Senate resolution paying tribute to Senator Bass Van Gilst.  
2 WHEREAS, Senator Bass Van Gilst is completing  
3 twenty years as a state senator and will be retiring  
4 upon completion of this term; and  
5 WHEREAS, Senator Van Gilst is well known for his  
6 efforts in promoting natural resource preservation,  
7 agriculture legislation, a strong education system  
8 for this state, and his participation on the Ways  
9 and Means Committee; and  
10 WHEREAS, Senator Van Gilst has also served on the  
11 Capitol Planning Commission, the Legislative Council,  
12 as an assistant majority leader, and has capably and  
13 diligently been in charge of providing a minister  
14 of the day for many years; and  
15 WHEREAS, Senator Van Gilst is very well respected  
16 by his colleagues for his integrity and honesty; NOW  
17 THEREFORE,  
18 BE IT RESOLVED BY THE SENATE, That the Senate pay  
19 tribute to Senator Bass Van Gilst for his devoted  
20 service to the Iowa General Assembly and the citizens  
21 of this state and wish him the very best during his  
22 retirement from legislative service; and  
23 BE IT FURTHER RESOLVED, That an official copy of  
24 this resolution be prepared and presented to Senator  
25 Bass Van Gilst.

Senator Junkins moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

Senator Van Gilst addressed the Senate with brief remarks.

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

## SENATE RESOLUTION 116

By: Junkins and Hultman

- 1 A Senate resolution honoring Senator James E. Briles.  
 2 WHEREAS, Senator James E. Briles is retiring from  
 3 legislative office and is completing one of the longer  
 4 terms of office as a state legislator in the history  
 5 of this state; and  
 6 WHEREAS, "Jim" Briles' service to county government  
 7 through his activities as Chairman and a member of  
 8 the County and Local Government Committees is well  
 9 recognized; and  
 10 WHEREAS, Senator Briles has served on many standing  
 11 committees, the Legislative Council, the Intern  
 12 Committee, and throughout his almost twenty-eight  
 13 years of legislative service has been a devoted  
 14 legislator; and  
 15 WHEREAS, Senator Briles is well known for having  
 16 read all bills he has voted upon and has encouraged  
 17 his colleagues on numerous occasions to do the same;  
 18 NOW THEREFORE,  
 19 BE IT RESOLVED BY THE SENATE, That the Senate pay  
 20 tribute to Senator James E. Briles for his devoted  
 21 service to the Iowa General Assembly and the citizens  
 22 of this state and wish him fair weather in the years ahead; and  
 23 BE IT FURTHER RESOLVED, That an official copy of  
 24 this resolution be prepared and presented to Senator  
 25 James E. Briles.

Senator Hultman moved the adoption of Senate Resolution 116, which motion prevailed by a voice vote.

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

## SENATE RESOLUTION 115

By: Junkins and Hultman

- 1 WHEREAS, Senators Bass Van Gilst, Dale Tieden and  
 2 William Palmer will this year complete twenty years  
 3 of service to the state of Iowa as members of the  
 4 General Assembly; and  
 5 WHEREAS, Senators Van Gilst, Tieden and Palmer  
 6 have served honorably and have unselfishly given of  
 7 their time and efforts to further the interests of  
 8 the state of Iowa and to provide beneficial programs  
 9 for the citizens of Iowa; and

10 WHEREAS, it is proper that Senators Van Gilst,  
11 Tieden and Palmer be honored for their many years  
12 of service to the state of Iowa; NOW THEREFORE,  
13 BE IT RESOLVED BY THE SENATE, That the Senate pay  
14 tribute to Senators Bass Van Gilst, Dale Tieden and  
15 William Palmer and express its gratitude for the  
16 services rendered by them; and  
17 BE IT FURTHER RESOLVED, That the Senate present  
18 to Senators Van Gilst, Tieden and Palmer their Senate  
19 chairs in appreciation for their services.

Senator Junkins moved the adoption of Senate Resolution 115, which motion prevailed by a voice vote.

### PRESENTATION OF GIFTS

Senator Deluhery escorted President pro tempore Charles Miller to the rostrum and presented him with an antique brass candlestick desk lamp on behalf of the members of the Senate in recognition of his service as President pro tempore during the Seventieth General Assembly.

Senator Jensen escorted Senator Hultman to the rostrum and presented him with an antique brass candlestick desk lamp on behalf of the members of the Senate in recognition of his service as Senator Minority Leader during the Seventieth General Assembly.

Senator Hutchins escorted Senator Junkins to the rostrum and presented him with an antique brass candlestick desk lamp on behalf of the members of the Senate in recognition of his service as Senate Majority Leader during the Seventieth General Assembly.

Senators Junkins and Hultman presented Lieutenant Governor Robert Anderson with an antique brass candlestick desk lamp on behalf of the members of the Senate in recognition of his service as President of the Senate during the Seventieth General Assembly.

Senators Junkins and Hultman, President pro tempore Miller and Lieutenant Governor Anderson each thanked the Senate with brief remarks and expressed appreciation to the secretaries, Senate staff, Legislative Service Bureau and Legislative Fiscal Bureau, for their service to the Senate.

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

The Senate resumed session, President Anderson presiding.

**QUORUM CALL**

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

The vote revealed 40 present, 10 absent and a quorum present.

**IMMEDIATELY MESSAGED**

Senator Junkins asked and received unanimous consent that the following bills be immediately messaged to the House:

Senate Concurrent Resolutions 125 and 126; Senate Files 2328, 2330, 2334, 2337, 2352, 2357, 2365 and 2366; and House Files 2439, 2472, 2473 and 2528.

## APPENDIX

### SUBCOMMITTEE ASSIGNMENTS

**SENATE FILE 2338**

Appropriations  
Tieden, Chair  
Small  
Hall

**SENATE CONCURRENT  
RESOLUTION 111**

Rules and Administration  
Hutchins, Chair  
Hultman  
Junkins

**SENATE CONCURRENT  
RESOLUTION 113**

Rules and Administration  
Hutchins, Chair  
Hultman  
Junkins

**SENATE CONCURRENT  
RESOLUTION 116**

Rules and Administration  
Junkins, Chair  
Hutchins  
Hultman

### REPORTS OF THE SECRETARY OF THE SENATE

**MR. PRESIDENT:** Pursuant to Senate Rule 21, I report that in preparing the Senate amendment to the House amendment to Senate File 2330, the following technical correction was made:

Amendment S—5862, page 1, line 4, "page 1, line 3" was changed to "page 1, line 5".

ALSO:

**MR. PRESIDENT:** Pursuant to Senate Rule 21, I report that in preparing the Senate amendment to the House amendment to House File 2472, the following technical correction was made:

Amendment S—5525, page 2, line 35, with the adoption of S—5639, "5" was changed to "4".

ALSO:

**MR. PRESIDENT:** Pursuant to Senate Rule 21, I report that in preparing the Senate amendment to House File 2473, the following technical correction was made to amendment S—6056:

1. Page 1, line 7, "[by]" was changed to "[be]".

K. MARIE THAYER  
Secretary of the Senate

## COMMUNICATIONS

The following communications were received and placed on file in the office of the Secretary of the Senate:

### IOWA DEPARTMENT OF TRANSPORTATION

On April 19, 1984, received a copy of an interim report on a study of transit/school bus coordination in Iowa, pursuant to chapter 198, of the Acts.

### IOWA DEPARTMENT OF REVENUE

On April 19, 1984, received a copy of the Department of Revenue's Annual Report for the fiscal year ending June 30, 1983, pursuant to Section 421.17,(13) of the Code.

Copies available to members of the Senate upon request.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 19, 1984, the Governor approved and transmitted to the Secretary of the State the following bills:

**S.F. 2057**—To legalize the proceedings of the board of supervisors of Lee County relating to the compensation of certain county officers and deputies.

**S.F. 2095**—Providing a penalty for violation of requirements for setting aside handicapped parking spaces.

**S.F. 2121**—Relating to the establishment of a state historical building code.

**S.F. 2159**—To allow limited child modeling under the Child Labor Laws.

**S.F. 2261**—Relating to the powers of state-chartered savings and loan associations.

ALSO:

That on April 20, 1984, the Governor approved and transmitted to the Secretary of the State the following bills:

**S.F. 256**—Permitting the Code Editor to editorially correct internal references to sections which are cited erroneously or have been repealed, and names of agencies, officers, or other entities which have been changed.

**S.F. 414**—Relating to health service and health care providers by providing for the licensing of a health service provider in psychology and the ability of a nonprofit medical service plan to contract with certain health care providers.

**S.F. 2155**—Relating to internal expense reporting and payroll procedures in the Office of the Auditor of State.

**S.F. 2173**—Relating to appeals of awards by compensation commissions in condemnation proceedings.

**S.F. 2189**—Relating to bacterial and organoleptic milk standards.

**S.F. 2213**—Relating to authority of the Department of Water, Air and Waste Management over waste water disposal systems.

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this twentieth day of April, 1984:

Senate Files 465, 511, 2005, 2091 and 2101.

**K. MARIE THAYER**  
Secretary of the Senate

## PROOF OF PUBLICATION

Published copy of House File 2517 and verified proof of publication of said bill in The Manchester Press, a newspaper published in Delaware County, on March 14, 1984, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

## COMMUNICATION

The following communication was filed with the Secretary of the Senate on April, 16, 1984:

April 16, 1984

**Ms. K. Marie Thayer**  
Secretary of the Senate  
State Capitol Building  
LOCAL

Dear Ms. Thayer:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the Senate.

These include 7 claims of a general nature. This supplements our filing of December 27, 1983.

Index is attached showing number of claim, name and address of claimant, amount of claim and action taken.

Very truly yours,  
 RICHARD D. JOHNSON  
 State Appeal Board

Receipt of the above is hereby acknowledged.

K. MARIE THAYER  
 Secretary of the Senate

OFFICE  
 STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1713-71-25	William K. Walters Burlington, Iowa License Refund.	\$ 75.00	Disapproved
1714-71-25	Food Handling, Inc. Des Moines, Iowa License Refund.	39.00	Disapproved
1745-71-25	Elizabeth M. Patterson West Des Moines, Iowa Refund.	22.00	Disapproved
1759-71-25	Richard F. Nekvinda Fort Dodge, Iowa License Fee Refund.	50.00	Disapproved
1785-71-25	Mark Churchill Houston, Texas License Refund.	64.00	Disapproved
1787-71-25	Bradley Kent Lafavers Parkville, Missouri License Fee Refund.	Unknown	Disapproved
1810-71-25	Angela C. Feil Sun City, Arizona License Fee Refund.	Unknown	Disapproved

AMENDMENT FILED  
 (Filed April 19, 1984)

S-6052

H.F. 2473 Finance



**AMENDMENTS FILED**  
(Filed April 20, 1984)

S—6053	S. F.	2328	House Amendment
S—6054	H.F.	2512	Norman G. Rodgers Emil J. Husak C. W. Bill Hutchins
S—6055	S. F.	2328	William D. Palmer
S—6056	H.F.	2473	Bob Carr
S—6057	H.F.	2527	Lowell L. Junkins
S—6058	S. F.	2361	Lowell L. Junkins

On motion of Senator Junkins, the Senate recessed at 1:20 p.m., until the fall of the gavel.

**HOUSE MESSAGES RECEIVED  
SUBSEQUENT TO RECESS**

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 19, 1984, passed the following bills in which the concurrence of the House was asked:

**Senate File 2040**, a bill for an act amending Iowa's unemployment compensation law by crediting earned interest on the special employment security contingency fund to the temporary emergency surcharge fund, by limiting expenditures from the special employment security contingency fund, by annually transferring certain amounts from the special employment security contingency fund to the temporary emergency surcharge fund or to the unemployment trust fund, and by requiring an annual departmental report detailing planned expenditures from the special employment security contingency fund.

**Senate File 2318**, by a bill for an act relating to the computation of interest on overpayments arising from the carryback of a net operating loss or net capital loss for individual and corporate income and franchise tax purposes.

**Senate File 2346**, a bill for an act to suspend the Iowa dairy industry commission during the effective period of a national promotional order established pursuant to the 1983 dairy Act.

**Senate File 2353**, a bill for an act relating to the funding of and to substance abuse treatment and prevention programs by making appropriations to the department of substance abuse for the fiscal year beginning July 1, 1984 and ending June 30, 1985 for administration, program grants, treatment programs not licensed by the department, and prevention programs, requiring the treasurer of state to deposit certain amounts of the sales made by the state liquor stores in a special fund, requiring the beer and liquor control council to adjust the sales margin on liquor August 1, 1984 to raise certain revenue, requiring the state to incur one hundred percent of the cost of substance abuse treatment at certain programs for the fiscal year beginning July 1, 1984 and ending June 30, 1985, crediting certain fees to the beer and liquor control fund, requiring the department of substance abuse to distribute program grant funding by a certain formula, requiring an assessment of a patient before admittance to a state mental health institute for substance abuse treatment, prohibiting counties from certifying a supplemental levy for certain substance abuse treatment facilities, requiring the county auditor to recompute the levy rates to reduce the amount budgeted for certain substance abuse treatment programs in the fiscal year beginning July 1, 1984 and ending June 30, 1985, and providing an effective date.

ALSO: That the House has, on April 19, 1984, adopted the conference committee report and passed the following bill:

**Senate File 2215**, a bill for an act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract.

ALSO: That the House has on April 20, 1984, passed the following bills in which the concurrence of the House was asked:

**Senate Joint Resolution 2001**, a joint resolution proposing amendments to the Constitution of the state of Iowa relating to the offices of the governor and the lieutenant governor.

**Senate File 2014**, a bill for an act to provide for an independent study of campaign financing of candidates for state offices and the independent expenditures of political committees.

**Senate File 2102**, a bill for an act relating to the executive director, staff, and administrative expenses of the Iowa family farm development authority.

**Senate File 2153**, a bill for an act relating to drainage district expenses and assessments.

**Senate File 2170**, a bill for an act to provide temporary funding for the brucellosis and tuberculosis eradication fund.

**Senate File 2182**, a bill for an act relating to the membership of the Iowa development commission.

**Senate File 2335**, a bill for an act relating to appropriations to the department of human services for the fiscal year beginning July 1, 1983, and ending June 30, 1984, by appropriating funds for payments to certain recipients of aid to dependent children under the unemployed parent program due to denial of a portion of benefits to them in the 1982-1983 fiscal year and for reimbursement to the United States department of health and human services for audit exceptions relating to federal funds received pursuant to Title XIX of the federal Social Security Act, by removing the prohibition on the expenditure of certain funds for job training, and by requiring that excess social services block grant funds replace state funds previously appropriated for the purchase of local services.

**Senate File 2356**, a bill for an act to allow the use of special railroad facility fund moneys for purchase or upgrading railroad right of way and trackage facilities for development of railroad passenger tourism.

**Senate File 2359**, a bill for an act establishing comparable worth salary adjustments for state employees based on a comparable worth pay grade system, establishing a comparable worth review committee, and making supplemental appropriations for salary adjustment and implementation.

**Senate File 2361**, a bill for an act relating to and making appropriations for various government projects and programs and providing effective dates.

**Senate File 2363**, a bill for an act relating to codified provisions affecting appropriations to the department of human services.

**Senate File 2365**, a bill for an act relating to the payment of funds from the additional personal property tax credit fund.

**Senate File 2366**, a bill for an act relating to the finance charges permitted in open-end credit accounts including credit cards and retail credit sales.

ALSO: That the House has on April 20, 1984, concurred in the Senate amendments and passed the following bills in which the concurrence of the House was asked:

**House File 224**, a bill for an act relating to the listing of dogs and collection of license fees by the assessor.

**House File 2274**, a bill for an act relating to the designation of moneys to be paid to the state fish and game protection fund by a taxpayer on an income tax return.

**House File 2354**, a bill for an act relating to the purchase of equipment and supplies by the board of trustees of a county public hospital.

**House File 2472**, a bill for an act relating to the transportation of open containers of alcoholic beverages and beer, the hours of sale of alcoholic beverages and beer, the notification of parents or legal guardians of a child that appears before the court for a violation of section 123.47, the motor vehicle license or nonoperator's identification card issued to a person under nineteen years of age, and providing penalties.

**House File 2473**, a bill for an act to implement certain recommendations of the governor's task force by providing limitations on leaves of absence for certain military purposes, providing a phased retirement incentive program for full-time state employees, providing for the use of investment income as management expenses for certain retirement programs, providing that persons who are not full-time employees of the state who do not accrue sick leave or vacation and who work on a state holiday shall receive pay only for hours worked, and providing that all state departments and agencies shall have appropriations for the 1984-1985 fiscal year reduced by the amount of out-of-state travel incurred in the 1984-1985 fiscal year.

**House File 2481**, a bill for an act relating to the taxation, valuation, and qualification of a fruit-tree or forest reservation for property tax purposes.

**House File 2528**, a bill for an act relating to the administration and benefits of certain public retirement and benefits system and to make an appropriation.

ALSO: That the House has on April 20, 1984, concurred in the Senate amendments to the House amendments and passed the following bills in which the concurrence of the House was asked:

**Senate File 244**, a bill for an act relating to the care given under workers' compensation medical benefits.

**Senate File 2271**, a bill for an act relating to the criminal and civil liability of state employees by modifying the definition of "claim" under the state tort claims Act, modifying the requirements of representation of, indemnification for, and restitution from state employees, providing for representation of department of public safety members in criminal actions and providing for the designation of department members as department administrative hearing officers.

**Senate File 2328**, a bill for an act relating to the pari-mutuel wagering Act.

**Senate File 2330**, a bill for an act relating to the financing of state government by providing for a reduction in general fund appropriations through reallocation of general fund financial aid to merged area schools, by reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983, by updating references to the Internal Revenue Code for individual and corporate income, franchise tax, and inheritance tax purposes with coordinating amendments, by imposing an additional income tax of two percent on the amount of taxable income exceeding thirty thousand dollars for the tax year beginning after December 31, 1983 subject to certain limitations, by restructuring the fee for operator's and chauffeur's licenses, by providing for the creation of an Iowa economic emergency fund including its funding, by providing for the payment of one-half of the additional personal property tax credit in the fiscal year beginning July 1, 1984, by imposing the sales and use tax on beverages, electronic repair and installation, and rental of tangible personal property, and making certain provisions of the Act retroactive.

**Senate File 2334**, a bill for an act relating to the funding of state agencies for designated service programs including health programs, civil rights, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal year beginning July 1, 1984 and ending June 30, 1985 and making a supplemental appropriation to the department of health for reallocation to the state board of regents for certain programs under the Iowa specialized child health care services for the fiscal year beginning July 1, 1983 and ending June 30, 1984, and providing an effective date.

**Senate File 2337**, a bill for an act relating to transportation by making appropriations to state agencies whose responsibilities relate to transportation, public safety and public defense.

**Senate File 2352**, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants.

ALSO: That the House has on April 20, 1984, adopted the following concurrent resolutions in which the concurrence of the House was asked:

**Senate Concurrent Resolution 118**, a resolution authorizing the legislative fiscal bureau to conduct a program evaluation of the mental health institutes and the state hospital schools.

**Senate Concurrent Resolution 125**, a resolution providing for referral of all interim study resolutions to the Legislative Council.

**Senate Concurrent Resolution 126**, a resolution to provide for the adjournment of the second regular session of the seventieth general assembly.

ALSO: That the House has, on April 20, 1984, adopted the conference committee reports and passed the following bills:

**Senate File 513**, a bill for an act relating to the name of a state bank.

**Senate File 2262**, a bill for an act relating to health insurance by requiring that coverage for educational programs for diabetes be offered.

ALSO: That the House has on April 20, 1984, receded from its amendment and passed the following bill in which the concurrence of the House was asked:

**Senate File 2357**, a bill for an act creating a petroleum overcharge fund in the state treasury and appropriating money from the fund.

### FINAL DISPOSITION OF MOTION TO RECONSIDER

Pursuant to Senate Rule 24, the following motion to reconsider which remained on the Senate Calendar upon the adjournment of the 1984 Regular Session of the Seventieth General Assembly will be considered to have failed:

**HOUSE FILE 2500**, a bill for an act to establish a farm mortgage interest loan program to be administered by the family farm development authority to provide no-interest loans to farmers for the period of one year to assist farmers in paying the interest costs of farm mortgage loans. Motion filed by Senator Bruner on March 30, 1984.

The Senate resumed session, President pro tempore Miller presiding.

### COMMUNICATION

The following communication has been received subsequent to adjournment of the 1984 session and filed in the office of the Secretary of the Senate:

#### SENATE CONCURRENT RESOLUTION 111

Acknowledgment from Special Assistant to the President Ann Higgins and Merritt W. Sprague, Manager of the Federal Crop Insurance Corporation of the United States Department of Agriculture that they have received an enrolled copy of Senate Concurrent Resolution 111, adopted by the Iowa Senate on April 6, 1984.

#### REPORTS OF THE SECRETARY OF THE SENATE

**MR. PRESIDENT:** Pursuant to Senate Rule 21, I report that in enrolling Senate File 2220, the following technical corrections were made:

Amendment S—5071, page 1, line 9, "agreements," was changed to "agreements".

Amendment H—6100, page 1, line 9, "government of" was changed to "government or".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2268, the following technical correction was made:

1. House Amendment S--5777, page 1, line 10 through 13, made it necessary to change the original bill on page 3, line 24, "apply" was corrected to "applies".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2271, the following technical correction was made to House Amendment S—5953:

1. Page 1, line 6, "The duty to" was changed to "The duty to".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2293, the following technical corrections were made:

House Amendment S—5735:

1. Page 1, line 45, "b. Every self-employed social worker, every" was changed to "b. Every self-employed social worker, every".

2. With the application of Senate Amendment H—6335 to House Amendment S—5735 to the original Senate File, the following changes were made to the enrolled bill:

- a. Page 18, line 5, "is" was changed to "are".
- b. Page 21, line 28, "Sec. 200" was changed to "Sec. 25".
- c. Page 21, line 30, "6 through 13" was changed to "26 through 33".
- d. Page 21, line 32, "6 through 13" was changed to "26 through 33".
- e. Page 22, line 1, "intitial" was changed to "initial".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2328, the following technical correction was made to the House Amendment S—6053:

1. Page 3, line 9, "dropped." was changed to "dropped".



ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2330, the following technical corrections were made:

1. Page 14, line 26, "26, 27, and 28" were changed to "29, 30, and 31".
2. Page 14, line 26, "26, 27, and 28" were changed to "29, 30, and 31".
3. Page 32, line 1, "43 and 44" were changed to "77 and 78".

K. MARIE THAYER  
Secretary of the Senate

## RESOLUTIONS ENROLLED, SIGNED AND SENT TO THE SECRETARY OF THE STATE

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolutions have been enrolled, signed by the President of the Senate and the Speaker of the House, and submitted to the Secretary of the State's office this twentieth day of April, 1984:

Senate Joint Resolutions 9 and 2001.

K. MARIE THAYER  
Secretary of the Senate

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following Senate bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this twentieth day of April, 1984:

24	2084	2237	2323
176	2098	2238	2327
190	2102	2247	2328
244	2104	2253	2330
253	2122	2254	2332
292	2132	2257	2333
347	2153	2262	2334
400	2156	2268	2335
407	2169	2269	2337
420	2170	2271	2342

449	2182	2273	2346
451	2183	2277	2351
480	2188	2293	2352
505	2212	2294	2353
513	2214	2298	2354
2014	2215	2301	2356
2035	2217	2306	2357
2040	2220	2310	2359
2043	2228	2311	2361
2059	2232	2317	2363
2069	2235	2318	2365
			2366

K. MARIE THAYER  
Secretary of the Senate

### COMMITTEE TO NOTIFY THE GOVERNOR

Senator Junkins moved that a committee be appointed to notify the Governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 126.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Small, Doyle and Hulse.

### COMMITTEE TO NOTIFY THE HOUSE

Senator Junkins moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 126.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Coleman, Hutchins and Holden.

### COMMITTEE FROM THE HOUSE

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

### REPORT OF COMMITTEE TO NOTIFY THE HOUSE

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

The report was received and the committee discharged.

## REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was received and the committee discharged.

## FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 126, duly adopted, the day of April 20, 1984, having arrived, President pro tempore Miller declared the 1984 Regular Session of the Seventieth General Assembly adjourned sine die.

## COMMUNICATION FROM THE GOVERNOR

May 25, 1984

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

Honorable Members of the Senate:

Each year, the Governor of Iowa is required to comment on the Condition of the State and to make recommendations to the General Assembly. In January, I made my annual address to the legislature and outlined a progressive program for Iowans within the fiscal restrictions we currently face. The needs of Iowans range from dealing with the tragedy of sexual exploitation of small children to marketing Iowa's agricultural goods and manufactured products. I presented several initiatives to stimulate Iowa's economy and improve the quality of life for all of our citizens.

## PROMOTING IOWA EXPORTS AND JOBS

Iowa must compete in an ever-changing worldwide economy. We need bold moves and innovative concepts to strengthen our position. The proposal for a World Trade Center was both of these things and more. It offered the promise of thousands of jobs for Iowans.

The failure to approve an Iowa World Trade Center in 1984 should not preclude a serious, ongoing effort to expand markets, increase exports and add jobs.

The Meat Export Technology and Policy Research group at Iowa State will contribute to expanding world markets. Unfortunately, Iowa's Asian office will be handicapped because the legislature provided less than half the amount I recommended for its operation. Economic development received far less than I recommended in my budget. This is a great disappointment and will handicap our efforts to make more jobs available for Iowans.

## ENCOURAGING EDUCATIONAL EXCELLENCE

Educating young Iowans is one of our greatest responsibilities. We take that responsibility very seriously, not only in philosophy, but also in action. Besides fully supporting the School Foundation plan, I recommended for fiscal 1985 additional incentives to strengthen our schools and encourage educational excellence. Foreign language and advanced math courses, a science foundation, science programs and new classroom technology will aid us in all of these areas.

Helping higher education was, as always, a priority of this administration. Increasing student tuition grants, help for parents of deaf students and planning for increased home economics facilities at Iowa State University are all ways the legislature and executive branches cooperated to support Iowa's institutions of higher learning.

## PROTECTING YOUNG IOWANS

Iowa's young people represent our future, and I recommended important measures to insure their safety. I am gratified that the legislature agreed with me and passed bills that concurred with these priorities. Young Iowans will be safer because we have a car seat restraint law, because we have increased penalties for child sexual exploitation, and because we will look for missing children as soon as possible.

Parents have a duty to support their children. This obligation continues even though a marriage has been dissolved. And, we have a responsibility to enforce support orders and to make sure visitation rights are not denied. The bills passed this year and signed by me demonstrate our commitment to guarantee that court orders for support or visitation are followed.

## CURBING SUBSTANCE ABUSE AND DRUNK DRIVING

The substance abuse legislation I signed will greatly enhance our efforts to curb drinking and drug use by providing funds for education, prevention, and treatment. In the bill, state funds will be substituted for county monies and consequently our resources for treatment will be extended. I have exercised my authority to item veto certain sections that would have placed untenable burdens on county government and one section that was clearly in conflict with existing statutes.

The legislature's response to my request for tough drunk driving measures was disappointing. You passed my recommendations for increased fines and helpful procedural changes to assist county attorneys. Unfortunately, the legislature failed to provide the uniformity and certainty needed to have an effective deterrent to drunk drivers. The legislature failed to eliminate deferred and suspended sentences for drunk drivers and failed to pass the nationally recognized .10 per se level. Iowa will continue to miss out on federal funds because the legislature failed to act on the latter provision.

## TOUGHENING CRIMINAL PROCEDURES

Only five of my thirteen priorities to strengthen Iowa's criminal justice system were passed by the legislature. Although some proposals were technical alterations of existing procedures, they were designed to save time, money, and in some cases, lives. Of all the possibilities, the legislature selected only the following tools to fight crime: to issue warrants for escaped prisoners; to eliminate the waiver of a pre-sentence investigation; to expand the home work release program; and to require a mental evaluation for anyone found not guilty by reasons of insanity.

Two additional programs I consider important will be continued. The state will assume fiscal responsibility for the court system over a period of years and the victim restitution program will be continued and expanded.

## IMPROVING GOVERNMENT

The legislature neglected a timely opportunity to streamline state government reorganizing state boards and commissions. In keeping with the findings of Governor's Task Force on Efficiencies and Cost-Effectiveness, I proposed eliminating or combining 11 boards and standardizing all others. Unfortunately, these ideas never moved beyond committee assignment.

Measures approved to further state government efficiency included the C Editor's Corrections Bill, elimination of the list of unpaid obligations, for management regulations, and a voluntary phased retirement system. Others that failed to receive positive action were the limit to allowable military leave and charging for official state publications.

You made several significant changes in the tort liability system. The main emphasis was on clarifying comparative fault, which I believe will help ensure reasonable and fair settlements of disputed liability cases.

## OTHER PRIORITIES

My program contained a number of other provisions aimed at benefiting Iowans. Some of the more significant pieces of legislation were:

- more funding for soil conservation
- more dollars for community mental health and mental retardation
- a new law to combat computer crime, and
- fuel tax exemption for regional transit systems.

In the final analysis, the Second Session of the 70th General Assembly produced only mixed results. While I am grateful that legislators approved two-thirds of my recommendations, I am disappointed with both the failure to act on several issues and the lack of support for economic development.

Iowans want job opportunities. Yet, if I had permitted the tax increases, potential tax increases, and triggers to become the law of the state, they could have jeopardized our jobs and development program.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

**AMENDMENTS FILED**

**During The  
Seventieth General Assembly  
1984 Regular Session**

S-5001

1 Amend Senate File 476 as follows:  
 2 1. Page 3, by inserting after line 25 the following  
 3 new sections:  
 4 "Sec. \_\_\_\_ . Section 20.25, subsection 2, paragraph  
 5 d, Code 1983, is amended to read as follows:  
 6 d. The amounts of the initiation fee and monthly  
 7 dues members must pay. Annually, each employee  
 8 organization shall publish a list of its members and  
 9 the annual dues paid by each member.  
 10 Sec. \_\_\_\_ . Section 20.25, subsection 7, Code 1983,  
 11 is amended by striking the subsection and inserting  
 12 in lieu thereof the following:  
 13 7. The financial condition and transactions of  
 14 every employee organization shall be audited in the  
 15 same manner as provided in section 11.18.  
 16 Sec. \_\_\_\_ . Section 20.25, Code 1983, is amended  
 17 by adding the following new subsection:  
 18 NEW SUBSECTION. 8. Each employee organization  
 19 shall annually publish an accounting of all moneys  
 20 expended for expenses incurred by and salaries paid  
 21 to legislative representatives and lobbyists of the  
 22 employee organization."  
 23 2. Renumber sections and correcting internal  
 24 references as are necessary in accordance with this  
 25 amendment.

CALVIN O. HULTMAN

S-5002

1 Amend Senate Concurrent Resolution 101 as follows:  
 2 1. Page 1, by striking lines 4 through 7 and  
 3 inserting in lieu thereof the following:  
 4 "That the joint rules of the house and senate  
 5 approved in House Concurrent Resolution 2, adopted  
 6 January 17, 1983 be amended as follows:  
 7 "1. That rule 13 be amended to read as follows:  
 8 Rule 13  
 9 Conference Committee  
 10 1. Within one legislative day after either house  
 11 insists upon an amendment to a bill, the presiding  
 12 officer of the house, after consultation with the  
 13 majority leader, shall appoint three majority party  
 14 members and, after consultation with the minority  
 15 leader, shall appoint two minority party members to  
 16 a conference committee. The presiding officer of  
 17 the senate, after consultation with the majority  
 18 leader, shall appoint three majority party members  
 19 and, after consultation with the minority leader,



20 shall appoint two minority party members to a  
21 conference committee. The papers shall remain with  
22 the house that originated the bill.

23 2. The conference committee shall meet before  
24 the end of the next legislative day after their  
25 appointment, shall select a chair and shall discuss  
26 the controversy.

27 3. The authority of the first conference committee  
28 shall be limited to the amendments adopted by either  
29 house and the authority of a subsequent committee  
30 shall cover free conference during which the committee  
31 has authority to propose amendments to any portion  
32 of a bill provided the amendment is within the scope  
33 of the title of the bill.

34 4. An agreement on recommendations must be approved  
35 by at least three members from each house. The  
36 committee shall submit two originals of the report  
37 signed by at least three members of each house with  
38 one signed original and three copies to be submitted  
39 to each house. The report shall first be acted upon  
40 in the house originating the bill. Such action,  
41 including all papers, shall be immediately referred  
42 by the secretary of the senate or the chief clerk  
43 of the house of representatives to the other house.

44 5. The report of agreement is debatable, but  
45 cannot be amended. If the report contains recommended  
46 amendments to the bill, adoption of the report shall  
47 automatically adopt all amendments contained therein.  
48 After the report is adopted, there shall be no more  
49 debate, and the bill shall immediately be placed upon  
50 its final passage.

Page 2

1 6. Refusal of either house to adopt the conference  
2 committee report has the same effect as if the  
3 committee had disagreed.

4 7. If the conference committee fails to reach  
5 agreement, a report of such failure signed by at least  
6 three members of each house shall be given promptly  
7 to each house. The bill shall be returned to the  
8 house that originated the bill and the members of  
9 the committee shall be immediately discharged and  
10 a new conference committee appointed by the presiding  
11 officer of each house. The presiding officer of the  
12 house, after consultation with the majority leader,  
13 shall appoint three majority party members and, after  
14 consultation with the minority leader, shall appoint  
15 two minority party members. The presiding officer

16 of the senate, after consultation with the majority  
 17 leader, shall appoint three majority party members  
 18 and, after consultation with the minority leader,  
 19 shall appoint two minority party members.  
 20 2. That rule 17 be amended to read as follows:"

DALE L. TIEDEN

S-5003

1 Amend Senate File 476 as follows:

DIVISION S—5003A

2 1. Page 2, lines 14 and 15 by striking the words  
 3 "and job descriptions; bargaining unit work".

DIVISION S—5003B

4 2. Page 2, line 19 by inserting after the word  
 5 "remediation" the word "procedures".  
 6 3. Page 2, lines 22 and 23 by striking the words  
 7 "including minimum equipment and staffing".

DIVISION S—5003C

8 4. Page 3, lines 6 and 7 by striking the words  
 9 "Section 20.7 does not apply to the subjects of  
 10 bargaining contained in subsections 1 and 2."

ARTHUR A. SMALL, JR.

S-5004

1 Amend Senate File 253 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. Section 29A.41, Code 1983, is amended  
 5 to read as follows:  
 6 **29A.41 EXEMPTION FROM JURY AND OTHER EXEMPTIONS.**  
 7 **Every officer and enlisted person of the national**  
 8 **guard while in active state service shall be exempt**  
 9 **from jury duty. No A member of the national guard**  
 10 **shall not be arrested, or served with any a summons,**  
 11 **order, warrant or other civil process after having**  
 12 **been ordered to any duty, or while going to, attending,**  
 13 **or returning from, any place to which the officer**  
 14 **or enlisted person is required to go for military**  
 15 **duty. Nothing herein shall This section does not**  
 16 **prevent the officer's or enlisted person's arrest**  
 17 **by order of a military officer or for a felony or**

18 breach of the peace committed while not in the actual  
19 performance of the officer's or enlisted person's  
20 duty. The articles of equipment personally owned  
21 by such members shall be ~~are~~ exempt from seizure or  
22 sale for debt. Every member of the national guard  
23 who has faithfully served the full term of the member's  
24 commission, warrant or enlistment; ~~shall, upon~~  
25 ~~application, be is~~ entitled, upon application, to  
26 an honorable discharge, exempting the member from  
27 military duty except in time of war or public danger.  
28 Sec. 2. Section 607.1, Code 1983, is amended by  
29 striking the section and inserting in lieu thereof  
30 the following:

31 607.1 SERVICE ON JURY. Juror service is a duty  
32 which every person who qualifies under this chapter  
33 shall perform when selected, except as provided in  
34 sections 607.2 and 607.3. Selection for juror service  
35 shall be at random from the population of the judicial  
36 district. All persons residing in the district shall  
37 have equal opportunity to be considered for juror  
38 service. A person shall not be exempted from serving  
39 as a juror because of race, color, religion, sex,  
40 national origin, economic status, or occupation.  
41 Physically handicapped persons shall serve unless  
42 the court finds the service is not feasible. The  
43 court shall strictly enforce this section.

44 Sec. 3. Section 607.2, Code 1983, is amended by  
45 striking the section and inserting in lieu thereof  
46 the following:

47 607.2 QUALIFICATION FOR SERVICE. A person is  
48 qualified for juror service unless one of the following  
49 grounds for disqualification applies:

50 1. The person is under eighteen years of age.

Page 2

- 1 2. The person is not a United States citizen.
- 2 3. The person cannot understand the English
- 3 language in a written, spoken, or manually signed
- 4 mode.
- 5 4. The person's ability to receive and evaluate
- 6 information is so impaired that the person is incapable
- 7 of rendering satisfactory juror service.
- 8 5. The person is solely responsible for the daily
- 9 care of a permanently disabled person living in the
- 10 same household and the performance of juror service
- 11 would cause a substantial risk of injury to the health
- 12 of the disabled person. A person who is regularly
- 13 employed at a location other than the person's

14 household is not entitled to this disqualification.

15 6. The person has, directly or indirectly,  
16 requested to be placed on the list for juror service  
17 compiled under section 609.2.

18 A person who claims disqualification for any of  
19 the grounds identified in this section may, upon the  
20 person's own volition, or shall, upon the court's  
21 volition, submit in writing to the court's  
22 satisfaction, documentation that verifies  
23 disqualification from juror service.

24 Sec. 4. Section 607.3, Code 1983, is amended by  
25 striking the section and inserting in lieu thereof  
26 the following:

27 607.3 JURORS EXCUSED. The court may defer a term  
28 of grand or petit juror service upon a finding of  
29 hardship, inconvenience, or public necessity, however  
30 the juror must serve at a later date established by  
31 the court. The court may excuse a person from grand  
32 juror service in part or in full, upon a finding of  
33 hardship, inconvenience, or public necessity,  
34 considering the length of grand juror service. The  
35 court may excuse a person from petit juror service,  
36 in part or in full, upon a finding of extreme hardship.  
37 The courts shall exercise this authority strictly.  
38 The court may dismiss a juror at any time in the  
39 interest of justice.

40 Sec. 5. Section 608.8, Code 1983, is amended to  
41 read as follows:

42 608.8 INSTRUCTIONS TO APPOINTIVE COMMISSION.

43 ~~It shall be the duty of the~~ The judges of the district  
44 court ~~shall~~ give instructions to appointive jury  
45 commissioners at the time of their appointment as  
46 to their duties, and ~~to shall~~ call their ~~special~~  
47 attention to ~~the provisions of section 609.2~~ sections  
48 607.1, 607.2, and 609.5.

49 Sec. 6. Section 609.1, subsections 1, 2, and 3,  
50 Code 1983, are amended to read as follows:

Page 3

1 1. GRAND JURORS. A list of names and addresses  
2 of one hundred fifty ~~eligible electors~~ persons  
3 qualified for service under section 607.2 from which  
4 to select grand jurors.

5 2. PETIT JURORS. A list of names and addresses  
6 of ~~eligible electors~~ persons qualified for service  
7 under section 607.2 equal to one-eighth of the whole  
8 number of qualified electors in the county as shown  
9 by the current list of registered voters, from which

10 to select petit jurors.

11 3. TALESMEN. A list of the names and addresses  
12 of eligible electors persons qualified for service  
13 under section 607.2 equal to fifteen percent of the  
14 whole number of qualified electors as shown by the  
15 current list of registered voters, in the city in  
16 which the district court is held and in the township  
17 or townships in which ~~such~~ that city is located, (but  
18 in no case exceeding five hundred names), from which  
19 to select talesmen.

20 Sec. 7. Section 609.5, Code 1983, is amended to  
21 read as follows:

22 609.5 ADDITIONAL INFORMATION PROVIDED. For the  
23 purpose of aiding the appointive commission in drawing  
24 the jury lists, officials of the state and its  
25 political subdivisions shall furnish the appointive  
26 commission with copies of the The commission shall  
27 use all of the following lists in preparing a jury  
28 list:

- 29 1. A current list of registered voters; lists,
- 30 2. A list of persons holding motor vehicle
- 31 operators' licenses; or such,
- 32 3. Lists of public utility customers.

33 In addition to the lists required to be used in  
34 preparing a jury list the commission may use other  
35 comprehensive lists of persons residing in the county  
36 as that the commission may request identifies. State  
37 and local government officials shall furnish the  
38 commission with copies of lists required by law or  
39 as the commission requests. The clerk of the district  
40 court shall also deliver to the commission a list  
41 of all persons who have served as grand or petit  
42 jurors since January 1 of the preceding year.

43 Sec. 8. Section 609.11, unnumbered paragraph 2,  
44 Code 1983, is amended to read as follows:

45 We, . . . . . and . . . . ., constituting  
46 the jury commission for . . . . . county, do  
47 hereby certify that the foregoing lists do not, to  
48 our knowledge and belief, contain the name of any  
49 person who should be excluded is not qualified under  
50 section ~~609.2~~ 607.2.

Page 4

1 Sec. 9. Section 609.2, Code 1983, is repealed."

BERLE E. PRIEBE

S-5005

1 Amend House File 166 as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Sec. \_\_\_\_ . Section 321.1, subsection 3, Code  
6 Supplement 1983, is amended by adding the following  
7 new lettered paragraph:

8 NEW LETTERED PARAGRAPH. c. "Bicycle" means a  
9 vehicle having at least one saddle or seat for the  
10 use of a rider which is propelled by human power."

11 2. Page 1, by striking lines 4 through 9 and  
12 inserting in lieu thereof the following:

13 "1. ~~Every A~~ person riding ~~a bicycle~~ or an animal  
14 or driving ~~any an~~ animal drawing a vehicle upon a  
15 roadway ~~shall be~~ is subject to the provisions of this  
16 chapter applicable to the driver of a vehicle, except  
17 those provisions of this chapter which by their nature  
18 can have no application.

19 2. A person riding a bicycle on the highway is  
20 subject to the provisions of this chapter and has  
21 all the rights and duties under this chapter applicable  
22 to the driver of a vehicle, except those provisions  
23 of this chapter which by their nature can have no  
24 application."

25 3. Page 1, by striking lines 20 through 21, and  
26 inserting in lieu thereof the following:

27 "1. On a sidewalk, except a bicycle may stop,  
28 stand, or park on a sidewalk if not prohibited by  
29 a local jurisdiction."

30 4. By renumbering subsections as necessary.

EDGAR H. HOLDEN

S-5006

1 Amend Senate File 476 as follows:

2 1. Page 3, by inserting after line 25 the following  
3 new section:

4 "Sec. \_\_\_\_ . Section 20.17, Code 1983, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 11. Negotiating sessions involving  
7 a school district as a public employer and an employee  
8 organization shall not be conducted on any evening  
9 prior to a regular school day if any of the  
10 representatives of the public employer or employee  
11 organization are responsible for the instruction,  
12 supervision or administration of public school pupils."

13 2. Renumber sections and correct internal  
14 references as are necessary in accordance with this  
15 amendment.

JOE BROWN

S-5007

- 1 Amend Senate File 44 as follows:
- 2 1. Page 1, by inserting after line 4 the following:
- 3 "Sec. 2. This Act does not apply to persons who
- 4 were born on or before June 30, 1965."

WM. W. (Bill) DIELEMAN  
RAY TAYLOR  
JOHN N. NYSTROM

S-5008

- 1 Amend Senate Resolution 101 as follows:
- 2 1. Page 1, by striking lines 17 and 18 and insert-
- 3 ing in lieu thereof the words "journal upon written
- 4 request to the secretary of the senate by the sponsor
- 5 of the resolution."

CALVIN O. HULTMAN  
C. JOSEPH COLEMAN

S-5009

- 1 Amend Senate Resolution 101 as follows:
- 2 1. Page 1, by striking lines 17 and 18 and
- 3 inserting in lieu thereof the words "journal upon
- 4 written request to the secretary of the senate by
- 5 the sponsor of the resolution."
- 6 2. Page 2, by striking lines 6 and 7 and insert-
- 7 ing in lieu thereof the words "in the daily journal
- 8 upon written request to the secretary of the senate
- 9 by the sponsor of the bill."

CALVIN O. HULTMAN  
C. JOSEPH COLEMAN

S-5010

- 1 Amend S-5004 to Senate File 253 as follows:

DIVISION S—5010A

- 2 1. Page 3, by striking lines 20 through 42.

DIVISION S—5010B

- 3 2. Page 3, by inserting after line 50 the
- 4 following:
- 5 "Sec. \_\_\_\_ . NEW SECTION. 609.49 JURY SELECTION.
- 6 When selecting a jury in a trial in which a

7 municipality is a defendant, a juror challenge based  
 8 on the potential juror's status as a taxpayer of that  
 9 municipality shall not be allowed unless a real,  
 10 substantial, and immediate interest is shown which  
 11 would unfairly prejudice the plaintiff."

12 3. By renumbering as necessary.

DOUGLAS RITSEMA

S-5011

1 Amend Senate File 253 as follows:

2 1. Page 4, by striking lines 2 through 22.

3 2. Page 4, by inserting after line 29 the  
 4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 609.49.JURY SELECTION.

6 When selecting a jury in a trial in which a  
 7 municipality is a defendant, a juror challenge based  
 8 on the potential juror's status as a taxpayer of that  
 9 municipality shall not be allowed unless a real,  
 10 substantial, and immediate interest is shown which  
 11 would unfairly prejudice the plaintiff."

12 3. By renumbering as necessary.

DOUGLAS RITSEMA

S-5012

1 Amend Senate File 476 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 20.9, unnumbered paragraph  
 5 1, Code 1983, is amended to read as follows:

6 20.9 SCOPE OF NEGOTIATIONS. The public employer  
 7 and the employee organization shall meet at reasonable  
 8 times, including meetings reasonably in advance of  
 9 the public employer's budget-making process, to  
 10 negotiate in good faith with respect to wages, hours,  
 11 vacations, insurance, holidays, leaves of absence,  
 12 shift differentials, overtime compensation,  
 13 supplemental pay, seniority, transfer procedures,  
 14 job classifications, health and safety matters,  
 15 evaluation procedures, procedures for staff reduction,  
 16 in-service training, salary schedules, breaks and  
 17 preparation time, early retirement programs, physical  
 18 examinations and other matters mutually agreed upon.  
 19 Negotiations shall also include terms authorizing  
 20 dues checkoff for members of the employee organization  
 21 and grievance procedures for resolving any questions  
 22 arising under the agreement, which shall be embodied



23 in a written agreement and signed by the parties.  
 24 If an agreement provides for dues checkoff, a member's  
 25 dues may be checked off only upon the member's written  
 26 request and the member may terminate the dues checkoff  
 27 at any time by giving thirty days' written notice.  
 28 Such obligation to negotiate in good faith does not  
 29 compel either party to agree to a proposal or make  
 30 a concession."  
 31 2. Title, lines 2 through 4 by striking the words  
 32 "membership in a bargaining unit, and the remedial"  
 33 powers of the public employment relations board".

ARTHUR L. GRATIAS

S-5013

1 Amend Senate File 476 as follows:  
 2 1. Page 1, by inserting after line 20 the following  
 3 new section:  
 4 "Sec. \_\_\_\_ . Section 20.6, subsection 4, Code 1983,  
 5 is amended to read as follows:  
 6 4. Hold hearings and administer oaths, examine  
 7 witnesses and documents, take testimony and receive  
 8 evidence, issue subpoenas to compel the attendance  
 9 of witnesses and the production of records, and  
 10 delegate such power to a member of the board, or  
 11 persons appointed or employed by the board, including  
 12 hearing officers for the performance of its functions.  
 13 Hearing costs shall be assessed equally against the  
 14 public employer and the employee organization except  
 15 in hearings conducted under chapter 17A. The board  
 16 may petition the district court at the seat of  
 17 government or of the county wherein any hearing is  
 18 held to enforce a board order compelling the attendance  
 19 of witnesses and production of records."  
 20 2. Renumber sections and correct internal  
 21 references as are necessary in accordance with this  
 22 amendment.

JOHN W. JENSEN

S-5014

1 Amend the amendment S-5009 to Senate Resolution  
 2 101 as follows:  
 3 1. Page 1, line 9, by striking the word "bill"  
 4 and inserting in lieu thereof the word "resolution".

CALVIN O. HULTMAN  
 C. JOSEPH COLEMAN

S-5015

- 1 Amend Senate File 476 as follows:
- 2 1. Page 3, by striking lines 4 through 9 and
- 3 inserting in lieu thereof the following:
- 4 "3. The public employer and employee organization
- 5 shall meet at reasonable times, including meeting
- 6 reasonably in advance of the employer's budget-making
- 7 process, to negotiate in good faith on proposals
- 8 reasonably related to all other terms and conditions
- 9 of employment not included in subsection 1; however
- 10 negotiations under the provisions of this sub-
- 11 section shall not be subject to the binding arbitra-
- 12 tion provisions of section 20.22."

ARTHUR A. SMALL, JR.  
C.W. BILL HUTCHINS

S-5016

- 1 Amend Senate File 476 as follows:
- 2 1. Page 2, line 23, by striking the words
- 3 "equipment and".

ARTHUR A. SMALL, JR.

S-5017

- 1 Amend Senate File 476 as follows:
- 2 1. Page 1, line 6, by striking the word "aff-
- 3 ectuate" and inserting in lieu thereof the word
- 4 "effectuate".

TOM MANN, JR.

S-5018

- 1 Amend Senate File 476 as follows:
- 2 1. Page 2, line 19, by striking the words "pro-
- 3 motion procedures;".

ARTHUR A. SMALL, JR.

S-5019

- 1 Amend Senate File 476 as follows:
- 2 1. Page 2, line 9, by striking the words "on
- 3 proposals reasonably related to" and inserting in
- 4 lieu thereof the words "with respect to".

C.W. BILL HUTCHINS

S-5020

1 Amend Senate File 476 as follows:

2 1. Page 1, line 23, by striking the words  
3 "procedures; and" and inserting in lieu thereof  
4 the word "procedures;".

5 2. Page 1, line 24, by inserting after the word  
6 "files" the words "; and notwithstanding any other  
7 provisions of the Code, the right to strike in lieu  
8 of any or all of the impasse procedures provided for  
9 in this chapter".

JOHN W. JENSEN

S-5021

1 Amend Senate File 476 as follows:

2 1. Page 2, line 23, by striking the words  
3 "procedures; and" and inserting in lieu thereof  
4 the word "procedures;".

5 2. Page 2, line 24, by inserting after the word  
6 "files" the words "; and notwithstanding any other  
7 provisions of the Code, the right to strike in lieu  
8 of any or all of the impasse procedures provided for  
9 in this chapter".

JOHN W. JENSEN

S-5022

1 Amend Senate File 476 as follows:

2 1. Page 2, line 20, by striking the words "and  
3 criteria".

CALVIN O. HULTMAN

S-5023

1 Amend Senate File 476 as follows:

2 1. Page 2, line 23, by inserting after the word  
3 "procedures" the words ", including procedures that  
4 may be used in lieu of the appeal procedures under  
5 chapter 400".

6 2. Page 3, by inserting after line 25 the following  
7 new subsection:

8 "7. Notwithstanding subsection 4, public employees  
9 covered under chapter 400 shall follow the grievance  
10 procedures provided in the collective bargaining  
11 agreement in lieu of the appeal procedures provided  
12 in chapter 400 if grievance procedures are included  
13 in the collective bargaining agreement."

CALVIN O. HULTMAN

S-5024

- 1 Amend Senate File 476 as follows:
- 2 1. Page 2, line 21, by inserting after the word
- 3 "discharge" the word "procedures".

CALVIN O. HULTMAN

S-5025

- 1 Amend Senate File 476 as follows:
- 2 1. Page 2, line 19, by striking the word
- 3 "transfers" and inserting in lieu thereof the words
- 4 "transfer procedures".

CALVIN O. HULTMAN

S-5026

- 1 Amend Senate File 476 as follows:
- 2 1. Page 3, by striking lines 22 through 25 and
- 3 inserting in lieu thereof the following:
- 4 "6. Terminated public employees covered under
- 5 chapter 279 shall follow the grievance procedures
- 6 provided in the collective bargaining agreement.
- 7 The termination procedures under chapter 279 shall
- 8 only apply to public employees who are not covered
- 9 by grievance procedures in a collective bargaining
- 10 agreement."

CALVIN O. HULTMAN

S-5027

- 1 Amend Senate File 476 as follows:
- 2 1. Page 2, by striking lines 6 through 24 and
- 3 inserting in lieu thereof the following:
- 4 "1. The public employer and the employee
- 5 organization shall meet at reasonable times, including
- 6 meetings reasonably in advance of the public employer's
- 7 budget-making process, to negotiate in good faith
- 8 with respect to wages, salary schedules, hours,
- 9 vacations, insurance, holidays, leaves of absence,
- 10 shift differentials, overtime compensation,
- 11 compensatory time, supplemental pay and benefits,
- 12 seniority, transfer procedures, job classifications,
- 13 health and safety matters, evaluation procedures,
- 14 procedures for staff reduction, in-service training,
- 15 allowances and reimbursement for necessary costs
- 16 incurred in employment, break and preparation time,
- 17 training and education benefits, minimum staffing,

18 discipline and discharge, and early retirement programs  
 19 and individual retirement benefits, grievance  
 20 procedures and all other matters mutually agreed  
 21 upon."  
 22 2. Page 3, by striking lines 6 and 7 and inserting  
 23 in lieu thereof the words "in this section. The  
 24 bargaining".

ARTHUR A. SMALL, JR.  
 TED ANDERSON

S-5028

1 Amend the amendment S-5027 to Senate File 476 as  
 2 follows:  
 3 1. Page 1, line 21, by inserting after the word  
 4 "upon" the words "; and notwithstanding any  
 5 other provision of the Code, the right to strike  
 6 in lieu of any or all of the impasse procedures  
 7 provided for in this chapter".

JOHN W. JENSEN

S-5029

1 Amend the Small and Anderson amendment, S-5027,  
 2 to Senate File 476 as follows:  
 3 1. Page 1, line 18, by inserting after the word  
 4 "discharge" the word "procedures".

CALVIN O. HULTMAN

S-5030

1 Amend the Small and Anderson amendment, S-5027  
 2 to Senate File 476 as follows:  
 3 1. Page 1, line 20, by inserting after the word  
 4 "procedures" the words ", including procedures that  
 5 may be used in lieu of the appeal procedures under  
 6 chapter 400,".  
 7 2. Page 1, by inserting after line 24 the  
 8 following:  
 9 "\_\_\_\_. Page 3, by inserting after line 25 the  
 10 following new subsection:  
 11 "7. Notwithstanding subsection 4, public employees  
 12 covered under chapter 400 shall follow the grievance  
 13 procedures provided in the collective bargaining  
 14 agreement in lieu of the appeal procedures provided  
 15 in chapter 400 if grievance procedures are included  
 16 in the collective bargaining agreement."

CALVIN O. HULTMAN

S-5031

- 1 Amend the amendment S-5027 to Senate File 476
- 2 as follows:
- 3 1. Page 1, line 18, by striking the words
- 4 "discipline and discharge,".

CALVIN O. HULTMAN

S-5032

- 1 Amend Senate File 476 as follows:
- 2 1. Page 2, by inserting after line 24 the
- 3 following:
- 4 "For purposes of this subsection, minimum staffing
- 5 includes determination of number of pupils per
- 6 classroom."

JOE BROWN

S-5033

- 1 Amend Senate File 480 as follows:
- 2 1. Page 1, by striking lines 1 through 21 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section 902.4, Code Supplement, 1983,
- 5 is amended to read as follows:
- 6 902.4 RECONSIDERATION OF FELON'S SENTENCE. For
- 7 a period of ninety days from the date when a person
- 8 convicted of a felony, other than a class "A" felony
- 9 or a felony for which a minimum sentence of confinement
- 10 is imposed, begins to serve a sentence of confinement,
- 11 the court, on its own motion or on the recommendation
- 12 of the director of the Iowa department of corrections,
- 13 may order the person to be returned to the court,
- 14 at which time the court may review its previous action
- 15 and reaffirm it or substitute for it any sentence
- 16 permitted by law. The district court retains
- 17 jurisdiction for the limited purposes of conducting
- 18 such review and entering an appropriate order
- 19 notwithstanding the timely filing of a notice of
- 20 appeal. The court's final order in the proceeding
- 21 shall be delivered to the defendant personally or
- 22 by certified mail. The court's decision to take the
- 23 action or not to take the action is not subject to
- 24 appeal. However, for the purposes of appeal, a
- 25 judgment of conviction of a felony is a final judgment
- 26 when pronounced."

LOWELL L. JUNKINS  
DONALD V. DOYLE

S-5034

- 1 Amend Senate File 449 as follows:  
2 1. Page 2, by inserting after line 10 the  
3 following:  
4 "2. A certified police officer."  
5 2. Page 2, line 11, by striking the words  
6 "exclusively and regularly" and inserting in lieu  
7 thereof the words "full or part-time".  
8 3. By striking page 7, line 24 through page 8,  
9 line 13, and inserting in lieu thereof the following:  
10 "Sec. \_\_\_\_ . Section 724.6, Code Supplement 1983,  
11 is amended to read as follows:  
12 724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A  
13 person may be issued a permit to carry weapons when  
14 the person's employment in a private investigation  
15 business or private security business licensed under  
16 chapter 80A, or a person's employment as a peace  
17 officer, correctional officer, security guard, private  
18 detective licensed under chapter 80A, bank messenger  
19 or other person transporting property of a value  
20 requiring security, or in police work, reasonably  
21 justifies that person going armed. The permit shall  
22 be on a form prescribed and published by the  
23 commissioner of public safety, shall identify the  
24 holder, and shall state the nature of the employment  
25 requiring the holder to go armed. A permit so issued;  
26 other than to a peace officer, shall authorize the  
27 person to whom it is issued to go armed anywhere in  
28 the state, only while engaged in the employment, and  
29 while going to and from the place of the employment.  
30 A permit issued to a certified peace officer shall  
31 authorize that peace officer to go armed anywhere  
32 in the state at all times. Permits shall expire  
33 twelve months after the date when issued except that  
34 permits issued to peace officers and correctional  
35 officers are valid through the officer's period of  
36 employment unless otherwise canceled. When the  
37 employment is terminated, the holder of the permit  
38 shall surrender it to the issuing officer for  
39 cancellation."  
40 4. Page 8, line 15, by striking the word and  
41 figures "2 through 17" and inserting in lieu thereof  
42 the word and figures "1 through 16".  
43 5. By numbering and renumbering sections and  
44 correcting internal references as necessary.

TOM SLATER  
LOWELL L. JUNKINS

S-5035

- 1 Amend Senate File 2063 as follows:  
 2 1. Page 3, by inserting after line 34 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 28.93, Code Supplement 1983,  
 5 is amended to read as follows:  
 6 28.93 AUDITS. The auditor of state shall audit  
 7 the books and accounts of the corporation authority  
 8 at least semi-annually. One audit shall be conducted  
 9 for the preceding fiscal year on or after July 1 of  
 10 each fiscal year. The results of the yearly audit  
 11 shall be ~~certified and turned over~~ submitted to the  
 12 governor no later than ~~July 30~~ December 31 of each  
 13 fiscal year."  
 14 2. Page 4, line 3, by striking the figures  
 15 "28.93;"  
 16 3. By renumbering as necessary.

CHARLES BRUNER

S-5036

- 1 Amend Senate File 2039 as follows:  
 2 1. Page 2, line 6, by inserting after the word  
 3 "~~the~~" the word "reviewed".  
 4 2. Page 2, line 8, by inserting after the word  
 5 "session" the words "for a period of not more than  
 6 thirty days".  
 7 3. Page 4, line 4, by inserting after the word  
 8 "revenue" the words "and the city or county assessor".  
 9 4. Page 4, line 6, by inserting after the period  
 10 the words "The director of revenue or the assessor  
 11 may appeal the decision to the state board of tax  
 12 review. A decision of the state board of tax review  
 13 may be appealed to district court."

C.W. BILL HUTCHINS

S-5037

- 1 Amend Senate File 230 as follows:  
 2 1. Page 1, by striking lines 1 through 13 and  
 3 inserting in lieu thereof the following:  
 4 "Section 1. Section 279.34, Code Supplement 1983,  
 5 is amended to read as follows:  
 6 279.34 FINANCIAL STATEMENT-PUBLICATION. In each  
 7 school district, the board shall, during the second  
 8 week of August of each year, publish by one insertion  
 9 in at least one newspaper, if there is a newspaper



10 published in the district, a summarized statement  
 11 verified by affidavit of the secretary of the board  
 12 showing the receipts and disbursements of all funds  
 13 for the preceding school year. In all districts of  
 14 more than one hundred twenty-five thousand population,  
 15 the statement of disbursements ~~is to~~ shall show the  
 16 names of the persons, firms, or corporations, and  
 17 the total amount paid to each during the school year."

WALLY E. HORN

S-5038

1 Amend Senate File 230 as follows:  
 2 1. Page 1, by striking lines 14 through 16.  
 3 2. Page 1, by striking line 33 and inserting in  
 4 lieu thereof the words "them need be listed not  
 5 oftener than annually. The fee".

WM. W. (Bill) DIELEMAN

S-5039

1 Amend House File 111 as follows:  
 2 1. Page 1, by striking lines 3 through 7 and  
 3 inserting in lieu thereof the following:  
 4 "NEW SECTION. After the construction, reconstruc-  
 5 tion, improvement, repair, or maintenance of a high-  
 6 way, the department shall have the topsoil of each  
 7 open ditch along the side of a highway reseeded with  
 8 adapted grass and legumes including native grass  
 9 species where feasible and in accordance with  
 10 recommendations of the Iowa state university depart-  
 11 ment of agronomy."

ARNE WALDSTEIN  
 JACK W. HESTER  
 NORMAN J. GOODWIN

S-5040

1 Amend Senate File 230 as follows:  
 2 1. Page 1, by striking lines 14 through 16.  
 3 2. Page 1, line 33 by inserting after the word  
 4 "annually" the words "more often than once a year".

WM. W. (Bill) DIELEMAN

S-5041

1 Amend Senate File 2039 as follows:  
 2 1. Page 1, line 34, by striking the words "in

- 3 a class of" and inserting in lieu thereof the words  
 4 "of commercial and residential".

CALVIN O. HULTMAN

S-5042

- 1 Amend the amendment S-5037 to Senate File 230 as  
 2 follows:  
 3 1. Page 1, line 14, by striking the word "more"  
 4 and inserting in lieu thereof the words "more less".

C.W. BILL HUTCHINS  
 BASS VAN GILST

S-5043

- 1 Amend Senate File 2046 as follows:  
 2 1. Page 1, lines 7, 8 and 9 by striking the  
 3 words "Expenditures incurred by the authority in  
 4 carrying on these activities shall be incurred only  
 5 on authorization of the general assembly."

C.W. BILL HUTCHINS

S-5044

- 1 Amend Senate File 2077 as follows:  
 2 1. Page 3, by inserting after line 5 the following:  
 3 "Sec. \_\_\_\_\_ Section 275.25, subsection 3, Code  
 4 Supplement 1983, is amended to read as follows:  
 5 3. The directors who are elected to serve shall  
 6 serve until their successors are elected and qualify.  
 7 At the special election, the newly elected director  
 8 receiving the most votes shall be elected to serve  
 9 until the director's successor qualifies after the  
 10 fourth third regular school election date occurring  
 11 after the effective date of the reorganization; the  
 12 two newly elected directors receiving the next largest  
 13 number of votes shall be elected to serve until the  
 14 directors' successors qualify after the third second  
 15 regular school election date occurring after the  
 16 effective date of the reorganization; and the two  
 17 newly elected directors receiving the next largest  
 18 number of votes shall be elected to serve until the  
 19 directors' successors qualify after the second first  
 20 regular school election date occurring after the  
 21 effective date of the reorganization. However, in  
 22 districts that include all or a part of a city of  
 23 fifteen thousand or more population and in districts  
 24 in which the proposition to establish a new corporation

25 provides for the election of seven directors, the  
26 three newly elected directors receiving the most votes  
27 shall be elected to serve until the directors'  
28 successors qualify after the fourth ~~third~~ regular  
29 school election date occurring after the effective  
30 date of the reorganization.

31 Sec. \_\_\_\_ . Section 275.41, subsections 4, 5, 6,  
32 and 7, Code Supplement 1983, is amended to read as  
33 follows:

34 4. If the total number of directors determined  
35 under subsection 2 or 3 is an odd number, the board  
36 of the district with the largest population shall  
37 designate the term of office of one of the members  
38 who is retained to commence at the organizational  
39 meeting of the board of the newly formed district  
40 and to end at the organizational meeting following  
41 the fourth ~~third~~ regular school election held  
42 thereafter in the manner specified in the  
43 reorganization petition.

44 If the total number of directors determined under  
45 subsection 2 or 3 is an even number, that number of  
46 directors shall function until a special election  
47 can be held, at which time an additional director  
48 shall be elected to a term from the newly formed  
49 district ending at the organizational meeting following  
50 the fourth ~~third~~ regular school election held

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1 thereafter. The procedure for calling the special  
2 election shall be the procedure specified in section  
3 275.25.

4 5. The boards of directors of school districts  
5 which are involved in the merger which have three  
6 or more directors who are retained, shall each  
7 designate two of the directors who are retained to  
8 serve terms that expire at the organizational meeting  
9 following the second ~~first~~ regular school election  
10 held thereafter. All other directors who are retained  
11 shall serve terms that expire at the organizational  
12 meeting following the third ~~second~~ regular school  
13 election held thereafter. If there is an insufficient  
14 number of board members eligible to be retained from  
15 a former school district, the board of the former  
16 school district may appoint members to fill the  
17 vacancies. A vacancy occurs if there is an  
18 insufficient number of former board members who reside  
19 in the newly formed district or if there is an  
20 insufficient number who are willing to serve on the  
21 board of the newly formed district.

22 6. At the ~~second~~ first regular school election  
 23 held after the effective date of the merger, the two  
 24 vacancies which will occur on the board shall be  
 25 filled in a manner specified in the reorganization  
 26 petition.

27 7. At the ~~third~~ second regular school election  
 28 held after the effective date of merger, if a five-  
 29 member board is specified in the reorganization  
 30 petition, two directors shall be elected in the manner  
 31 specified in the reorganization petition and if a  
 32 seven-member board is specified in the reorganization  
 33 petition, four directors shall be elected, two for  
 34 one-year terms and two for three-year terms, in the  
 35 manner specified in the reorganization petition."

36 2. Page 3, by inserting after line 13 the  
 37 following:

38 "Sec. \_\_\_\_ . Section 277.2, Code 1983, is amended  
 39 to read as follows:

40 277.2 SPECIAL ELECTION. The board of directors  
 41 in any school corporation may call a special election  
 42 at which ~~election~~ the voters shall have the powers  
 43 exercised at the regular election with reference to  
 44 the sale of school property and the application to  
 45 be made of the proceeds, the authorization to change  
 46 the method of election of school directors to any  
 47 method authorized by section 275.12, the authorization  
 48 of seven members on the board of directors, the  
 49 authorization to establish or change the boundaries  
 50 of director districts, and the authorization of a

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1 schoolhouse tax or indebtedness, as provided by law."

2 3. Page 7, line 17, by inserting after the word

3 "a" the word "regional".

4 4. By renumbering as necessary.

JOE BROWN

S-5045

1 Amend Senate Joint Resolution 2001 as follows:

2 1. Page 3, by inserting after line 12 the

3 following:

4 "3. Section 19 of Article IV of the Constitution  
 5 of the State of Iowa as amended by amendment number  
 6 2 of the amendments of 1952 is repealed beginning  
 7 with the second Monday in January, 1987 and the  
 8 following adopted in lieu thereof:

9 SEC. 19. If there be a vacancy in the office of

10 the governor and the lieutenant governor shall by  
11 reason of death, impeachment, resignation, removal  
12 from office, or other disability become incapable  
13 of performing the duties pertaining to the office  
14 of governor, the president of the senate shall act  
15 as governor until the vacancy is filled or the  
16 disability removed; and if the president of the senate,  
17 for any of the above causes, shall be incapable of  
18 performing the duties pertaining to the office of  
19 governor the same shall devolve upon the speaker of  
20 the house of representatives; and if the speaker of  
21 the house of representatives, for any of the above  
22 causes, shall be incapable of performing the duties  
23 of the office of governor, the justices of the supreme  
24 court shall convene the general assembly by  
25 proclamation and the general assembly shall organize  
26 by the election of a president by the senate and a  
27 speaker by the house of representatives. The general  
28 assembly shall thereupon immediately proceed to the  
29 election of a governor and lieutenant governor in  
30 joint convention."

LOWELL L. JUNKINS  
CALVIN O. HULTMAN

S-5046

- 1 Amend Senate File 2035 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and inserting
- 3 in lieu thereof the words "without first ~~addressing~~
- 4 ~~the defendant personally and determining that the~~".
- 5 2. Page 1, line 23, by striking the word "~~their~~"
- 6 and inserting in lieu thereof the words "the
- 7 defendant's".

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chair

S-5047

- 1 Amend Senate File 2077 as follows:
- 2 1. Page 1, by inserting after line 2, the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 39.24, Code Supplement 1983,
- 5 is amended to read as follows:
- 6 39.24 SCHOOL OFFICERS. Members of boards of
- 7 directors of community and independent school
- 8 districts, and boards of directors of merged areas
- 9 and area education agencies shall be elected at the
- 10 school election. Their terms of office shall be three

11 years, except as otherwise provided by section 273.8,  
12 275.23A or 280A.11.

13 Sec. \_\_\_\_ . Section 49.8, subsection 4, Code  
14 Supplement 1983, is amended to read as follows:

15 4. When the boundaries of a county supervisor,  
16 city council, or school director district, or any  
17 other district from which one or more members of any  
18 public representative body other than the general  
19 assembly are elected by the voters thereof, are changed  
20 by annexation, reprecincting or other means, the  
21 change shall not result in the term of any officer  
22 elected from the former district being terminated  
23 before or extended beyond the expiration of the term  
24 to which the officer was last elected, except as  
25 provided under section 273.8 or 275.23A.

26 2. Page 2, by striking lines 20 through 32 and  
27 inserting in lieu thereof the following:

28 "5. CHANGE IN DIRECTORS AND BOUNDARY LINES.

29 a. Director districts as provided in subsection  
30 1, shall be divided into director districts on the  
31 basis of population as determined from the most recent  
32 federal decennial census. The director districts  
33 shall be as nearly equal as practicable to the ideal  
34 population for the districts as determined by dividing  
35 the number of director districts to be established  
36 into the population of the area education agency.

37 b. If following a federal decennial census an  
38 area education agency fails to meet population equality  
39 requirements, the board of directors of the area  
40 education agency shall adopt a resolution redrawing  
41 the director districts not earlier than November 15  
42 of the year immediately following the year in which  
43 the federal decennial census is taken nor later than  
44 March 1 of the second year immediately following the  
45 year in which the federal decennial census is taken.  
46 A copy of the adopted plan shall be filed with each  
47 school district located in the area education agency  
48 and the department of public instruction.

49 c. The board shall notify the state commissioner  
50 of elections and the county commissioner of elections

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1 of each county in which a portion of the area education  
2 agency is located whenever the boundaries of director  
3 districts are changed. The board shall provide the  
4 commissioners with maps showing the new boundaries.  
5 If, following a federal decennial census an area  
6 education agency elects not to redraw director

7 districts under this section, the school board shall  
 8 so certify to the state commissioner of elections,  
 9 and the board shall also certify to the state  
 10 commissioner the populations of the retained director  
 11 districts as determined under the latest federal  
 12 decennial census. Upon failure of a board to make  
 13 the required changes by the dates established under  
 14 this section, the state commissioner of elections  
 15 shall make or cause to be made the necessary changes  
 16 as soon as possible, and shall assess any expenses  
 17 incurred to the area education agency. The state  
 18 commissioner may request the services of personnel  
 19 of and materials available to the legislative service  
 20 bureau to assist the commissioner in making any  
 21 required boundary changes.

22 d. If more than one incumbent director, whose  
 23 term extends beyond the organizational meeting of  
 24 the board of directors after the regular school  
 25 election following the adoption of the redrawn  
 26 districts, reside in a redrawn director district,  
 27 the terms of office of the affected directors expire  
 28 at the organizational meeting of the board of directors  
 29 following the next regular school election.

30 e. The boundary changes under this section take  
 31 effect March 15 following their adoption for the next  
 32 regular school election."

33 3. Page 7, by inserting after line 28 the  
 34 following:

35 "In order to allow for the implementation of section  
 36 273.8, subsection 5, created under this Act, the board  
 37 of directors of area education agencies which do not  
 38 comply with section 273.8, subsection 5, shall adopt  
 39 a resolution redrawing the area education agency's  
 40 director districts not later than March 15 of the  
 41 year following the year in which this Act takes  
 42 effect."

43 4. Renumber as necessary.

MILO COLTON

S-5048

1 Amend Senate File 2086 as follows:

2 1. Page 1, line 8, by inserting after the word  
 3 "interest." the following: "For all personal property  
 4 other than livestock, the auctioneer shall check for  
 5 security interests existing under chapter 554, article  
 6 9."

WM. W. (Bill) DIELEMAN  
 JOHN E. SOORHOLTZ

## S-5049

- 1 Amend amendment S-5044 to Senate File 2077 as
- 2 follows:
- 3 1. Page 2, line 38, by striking the word "Sec.
- 4 \_\_\_\_\_" and inserting in lieu thereof the word and
- 5 figure "Sec. 1000."
- 6 2. Page 3, by inserting after line 3, the
- 7 following:
- 8 "\_\_\_\_\_. Page 7, line 29, by striking the word "This"
- 9 and inserting in lieu thereof the words and figure
- 10 "Section 1000 of this".

ARTHUR L. GRATIAS

## S-5050

- 1 Amend Senate Joint Resolution 2001 as follows:
- 2 1. Page 3, line 1, by inserting after the word
- 3 "the" the words "Tuesday after the".

PATRICK J. DELUHERY

## S-5051

- 1 Amend Senate File 2050 as follows:
- 2 1. Page 2, by inserting after line 8 the following:
- 3 "4. The terms of trustees elected or appointed
- 4 for a three-year term beginning July 1, 1984, shall
- 5 expire on January 2, 1991."

LEE W. HOLT

## S-5052

- 1 Amend Senate File 2089 as follows:
- 2 1. Page 1, line 6, by inserting after the figure
- 3 "321.384." the following: "As used in this section,
- 4 "jogging" means running or a combination of running
- 5 and walking as a form of physical exercise."

BERLE E. PRIEBE

## S-5053

- 1 Amend Senate File 2063 as follows:
- 2 1. Page 2, line 28, by inserting after the word
- 3 "required." the words and figure "Notwithstanding
- 4 section 8.33, no part of this fund shall revert at
- 5 or after the close of a fiscal year unless otherwise
- 6 provided by the general assembly, but shall remain



7 in the fund and appropriated for the purposes of this  
8 division."

CHARLES BRUNER

S-5054

1 Amend Senate File 2089 as follows:  
2 1. Page 1, by striking lines 2 through 4 and  
3 inserting in lieu thereof the following: "REFLECTIVE  
4 MATERIAL OR FLASHING DEVICE. A pedestrian shall wear  
5 on at least one arm an armband with a flashing light,  
6 about the waist a waistband with a flashing light,  
7 or on both the front and back at least eighteen square  
8 inches of reflective material when the pedestrian  
9 is jogging on or across a roadway".

BERL E. PRIEBE

S-5055

1 Amend Senate File 2054 as follows:  
2 1. Page 1, by striking lines 15 and 16, and  
3 inserting in lieu thereof the following: "who conceals  
4 that child or causes the child's whereabouts to be  
5 unknown to the other parent with the intent to prevent  
6 visitation in violation of a court order granting".

JULIA GENTLEMAN

S-5056

1 Amend Senate File 2005 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 598.23, Code 1983, is amended  
5 to read as follows:  
6 598.23 CONTEMPT PROCEEDINGS--~~ALTERNATIVE~~  
7 ALTERNATIVES TO JAIL SENTENCE.  
8 1. ~~If any party a person~~ against whom any a  
9 temporary order or final decree has been entered ~~shall~~  
10 ~~willfully disobey the same, or secrete his property,~~  
11 he disobeys the order or decree, the person may be  
12 cited and punished by the court for contempt and be  
13 committed to the county jail for a period of time  
14 not to exceed thirty days for each offense.  
15 2. The court may, as an alternative to punishment  
16 for contempt, make an order directing which, according  
17 to the subject matter of the order or decree involved,  
18 does the following:  
19 a. ~~Directs~~ the defaulting party to assign, trust  
20 income or a sufficient amount in salary or wages due,

21 or to become due in the future, from an employer or  
 22 successor employers, to the clerk of the court where  
 23 the order or judgment was granted for the purpose  
 24 of paying the sums in default as well as those to  
 25 be made in the future. Where the assignment is of  
 26 salary or wages due, the amount assigned shall not  
 27 exceed the amount set forth in 15 U.S.C. s. 1673b  
 28 (Supp. 1979) and the assignment order shall be binding  
 29 upon the employer only for those amounts that represent  
 30 child support and only upon receipt by the employer  
 31 of a copy of the order, signed by the employee. For  
 32 each payment deducted in compliance with such request,  
 33 the payor may deduct a sum not exceeding one dollar  
 34 as a reimbursement for costs. Compliance by a payor  
 35 with the court's order shall operate as a discharge  
 36 of his or her the employer's liability to the payee  
 37 as to the affected portion of the payee's wages, or  
 38 trust income. Any employer who dismisses an employee  
 39 due to the entry of an assignment order commits a  
 40 simple misdemeanor.

41 b. Modifying visitation to compensate for lost  
 42 visitation time or establishing joint custody for  
 43 the child or transferring custody."

44 2. Page 1, by striking lines 1 through 3, and  
 45 inserting in lieu thereof the following:

46 "Sec. 2. Section 598.24, Code 1983, is amended  
 47 by striking the section and inserting in lieu thereof  
 48 the following:

49 598.24 ENFORCEMENT OF DECREE. When an ac".

50 3. Page 1, by striking lines 10 and 11, and

Page 2

1 inserting in lieu thereof the following: "may be  
 2 taxed against that party."

3 4. Title page, line 1, by striking the words "the  
 4 taxing of costs in an action" and inserting in lieu  
 5 thereof the word "actions".

6 5. Title page, line 3, by inserting after the  
 7 word "decree" the words "and providing a penalty".

TOM MANN, JR.  
 JULIA GENTLEMAN

S-5057

1 Amend Senate File 2089 as follows:

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

4 "Sec. \_\_\_\_ . Section 321.275, Code 1983, is amended  
 5 by adding the following new subsection:

- 6 **NEW SUBSECTION. 9. FLAG REQUIRED ON MOTORIZED**  
 7 **BICYCLES.** A person shall not operate a motorized  
 8 bicycle upon the highway unless a flag or cloth, being  
 9 at least thirty square inches in size and composed  
 10 of reflective material, is attached to a pole affixed  
 11 to the motorized bicycle at a sufficient height so  
 12 as to be clearly visible to both the front and rear  
 13 of the motorized bicycle during its operation."  
 14 2. Renumber sections as necessary.

BASS VAN GILST

S-5058

- 1 Amend Senate File 2089 as follows:  
 2 1. Page 1, line 6, by inserting after the figure  
 3 "321.384." the following: "As used in this section,  
 4 "jogging" means running or a combination of running  
 5 and walking as a form of physical exercise."

BERL E. PRIEBE

S-5059

- 1 Amend Senate File 2111 as follows:  
 2 1. Page 1, line 30, by inserting after the word  
 3 "application" the words "and the applicant submits  
 4 satisfactory proof that the others are not living".  
 5 2. Page 2, by striking lines 2 through 4.

EDGAR H. HOLDEN

S-5060

- 1 Amend the amendment S-5005 to House File 166 as  
 2 amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 1, line 9, by striking the word  
 5 "vehicle" and inserting in lieu thereof the words  
 6 "device having two wheels and".

EDGAR H. HOLDEN

S-5061

- 1 Amend Senate Joint Resolution 2001 as follows:  
 2 1. Page 1, line 12, by inserting after the word  
 3 "qualifies." the words "A person is not eligible to  
 4 be elected governor more than two times and a person  
 5 who has been serving as governor for more than two  
 6 years of a term to which another person was elected  
 7 is not eligible to be elected governor more than one  
 8 time. This section does not apply to a person serving

9 as governor at the time of the second passage of this  
 10 section by the general assembly and does not prevent  
 11 a person serving as governor during the term this  
 12 section becomes effective from continuing to serve  
 13 during the remainder of that term."

14 2. Page 1, line 30, by inserting after the word  
 15 "assembly," the words "A person is not eligible to  
 16 be elected lieutenant governor more than two times  
 17 and a person who has been serving as lieutenant  
 18 governor for more than two years of a term to which  
 19 another person was elected is not eligible to be  
 20 elected lieutenant governor more than one time. This  
 21 section does not apply to a person serving as  
 22 lieutenant governor at the time of the second passage  
 23 of this section by the general assembly and does not  
 24 prevent a person serving as lieutenant governor during  
 25 the term this section becomes effective from continuing  
 26 to serve during the remainder of that term."

ARNE WALDSTEIN

S-5062

1 Amend Senate File 2089 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION. 321.446 CHILD RESTRAINT  
 5 DEVICES.

6 1. A child under three years of age who is being  
 7 transported in a car or pickup shall be secured during  
 8 transit by a child restraint system which meets federal  
 9 motor vehicle safety standards and the system shall  
 10 be used in accordance with the manufacturer's  
 11 instructions.

12 2. A child at least three years of age but under  
 13 six years of age who is being transported in a car  
 14 or pickup shall be secured during transit by either  
 15 a child restraint system that meets federal motor  
 16 vehicle safety standards and is used in accordance  
 17 with the manufacturer's instructions, or by safety  
 18 belts or safety harnesses of a type required and  
 19 approved under section 321.445.

20 3. This section does not apply to nonresidents  
 21 of Iowa or to peace officers acting on official duty.  
 22 This section also does not apply to the transportation  
 23 of children in vehicles which are not required under  
 24 section 321.445 to have safety belts or safety  
 25 harnesses.

26 4. The operator who violates subsection 1 or 2  
 27 is guilty of a misdemeanor and subject only to the

28 penalty provisions of section 6 of this Act.

29 5. A person who is first charged for a violation  
30 of subsection 1 and who has not purchased or otherwise  
31 acquired a child restraint system shall not be  
32 convicted if the person produces in court, within  
33 a reasonable time, proof that the person has purchased  
34 or otherwise acquired a child restraint system which  
35 meets federal motor vehicle safety standards.

36 6. Failure to use a child restraint system, safety  
37 belts, or safety harnesses as required by this section  
38 does not constitute negligence nor is the failure  
39 admissible as evidence in a civil action.

40 Sec. 2. Section 321.1, subsection 2, Code  
41 Supplement 1988, is amended to read as follows:

42 2. a. "Motor vehicle" means ~~every~~ a vehicle which  
43 is self-propelled but not including vehicles known  
44 as trackless trolleys which are propelled by electric  
45 power obtained from overhead trolley wires, but not  
46 operated upon rails. ~~The terms "car," "new car,"~~  
47 ~~"used car" or "automobile" shall be synonymous with~~  
48 ~~the term "motor vehicle."~~

49 b. "Used motor vehicle" or "second-hand motor  
50 vehicle" means ~~any~~ a motor vehicle of a type subject

Page 2

1 to registration under the laws of this state which  
2 have ~~has~~ been sold "at retail" as defined in chapter  
3 322 and previously registered in this or any other  
4 state.

5 c. "New car" means ~~every motor vehicle designed~~  
6 ~~primarily for carrying nine passengers or less,~~  
7 ~~excluding motorcycles, a car~~ which has not been sold  
8 "at retail" as defined in chapter 322.

9 d. "Used car" means ~~every motor vehicle designed~~  
10 ~~primarily for carrying nine passengers or less,~~  
11 ~~excluding motorcycles, a car~~ which has been sold "at  
12 retail" as defined in chapter 322 and previously  
13 registered in this state or any other state.

14 e. "Car" or "automobile" means ~~a motor vehicle~~  
15 ~~designed primarily for carrying nine passengers or~~  
16 ~~less, excluding motorcycles, motorized bicycles, and~~  
17 ~~snowmobiles.~~

18 Sec. 3. Section 321.210, Code 1983, is amended  
19 by adding the following new unnumbered paragraph:  
20 NEW UNNUMBERED PARAGRAPH. The department shall  
21 not consider or assess any points for violations of  
22 section 321.446, in determining a license suspension  
23 under this section.

24 Sec. 4. Section 321.445, unnumbered paragraph  
25 5, Code 1983, is amended to read as follows:

26 Failure to use seat belts installed in a motor  
27 vehicle ~~shall be~~ not be a crime or a public offense  
28 except as provided in section 321.446.

29 Sec. 5. Section 321.555, subsection 2, Code 1983,  
30 is amended to read as follows:

31 2. Six or more of any separate and distinct  
32 offenses within a two-year period in the operation  
33 of a motor vehicle which are required to be reported  
34 to the department by section 321.207 or chapter 321C,  
35 except equipment violations, violations of parking  
36 regulations of cities, violations of registration  
37 laws, violations of section 321.446, operating a  
38 vehicle with an expired license or permit, failure  
39 to appear, ~~and~~ weights and measures violations and  
40 speeding violations of less than fifteen miles per  
41 hour over the legal speed limit.

42 Sec. 6. Section 805.8, subsection 2, Code  
43 Supplement 1983, is amended by adding the following  
44 new lettered paragraph:

45 **NEW LETTERED PARAGRAPH.** For failing to secure  
46 a child with a child restraint system, safety belt,  
47 or harness in violation of section 321.446, the  
48 scheduled fine is ten dollars.

49 Sec. 7. This Act takes effect January 1, 1985."

50 2. Amend the title, by striking lines 1 and 2

Page 3

1 and inserting in lieu thereof the following: "An  
2 Act requiring children under the age of six being  
3 transported in cars or pickups to be secured by child  
4 restraint systems, seat belts, or harnesses and  
5 providing a penalty and effective date."

TOM SLATER  
RICHARD F. DRAKE  
CHARLES BRUNER  
LEE W. HOLT

S-5063

1 Amend Senate File 2089 as follows:

2 1. Page 3, by inserting after line 20 the  
3 following:

4 "Sec. \_\_\_\_ . Section 321B.2, unnumbered paragraph  
5 2, Code 1983, is amended to read as follows:

6 As used in this chapter and sections 29B.106,  
7 321.209, 321.281; ~~321.494~~ and 690.2 the words

8 "alcoholic beverage" include alcohol, wine, spirits,  
9 beer, or any other beverage which contains ethyl  
10 alcohol and is fit for human consumption."

11 2. Page 4, by inserting before line 4 the  
12 following:

13 "Sec. \_\_\_\_\_. Section 321.494, Code 1983, is  
14 repealed."

DOUGLAS RITSEMA

S-5064

1 Amend Senate File 2089 as follows:

2 1. Page 2, by striking lines 22 through 31 and  
3 inserting in lieu thereof the following:

4 "c. "New car motor vehicle" means every a motor  
5 vehicle designed primarily for carrying nine passengers  
6 or less, excluding motorcycles, which has not been  
7 sold "at retail" as defined in chapter 322.

8 "Used car" means every motor vehicle designed  
9 primarily for carrying nine passengers or less,  
10 excluding motorcycles, which has been sold "at retail"  
11 as defined in chapter 322 and previously registered  
12 in this state or any other state.

13 d. "Car" or "automobile" means a motor vehicle  
14 designed".

DOUGLAS RITSEMA

S-5065

1 Amend Senate File 2089 as follows:

2 1. Page 2, by striking lines 5 through 8 and  
3 inserting in lieu thereof the following:

4 "6. Failure to use a child restraint system,  
5 safety belt, or safety harness as required by this  
6 section is not negligence with regard to a civil  
7 action brought for damages sustained by the operator  
8 who violates this section or by the operator's  
9 passengers who are not required by this section to  
10 be restrained. However, evidence of the commission  
11 of a violation of this section is admissible in a  
12 civil action for the purpose of showing any distraction  
13 suffered by the driver which caused negligence in  
14 the operation of the motor vehicle. Recovery for  
15 injury suffered by a child which occurred while the  
16 child was being transported in violation of this  
17 section is barred."

18 2. Page 3, by inserting before line 4 the  
19 following:

20 "Sec. \_\_\_\_ . Section 321.445, unnumbered paragraph  
 21 4, Code 1983, is amended to read as follows:  
 22 The fact of use, or nonuse, of seat belts by a  
 23 person ~~shall~~ is not be admissible or material as  
 24 evidence in civil actions brought for damages except  
 25 as provided in section 321.446."

DOUGLAS RITSEMA

S-5066

1 Amend Senate Joint Resolution 2001 as follows:  
 2 1. Page 1, line 12, by inserting after the word  
 3 "qualifies." the words "A person is not eligible to  
 4 be elected governor more than two times. This section  
 5 does not apply to a person serving as governor at  
 6 the time of the second passage of this section by  
 7 the general assembly and does not prevent a person  
 8 serving as governor during the term this section  
 9 becomes effective from continuing to serve during  
 10 the remainder of that term. A person is not eligible  
 11 to be elected lieutenant governor more than two times.  
 12 This section does not apply to a person serving as  
 13 lieutenant governor at the time of the second passage  
 14 of this section by the general assembly and does not  
 15 prevent a person serving as lieutenant governor during  
 16 the term this section becomes effective from continuing  
 17 to serve during the remainder of that term."

ARNE WADLSTEIN

S-5067

1 Amend Senate File 2089 as follows:  
 2 1. Page 1, by striking lines 19 through 25.

DOUGLAS RITSEMA

S-5068

1 Amend House File 508 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 2, by striking lines 27 and 28 and  
 4 inserting in lieu thereof the words "dollars, such  
 5 the audit".

COMMITTEE ON TRANSPORTATION  
 C. JOSEPH COLEMAN, Chair

S-5069

1 Amend amendment S-5062 to Senate File 2089 as  
 2 follows:



- 3 1. Page 1, by inserting after line 3 the following:  
 4 "Sec. \_\_\_\_ . Section 321.275, Code 1983, is amended  
 5 by adding the following new subsection:  
 6 **NEW SUBSECTION. 9. FLAG REQUIRED ON MOTORIZED**  
 7 **BICYCLES.** A person shall not operate a motorized  
 8 bicycle upon the highway unless a flag or cloth, being  
 9 at least thirty square inches in size and composed  
 10 of reflective material, is attached to a pole affixed  
 11 to the motorized bicycle at a sufficient height so  
 12 as to be clearly visible to both the front and rear  
 13 of the motorized bicycle during its operation."  
 14 2. Renumber sections as necessary.

BASS VAN GILST

S-5070

- 1 Amend amendment S-5062 to Senate File 2089 as  
 2 follows:  
 3 1. Page 1, by striking lines 12 through 19.  
 4 2. Page 1, line 26, by striking the words and  
 5 figure "subsection 1 or 2" and inserting in lieu  
 6 thereof the word and figure "subsection 1".

DOUGLAS RITSEMA

S-5071

- 1 Amend amendment S-5062 to Senate File 2089 as  
 2 follows:  
 3 1. Page 2, by inserting after line 41 the  
 4 following:  
 5 "Sec. . Section 321B.2, unnumbered paragraph  
 6 2, Code 1983, is amended to read as follows:  
 7 As used in this chapter and sections 29B.106,  
 8 321.209, 321.281, ~~321.494~~ and 690.2 the words  
 9 "alcoholic beverage" include alcohol, wine, spirits,  
 10 beer, or any other beverage which contains ethyl  
 11 alcohol and is fit for human consumption."  
 12 2. Page 2, by inserting before line 49 the  
 13 following:  
 14 "Sec. \_\_\_\_ . Section 321.494, Code 1983, is  
 15 repealed."

DOUGLAS RITSEMA

S-5072

- 1 Amend amendment S-5062 to Senate File 2089 as  
 2 follows:

DIVISION S-5072A

- 3 1. Page 1, by striking lines 36 through 39 and

4 inserting in lieu thereof the following:  
 5 "6. Failure to use a child restraint system,  
 6 safety belt, or safety harness as required by this  
 7 section is not negligence with regard to a civil  
 8 action brought for damages sustained by the operator  
 9 who violates this section or by the operator's  
 10 passengers who are not required by this section to  
 11 be restrained. However, evidence of the commission  
 12 of a violation of this section is admissible in a  
 13 civil action for the purpose of showing any distraction  
 14 suffered by the driver which caused negligence in  
 15 the operation of the motor vehicle. Recovery for  
 16 injury suffered by a child which occurred while the  
 17 child was being transported in violation of this  
 18 section is barred."

DIVISION S-5072B

19 2. Page 2, by inserting before line 24 the  
 20 following:  
 21 "Sec. \_\_\_\_\_. Section 321.445, unnumbered paragraph  
 22 4, Code 1983, is amended to read as follows:  
 23 The fact of use, or nonuse, of seat belts by a  
 24 person ~~shall~~ is not be admissible or material as  
 25 evidence in civil actions brought for damages except  
 26 as provided in section 321.446."

DOUGLAS RITSEMA

S-5073

1 Amend amendment S-5062 to Senate File 2089 as  
 2 follows:  
 3 1. Page 2, by striking lines 5 through 14 and  
 4 inserting in lieu thereof the following:  
 5 "c. "New car motor vehicle" means every a motor  
 6 vehicle designed primarily for carrying nine passengers  
 7 or less, excluding motorcycles, which has not been  
 8 sold "at retail" as defined in chapter 322.  
 9 "Used car" means every motor vehicle designed  
 10 primarily for carrying nine passengers or less,  
 11 excluding motorcycles, which has been sold "at retail"  
 12 as defined in chapter 322 and previously registered  
 13 in this state or any other state.  
 14 d. "Car" or "automobile" means a motor vehicle".

DOUGLAS RITSEMA

S-5074

- 1 Amend House File 2072, as amended and passed by  
2 the House, as follows:
- 3 1. Page 1, line 26, by striking the word "chapter"  
4 and inserting in lieu thereof the word "paragraph".
- 5 2. Page 1, line 29, by striking the word  
6 "quarterly".
- 7 3. Page 1, by striking lines 30 and 31 and  
8 inserting in lieu thereof the following: "November  
9 15, February 15, and May 15 of the fiscal year. The".
- 10 4. Page 2, line 10, by striking the word "section"  
11 and inserting in lieu thereof the word "paragraph".
- 12 5. Page 2, line 11, by striking the word "Act"  
13 and inserting in lieu thereof the following: "paragraph  
14 and paid on or about August 15, 1984".

ARTHUR A. SMALL, JR.

S-5075

- 1 Amend amendment S-5062 to Senate File 2089 as  
2 follows:
- 3 1. Page 1, by inserting after line 3 the following:  
4 "Sec. \_\_\_\_ . NEW SECTION. 321.363A TRANSPORTING  
5 PASSENGERS IN OPEN PICKUP PROHIBITED. An operator  
6 of a motor vehicle shall not transport on the highway  
7 a person under the age of eighteen who is riding on  
8 or in the open portion of a pickup. This section  
9 does not apply to a pickup when used in a parade  
10 authorized by proper permit from local authorities."
- 11 2. Page 2, by inserting after line 48 the  
12 following:  
13 "Sec. \_\_\_\_ . Section 805.8, subsection 2, Code  
14 Supplement 1983, is amended by adding the following  
15 new lettered paragraph:  
16 NEW LETTERED PARAGRAPH. For transporting a person  
17 under the age of eighteen in the open portion of a  
18 pickup in violation of section 321.363A, the scheduled  
19 fine is ten dollars."
- 20 3. Page 3, line 2, by inserting after the word  
21 "Act" the following: "relating to the safety of  
22 persons being transported on the highways by prohibiting  
23 minors from being transported in the open portion  
24 of a pickup, by".
- 25 4. Page 3, line 5, by striking the word "a penalty"  
26 and inserting in lieu thereof the word "penalties".
- 27 5. Renumber sections and internal references as  
28 necessary.

DONALD V. DOYLE

S-5076

- 1 Amend House File 523, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking line 15 and inserting in
- 4 lieu thereof the following: "400.00".

DONALD V. DOYLE  
BASS VAN GILST

S-5077

- 1 Amend House File 2072 as amended and passed by the
- 2 House as follows:
- 3 1. Page 2, by striking lines 12 through 18.
- 4 2. Title, lines 6 and 7 by striking the words
- 5 "and funding the driver's license program from the
- 6 primary road fund".

RICHARD F. DRAKE  
JOE J. WELSH

S-5078

- 1 Amend House File 48 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 1, by striking line 10 and inserting in
- 4 lieu thereof the following: "or employ, under rules
- 5 promulgated by the auditor of state, certified or
- 6 registered public accountants, certified".
- 7 2. Page 1, by inserting after line 21 the
- 8 following:
- 9 "The auditor of state shall have the authority
- 10 to review the audit workpapers prepared by a certified
- 11 public accountant in the performance of the annual
- 12 examination of a county, provided that, except where
- 13 the public interest requires otherwise, no more than
- 14 one such review shall be made in any three-year period
- 15 so long as only one certified public accountant
- 16 performs the examination of the county during that
- 17 period. All actual and necessary expenses incurred
- 18 by the auditor of state in the performance of the
- 19 review shall be reimbursed by the certified public
- 20 accountant whose workpapers are subject to the review,
- 21 provided that the amount reimbursed shall not exceed
- 22 the greater of one thousand dollars or ten percent
- 23 of the fee collected by the accountant from the county
- 24 to conduct the examination."

COMMITTEE ON LOCAL GOVERNMENT  
ALVIN V. MILLER, Chair

S-5079

1 Amend Senate File 2018 as follows:

2 1 Page 1, by striking lines 19 through 29 and

3 inserting in lieu thereof the following:

4 "2. The chief medical officer shall not discharge  
5 a patient who has been placed in the hospital or other  
6 suitable facility for psychiatric evaluation and  
7 appropriate treatment in connection with the patient's  
8 conviction for a public offense pursuant to R.Cr.P.  
9 23(3)(c), Ia. Ct. Rules, 2nd ed., or in connection  
10 with an unresolved formal charge of a public offense  
11 pending against the patient pursuant to chapter 812,  
12 or who has been found not guilty by reason of insanity  
13 or diminished responsibility and committed pursuant  
14 to R.Cr.P. 21(8), Ia. Ct. Rules, 2nd ed., until the  
15 court which ordered the patient's hospitalization  
16 or care and custody issues an order discharging the  
17 patient from the hospital or from care and custody."

18 2. By striking page 1, line 35 through page 2,  
19 line 4, and inserting in lieu thereof the words  
20 "convicted of a public offense, or when there is  
21 pending against the respondent in connection with  
22 the respondent's conviction for a public offense  
23 pursuant to R.Cr.P. 23(3)(c), Ia. Ct. Rules, 2nd ed.,  
24 or in connection with an unresolved formal charge  
25 of a public offense pending against the respondent  
26 pursuant to chapter 812, or who has been found not  
27 guilty by reason of insanity or diminished  
28 responsibility and committed pursuant to R.Cr.P.  
29 21(8), Ia. Ct. Rules, 2nd ed., and the respondent's".

PATRICK J. DELUHERY

S-5080

1 Amend amendment S-5062 to Senate File 2089 as  
2 follows:

3 1. By striking page 1, line 4 through page 3,

4 line 5 and inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. 321.326A PEDESTRIANS,  
6 TO WEAR REFLECTIVE MATERIAL. A pedestrian shall wear  
7 at least eighteen square inches of reflective material  
8 on both the front and back of the pedestrian when  
9 jogging on or across a roadway during the time in  
10 which a motor vehicle is required to display lighted  
11 headlamps under section 321.384. As used in this  
12 section, "jogging" means running or a combination  
13 of running and walking as a form of physical exercise.

14 This section does not apply to a pedestrian who is  
 15 running to preserve the pedestrian's safety or who  
 16 is in a bona fide emergency situation. In lieu of  
 17 wearing the reflective material required under this  
 18 section, a pedestrian may wear on at least one arm  
 19 an armband with a flashing light or about the waist  
 20 a waistband with a flashing light.

21 Sec. 2. NEW SECTION. 321.363A TRANSPORTING  
 22 PASSENGERS IN OPEN PICKUP PROHIBITED. An operator  
 23 of a motor vehicle shall not transport on the highway  
 24 a person under the age of eighteen who is riding on  
 25 or in the open portion of a pickup. This section  
 26 does not apply to a pickup when used in a parade  
 27 authorized by proper permit from local authorities.  
 28 This section does not apply to persons being  
 29 transported in a bona fide emergency situation.

30 Sec. 3. NEW SECTION. 321.446 CHILD RESTRAINT  
 31 DEVICES.

32 1. A child under three years of age who is being  
 33 transported in a car or pickup which is not a school  
 34 bus shall be secured during transit by a child  
 35 restraint system which meets federal motor vehicle  
 36 safety standards and the system shall be used in  
 37 accordance with the manufacturer's instructions.

38 2. A child at least three years of age but under  
 39 six years of age who is being transported in a car  
 40 or pickup which is not a school bus shall be secured  
 41 during transit by either a child restraint system  
 42 that meets federal motor vehicle safety standards  
 43 and is used in accordance with the manufacturer's  
 44 instructions, or by safety belts or safety harnesses  
 45 of a type required and approved under section 321.445.

46 3. This section does not apply to nonresidents  
 47 of Iowa or to peace officers acting on official duty.  
 48 This section also does not apply to the transportation  
 49 of children in vehicles which are not required under  
 50 section 321.445 to have safety belts or safety

Page 2

1 harnesses. This section does not apply to persons  
 2 being transported in a bona fide emergency situation.

3 4. The operator who violates subsection 1 or 2  
 4 is guilty of a misdemeanor and subject only to the  
 5 penalty provisions of section 9 of this Act.

6 5. A person who is first charged for a violation  
 7 of subsection 1 and who has not purchased or otherwise  
 8 acquired a child restraint system shall not be  
 9 convicted if the person produces in court, within

10 a reasonable time, proof that the person has purchased  
11 or otherwise acquired a child restraint system which  
12 meets federal motor vehicle safety standards.

13 6. Failure to use a child restraint system, safety  
14 belts, or safety harnesses as required by this section  
15 does not constitute negligence nor is the failure  
16 admissible as evidence in a civil action.

17 7. A person charged with violating subsection  
18 1 or 2 shall not be convicted if the person produces  
19 in court, within a reasonable time, a certification  
20 from a physician licensed under chapter 148, 150,  
21 150A or 151 stating that the child who was being  
22 transported cannot, due to health reasons, be  
23 transported in a child restraint system.

24 Sec. 4. Section 321.1, subsection 2, Code  
25 Supplement 1983, is amended to read as follows:

26 2. a. "Motor vehicle" means every a vehicle which  
27 is self-propelled but not including vehicles known  
28 as trackless trolleys which are propelled by electric  
29 power obtained from overhead trolley wires, but not  
30 operated upon rails. The terms "car," "new car,"  
31 "used car" or "automobile" shall be synonymous with  
32 the term "motor vehicle."

33 b. "Used motor vehicle" or "second-hand motor  
34 vehicle" means any a motor vehicle of a type subject  
35 to registration under the laws of this state which  
36 have ~~has~~ been sold "at retail" as defined in chapter  
37 322 and previously registered in this or any other  
38 state.

39 c. "New car" means every motor vehicle designed  
40 primarily for carrying nine passengers or less;  
41 excluding motorcycles; a car which has not been sold  
42 "at retail" as defined in chapter 322.

43 d. "Used car" means every motor vehicle designed  
44 primarily for carrying nine passengers or less;  
45 excluding motorcycles; a car which has been sold "at  
46 retail" as defined in chapter 322 and previously  
47 registered in this state or any other state.

48 e. "Car" or "automobile" means a motor vehicle  
49 designed primarily for carrying nine passengers or  
50 less, excluding motorcycles, motorized bicycles, and

Page 3

1 snowmobiles.

2 Sec. 5. Section 321.210, Code 1983, is amended

3 by adding the following new unnumbered paragraph:

4 **NEW UNNUMBERED PARAGRAPH.** The department shall  
5 not consider or assess any points for violations of

6 section 321.446, in determining a license suspension  
7 under this section.

8 Sec. 6. Section 321.445, unnumbered paragraph  
9 5, Code 1983, is amended to read as follows:

10 Failure to use seat belts installed in a motor  
11 vehicle ~~shall be~~ is not be a crime or a public offense  
12 except as provided in section 321.446.

13 Sec. 7. Section 321.555, subsection 2, Code 1983,  
14 is amended to read as follows:

15 2. Six or more of any separate and distinct  
16 offenses within a two-year period in the operation  
17 of a motor vehicle which are required to be reported  
18 to the department by section 321.207 or chapter 321C,  
19 except equipment violations, violations of parking  
20 regulations of cities, violations of registration  
21 laws, violations of section 321.446, operating a  
22 vehicle with an expired license or permit, failure  
23 to appear, ~~and~~ weights and measures violations and  
24 speeding violations of less than fifteen miles per  
25 hour over the legal speed limit.

26 Sec. 8. Section 805.8, subsection 2, paragraph  
27 j, Code Supplement 1983, is amended to read as follows:

28 j. For violations by pedestrians and bicyclists  
29 under sections 321.236, subsection 10, 321.325,  
30 321.326, 321.326A, 321.328, 321.331, 321.332, 321.397  
31 and 321.434, the scheduled fine is ten dollars.

32 Sec. 9. Section 805.8, subsection 2, Code  
33 Supplement 1983, is amended by adding the following  
34 new lettered paragraph:

35 NEW LETTERED PARAGRAPH. For failing to secure  
36 a child with a child restraint system, safety belt,  
37 or harness in violation of section 321.446, the  
38 scheduled fine is ten dollars.

39 Sec. 10. Section 805.8, subsection 2, Code  
40 Supplement 1983, is amended by adding the following  
41 new lettered paragraph:

42 NEW LETTERED PARAGRAPH. For transporting a person  
43 under the age of eighteen in the open portion of a  
44 pickup in violation of section 321.363A, the scheduled  
45 fine is ten dollars.

46 Sec. 11. This Act takes effect January 1, 1985."

BERLE E. PRIEBE

S-5081

1 Amend Senate File 510 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION. 570A.1 DEFINITIONS.



5 As used in this chapter, unless the context otherwise  
6 requires:

7 1. "Agricultural chemical" means a fertilizer  
8 or agricultural chemical which is applied to crops  
9 or land which is used for the raising of crops,  
10 including but not limited to fertilizer as defined  
11 in section 200.3, and pesticide as defined in section  
12 206.2.

13 2. "Feed" means a commercial feed, feed ingredient,  
14 mineral feed, drug, animal health product, or customer-  
15 formula feed which is used for the feeding of  
16 livestock, including but not limited to feed as defined  
17 in section 198.3.

18 3. "Petroleum product" means a motor fuel or  
19 special fuel which is used in the production of crops  
20 and livestock, including but not limited to motor  
21 fuel as defined in section 324.2.

22 4. "Seed" means agricultural seeds which are used  
23 in the production of crops, including but not limited  
24 to agricultural seed as defined in section 199.1.

25 5. "Labor" means labor performed in the  
26 application, delivery, or preparation of a product  
27 defined in subsections 1 through 4.

28 6. "Person" means an individual, partnership,  
29 corporation, company, cooperative, society, or  
30 association.

31 Sec. 2. NEW SECTION. 570A.2 LIEN CREATED.

32 1. A person furnishing an agricultural chemical,  
33 seed, or a petroleum product has a lien for the retail  
34 cost of the agricultural chemical, seed, or petroleum  
35 product, including labor furnished. The lien attaches  
36 to all crops which are produced upon the land to which  
37 the agricultural chemical was applied within sixteen  
38 months following the last date on which the  
39 agricultural chemical was applied, or produced from  
40 seed furnished, or produced using the petroleum product  
41 furnished. However, the lien does not attach to that  
42 portion of the crops of a person who has paid all  
43 amounts due from the person for the retail cost,  
44 including labor, of the agricultural chemical, seed,  
45 or petroleum product provided.

46 2. A person furnishing feed has a lien for the  
47 unpaid amount of the retail cost of the feed, including  
48 labor. The lien attaches to all livestock consuming  
49 the feed. However, the lien does not attach to that  
50 portion of the livestock of a person who has paid

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- 1 all amounts due from the person for the retail cost,
- 2 including labor, of the feed.

3     **Sec. 3. NEW SECTION. 570A.3 PERFECTION OF LIEN.**

4     1. In order to perfect the lien created by section  
5 570A.2, the person entitled to the lien shall file  
6 a verified lien statement with the office of the  
7 secretary of state. The lien statement must be filed  
8 within thirty-one days after the first date on which  
9 payment is due from the person for whom the  
10 agricultural chemical, seed, feed, or petroleum product  
11 was furnished, or September 1 of the current crop  
12 year, whichever is earlier, except that lien statements  
13 related to feed may be filed at the time the feed  
14 is purchased or delivered. The lien statement shall  
15 disclose all of the following:

16     a. The name and address of the person claiming  
17 the lien.

18     b. An itemized declaration of the nature and  
19 retail cost of the agricultural chemical, seed, feed,  
20 or petroleum product which was furnished.

21     c. The last date on which the person claiming  
22 the lien furnished the agricultural chemical, seed,  
23 feed, or petroleum product for which the lien is  
24 claimed.

25     d. The first date on which payment was due from  
26 the person for whom the agricultural chemical, seed,  
27 feed, or petroleum product was furnished.

28     e. The name, address, and social security number  
29 or the internal revenue service tax identification  
30 number of the person for whom the agricultural  
31 chemical, seed, feed, or petroleum product was  
32 furnished.

33     f. The legal description of the real property  
34 on which the crops to which the lien attaches are  
35 growing or are to be grown or the description of the  
36 livestock or animals to which the lien attaches.

37     2. The secretary of state shall enter on the lien  
38 statement the time of day and date of filing.

39     3. If a person fails to file the lien statement  
40 within the time required by subsection 1, the lien  
41 and all benefits under this chapter are forfeited.

42     4. The secretary of state shall note the filing  
43 of a lien statement under this section in the manner  
44 provided by chapter 554, the uniform commercial code,  
45 and shall charge a four dollar filing fee if the  
46 statement is the standard form prescribed by the  
47 secretary of state, and otherwise a fee of five  
48 dollars.

49     5. A person filing a verified lien statement shall  
50 request from the secretary of state a certificate

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1 showing any effective financing statement or verified  
2 lien statements naming the debtor and the crops or  
3 livestock to which the lien attaches. The person  
4 shall notify by registered mail any other creditor  
5 who holds a lien or security interest which is  
6 subordinate or equal to the person's lien.

7 **Sec. 4. NEW SECTION. 570A.4 PRIORITY OF LIEN.**

8 1. A lien perfected under this chapter is superior  
9 to a lien or security interest which attaches  
10 subsequent to the time the lien statement is filed  
11 with the secretary of state, except liens which arise  
12 under this chapter or under chapters 570 and 571.

13 2. A lien perfected under this chapter is equal  
14 to a lien or security interest which is of record  
15 or which is perfected prior to the time the lien  
16 statement is filed with the secretary of state.

17 3. A lien perfected under this chapter for the  
18 purposes of feed will continue to be perfected in  
19 the livestock and takes priority over an earlier  
20 perfected lien or security interest to the extent  
21 of the difference between the acquisition price of  
22 the livestock and the fair market value of the  
23 livestock at the time the lien attaches or the sale  
24 price of the livestock, whichever is greater.

25 **Sec. 5. NEW SECTION. 570A.5 ENFORCEMENT OF LIEN.**

26 1. The holder of a lien perfected under this  
27 chapter may enforce the lien in the manner provided  
28 in chapter 554, article 9, part 5, for the enforcement  
29 of security interests. For purposes of enforcement  
30 of the lien, the lienholder is deemed to be the secured  
31 party, and the person for whom the agricultural  
32 chemical, seed, feed, or petroleum product was  
33 furnished is deemed to be the debtor, and each has  
34 the respective rights and duties of a secured party  
35 and a debtor as provided in chapter 554, article 9,  
36 part 5. Where a right or duty under chapter 554,  
37 article 9, part 5 is contingent upon the existence  
38 of express language in a security agreement, or may  
39 be waived by express language in a security agreement,  
40 the requisite language is deemed not to exist for  
41 purposes of enforcement of the lien created by this  
42 chapter.

43 **Sec. 6. NEW SECTION. 570A.6 ENFORCEMENT ACTIONS.**

44 An action to enforce a lien arising under this chapter  
45 may be commenced in the district court after the lien  
46 is perfected. The action may be brought in any county  
47 in which some part of the crop and livestock or animals

48 is located. The action shall be by equitable  
 49 proceedings, and no other cause of action shall be  
 50 joined with it. A lien statement may be amended by

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1 leave of the court in furtherance of justice, except  
 2 as to the amount demanded. An action to enforce a  
 3 lien under this chapter may be brought within one  
 4 year after the date the lien statement is filed and  
 5 not afterward.

6 **Sec. 7. NEW SECTION. 570A.7 DEMAND FOR BRINGING**  
 7 **SUIT.**

8 1. A person who has an interest in crops or  
 9 livestock to which a lien has attached under this  
 10 chapter may serve upon the lienholder a written demand  
 11 that the lienholder commence an action to enforce  
 12 the lien within thirty days after the date of service.  
 13 The written demand shall be served in the same manner  
 14 provided for service of an original notice. If the  
 15 lienholder fails to commence an action within thirty  
 16 days after being served with the written demand, the  
 17 lien and all benefits of the lien are extinguished.

18 2. Return of service of the written demand  
 19 specified in subsection 1 shall be filed with the  
 20 secretary of state.

21 3. The lienholder shall file with the secretary  
 22 of state a file stamped copy of the petition to enforce  
 23 the lien within thirty days of commencing the action.  
 24 Failure to file the copy of the petition will cause  
 25 the verified lien statement to lapse.

26 **Sec. 8. NEW SECTION. 570A.8 ASSIGNMENT OF LIEN.**  
 27 A lien which has been perfected under this chapter  
 28 is assignable, and follows the assignment of the debt  
 29 for which it is claimed.

30 **Sec. 9. NEW SECTION. 570A.9 ACKNOWLEDGEMENT**  
 31 **OF SATISFACTION.** When a lien under this chapter is  
 32 satisfied by payment of the claim, the lienholder  
 33 shall acknowledge the satisfaction of the claim in  
 34 writing to the secretary of state. If the lienholder  
 35 failed to file an acknowledgement of satisfaction  
 36 with the secretary of state within thirty days after  
 37 written demand by a person having an interest in the  
 38 crop or livestock, the lienholder is liable to the  
 39 person for a penalty of twenty-five dollars, plus  
 40 actual damages incurred as a result of the failure,  
 41 plus attorney fees and court costs.

42 **Sec. 10. NEW SECTION. 570A.10 RIGHTS AND**  
 43 **REMEDIES.** The rights and remedies provided for in  
 44 this chapter are in addition to and not in lieu of

45 the rights and remedies provided for in chapter 572.  
 46 Sec. 11. Section 554.9407, subsection 3, Code  
 47 Supplement 1983, is amended to read as follows:  
 48 3. Upon written request of any person, the filing  
 49 officer shall issue a certificate showing whether  
 50 there is on file on the date and hour stated therein,

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1 any presently effective financing statement or verified  
 2 lien statement under chapter 570A naming a particular  
 3 debtor and any financing statement or verified lien  
 4 statement changes and if there is are, giving the  
 5 date and hour of filing of each such filing and the  
 6 names and addresses of each secured party therein.  
 7 The uniform fee for such a certificate shall be four  
 8 dollars if the request for the certificate is on a  
 9 form conforming to standards prescribed by the  
 10 secretary of state; otherwise, five dollars. Upon  
 11 request and the payment of the appropriate fee the  
 12 filing officer shall furnish a certified copy of any  
 13 filed financing statement or financing statement  
 14 changes or verified lien statement or lien statement  
 15 changes for a uniform fee of one dollar per page.”  
 16 2. Title page, by striking lines 1 through 6 and  
 17 inserting in lieu thereof the following: “An Act  
 18 relating to liens against crops and livestock to  
 19 secure payment for agricultural chemicals, seed,  
 20 petroleum products, and feed used in the production  
 21 of growing crops and livestock and providing for the  
 22 perfection, enforcement, assignment, and satisfaction  
 23 of these liens, and providing for statutory damages.”

COMMITTEE ON AGRICULTURE  
 BERL E. PRIEBE, Chair

S-5082

1 Amend Senate File 2063 as follows:  
 2 1. Page 1, line 5, by striking the words  
 3 “corporation authority” and inserting in lieu thereof  
 4 the word “corporation”.  
 5 2. Page 1, line 14, by striking the words  
 6 “corporation authority” and inserting in lieu thereof  
 7 the word “corporation”.  
 8 3. Page 1, line 19, by striking the words  
 9 “corporation authority” and inserting in lieu thereof  
 10 the word “corporation”.  
 11 4. Page 1, line 21, by striking the words  
 12 “corporation authority” and inserting in lieu thereof

- 13 the word "corporation".  
 14 5. Page 1, line 24, by striking the words  
 15 "~~corporation authority~~" and inserting in lieu thereof  
 16 the word "corporation".  
 17 6. Page 1, line 26, by striking the words  
 18 "~~corporation authority~~" and inserting in lieu thereof  
 19 the word "corporation".  
 20 7. Page 1, lines 28 and 29, by striking the words  
 21 "~~corporation authority~~" and inserting in lieu thereof  
 22 the word "corporation".  
 23 8. Page 1, line 34, by striking the word  
 24 "authority" and inserting in lieu thereof the word  
 25 "corporation".  
 26 9. Page 2, line 3, by striking the word "authority"  
 27 and inserting in lieu thereof the word "corporation".  
 28 10. Page 2, line 7, by striking the words  
 29 "~~CORPORATION AUTHORITY~~" and inserting in lieu thereof  
 30 the word "CORPORATION".  
 31 11. Page 2, lines 8 and 9, by striking the words  
 32 "~~corporation authority~~" and inserting in lieu thereof  
 33 the word "corporation".  
 34 12. Page 2, line 9, by striking the words  
 35 "~~corporation authority~~" and inserting in lieu thereof  
 36 the word "corporation".  
 37 13. Page 2, line 12, by striking the words  
 38 "~~corporation authority~~" and inserting in lieu thereof  
 39 the word "corporation".  
 40 14. Page 2, line 14, by striking the words  
 41 "~~corporation authority~~" and inserting in lieu thereof  
 42 the word "corporation".  
 43 15. Page 2, line 17, by striking the words  
 44 "~~corporation authority~~" and inserting in lieu thereof  
 45 the word "corporation".  
 46 16. Page 2, line 19, by striking the words  
 47 "~~corporation authority~~" and inserting in lieu thereof  
 48 the word "corporation".  
 49 17. Page 2, line 22, by striking the word  
 50 authority and inserting in lieu thereof the word

## Page 2

- 1 "corporation".  
 2 18. Page 2, line 23, by striking the words  
 3 "~~corporation authority~~" and inserting in lieu thereof  
 4 the word "corporation".  
 5 19. Page 2, lines 25 and 26, by striking the words  
 6 "~~corporation authority~~" and inserting in lieu thereof  
 7 the word "corporation".

- 8 20. Page 2, line 28, by striking the words  
9 "~~corporation authority~~" and inserting in lieu thereof  
10 the word "corporation".
- 11 21. Page 2, line 28, by inserting after the word  
12 "required." the words and figure "Notwithstanding  
13 section 8.33, no part of this fund shall revert at  
14 or after the close of a fiscal year unless otherwise  
15 provided by the general assembly, but shall remain  
16 in the fund and appropriated for the purposes of this  
17 division."
- 18 22. Page 2, line 31, by striking the words  
19 "~~CORPORATION AUTHORITY~~" and inserting in lieu thereof  
20 the word "CORPORATION".
- 21 23. Page 2, line 32, by striking the words  
22 "~~corporation authority~~" and inserting in lieu thereof  
23 the word "corporation".
- 24 24. Page 2, line 33, by striking the words  
25 "~~corporation authority~~" and inserting in lieu thereof  
26 the word "corporation".
- 27 25. Page 2, line 35, by striking the words  
28 "~~corporation authority~~" and inserting in lieu thereof  
29 the word "corporation".
- 30 26. Page 3, line 4, by striking the words  
31 "~~corporation authority~~" and inserting in lieu thereof  
32 the word "corporation".
- 33 27. Page 3, line 5, by striking the words  
34 "~~corporation authority~~" and inserting in lieu thereof  
35 the word "corporation".
- 36 28. Page 3, line 6, by striking the words  
37 "~~corporation authority~~" and inserting in lieu thereof  
38 the word "corporation".
- 39 29. Page 3, line 18, by striking the words  
40 "~~corporation authority~~" and inserting in lieu thereof  
41 the word "corporation".
- 42 30. Page 3, lines 24 and 25, by striking the words  
43 "~~corporation authority~~" and inserting in lieu thereof  
44 the word "corporation".
- 45 31. Page 3, line 26, by striking the words  
46 "~~corporation authority~~" and inserting in lieu thereof  
47 the word "corporation".
- 48 32. Page 3, line 28, by striking the word  
49 "~~authority~~" and inserting in lieu thereof the word  
50 "~~corporation~~".

Page 3

- 1 33. Page 3, line 32, by striking the words  
2 "~~corporation authority~~" and inserting in lieu thereof  
3 the word "corporation".

- 4 34. Page 3, line 33, by striking the words  
 5 "~~corporation authority~~" and inserting in lieu thereof  
 6 the word "corporation".  
 7 35. By striking page 3, line 35 through page  
 8 4, line 6 and inserting in lieu thereof the following:  
 9 "Sec. 6. Section 28.93, Code Supplement 1983,  
 10 is amended to read as follows:  
 11 28.93 AUDITS. The auditor of state shall audit  
 12 the books and accounts of the corporation at least  
 13 semi-annually. One audit shall be conducted for the  
 14 preceding fiscal year on or after July 1 of each  
 15 fiscal year. The results of the yearly audit shall  
 16 be certified and turned over submitted to the governor  
 17 no later than ~~July 30~~ December 31 of each fiscal  
 18 year."

COMMITTEE ON SMALL BUSINESS  
 AND ECONOMIC DEVELOPMENT  
 EMIL J. HUSAK, Chair

S-5083

- 1 Amend amendment S-5062 to Senate File 2089 as  
 2 follows:  
 3 1. Page 1, line 17 and 18, by striking the words  
 4 "safety belts or safety harnesses" and inserting in  
 5 lieu thereof the words "a safety belt or safety  
 6 harness".

TOM SLATER

S-5084

- 1 Amend amendment S-5062 to Senate File 2089 as  
 2 follows:  
 3 1. Page 1, line 7, by striking the words "car  
 4 or pickup" and inserting in lieu thereof the following:  
 5 "motor vehicle subject to registration which has a  
 6 gross weight of ten thousand pounds or less as  
 7 specified by the manufacturer, except a school bus,  
 8 or motorcycle."  
 9 2. Page 1, lines 13 and 14, by striking the words  
 10 "car or pickup" and inserting in lieu thereof the  
 11 following: "motor vehicle subject to registration  
 12 which has a gross weight of ten thousand pounds or  
 13 less as specified by the manufacturer, except a school  
 14 bus or motorcycle."  
 15 3. Page 1, line 18, by striking the words "required  
 16 and".  
 17 4. Page 1, by striking lines 23 through 25 and  
 18 inserting in lieu thereof the following: "of children



19 in 1965 model year or older vehicles".

20 5. Page 1, line 25, by inserting after the word  
21 "harnesses." the following: "This section does not  
22 apply to the transportation of a child who has been  
23 certified by a physician licensed under chapter 148,  
24 150, or 150A as having a medical, physical, or mental  
25 condition which prevents or makes inadvisable securing  
26 the child in a child restraint system, safety belt  
27 or safety harness."

28 6. By striking page 1, line 40 through page 2,  
29 line 17.

30 7. Page 3, line 3, by striking the words "cars  
31 or pickups" and inserting in lieu thereof the words  
32 "certain motor vehicles".

CHARLES BRUNER  
EMIL J. HUSAK  
RICHARD F. DRAKE  
BERLE E. PRIEBE

S-5085

1 Amend amendment S-5062 to Senate File 2089 as  
2 follows:

3 1. Page 1, by inserting after line 19 the  
4 following:

5 "\_\_\_\_\_. Subsections 1 and 2 do not apply to the  
6 transportation of a child by a person other than the  
7 child's parent or legal guardian if the child is  
8 secured by a safety belt or safety harness of a type  
9 approved under section 321.445."

10 2. Page 3, line 2, by inserting after the word  
11 "requiring" the word "certain".

12 3. By renumbering subsections as necessary.

JOE J. WELSH

S-5086

1 Amend House File 2006, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 5, by striking the words  
4 "registered family day care homes and".

5 2. Title page, line 3, by striking the words  
6 "registered family day care home or".

WALLY E. HORN

S-5087

1 Amend Senate File 2130 to read as follows:

2 1. Page 7, line 31, by striking the word "A" and

- 3 inserting in lieu thereof the words and figure "A"  
 4 Notwithstanding section 71.1, a".

JOE BROWN

S-5088

- 1 Amend House File 2072 as follows:

DIVISION S—5088A

- 2 1. Page 9, by inserting after line 33 the following  
 3 new sections:  
 4 "Sec. \_\_\_\_ . Section 8.33, 1983 Code Supplement,  
 5 unnumbered paragraph 2, is amended to read as follows:  
 6 No payment of an obligation for goods and services  
 7 shall be charged to an appropriation subsequent to  
 8 the last day of the fiscal term for which the  
 9 appropriation is made unless such goods or services  
 10 are received contracted for on or before the last  
 11 day of the fiscal term; except that repair projects  
 12 and other contracts for services and capital  
 13 expenditures for the purchase of land or the erection  
 14 of buildings or new construction; which were committed  
 15 and in progress prior to the end of the fiscal term  
 16 are excluded from this provision.  
 17 Sec. \_\_\_\_ . 1983 Iowa Acts, chapter 195, section  
 18 2, is amended to read as follows:  
 19 SEC. 2. There is appropriated from the federal  
 20 oil overcharge funds apportioned to Iowa under Pub.  
 21 L. No. 97-377, to the energy policy council, the sum  
 22 of five hundred seventy-five thousand (575,000)  
 23 dollars, or so much thereof as is necessary, to be  
 24 used in conjunction with the funds appropriated  
 25 available to the board of regents for energy  
 26 conservation projects under section one of this Act."

DIVISION S—5088B

- 27 2. Title page, line 6, by striking the word "and".  
 28 3. Title page, line 7, by inserting after the  
 29 word "fund" the words "and providing for the obligation  
 30 of state funds for goods and services when contracted  
 31 for during the fiscal year".

ARTHUR A. SMALL, JR.

## HOUSE AMENDMENT TO SENATE FILE 159

S-5089

- 1 Amend Senate File 159 as passed by the Senate,  
2 as follows:
- 3 1. Page 1, line 12, by inserting after the word  
4 "trustees" the words "of a township which has a common  
5 boundary with a city having a population of one hundred  
6 eighty thousand or more".
- 7 2. Page 1, by striking lines 32 through 34 and  
8 inserting in lieu thereof the words "value of the  
9 taxable property for ~~those purposes~~ the services  
10 authorized or required under section 359.42 and in  
11 any township which has a common boundary with".
- 12 3. Page 2, by striking lines 3 through 6 and  
13 inserting in lieu thereof the words "of assessed value  
14 of taxable property for ~~fire protection service or~~  
15 ~~ambulance service purposes or for both purposes~~ the  
16 services authorized or required under section 359.42."
- 17 4. Page 2, by striking lines 8 and 9 and inserting  
18 in lieu thereof the following: "~~action is~~  
19 insufficient to provide ~~fire protection service and~~  
20 ~~ambulance service~~ the services authorized or required  
21 under section 359.42."
- 22 5. Page 2, by striking lines 14 and 15 and  
23 inserting in lieu thereof the following: "to provide  
24 the ~~ambulance service services~~. The township trustees  
25 may divide the township".
- 26 6. Page 2, by striking lines 22 through 24 and  
27 inserting in lieu thereof the following: "tax  
28 districts for the purpose of providing ~~fire protection~~  
29 ~~service~~ the services authorized or required under  
30 section 359.42 and may levy a".
- 31 7. Page 2, by striking line 26 and inserting in  
32 lieu thereof the following: "a tax district for ~~fire~~  
33 ~~protection~~ the authorized or required services shall  
34 not exceed the tax".
- 35 8. Amend the title, line 2, by inserting after  
36 the word "townships" the words "having a common  
37 boundary with a city having a population of one hundred  
38 eighty thousand or more".

## HOUSE AMENDMENT TO SENATE FILE 345

S-5090

- 1 Amend Senate File 345, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 2 and 3, by striking the words

- 4 "or a medical practitioner" and inserting in lieu  
 5 thereof the words " , physician, dentist, podiatrist,  
 6 or veterinarian".
- 7 2. Page 1, line 6, by striking the words "or  
 8 medical practitioner" and inserting in lieu thereof  
 9 the words " , physician, dentist, or podiatrist".
- 10 3. Page 1, line 11, by striking the word "medical".
- 11 4. Page 1, line 12, by striking the word "medical".
- 12 5. Page 1, by striking lines 13 through 18 and  
 13 inserting in lieu thereof the following:  
 14 "3. A physician's assistant or registered nurse  
 15 may supply when pharmacist services are not reasonably  
 16 available or when it is in the best interests of the  
 17 patient, on the direct order of the supervising  
 18 physician, a quantity of properly packaged and labeled  
 19 prescription drugs, controlled substances, or  
 20 contraceptive devices necessary to complete a course  
 21 of therapy. However, a remote clinic, staffed by  
 22 a physician's assistant or registered nurse, where  
 23 pharmacy services are not reasonably available, shall  
 24 secure the regular advice and consultation of a  
 25 pharmacist regarding the distribution, storage, and  
 26 appropriate use of such drugs, substances, and  
 27 devices."
- 28 6. Page 1, line 20, by inserting after the word  
 29 "drugs" the words "and devices".
- 30 7. Page 1, by striking lines 23 through 28.
- 31 8. Page 1, by striking line 34.
- 32 9. By renumbering as necessary.

## S-5091

- 1 Amend Senate File 2130 as follows:  
 2 1. Page 8, line 9, by inserting after the word  
 3 "district," the words "A spouse of a member of the  
 4 board of directors of the school district shall not  
 5 receive compensation exceeding two thousand five  
 6 hundred dollars per year from the board of directors."

ARTHUR L. GRATIAS

## S-5092

- 1 Amend House File 2072 as amended and passed by  
 2 the House, as follows:  
 3 1. Page 9, by inserting after line 33 the following  
 4 new section:  
 5 "Sec. \_\_\_\_ . APPROPRIATIONS FOR FISCAL YEAR 1983-  
 6 84 REDUCED.

- 7 1. Funds appropriated from the general fund of  
8 the state before January 1, 1984, by the general  
9 assembly which are available for allocation during  
10 the fiscal year beginning July 1, 1983, are reduced  
11 by two and eight-tenths percent. However, the two  
12 and eight-tenths percent reduction does not apply  
13 to the following appropriated funds:
- 14 a. Funds appropriated after January 1, 1984, for  
15 expenditure during the fiscal year beginning July  
16 1, 1983, or appropriated funds reduced after January  
17 1, 1984, and before the effective date of this Act.
- 18 b. Funds appropriated pursuant to section 2.12,  
19 to the legislative fiscal bureau, to the legislative  
20 service bureau, to the Code editor, and to the office  
21 of citizens' aide.
- 22 c. Funds appropriated to the judicial department  
23 of state government.
- 24 d. Funds appropriated pursuant to sections 426.1  
25 and 427.17.
- 26 e. Funds appropriated by 1983 Iowa Acts, chapter  
27 195, sections 1 through 7 and section 15, subsection  
28 2, paragraph "a" and subsection 3.
- 29 f. Funds appropriated by 1983 Iowa Acts, chapter  
30 198, section 2, subsection 2, paragraph "c".
- 31 g. Funds appropriated by 1983 Iowa Acts, chapter  
32 202, section 11, subsection 2.
- 33 2. The two and eight-tenths percent reduction  
34 provided for in subsection 1 shall be carried out  
35 uniformly and proportionately in the same manner as  
36 specified in section 8.31. The reduction of the funds  
37 appropriated and available for the fiscal year  
38 beginning July 1, 1983 and ending June 30, 1984, shall  
39 not exceed two and eight-tenths percent because of  
40 compliance with this Act and executive action taken  
41 before the effective date of this Act.
- 42 3. Funds which become available as a result of  
43 the two and eight-tenths percent reduction as provided  
44 in subsection 1 shall revert to the general fund of  
45 the state."
- 46 2. Renumber sections and correct internal  
47 references as are necessary in accordance with this  
48 amendment.
- 49 3. Amend the title, line 1, by inserting after  
50 the word "appropriations" the words and figures "by

Page 2

1 reducing certain appropriations for the fiscal year

2 beginning July 1, 1983 by two and eight-tenths  
3 percent.”.

CALVIN O. HULTMAN  
DOUGLAS RITSEMA  
DALE L. TIEDEN  
LEE W. HOLT  
EDGAR H. HOLDEN

S-5093

1 Amend House File 2072 as amended and passed by  
2 the House as follows:  
3 1. Page 7, by striking lines 5 through 8.

DOUGLAS RITSEMA

S-5094

1 Amend Senate Joint Resolution 2003 as follows:  
2 1. Page 1, by striking lines 17 through 23 and  
3 inserting in lieu thereof the following:  
4 “That the Iowa General Assembly hereby reaffirms  
5 its vote on Senate Joint Resolution No. 1 of the 1979  
6 Session of the Iowa General Assembly, but urges  
7 Congress to submit a responsible balanced budget  
8 amendment to the fifty states within the immediate  
9 future so that a constitutional convention is no  
10 longer needed; and”.  
11 2. Title page, line 1, by striking the word  
12 “repealing” and inserting in lieu thereof the words  
13 “reaffirming the passage of”.

DOUGLAS RITSEMA  
ARNE WALDSTEIN

S-5095

1 Amend Senate File 2091 as follows:  
2 1. Page 1, by striking lines 20 through 27 and  
3 inserting in lieu thereof the following: “institution  
4 assumes the settlement of his the child's custodial  
5 parent as prescribed in subsections 5 and 6.  
6 Settlement of the minor child changes with the  
7 settlement of his the child's custodial parent, except  
8 that the child retains the settlement that his the  
9 child's custodial parent has on the child's eighteenth  
10 birthday until he the child is discharged from the  
11 institution, at which time he the child acquires his  
12 the child's own settlement; as provided in this section  
13 by continuously residing in a county for one year.”  
14 2. Page 1, by inserting after line 32 the

15 following:

16 "An emancipated minor acquires a legal settlement  
 17 in the minor's own right. An emancipated minor is  
 18 one who is absent from the minor's parents with the  
 19 consent of the parents, is self-supporting, and has  
 20 assumed a new relationship inconsistent with being  
 21 a part of the family of the parents.

22 A minor, placed in the care of a public agency  
 23 or facility as custodian or guardian, takes the legal  
 24 settlement that the parents had upon severance of  
 25 the parental relationship, and retains that legal  
 26 settlement until a natural person is appointed  
 27 custodian or guardian at which time the minor takes  
 28 the legal settlement of the natural person or until  
 29 the minor attains the age of eighteen."

30 3. Title page, line 3, by inserting after the  
 31 word "institute" the words "and by institutionalized,  
 32 emancipated, and other minors".

TOM MANN, JR.  
 RICHARD VANDE HOEF

S-5096

1 Amend Senate File 2124 as follows:

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

4 "Section 1. Section 613.16, subsection 1, Code  
 5 1983, is amended to read as follows:

6 1. The parent or parents of an unemancipated minor  
 7 child under the age of eighteen years shall be liable  
 8 for actual damages to person or property caused by  
 9 unlawful acts of such child. However, a parent who  
 10 is not entitled to legal physical custody of the minor  
 11 child at the time of the unlawful act shall not be  
 12 liable for such damages."

13 2. By renumbering to conform to this amendment.

DOUGLAS RITSEMA

S-5097

1 Amend House File 2072, as amended and passed by  
 2 the House, as follows:

3 1. Page 2, line 12, by striking the words "primary  
 4 road" and inserting in lieu thereof the words "road  
 5 use tax".

JOE J. WELSH  
 BOB CARR  
 RICHARD F. DRAKE

S-5098

- 1 Amend House File 2072 as amended and passed by the  
 2 House as follows:  
 3 1. Title, line 6, by inserting after the figure  
 4 "1984," the words "and providing for the obligation of  
 5 state funds for goods and services when contracted  
 6 for during the fiscal year".

ARTHUR A. SMALL, JR.

S-5099

- 1 Amend Senate File 489 as follows:  
 2 1. Page 1, by inserting after line 4 the following:  
 3 "c. "Ambulance service" means a volunteer ambulance  
 4 service which is not a part of an established volunteer  
 5 fire department."  
 6 2. Page 1, line 5, by striking the letter "c"  
 7 and inserting in lieu thereof the letter "d".  
 8 3. Page 1, line 6, by inserting after the word  
 9 "department" the words "a member in good standing  
 10 of an ambulance service."  
 11 4. Page 1, line 12, by inserting after the word  
 12 "department" the words "an ambulance service."  
 13 5. Page 1, line 15, by inserting after the word  
 14 "department" the words "an ambulance service."  
 15 6. Page 1, line 24, by inserting after the word  
 16 "department" the words "an ambulance service."

EMIL J. HUSAK

S-5100

- 1 Amend House File 406 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. By striking all after the enacting clause and  
 4 inserting in lieu thereof the following:  
 5 "Section 1. Section 110.1, subsections 1 through  
 6 4, Code 1983, are amended to read as follows:  
 7 1. Fishing licenses:  
 8 a. Legal residents except as otherwise provided ..... \$ 6  
 9 8.50  
 10 b. Legal residents permanently disabled or sixty-  
 11 five years of age or older ..... \$ 1  
 12 e b. Lifetime license for legal residents permanent-  
 13 ly disabled or sixty-five years of age or older ..... \$ 6  
 14 8.50  
 15 d c. Nonresident license ..... \$ 12  
 16 15.50



17	e d. Three-day license for resident or non-	
18	resident .....	\$ 2.00
19	<u>4.50</u>	
20	f e. Special trout license Trout stamp .....	\$ 5.00
21	<u>8.00</u>	
22	2. Hunting licenses:	
23	a. Legal residents except as otherwise provided .....	\$ 6.00
24	<u>8.50</u>	
25	b. Legal residents permanently disabled or	
26	sixty-five years of age or older .....	\$ 1.25
27	c. Lifetime license for legal residents permanent-	
28	ly disabled or sixty-five years of age or older .....	\$ 6.00
29	d b. Deer hunting license for residents .....	\$ 15.00
30	<u>20.00</u>	
31	e c. Wild turkey hunting license for residents .....	\$ 15.00
32	<u>20.00</u>	
33	f d. Nonresidents hunting license .....	\$ 25.00
34	<u>47.50</u>	
35	g. Nonresidents raccoon stamp and tags .....	\$100.00
36	h. Nonresidents pheasant stamp .....	\$ 5.00
37	3. Hunting and fishing combined licenses:	
38	a. Legal residents except as otherwise provided .....	\$ 11.00
39	<u>15.50</u>	
40	b. Legal residents permanently disabled or	
41	sixty-five years of age or older .....	\$ 2.50
42	e b. Lifetime license for residents permanently dis-	
43	abled or sixty-five years of age or older .....	\$ 8.00
44	<u>15.50</u>	
45	4. Trapping Fur harvesters, dealers and	
46	game breeders licenses:	
47	a. Trapping Fur harvester license for	
48	legal residents sixteen years of age or older .....	\$ 10.00
49	<u>15.50</u>	
50	b. Trapping Fur harvester license for legal	

Page 2

1	residents under sixteen years of age .....	\$ 1.00
2	<u>2.50</u>	
3	c. Trapping Fur harvester license	
4	for nonresidents .....	\$100.00
5	<u>150.50</u>	
6	d. Fur dealers license for residents .....	\$150.00
7	<u>200.00</u>	
8	e. Fur dealers license for nonresidents .....	\$300.00
9	<u>400.00</u>	
10	f. Game breeder's license .....	\$ 10.00
11	Sec. 2. Section 110.3, Code 1983, is amended to	
12	read as follows:	

13 110.3 WILDLIFE HABITAT STAMP. A resident or  
14 nonresident person required to have a hunting or  
15 trapping fur harvester license shall not hunt or trap  
16 unless he or she has on his or her person a valid  
17 wildlife habitat stamp signed in ink with his or her  
18 signature across the face of the stamp. This section  
19 shall not apply to residents who are permanently  
20 disabled or who are younger than sixteen or older  
21 than sixty-five years of age. Special wildlife habitat  
22 stamps shall be administered in the same manner as  
23 hunting and trapping fur harvester licenses except  
24 all revenue derived from the sale of the wildlife  
25 habitat stamps shall be used within the state of Iowa  
26 for habitat development and shall be deposited in  
27 the state fish and game protection fund. The revenue  
28 may be used for the matching of federal funds. The  
29 revenues and any matched federal funds shall be used  
30 for acquisition of land, leasing of land or obtaining  
31 of easements from willing sellers for use as wildlife  
32 habitats. Notwithstanding the exemption provided  
33 by section 427.1, any land acquired with the revenues  
34 and matched federal funds shall be subject to the  
35 full consolidated levy of property taxes which shall  
36 be paid from those revenues. In addition such revenue  
37 may be used for the development and enhancement of  
38 wildlife lands and habitat areas. Not less than fifty  
39 percent of all revenue from the sale of wildlife  
40 habitat stamps shall be used by the commission to  
41 enter into agreements with county conservation boards  
42 or other public agencies in order to carry out the  
43 purposes of this section. The state share of funding  
44 of those agreements provided by the revenue from the  
45 sale of wildlife habitat stamps shall not exceed  
46 seventy-five percent.

47 Sec. 3. Section 110.10, Code 1983, is amended  
48 to read as follows:

49 110.10 ISSUANCE OF LICENSE. All licenses other  
50 than hunting, fishing, and trapping fur harvester

Page 3

1 licenses, shall be issued by the director upon  
2 application to the departmental office at Des Moines.  
3 Hunting, fishing, and trapping fur harvester licenses  
4 shall be issued by the recorder of each county.

5 Sec. 4. Section 110.11, Code 1983, is amended  
6 to read as follows:

7 110.11 DEPOSITARIES--BOND. The county recorder  
8 may designate various depositaries for the sale of

9 such licenses other than the office of the county  
10 recorder. The director may designate depositaries  
11 other than those designated by the recorders of the  
12 various counties but in so doing the interest of the  
13 state shall be fully protected either by a sufficient  
14 cash deposit or a satisfactory bond. Depositaries  
15 designated by the county recorder or the director  
16 ~~may have the privilege of charging an additional shall~~  
17 ~~retain twenty-five cents for from the sale of each~~  
18 ~~license to be retained~~ for the service rendered in  
19 issuing the license.

20 Sec. 5. Section 110.12, unnumbered paragraph 2,  
21 Code Supplement 1983, is amended to read as follows:

22 The county recorder ~~may require that shall retain~~  
23 a writing fee of ~~twenty-five fifty~~ cents ~~be charged~~  
24 ~~for from the sale of each license sold by the county~~  
25 ~~recorder's office and require that each depositary~~  
26 ~~designated by the county recorder pay a service fee~~  
27 ~~of twenty-five cents for each license sold by the~~  
28 ~~depositary. The service and writing fees shall be~~  
29 ~~deposited in the general fund of the county.~~

30 Sec. 6. Section 110.17, Code 1983, is amended  
31 to read as follows:

32 110.17 TENURE OF LICENSE. Every license, except  
33 lifetime hunting and fishing licenses ~~and falconry~~  
34 ~~licenses~~, shall ~~expire on December 31 following its~~  
35 ~~insurance be valid from the date issued to December~~  
36 ~~31 of the calendar year for which it is issued. A~~  
37 ~~license shall not be issued prior to December 15 for~~  
38 ~~the subsequent calendar year.~~

39 Sec. 7. Section 110.18, Code 1983, is amended  
40 to read as follows:

41 110.18 FORM OF LICENSE. All hunting, fishing,  
42 and ~~trapping fur harvester~~ licenses shall contain  
43 a general description of the licensee. Such licenses  
44 shall be upon such forms as the commission shall  
45 adopt. The address and the signature of the applicant  
46 and all signatures and other writing shall be in ink.  
47 All licenses shall clearly indicate the nature of  
48 the privilege granted.

49 Sec. 8. Section 110.24, unnumbered paragraphs  
50 2, 3, 4, 5, and 6, Code Supplement 1983, are amended

Page 4

1 to read as follows:

2 Upon written application to the state conservation  
3 commission, one of the following persons shall be  
4 issued a deer or a wild turkey hunting license:

- 5 1. The owner of a farm unit; or  
 6 2. One member of the family of the farm owner;  
 7 or  
 8 3. The tenant residing on the farm unit; or  
 9 4. One member of the family of the tenant, who  
 10 resides on the farm unit.

11 The deer or wild turkey hunting permit shall be  
 12 valid only for hunting on the farm unit upon which  
 13 the licensee to whom it is issued resides.

14 The application required herein for the deer or  
 15 wild turkey hunting license shall be on forms furnished  
 16 by the conservation commission and shall be without  
 17 fee.

18 Deer or wild turkey hunting licenses issued under  
 19 this section shall be subject to all other provisions  
 20 of the laws and regulations pertaining to the taking  
 21 of deer and wild turkey.

22 No A resident of the state under sixteen years  
 23 of age or a nonresident of the state under fourteen  
 24 years of age shall be is not required to have a license  
 25 to fish in the waters of the state. However, residents  
 26 under sixteen years of age and nonresidents under  
 27 fourteen years of age must possess a valid trout stamp  
 28 to possess trout or they must fish for trout with  
 29 a licensed adult who possesses a valid trout stamp  
 30 and limit their combined catch to the daily limit  
 31 established by the commission.

32 Sec. 9. Section 110.26, Code 1983, is amended  
 33 to read as follows:

34 110.26. NONRESIDENT MAKING FALSE CLAIM. A  
 35 nonresident shall not obtain a resident license by  
 36 falsely claiming residency in the state. The  
 37 presumptions and provisions of section 321.1A, Code  
 38 Supplement 1983, relating to residency shall apply  
 39 to licenses under this chapter. The use of a license  
 40 by a person other than the person to whom the license  
 41 is issued is unlawful and shall nullify the license.  
 42 A resident or nonresident who violates this section  
 43 is guilty of a simple misdemeanor.

44 Sec. 10. Chapter 110, Code 1983, is amended by  
 45 adding the following new section:

46 NEW SECTION. FUR HARVESTER LICENSE. A fur  
 47 harvester license is required to hunt all furbearers,  
 48 except coyote and ground hog and to trap any fur-  
 49 bearing animal. A hunting license is not required  
 50 when hunting furbearers, except coyote and ground

Page 5

1 hog, with a fur harvester's license.

2 Sec. 11. A trapping license valid on the effective

3 date of this Act shall remain valid until it expires  
4 under the provisions of the 1983 Code.  
5 Sec. 12. Sections 110.7, and 110.38, Code 1983,  
6 are repealed."

COMMITTEE ON NATURAL RESOURCES  
BASS VAN GILST, Chair

S-5101

1 Amend Senate File 2130 as follows:

2 1. Page 1, line 32, by striking the word "May"  
3 and inserting in lieu thereof the word "November".

4 2. Page 2, line 30, by striking the word "June"  
5 and inserting in lieu thereof the word "December".

6 3. Page 3, line 19, by striking the word and  
7 figure "March 1" and inserting in lieu thereof the  
8 word and figure "May 30".

9 4. Page 4, line 17, by striking the word and  
10 figure "March 15" and inserting in lieu thereof the  
11 word and figure "July 1".

12 5. By striking page 4, line 27, through page 6,  
13 line 32.

14 6. Page 7, line 2, by striking the word "May"  
15 and inserting in lieu thereof the word "November".

16 7. Page 7, by inserting after line 18, the  
17 following:

18 "Sec. \_\_\_\_ . Section 277.20, unnumbered paragraph  
19 1, Code 1983, is amended to read as follows:

20 On the next ~~Friday~~ Monday after the regular school  
21 election, the county board of supervisors shall canvass  
22 the returns made to the county commissioner of  
23 elections from the several precinct polling places  
24 and the absentee ballot counting board, ascertain  
25 the result of the voting with regard to every matter  
26 voted upon and cause a record to be made thereof as  
27 required by section 50.24. Special elections held  
28 in school districts shall be canvassed at the time  
29 and in the manner required by that section. The board  
30 shall declare the results of the voting for members  
31 of boards of directors of school corporations nominated  
32 pursuant to section 277.4, and the commissioner shall  
33 at once issue a certificate of election to each person  
34 declared elected. The board shall also declare the  
35 results of the voting on any public question submitted  
36 to the voters of a single school district, and the  
37 commissioner shall certify the result as required  
38 by section 50.27."

39 8. Page 8, line 15, by striking the words "~~third~~  
40 first" and inserting in lieu thereof the word "third".

- 41 9. Page 8, line 16, by striking the word "June"  
 42 and inserting in lieu thereof the word "November".  
 43 10. Page 8, line 26, by striking the words "third  
 44 first Monday in September June" and inserting in lieu  
 45 thereof the words "third Monday in September November".  
 46 11. Page 9, line 8, by striking the word and  
 47 figure "May 31" and inserting in lieu thereof the  
 48 word and figure "November 30".  
 49 12. Page 9, line 30, by striking the word "June"  
 50 and inserting in lieu thereof the word "December".

## Page 2

- 1 13. Page 10, line 16, by striking the words "July  
 2 March" and inserting in lieu thereof the word "July".  
 3 14. Page 10, line 18, by striking the word "May"  
 4 and inserting in lieu thereof the word "November".  
 5 15. Page 10, line 27, by striking the word "May"  
 6 and inserting in lieu thereof the word "November".  
 7 16. Page 11, line 6, by striking the word "May"  
 8 and inserting in lieu thereof the word "November".  
 9 17. Page 11, line 10, by striking the words  
 10 "January June" and inserting in lieu thereof the word  
 11 "January".  
 12 18. Page 11, line 26, by striking the word and  
 13 figures "May 31, 1984" and inserting in lieu thereof  
 14 the words "the date in the same year that the terms  
 15 expire under this Act".  
 16 19. Page 12, line 4, by striking the word and  
 17 figure "March 15" and inserting in lieu thereof the  
 18 word and figure "July 1".  
 19 20. By renumbering as necessary.

RAY TAYLOR  
 EDGAR H. HOLDEN

## S-5102

- 1 Amend Senate File 2040 as follows:  
 2 1. Page 3, by inserting after line 4 the  
 3 following:  
 4 "Sec. 3. The department of job service may  
 5 appear before the executive council and request  
 6 funds to meet unanticipated emergencies."

C.W. BILL HUTCHINS

## S-5103

- 1 Amend Senate File 2063 as follows:  
 2 1. Page 2, line 24, by inserting after the word

3 "division" the words "to repay funds appropriated  
 4 from the state general fund which repayment shall  
 5 be within five years of the date of appropriation".

EDGAR H. HOLDEN

S-5104

1 Amend Senate File 2130 as follows:

DIVISION S—5104B

2 1. Page 2, line 4, by inserting after the word  
 3 "agency," the words "A spouse of a member of the board  
 4 of directors of the area education agency shall not  
 5 receive compensation exceeding two thousand five  
 6 hundred dollars per year from the board of directors."

DIVISION S—5104A

7 2. Page 8, line 9, by inserting after the word  
 8 "district," the words "A spouse of a member of the  
 9 board of directors shall not receive compensation  
 10 exceeding two thousand five hundred dollars per year  
 11 from the board of directors."

DIVISION S—5104B

12 3. Page 9, line 21, by inserting after the word  
 13 "area," the words "A spouse of a member of the board  
 14 of directors of the merged area shall not receive  
 15 compensation exceeding two thousand five hundred  
 16 dollars per year from the board of directors."

ARTHUR L. GRATIAS

S-5105

1 Amend Senate amendment S-5082 to Senate File  
 2 2063 as follows:

3 1. Page 2, by striking line 17 and inserting  
 4 in lieu thereof the following:  
 5 "division. The board shall seek to repay the  
 6 state for general fund appropriations by rec-  
 7 ommending to the general assembly reversions from  
 8 income received from successful ventures. The  
 9 board shall recommend such action at any time when  
 10 the revenue available to the board is deemed suf-  
 11 ficient to continue existing operations."

EDGAR H. HOLDEN  
 CHARLES BRUNER

## S-5106

- 1 Amend Senate File 2078 as follows:
- 2 1. Page 1, line 11, by inserting after the words
- 3 "previous service" the words "or if a vacancy occurs
- 4 on the board before the one full term of nonservice
- 5 has elapsed".

JAMES D. WELLS

## S-5107

- 1 Amend the amendment S-5100 to House File 406 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, lines 17 and 18, by striking the words
- 4 "or non-resident" and inserting in lieu thereof the
- 5 words "or non-resident".
- 6 2. Page 1, by inserting after line 19 the follow-
- 7 ing:
- 8 "e. Three-day license for nonresident . . . . 8.00".
- 9 3. Page 1, line 20, by striking the letters "f e."
- 10 and inserting in lieu thereof the letter "f."

TOM SLATER

## S-5108

- 1 Amend amendment S-5100 to House File 406 as amended,
- 2 passed and reprinted by the House, as follows:
- 3 1. Page 1, by striking line 5 and inserting in
- 4 lieu thereof the following:
- 5 "Section 1. Section 109.38, subsection 2, Code
- 6 1983, is amended to read as follows:
- 7 2. If following an investigation the commission
- 8 finds that the number of hunters licensed to take
- 9 deer or wild turkey should be limited or further
- 10 regulated, the commission shall conduct a drawing
- 11 to determine which applicants shall receive a license.
- 12 Applications for licenses shall be received and
- 13 accepted during a ~~thirty-day~~ forty-five day period
- 14 established by the commission. At the end of such
- 15 period the drawing shall be conducted. If the quota
- 16 has not been filled, licenses shall then be issued
- 17 in the order in which such applications are received
- 18 and shall continue to be issued until such quota has
- 19 been met or until a date fifteen days prior to the
- 20 opening day of the season, whichever first occurs.
- 21 If an applicant receives a deer license which is more
- 22 restrictive than licenses issued to others for the
- 23 same period and place, the applicant shall receive



24 a certificate with his or her license entitling the  
 25 applicant to priority in the drawing for the less  
 26 restrictive deer licenses the following year. The  
 27 certificate must accompany that person's application  
 28 the following year, or the applicant will not receive  
 29 this priority. Persons purchasing a deer license  
 30 for the gun season as provided under this section  
 31 and under section 110.1 shall not be eligible for  
 32 a deer-hunting license under the provisions of section  
 33 110.24. This subsection shall not apply to the hunting  
 34 of wild turkey on game breeding and shooting preserves  
 35 licensed under chapter 110A.  
 36 Sec. 2. Section 110.1, subsections 1 through".

RAY TAYLOR

S-5109

1 Amend House File 169 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 4, by striking the words "one  
 4 year" and inserting in lieu thereof the words "fifteen  
 5 months".  
 6 2. Page 1, line 6, by striking the words "one  
 7 year" and inserting in lieu thereof the words "fifteen-  
 8 month".  
 9 3. Page 1, line 14, by striking the words "one  
 10 year" and inserting in lieu thereof the words "fifteen  
 11 months".  
 12 4. Page 1, line 17, by striking the words "one  
 13 year" and inserting in lieu thereof the words "fifteen-  
 14 month".

COMMITTEE ON LOCAL GOVERNMENT  
 ALVIN V. MILLER, Chair

S-5110

1 Amend the amendment S-5100 to House File 406 as  
 2 amended, passed and reprinted by the House as fol-  
 3 lows:  
 4 1. Page 4, by striking lines 12 and 13 and in-  
 5 serting in lieu thereof the words "valid only for  
 6 hunting on the farm unit upon which the licensee to  
 7 whom it is issued resides resided upon or owned by  
 8 the licensee to whom it is issued."

CHARLES P. MILLER

HOUSE AMENDMENT TO SENATE FILE 190

S-5111

1 Amend Senate File 190 as amended, passed and

2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 15, by striking the word  
4 "provision" and inserting in lieu thereof the word  
5 "section".  
6 2. Page 1, line 16, by inserting after the word  
7 "more" the following: "full-time".  
8 3. Page 1, lines 20 and 21, by striking the words  
9 "issuance or".

S-5112

1 Amend Senate File 2101 as follows:

- 2 1. Page 1, by striking lines 1 through 7 and  
3 inserting in lieu thereof the following:  
4 "Section 1. Section 232.53, Code 1983, is amended:  
5 to read as follows:  
6 232.53 DURATION OF DISPOSITIONAL ORDERS.  
7 1. Any dispositional order entered by the court  
8 pursuant to section 232.52 shall remain in force for  
9 an indeterminate period or until the child becomes  
10 eighteen years of age unless otherwise specified by  
11 the court or unless sooner terminated pursuant to  
12 the provisions of section 232.54. No dispositional  
13 order made under section 232.52, subsection 2,  
14 paragraph "e" shall remain in force longer than the  
15 maximum possible duration of the sentence which may  
16 be imposed on an adult for the commission of the act  
17 which the child has been found by the court to have  
18 committed.  
19 2. All dispositional orders entered prior to the  
20 child attaining the age of seventeen years and six  
21 months shall automatically terminate when the child  
22 becomes eighteen years of age. Dispositional orders  
23 entered subsequent to the child attaining the age  
24 of seventeen years and six months and prior to the  
25 child's eighteenth birthday shall automatically  
26 terminate one year after the date of disposition.  
27 In the case of an adult within the jurisdiction of  
28 the court under the provisions of section 232.8,  
29 subsection 1, the dispositional order shall  
30 automatically terminate one year after the last date  
31 upon which jurisdiction could attach.  
32 3. Notwithstanding section 242.13, a child  
33 committed to the state training school may be held  
34 at the school beyond the child's eighteenth birthday  
35 pursuant to subsection 2 until the child has completed  
36 a course of instruction established for the child  
37 pursuant to section 242.4.  
38 4. Any person supervising but not having custody

39 of the child pursuant to such an order shall file  
 40 a written report with the court at least every six  
 41 months concerning the status and progress of the  
 42 child.

43 Any agency, facility, institution or person to  
 44 whom custody of the child has been transferred pursuant  
 45 to such order shall file a written report with the  
 46 court at least every six months concerning the status  
 47 and progress of the child."

RAY TAYLOR

S-5113

1 Amend Senate File 2122 as follows:  
 2 1. Page 1, by striking lines 13 through 15 and  
 3 inserting in lieu thereof the following: "hold a  
 4 hearing on the estimate after notice of the hearing  
 5 is published as provided in section 331.305. On or  
 6 before January 10 of each year, the board of".

JAMES D. WELLS

S-5114

1 Amend amendment S-5100 to House File 406 as amended,  
 2 passed and reprinted by the House as follows:  
 3 1. Page 5, by inserting after line 4 the follow-  
 4 ing:  
 5 "Sec. 12. The provisions of this Act take effect  
 6 December 15 following enactment. Notwithstanding  
 7 the provisions of this Act, section 8 of this Act  
 8 takes effect July 1 following enactment and the price  
 9 for the deer hunting license and wild turkey hunting  
 10 license for the 1984 calendar year shall be twenty  
 11 dollars."

BASS VAN GILST

S-5115

1 Amend Senate File 347 as follows:  
 2 1. Page 1, line 1, by striking the words and  
 3 figures "subsection 9, Code 1983" and inserting in  
 4 lieu thereof the words and figures "subsection 8,  
 5 Code Supplement 1983".  
 6 2. Page 1, line 3, by striking the figure "9"  
 7 and inserting in lieu thereof the figure "8".

COMMITTEE ON TRANSPORTATION  
 C. JOSEPH COLEMAN, Chair

S-5116

- 1 Amend amendment S-5100 to House File 406 as amended,  
2 passed and reprinted by the House, as follows:

## DIVISION S—5116A

3 1. Page 2, by inserting after line 46 the  
4 following:

5 "Sec. 3. Section 110.4, Code 1983, is amended  
6 to read as follows:

7 110.4 PERMANENTLY DISABLED DEFINED. For the  
8 purpose of obtaining a license, a person is permanently  
9 disabled if that any of the following apply:

10 1. The person has been found under the provisions  
11 of the federal Social Security Act, title II, or any  
12 other public or private pension system to have a  
13 total, permanent physical or mental condition which  
14 prevents that person from engaging in his or her  
15 occupation or qualifies that person for retirement.

16 2. The person is physically severely handicapped  
17 and has qualified for a special license under section  
18 110.24."

## DIVISION S—5116B

19 2. Page 4, by inserting after line 31 the  
20 following:

21 "Sec. 9. Section 110.24, unnumbered paragraph  
22 7, Code Supplement 1983, is amended to read as follows:

23 ~~No A~~ license shall ~~not~~ be required of minor pupils  
24 of the state school for the blind; ~~or~~ state school  
25 for the deaf, nor of minor residents of other state  
26 institutions under the control of a director of a  
27 division of the department of human services; ~~nor~~  
28 ~~shall any~~, ~~A~~ person who is on active duty with the  
29 armed forces of the United States, ~~on authorized~~  
30 ~~leave~~; and a legal resident of the state of Iowa,  
31 ~~be pursuant to section 422.4, subsection 8 is not~~  
32 required to have a license to hunt or fish in this  
33 state. ~~No A~~ license ~~shall be~~ ~~is not~~ required of  
34 residents of county care facilities or ~~any person~~  
35 ~~persons~~ who ~~is~~ ~~are~~ receiving old age assistance under  
36 federal supplemental security income pursuant to  
37 chapter 249. In this section "active duty" means  
38 full-time duty in the armed forces of the United  
39 States including time on furlough and other authorized  
40 leave and excluding active duty for training purposes  
41 only and excluding any period a person was assigned

42 by the armed forces to a civilian institution for  
 43 a course of education or training which was  
 44 substantially the same as established courses offered  
 45 to civilians."  
 46 3. Renumber the sections to conform with this  
 47 amendment.

DALE L. TIEDEN  
 C.W. BILL HUTCHINS

S-5117

1 Amend the amendment S-5100 to House File 406 as  
 2 amended, passed and reprinted by the House as follows:

DIVISION S—5117A

3 1. Page 1; by striking lines 10 and 11 and  
 4 inserting in lieu thereof the following:  
 5 "b. Legal residents permanently  
 6 disabled or sixty-five years of age  
 7 or older ..... ~~\$1-25~~ 1.75".

DIVISION S—5117B

8 2. Page 1, line 14, by striking the figure "8.50"  
 9 and inserting in lieu thereof the figure "6.50".

DIVISION S—5117C

10 3. Page 1, by striking lines 25 through 28 and  
 11 inserting in lieu thereof the following:  
 12 "b. Legal residents permanently  
 13 disabled or sixty-five years of age or  
 14 older ..... ~~\$1-25~~ 1.75.  
 15 c. Lifetime license for legal residents  
 16 permanently disabled or sixty-five years of age  
 17 or older ..... ~~\$6-00~~ 6.50"  
 18 4. Page 1, by striking lines 40 and 41 and  
 19 inserting in lieu thereof the following:  
 20 "b. Legal residents permanently  
 21 disabled or sixty-five years of age or  
 22 older ..... ~~\$2-50~~ 3.00".  
 23 5. By renumbering and relettering to conform with  
 24 this amendment.

BERLE E. PRIEBE

3-5118

1 Amend Senate File 2099 as follows:

- 2 1. Page 1, lines 10 and 11, by striking the words  
3 "general assembly or the".

COMMITTEE ON STATE GOVERNMENT  
TOM SLATER, Chair

S-5119

- 1 Amend amendment S-5100 to House File 406 as amended,  
2 passed and reprinted by the House, as follows:  
3 1. Page 1, line 48, by striking the word "sixteen"  
4 and inserting in lieu thereof the words "sixteen  
5 seventeen".  
6 2. Page 2, line 1, by striking the word "sixteen"  
7 and inserting in lieu thereof the words "sixteen  
8 seventeen".  
9 3. Page 2, line 20, by striking the word "sixteen"  
10 and inserting in lieu thereof the words "sixteen  
11 seventeen".  
12 4. Page 3, line 50, by striking the word and  
13 figure "and 6" and inserting in lieu thereof the word  
14 and figures "6, 8 and 10".  
15 5. Page 4, line 22, by striking the word "sixteen"  
16 and inserting in lieu thereof the words "sixteen  
17 seventeen".  
18 6. Page 4, line 26, by striking the word "sixteen"  
19 and inserting in lieu thereof the word "seventeen".  
20 7. Page 4, by inserting after line 31 the  
21 following:  
22 "No A resident of the state under ~~sixteen~~ seventeen  
23 years of age ~~shall be~~ is not required to have a license  
24 to hunt game if accompanied by ~~his or her~~ the ~~minor's~~  
25 parent or guardian or in company with any other  
26 competent adult with the consent of the ~~said~~ minor's  
27 parent or guardian, if the ~~said~~ person accompanying  
28 ~~said~~ the minor shall possess a valid hunting license;  
29 ~~providing, however, that there is one licensed adult~~  
30 ~~accompanying each person under sixteen years of age.~~  
31 The commission shall issue without charge a special  
32 fishing license to residents of Iowa ~~sixteen~~ seventeen  
33 years or more of age who the commission finds are  
34 mentally or physically severely handicapped. The  
35 commission is ~~hereby~~ authorized to prepare an  
36 application to be used by the person requesting  
37 handicapped status, which would require that ~~his~~  
38 ~~the person's~~ attending physician sign the form  
39 declaring the person handicapped and eligible for  
40 exempt status."

ARNE WALDSTEIN  
DALE L. TIEDEN

S-5120

1 Amend Senate File 2034 as follows:

2 1. Page 1, by striking lines 1 through 20 and  
3 inserting in lieu thereof the following:  
4 "Section 1. Section 321.383, subsection 1, Code  
5 1983, is amended to read as follows:

6 1. This chapter with respect to equipment on  
7 vehicles does not apply to implements of husbandry,  
8 except that section 321.437 shall apply to any  
9 implement of husbandry towing another vehicle. This  
10 chapter with respect to equipment on vehicles does  
11 not apply to road machinery, bulk spreaders and other  
12 fertilizer and chemical equipment defined as special  
13 mobile equipment, road rollers, or farm tractors  
14 except as made applicable in this section. However,  
15 the movement of implements of husbandry between the  
16 retail seller and a farm purchaser or the movement  
17 of indivisible implements of husbandry between the  
18 place of manufacture and a retail seller or farm  
19 purchaser under section 321.453 is subject to safety  
20 rules adopted by the department. The safety rules  
21 shall prohibit the movement of any power unit towing  
22 more than one implement of husbandry from the  
23 manufacturer to the retail seller, from the retail  
24 seller to the farm purchaser, or from the manufacturer  
25 to the farm purchaser."

26 2. Amend the title, lines 1 and 2, by striking  
27 the words "a motor vehicle towing an implement of  
28 husbandry" and inserting in lieu thereof the words  
29 "an implement of husbandry towing a vehicle".

DONALD V. DOYLE

S-5121

1 Amend Senate File 2165 as follows:

2 1. By striking all after the enacting clause and  
3 inserting in lieu thereof the following:  
4 "Section 1. The purpose of this Act is for the  
5 governor, the general assembly, and the judicial  
6 department to evaluate measures to make state  
7 government more efficient through the examination  
8 of supervisory span control.

9 Sec. 2. Studies shall be initiated to examine  
10 the existing full-time equivalent positions devoted  
11 to supervision of employees in state government.  
12 The studies shall enumerate existing supervisory  
13 efficiency ratios and include a narrative analysis  
14 on meeting the goal of establishing a span of control  
15 ratio of one to seven. The analysis of individual

16 units of state government must take into account  
 17 different levels of responsibility, complexity,  
 18 proximity, and other factors affecting the ability  
 19 to manage in order to effectively improve the  
 20 efficiency of management. Recommended ratios of other  
 21 than one to seven shall be accompanied by documentation  
 22 detailing why a span of control ratio of one to seven  
 23 would interfere with adequate performance of the  
 24 affected unit's governmental responsibilities.

25 Each study shall include a plan for achieving the  
 26 recommended span of control ratio in two phases.  
 27 The first phase shall be capable of implementation  
 28 no later than July 1, 1985 and the remaining phase  
 29 shall be capable of implementation not later than  
 30 July 1, 1986. The studies will be completed and  
 31 submitted to the general assembly by October 15, 1984.

32 Sec. 3. The governor shall perform the study  
 33 provided in section 2 of this Act for all state  
 34 agencies in the executive branch with the exception  
 35 of the institutions under the jurisdiction of the  
 36 board of regents.

37 Sec. 4. The board of regents shall perform the  
 38 study provided in section 2 of this Act for all  
 39 institutions under its jurisdiction and shall submit  
 40 that study to the governor no later than September  
 41 15, 1984. Full-time teaching and research positions  
 42 are exempt from the study described under section  
 43 2 of this Act.

44 Sec. 5. The legislative council shall perform  
 45 the study provided in section 2 of this Act for all  
 46 legislative employees.

47 Sec. 6. The supreme court shall perform the study  
 48 provided in section 2 of this Act for all court  
 49 employees under its jurisdiction."

CALVIN O. HULTMAN

S-5122

1 Amend Senate File 510 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. NEW SECTION. 570A.1 DEFINITIONS.

5 As used in this chapter, unless the context otherwise  
 6 requires:

7 1. "Agricultural chemical" means a fertilizer  
 8 or agricultural chemical which is applied to crops  
 9 or land which is used for the raising of crops,  
 10 including but not limited to fertilizer as defined  
 11 in section 200.3, and pesticide as defined in section  
 12 206.2.



13 2. "Agricultural purpose" means a purpose related  
14 to the production, harvest, marketing, or  
15 transportation of agricultural products by a person  
16 who cultivates, plants, propagates or nurtures the  
17 agricultural products including agricultural,  
18 horticultural, viticultural, and dairy products,  
19 livestock, wildlife, poultry, bees, forest products,  
20 fish and shellfish, and any other products raised  
21 or produced on farms.

22 3. "Agricultural supply dealer" means a person  
23 engaged in the retail sale of agricultural chemicals,  
24 seed, feed, or petroleum products used for an  
25 agricultural purpose.

26 4. "Certified request" means a request delivered  
27 by registered or certified mail, or a request delivered  
28 in person in writing signed and dated by the respective  
29 parties.

30 5. "Farmer" means a person engaged in a business  
31 which has an agricultural purpose.

32 6. "Feed" means a commercial feed, feed ingredient,  
33 mineral feed, drug, animal health product, or customer-  
34 formula feed which is used for the feeding of  
35 livestock, including but not limited to feed as defined  
36 in section 198.3.

37 7. "Financial history" means the record of a  
38 person's current loans, the date of a person's loans,  
39 the amount of the loans, the person's payment record  
40 on the loans, current liens against the person's  
41 property, and the person's most recent financial  
42 statement.

43 8. "Financial institution" means a bank, credit  
44 union, insurance company, mortgage banking company  
45 or savings and loan association, industrial loan  
46 company, production credit association, farmer's home  
47 administration, or like institution which operates  
48 or has a place of business in this state.

49 9. "Labor" means labor performed in the  
50 application, delivery, or preparation of a product

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1 defined in subsections 1 through 4.

2 10. "Letter of credit" means an engagement by  
3 a financial institution to honor drafts or other  
4 demands for payment.

5 11. "Petroleum product" means a motor fuel or  
6 special fuel which is used in the production of crops  
7 and livestock, including but not limited to motor  
8 fuel as defined in section 324.2.

9 12. "Sale on a credit basis" means a transaction

10 in which the purchase price is due on a date after  
11 the date of the sale.

12 13. "Seed" means agricultural seeds which are  
13 used in the production of crops, including but not  
14 limited to agricultural seed as defined in section  
15 199.1.

16 Sec. 2. NEW SECTION. 570A.2 FINANCIAL INSTITUTION  
17 MEMORANDUM TO AGRICULTURAL SUPPLY DEALERS.

18 1. Upon the receipt of a certified request of  
19 an agricultural supply dealer, prior to or upon a  
20 sale on a credit basis of agricultural chemicals,  
21 seed, feed, or petroleum products to a farmer, a  
22 financial institution which has either a security  
23 interest in collateral owned by the farmer or an  
24 outstanding loan to the farmer for an agricultural  
25 purpose shall issue within two business days a  
26 memorandum which states whether or not the farmer  
27 has a sufficient net worth or line of credit to assure  
28 payment of the purchase price on the terms of the  
29 sale. The certified request submitted by the  
30 agricultural supply dealer shall state the amount  
31 of the purchase and the terms of sale, and be  
32 accompanied by a waiver of confidentiality signed  
33 by the farmer, and a fifteen dollar fee. If the  
34 financial institution states in its memorandum that  
35 the farmer has a sufficient net worth or line of  
36 credit to assure payment of the purchase price, the  
37 memorandum is an irrevocable and unconditional letter  
38 of credit to the benefit of the agricultural supply  
39 dealer for a period of thirty days following the date  
40 on which the final payment is due for the amount of  
41 the purchase price which remains unpaid. If the  
42 financial institution does not state in its memoran-  
43 dum that the farmer has a sufficient net worth or  
44 line of credit to assure payment of the purchase  
45 price, the financial institution shall transmit the  
46 relevant financial history which it holds on the  
47 person. This financial history shall remain  
48 confidential between the financial institution, the  
49 agricultural supply dealer, and the farmer.  
50 2. If within two business days of receipt of a

Page 3

1 certified request a financial institution fails to  
2 issue a memorandum upon the request of an agricultural  
3 supply dealer and the request from the agricultural  
4 supply dealer was proper under subsection 1, or if  
5 the memorandum from the financial institution is  
6 incomplete, or if the memorandum from the financial  
7 institution states that the farmer does not have a  
8 sufficient net worth or line of credit to assure

9 payment of the purchase price, the agricultural supply  
10 dealer may decide to make the sale and secure the  
11 lien provided in section 570A.3.

12 3. Upon an action to enforce a lien secured under  
13 section 570A.3 against the interest of a financial  
14 institution secured to the same collateral as that  
15 of the lien, it shall be an affirmative defense to  
16 a financial institution and complete proof of the  
17 superior priority of the financial institutions's  
18 lien that the financial institution either did not  
19 receive a certified request and a waiver signed by  
20 the farmer, or received the request and a waiver  
21 signed by the farmer and provided the full and complete  
22 relevant financial history which it held on the farmer  
23 making the purchase from the agricultural supply  
24 dealer on which the lien is based and that financial  
25 history reasonably indicated that the farmer did not  
26 have a sufficient net worth or line of credit to  
27 assure payment of the purchase price.

28 **Sec. 3. NEW SECTION. 570A.3 LIEN CREATED.**

29 1. An agricultural supply dealer furnishing an  
30 agricultural chemical, seed, or a petroleum product  
31 to a farmer has a lien for the retail cost of the  
32 agricultural chemical, seed, or petroleum product,  
33 including labor furnished. The lien attaches to all  
34 crops which are produced upon the land to which the  
35 agricultural chemical was applied within sixteen  
36 months following the last date on which the  
37 agricultural chemical was applied, or produced from  
38 seed furnished, or produced using the petroleum product  
39 furnished. However, the lien does not attach to that  
40 portion of the crops of a farmer who has paid all  
41 amounts due from the farmer for the retail cost,  
42 including labor, of the agricultural chemical, seed,  
43 or petroleum product provided.

44 2. An agricultural supply dealer furnishing feed  
45 to a farmer has a lien for the unpaid amount of the  
46 retail cost of the feed, including labor. The lien  
47 attaches to all livestock consuming the feed. However,  
48 the lien does not attach to that portion of the  
49 livestock of a farmer who has paid all amounts due  
50 from the farmer for the retail cost, including labor,

Page 4

1 of the feed.

2 **Sec. 4. NEW SECTION. 570A.4 PERFECTION OF LIEN.**

3 1. In order to perfect the lien created by section  
4 570A.2, the agricultural supply dealer entitled to  
5 the lien shall file a verified lien statement with

6 the office of the secretary of state. The lien  
7 statement must be filed either within thirty-one days  
8 after the first date on which payment is due from  
9 the farmer, or for an agricultural chemical, seed,  
10 or feed on or before September 1 of the current crop  
11 year and for a petroleum product on or before December  
12 1 of the current crop year, whichever is earlier,  
13 except that lien statements related to feed may be  
14 filed at the time the feed is purchased or delivered.  
15 The lien statement shall disclose all of the fol-  
16 lowing:

- 17 a. The name and address of the agricultural supply  
18 dealer claiming the lien.
- 19 b. An itemized declaration of the nature and  
20 retail cost of the agricultural chemical, seed, feed,  
21 or petroleum product which was furnished.
- 22 c. The last date on which the agricultural supply  
23 dealer claiming the lien furnished the agricultural  
24 chemical, seed, feed, or petroleum product for which  
25 the lien is claimed.
- 26 d. The first date on which payment was due from  
27 the farmer for whom the agricultural chemical, seed,  
28 feed, or petroleum product was furnished.
- 29 e. The name, address, and social security number  
30 or the internal revenue service tax identification  
31 number of the farmer for whom the agricultural  
32 chemical, seed, feed, or petroleum product was  
33 furnished.
- 34 f. The legal description of the real property  
35 on which the crops to which the lien attaches are  
36 growing or are to be grown or the description of the  
37 livestock or animals to which the lien attaches.

38 2. The secretary of state shall enter on the lien  
39 statement the time of day and date of filing.

40 3. If an agricultural supply dealer fails to file  
41 the lien statement within the time required by  
42 subsection 1, the lien and all benefits under this  
43 chapter are forfeited.

44 4. The secretary of state shall note the filing  
45 of a lien statement under this section in the manner  
46 provided by chapter 554, the uniform commercial code,  
47 and shall charge a four dollar filing fee if the  
48 statement is the standard form prescribed by the  
49 secretary of state, and otherwise a fee of five  
50 dollars.

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1 5. An agricultural supply dealer filing a verified  
2 lien statement shall request from the secretary of  
3 state a certificate showing any effective financing

4 statement or verified lien statements naming the  
5 debtor and the crops or livestock to which the lien  
6 attaches. The agricultural supply dealer shall notify  
7 by registered mail any other creditor who holds a  
8 lien or security interest which is subordinate or  
9 equal to the agricultural supply dealer's lien.

10 **Sec. 5. NEW SECTION. 570A.5 PRIORITY OF LIEN.**

11 1. A lien perfected under this chapter is superior  
12 to a lien or security interest which attaches  
13 subsequent to the time the lien statement is filed  
14 with the secretary of state, except liens which arise  
15 under this chapter or under chapters 570 and 571.

16 2. A lien perfected under this chapter is equal  
17 to a lien or security interest which is of record  
18 or which is perfected prior to the time the lien  
19 statement is filed with the secretary of state.

20 3. A lien perfected under this chapter for the  
21 purposes of feed will continue to be perfected in  
22 the livestock and takes priority over an earlier  
23 perfected lien or security interest to the extent  
24 of the difference between the acquisition price of  
25 the livestock and the fair market value of the  
26 livestock at the time the lien attaches or the sale  
27 price of the livestock, whichever is greater.

28 **Sec. 6. NEW SECTION. 570A.6 ENFORCEMENT OF LIEN.**

29 1. The holder of a lien perfected under this  
30 chapter may enforce the lien in the manner provided  
31 in chapter 554, article 9, part 5, for the enforcement  
32 of security interests. For purposes of enforcement  
33 of the lien, the lienholder is deemed to be the secured  
34 party, and the farmer for whom the agricultural  
35 chemical, seed, feed, or petroleum product was  
36 furnished is deemed to be the debtor, and each has  
37 the respective rights and duties of a secured party  
38 and a debtor as provided in chapter 554, article 9,  
39 part 5. Where a right or duty under chapter 554,  
40 article 9, part 5 is contingent upon the existence  
41 of express language in a security agreement, or may  
42 be waived by express language in a security agreement,  
43 the requisite language is deemed not to exist for  
44 purposes of enforcement of the lien created by this  
45 chapter.

46 **Sec. 7. NEW SECTION. 570A.7 ENFORCEMENT ACTIONS.**

47 An action to enforce a lien arising under this chapter  
48 may be commenced in the district court after the lien  
49 is perfected. The action may be brought in any county  
50 in which some part of the crop and livestock or animals

1 is located. The action shall be by equitable

2 proceedings, and no other cause of action shall be  
3 joined with it. A lien statement may be amended by  
4 leave of the court in furtherance of justice, except  
5 as to the amount demanded. An action to enforce a  
6 lien under this chapter may be brought within one  
7 year after the date the lien statement is filed and  
8 not afterward.

9 **Sec. 8. NEW SECTION. 570A.8 DEMAND FOR BRINGING**  
10 **SUIT.**

11 1. A person who has an interest in crops or  
12 livestock to which a lien has attached under this  
13 chapter may serve upon the lienholder a written demand  
14 that the lienholder commence an action to enforce  
15 the lien within thirty days after the date of service.  
16 The written demand shall be served in the same manner  
17 provided for service of an original notice. If the  
18 lienholder fails to commence an action within thirty  
19 days after being served with the written demand, the  
20 lien and all benefits of the lien are extinguished.

21 2. Return of service of the written demand  
22 specified in subsection 1 shall be filed with the  
23 secretary of state.

24 3. The lienholder shall file with the secretary  
25 of state a file stamped copy of the petition to enforce  
26 the lien within thirty days of commencing the action.  
27 Failure to file the copy of the petition will cause  
28 the verified lien statement to lapse.

29 **Sec. 9. NEW SECTION. 570A.9 ASSIGNMENT OF LIEN.**

30 A lien which has been perfected under this chapter  
31 is assignable, and follows the assignment of the debt  
32 for which it is claimed.

33 **Sec. 10. NEW SECTION. 570A.10 ACKNOWLEDGEMENT**

34 **OF SATISFACTION.** When a lien under this chapter is  
35 satisfied by payment of the claim, the lienholder  
36 shall acknowledge the satisfaction of the claim in  
37 writing to the secretary of state. If the lienholder  
38 failed to file an acknowledgement of satisfaction  
39 with the secretary of state within thirty days after  
40 written demand by a person having an interest in the  
41 crop or livestock, the lienholder is liable to the  
42 person for a penalty of twenty-five dollars, plus  
43 actual damages incurred as a result of the failure,  
44 plus attorney fees and court costs.

45 **Sec. 11. NEW SECTION. 570A.11 RIGHTS AND**  
46 **REMEDIES.** The rights and remedies provided for in  
47 this chapter are in addition to and not in lieu of  
48 the rights and remedies provided for in chapter 572.

49 **Sec. 12.** Section 554.9407, subsection 3, Code  
50 Supplement 1983, is amended to read as follows:

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1 3. Upon written request of any person, the filing  
 2 officer shall issue a certificate showing whether  
 3 there is on file on the date and hour stated therein,  
 4 any presently effective financing statement or verified  
 5 lien statement under chapter 570A naming a particular  
 6 debtor and any financing statement or verified lien  
 7 statement changes and if there is arg, giving the  
 8 date and hour of filing of each such filing and the  
 9 names and addresses of each secured party therein.  
 10 The uniform fee for such a certificate shall be four  
 11 dollars if the request for the certificate is on a  
 12 form conforming to standards prescribed by the  
 13 secretary of state; otherwise, five dollars. Upon  
 14 request and the payment of the appropriate fee the  
 15 filing officer shall furnish a certified copy of any  
 16 filed financing statement or financing statement  
 17 changes or verified lien statement or lien statement  
 18 changes for a uniform fee of one dollar per page.”  
 19 2. Title page, by striking lines 1 through 6 and  
 20 inserting in lieu thereof the following: “An Act  
 21 relating to liens against crops and livestock to  
 22 secure payment for agricultural chemicals, seed,  
 23 petroleum products, and feed used in the production  
 24 of growing crops and livestock and providing for the  
 25 perfection, enforcement, assignment, and satisfaction  
 26 of these liens, and providing for statutory damages.”

ALVIN V. MILLER  
 RAY TAYLOR  
 EMIL J. HUSAK  
 JACK RIFE  
 C.W. BILL HUTCHINS

S-5123

1 Amend amendment S-5100 to House File 406 as amended,  
 2 passed and reprinted by the House, as follows:  
 3 1. Page 5, by inserting after line 1 the following:  
 4 “Sec. 11. Chapter 110, Code 1983, is amended by  
 5 adding the following new section:  
 6 NEW SECTION. RECIPROCITY IN FISHING.  
 7 1. A nonresident may fish in this state without  
 8 an Iowa license if the nonresident has in immediate  
 9 possession a valid fishing license issued to the  
 10 nonresident by that person's state of residence and  
 11 if that state allows fishing by Iowa residents who  
 12 have Iowa licenses. A nonresident who may fish under  
 13 this subsection is subject to all laws relating to

14 the taking of fish."

DAVID M. READINGER

S-5124

- 1 Amend Senate File 2122 as follows:
- 2 1. Page 2, line 9, by inserting after the word
- 3 "county," the following: "A copy of the notice
- 4 submitted for publication shall be mailed to the
- 5 county library on or before the date of publication."

JOHN E. SOORHOLTZ

S-5125

- 1 Amend Senate amendment S-5122 to Senate File 510
- 2 as follows:
- 3 1. Page 4, lines 29 through 31, by striking the
- 4 words " , address, and social security number or the
- 5 internal revenue service tax identification number"
- 6 and inserting in lieu thereof the words "and address".

JULIA B. GENTLEMAN

S-5126

- 1 Amend Senate amendment S-5122 to Senate File 510
- 2 as follows:
- 3 1. Page 5, line 19, by inserting after the word
- 4 "state" the following: "except as provided in section
- 5 570A.2, subsection 3".

DOUGLAS RITSEMA

S-5127

- 1 Amend Senate amendment S-5122 to Senate File 510
- 2 as follows:
- 3 1. Page 2, line 1, by striking the word and figures
- 4 "1 through 4" and inserting in lieu thereof the word
- 5 and figures "1, 6, 11, and 13".

ALVIN V. MILLER

S-5128

- 1 Amend amendment S-5100 to House File 406 as amended,
- 2 passed and reprinted by the House, as follows:
- 3 1. Page 3, lines 35 and 36, by striking the word
- 4 and figure "December 31" and inserting in lieu thereof



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- 5 the word and figure "January 10".  
6 2. Page 3, line 36, by inserting after the words  
7 "of the" the word "succeeding".

BERL E. PRIEBE

S-5129

- 1 Amend Senate File 2014 as follows:  
2 1. Page 1, line 17, by striking the word "twenty"  
3 and inserting in lieu thereof the word "fifty".  
4 2. Page 1, line 18, by inserting after the word  
5 "hundred" the word "fifty".

TOM SLATER

S-5130

- 1 Amend Senate File 2165 as follows:  
2 1. Page 2, line 18, by striking the words "or  
3 research" and inserting in lieu thereof the words  
4 ", research or direct patient care".  
5 2. Page 2, line 20, by striking the words "or  
6 unit".

TOM SLATER

S-5131

- 1 Amend Senate File 2073 as follows:  
2 1. Page 1, by striking lines 1 through 27, and  
3 inserting in lieu thereof the following:  
4 "Section 1. STATEMENT OF POLICY. The general  
5 assembly declares it to be the policy of this state  
6 that income tax returns are to be used for one purpose  
7 only - namely, the determination of income tax owed,  
8 and any over or underpayment. The collection of vol-  
9 untary, charitable contributions shall be accomplished  
10 by the groups for whom the contributions are intended  
11 and shall not involve the use of state income tax re-  
12 turns.  
13 Sec. 2. Sections 56.18 and 56.19, Code Supplement  
14 1983, are repealed.  
15 Sec. 3. Section 107.16, Code 1983, is repealed."  
16 2. Page 1, line 28, by striking the number "2"  
17 and inserting in lieu thereof the number "4".  
18 3. Title, by striking lines 1 through 3 and in-  
19 serting in lieu thereof the words "An Act dealing with  
20 income tax checkoff."

DOUGLAS RITSEMA

S-5132

1 Amend Senate File 2116 as follows:

2 1. Page 2, line 22, by inserting after the word  
3 "parts" the words "except that this payment shall  
4 not be due to the franchisee if the franchisor elects  
5 to perform the handling, packing, and loading".

6 2. Page 4, by striking lines 5 through 11 and  
7 inserting in lieu thereof the following: "-CIVIL  
8 PENALTY. In the event that any franchisor fails to  
9 make payment to the franchisee or the franchisee's  
10 heir or heirs as required by this chapter within sixty  
11 days after the inventory has been received by the  
12 franchisor, the franchisor shall be civilly liable  
13 for one hundred percent of the current net price of  
14 farm implements; transportation charges which have  
15 been paid by the franchisee; eighty-five percent of  
16 the current net price of repair parts; five percent  
17 of the current net price of repair parts to cover  
18 handling, packing and loading, if applicable; and  
19 attorney fees incurred by the franchisee or the  
20 franchisee's heir or heirs."

21 3. Page 4, by inserting after line 18, the  
22 following new section:

23 "Sec. 6. NEW SECTION. 322D.6 SECURITY INTERESTS  
24 NOT AFFECTED. The provisions of this chapter shall  
25 not be construed to affect, in any way, the existence  
26 or enforcement of any security interest which a  
27 supplier, any financial institution or any other  
28 person may have in the inventory of the retailer,  
29 and any repurchase of inventory which is made hereunder  
30 shall not be subject to the bulk sales provisions  
31 of chapter 554, article 6, of the uniform commercial  
32 code."

COMMITTEE ON COMMERCE  
GEORGE R. KINLEY, Chair

S-5133

1 Amend House File 140 as amended, passed and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 14.

4 2. Page 1, by striking lines 15 through 22.

5 3. Page 1, by striking lines 28 through 30 and  
6 inserting in lieu thereof the following: "that rule  
7 is deemed to be unreasonable, arbitrary, capricious  
8 or otherwise beyond the authority delegated to the  
9 agency procedurally or substantively unlawful, the  
10 committee, governor".

- 11 4. Page 1, by striking line 32 and inserting in  
 12 lieu thereof the following: "the objection prior  
 13 to within one year after the effective date of such  
 14 a the rule."
- 15 5. Page 2, line 4, by striking the words "Code  
 16 editor" and inserting in lieu thereof the words "Code  
 17 editor administrative rules coordinator".
- 18 6. Page 2, line 5, by striking the words "within  
 19 the above time limits" and inserting in lieu thereof  
 20 the words "within the above time limits one year  
 21 limit".
- 22 7. Page 2, by striking lines 13 through 15 and  
 23 inserting in lieu thereof the following: "is not  
 24 unreasonable, arbitrary, capricious or otherwise  
 25 beyond the authority delegated to it procedurally  
 26 or substantively unlawful."
- 27 8. Page 2, line 30, by striking the words and  
 28 figures "subsections 1 and 9" and inserting in lieu  
 29 thereof the word and figure "subsection 1".
- 30 9. Page 2, line 31, by striking the word "are"  
 31 and inserting in lieu thereof the word "is".
- 32 10. Page 3, by striking lines 6 through 28.
- 33 11. Page 3, line 31, by striking the word and  
 34 figures "May 1, 1983" and inserting in lieu thereof  
 35 the words "on the effective date of this Act".

COMMITTEE ON STATE GOVERNMENT  
 TOM SLATER, Chair

S-5134

- 1 Amend Senate File 2165 as follows:  
 2 1. Page 2, by striking lines 9 through 13.

CALVIN O. HULTMAN

S-5135

- 1 Amend Senate File 2165 as follows:  
 2 } 1. Page 1, line 26 by inserting after the word  
 3 "number." the words "A state agency that has vol-  
 4 untarily instituted a reorganization during the  
 5 1983-1984 fiscal year which resulted in a reduc-  
 6 tion of upper management positions shall include that  
 7 reduction in their ten percent."

CALVIN O. HULTMAN

S-5136

- 1 Amend Senate File 2165 as follows:
- 2 1. Page 2, by inserting after line 8 the following:
- 3 "5. A state agency may request relief from the
- 4 merit employment commission's rules for layoffs nec-
- 5 essitated by the proposal subject to the approval
- 6 of the executive council."

CALVIN O. HULTMAN

S-5137

- 1 Amend amendment S-5121 to Senate File 2165 as
- 2 follows:
- 3 1. Page 1, by striking lines 34 through 43 and
- 4 inserting in lieu thereof the words "agencies in the
- 5 executive branch. Full-time teaching and research
- 6 positions under the authority of the board of regents
- 7 are exempt from the study described under section
- 8 2 of this Act."
- 9 2. By renumbering the sections to conform with
- 10 this amendment.

DOUGLAS RITSEMA

S-5138

- 1 Amend Senate File 2073 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. NEW SECTION. 18.175 CAPITOL
- 5 RESTORATION CHECKOFF. A person who files an individual
- 6 or joint tax return with the department of revenue
- 7 may designate any additional amount to be paid to
- 8 the state capitol restoration fund. The action taken
- 9 by a person for the checkoff is irrevocable.
- 10 Sec. 2. NEW SECTION. 18.176 FUND CREATED. The
- 11 state capitol restoration fund is created within the
- 12 office of the treasurer of state to be administered
- 13 by the director of general services.
- 14 The department of revenue on or before January
- 15 31 of the year following the preceding calendar year
- 16 shall certify the total amount designated for the
- 17 state capitol restoration fund on the tax returns
- 18 due in the preceding calendar year and shall report
- 19 the amount to the treasurer of state and to the depart-
- 20 ment of general services. The treasurer of state
- 21 shall credit the amount to the state capitol
- 22 restoration fund.

23 The amount credited to the fund from the checkoff  
 24 is appropriated to the department of general services  
 25 which with the prior approval of the executive council  
 26 may be used for capital improvements relating to the  
 27 restoration of the capitol building.

28 Sec. 3. NEW SECTION. 18.177 HISTORICAL BUILDING  
 29 CHECKOFF. A person who files an individual or joint  
 30 tax return with the department of revenue may designate  
 31 any additional amount to be paid to the state  
 32 historical building fund. The action taken by a  
 33 person for the checkoff is irrevocable.

34 Sec. 4. NEW SECTION. 18.178 FUND CREATED. The  
 35 state historical building fund is created within the  
 36 office of the treasurer of state to be administered  
 37 by the director of general services.

38 The department of revenue on or before January  
 39 31 of the year following the preceding calendar year  
 40 shall certify the total amount designated for the  
 41 state historical building fund on the tax returns  
 42 due in the preceding calendar year and shall report  
 43 the amount to the treasurer of state and the department  
 44 of general services. The treasurer of state shall  
 45 credit the amount to the state historical building  
 46 fund.

47 The amount credited to the fund from the checkoff  
 48 is appropriated to the department of general services  
 49 which with the prior approval of the executive council  
 50 may be used for capital improvements relating to the

Page 2

1 historical building.

2 Sec. 5. NEW SECTION. 18.179 CHECKOFF PERMISSION.  
 3 Before a checkoff under sections 18.175 and 18.177  
 4 is permitted, all liabilities on the books of the  
 5 department of revenue, and accounts identified as  
 6 owing under section 421.17 and the additional political  
 7 contribution allowed under section 56.18 shall be  
 8 satisfied.

9 If the refund due on the return or the payment  
 10 remitted with the return is insufficient to pay the  
 11 additional amounts designated by the taxpayer, the  
 12 amounts so designated with any other amount designated  
 13 under section 107.16 shall be reduced proportionately  
 14 to the remaining amount of refund or the remaining  
 15 amount remitted with the returns.

16 The department of revenue shall adopt rules to  
 17 implement sections 18.175 to 18.179.

18 Sec. 6. Section 56.18, subsection 3, unnumbered

19 paragraph 3, Code Supplement 1983, is amended to read  
20 as follows:

21 However, before a checkoff pursuant to subsection  
22 ~~2 of the section~~ shall be permitted, all liabilities  
23 on the books of the department of revenue, accounts  
24 identified as owing under section 421.17 ~~and the~~  
25 ~~checkoff permitted under section 107.16~~ shall be  
26 satisfied.

27 Sec. 7. Section 107.16, unnumbered paragraphs  
28 1 and 7, Code 1983, are amended to read as follows:

29 A person who files an individual or a joint income  
30 tax return with the department of revenue under section  
31 422.13 may designate ~~any an additional~~ amount of the  
32 ~~refund due on the return~~ to be paid to the state fish  
33 and game protection fund. ~~The amount designated shall~~  
34 ~~not exceed the amount of refund due on the return.~~  
35 If the refund due on the return or the payment remitted  
36 with the return is insufficient to pay the additional  
37 amount designated by the taxpayer, the amount  
38 designated shall be reduced proportionately with other  
39 amounts so designated under chapter 18 to the remaining  
40 amount of refund or the remaining amount remitted  
41 with the return.

42 The department shall adopt rules to implement this  
43 section. However, before a checkoff pursuant to this  
44 section shall be permitted, all liabilities on the  
45 books of the department of revenue and accounts  
46 identified as owing under section 421.17; ~~subsection~~  
47 ~~21, paragraph "b", and the political contribution~~  
48 allowed under section 56.18 shall be satisfied.

49 Sec. 8. This Act is retroactive to January 1,  
50 1984 for tax years beginning on or after that date."

Page 3

- 1 2. Title page, by striking lines 1 through 3 and
- 2 inserting in lieu thereof the following:
- 3 "An Act relating to income tax checkoffs for the
- 4 state capitol restoration fund, state historical
- 5 building fund and fish and game protection fund."

CALVIN O. HULTMAN

S-5139

- 1 Amend Senate File 347 as follows:
- 2 1. Page 1, line 21, by striking the words
- 3 "followed by" and inserting in lieu thereof the word
- 4 "and".

RICHARD F. DRAKE  
DONALD V. DOYLE

S-5140

1 Amend Senate File 2160 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. Chapter 23, Code 1983, is amended  
 5 by adding the following new section:  
 6 **NEW SECTION. 23.21 BID PREFERENCE UNDER CERTAIN**  
 7 **CONDITIONS.** Notwithstanding this chapter, chapter  
 8 331, or chapter 384, when a contract for a public  
 9 improvement is to be awarded to the lowest responsible  
 10 bidder, a resident bidder shall be allowed a preference  
 11 as against a nonresident bidder from a state which  
 12 gives or requires a preference to bidders from that  
 13 state. The preference is equal to the preference  
 14 given or required by the state in which the nonresident  
 15 bidder is a resident. "Resident bidder" means a  
 16 person authorized to transact business in this state  
 17 and having a place of business for transacting business  
 18 within the state at which it is and has conducted  
 19 business for at least six months prior to the first  
 20 advertisement for the public improvement and in the  
 21 case of a corporation, at least fifty percent of the  
 22 common stock is owned by residents of this state.  
 23 If another state has a more stringent definition of  
 24 a resident bidder, the more stringent definition is  
 25 applicable as to bidders from that state."

CALVIN O. HULTMAN  
 TED ANDERSON

S-5141

1 Amend Senate File 2181 as follows:  
 2 1. Page 1, by striking lines 16 and 17 and  
 3 inserting in lieu thereof the following: "The  
 4 committee shall adopt rules".  
 5 2. Page 1, line 19, by inserting a period after  
 6 the word "program".  
 7 3. Page 1, by striking line 20.

RICHARD VANDE HOEF

S-5142

1 Amend Senate File 2117 as follows:  
 2 1. Page 1, by striking lines 4 and 5 and inserting  
 3 in lieu thereof the following: "and employees during  
 4 regular working hours for the support of a charitable  
 5 organization which conducts a single, annual

6 consolidated effort to secure funds for distribution  
7 to a number of agencies engaged in charitable and  
8 public health, welfare and service work."

TED ANDERSON

S-5143

1 Amend House File 140 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 2, line 29, by inserting after the word  
4 "bulletin." the words "The governor shall precede  
5 this action by publishing a notice in the Iowa  
6 administrative bulletin. This notice shall identify  
7 the rule under consideration for rescission and allow  
8 interested persons not less than twenty days to sub-  
9 mit written comments or arguments concerning this  
10 proposed action."

TOM SLATER  
EDGAR H. HOLDEN

S-5144

1 Amend Senate File 2014 as follows:  
2 1. Page 1, by striking line 8 and inserting in  
3 lieu thereof the following: "regular elections or  
4 between a regular election and a special election  
5 for that office, including the fair market value of  
6 in-kind contributions. This section does not".  
7 2. Page 1, line 17, by striking the word "twenty"  
8 and inserting in lieu thereof the word "fifty".  
9 3. Page 1, line 18, by inserting after the word  
10 "hundred" the word "fifty".

COMMITTEE ON STATE GOVERNMENT  
TOM SLATER, Chair

S-5145

1 Amend Senate File 2093 as follows:  
2 1. Page 1, by striking lines 11 through 14 and  
3 inserting in lieu thereof the words "shall have an  
4 opportunity to be heard. At least ~~fifteen~~ seven days'  
5 notice of the time and place of ~~such~~ the hearing shall  
6 be published in a paper of general circulation in ~~such~~  
7 the city. However, in no case shall the public hear-  
8 ing be held earlier than the next regularly scheduled  
9 city council meeting following the published notice."

TOM SLATER



S-5146

1 Amend House File 2218, as amended, passed and  
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 312.2, Code Supplement 1983,  
6 is amended by adding the following new subsection:  
7 **NEW SUBSECTION. 15.** The treasurer of state,  
8 before making the allotments provided in this section,  
9 shall credit annually to the state department of  
10 transportation from the road use tax fund the sum  
11 of six million three hundred thousand dollars to fund  
12 the operation and administration of the driver's  
13 license program within the state department of  
14 transportation. However, in any fiscal year following  
15 a fiscal year in which the unobligated balance in  
16 the general fund of the state is fifty million dollars  
17 or more, there is appropriated from the general fund  
18 of the state to the state department of transportation  
19 the sum of six million three hundred thousand dollars  
20 to fund the operation and administration of the  
21 driver's license program within the state department  
22 of transportation. In any fiscal year in which funds  
23 are appropriated from the general fund of the state  
24 to the state department of transportation to fund  
25 the operation and administration of the driver's  
26 license program, the treasurer of state shall not  
27 allocate funds from the road use tax fund under this  
28 subsection.

29 Sec. 2. Section 321.190, subsection 1, unnumbered  
30 paragraph 3, Code 1983, is amended to read as follows:

31 The fee for a nonoperator's identification card  
32 shall be ~~one dollar~~ five dollars and the card shall  
33 be valid for the purpose of identification for a  
34 period of four years from the date of issuance. A  
35 fee of ~~one dollar~~ five dollars shall be charged for  
36 the voluntary replacement of an identification card.

37 Sec. 3. Section 321.191, unnumbered paragraph  
38 1, Code 1983, is amended to read as follows:

39 The fee for an operator's license shall be ~~five~~  
40 ten dollars if issued for a period of two years, and  
41 ~~ten~~ twenty dollars if issued for a period of four  
42 years. The fee for a chauffeur's license shall be  
43 ~~ten~~ twenty dollars if issued for a period of two  
44 years, and ~~twenty~~ forty dollars if issued for a period  
45 of four years. The fee for an instruction permit  
46 shall be ~~three~~ six dollars, for a chauffeur's

47 instruction permit, ~~six~~ twelve dollars, for a temporary  
 48 driver's permit, ~~five~~ ten dollars and for a motorized  
 49 bicycle license, ~~five~~ ten dollars.  
 50 Sec. 4. Section 1 takes effect July 1, 1984.

Page 2

1 Sec. 5. Sections 2 and 3 take effect the first  
 2 day of the month following enactment and publication.  
 3 Sec. 6. This Act, being deemed of immediate  
 4 importance, takes effect from and after its publication  
 5 in the Washington Evening Journal, a newspaper  
 6 published in Washington, Iowa, and in the Telegraph  
 7 Herald, a newspaper published in Dubuque, Iowa."  
 8 2. Amend the title by striking lines 2 and 3 and  
 9 inserting in lieu thereof the words "fees for motor  
 10 vehicle licenses and nonoperator's identification  
 11 cards".

RICHARD F. DRAKE

S-5147

1 Amend Senate File 517 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. NEW SECTION. 694.1 MISSING PERSONS.  
 5 As used in this chapter, unless the context otherwise  
 6 indicates, "missing person" means a person who is  
 7 missing and meets one of the following characteristics:  
 8 1. Is physically or mentally disabled.  
 9 2. Was, or is, in the company of another person  
 10 under circumstances indicating that the missing  
 11 person's safety may be in danger.  
 12 3. Is missing under circumstances indicating that  
 13 the disappearance was not voluntary.  
 14 4. Is an unemancipated minor.  
 15 For purposes of this chapter an "unemancipated  
 16 minor" means a minor who has not married and who  
 17 resides with a parent or other legal guardian.  
 18 Sec. 2. NEW SECTION. 694.2 DISSEMINATION OF  
 19 INFORMATION. When a report of a missing person has  
 20 been received by a law enforcement agency having  
 21 jurisdiction, the agency shall notify:  
 22 1. On duty personnel of the agency, as soon as  
 23 practicable, through internal means and over the  
 24 appropriate police radio network.  
 25 2. All law enforcement agencies considered to  
 26 be involved by the law enforcement agency having  
 27 jurisdiction.  
 28 3. All law enforcement agencies to which the

29 person filing the report requests that the information  
30 be sent, if the request is reasonable in light of  
31 the information contained in the report.

32 4. All law enforcement agencies requesting the  
33 information.

34 Sec. 3. NEW SECTION. 694.3 UNEMANCIPATED MINORS.

35 1. If a report of missing person involves an  
36 unemancipated minor, the law enforcement agency shall  
37 immediately transmit the proper information for  
38 inclusion in the national crime information center  
39 computer.

40 2. If a report of missing person involves an  
41 unemancipated minor, a law enforcement agency shall  
42 not prevent an immediate active investigation on the  
43 basis of an agency rule which specifies an automatic  
44 time limitation for a missing person investigation.

45 Sec. 4. NEW SECTION. 694.4 FALSE INFORMATION-  
46 -PENALTY. A person who knowingly makes a false report  
47 of missing person, or knowingly makes a false statement  
48 in the report, to a law enforcement agency is guilty  
49 of a simple misdemeanor."

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chair

S-5148

1 Amend House File 140 as amended, passed and re-  
2 printed by the House as follows:

3 1. By striking page 3, line 33 through page 4, line  
4 1.

5 2. Title, by striking lines 3 and 4 and inserting in  
6 lieu thereof the words "committee, attorney general,  
7 and governor."

JULIA B. GENTLEMAN

S-5149

1 Amend Senate File 2117 as follows:

2 1. Page 1, line 5, by inserting after the word  
3 "hours." the words "The state agency or depart-  
4 ment shall adopt rules imposing reasonable time,  
5 place, and manner restrictions on such solicitation  
6 permitted by this section."

ARTHUR A. SMALL, JR.  
TED ANDERSON

S-5150

1 Amend Senate File 2160 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. Chapter 23, Code 1983, is amended  
5 by adding the following new section:  
6 NEW SECTION. 23.21 BID PREFERENCE UNDER CERTAIN  
7 CONDITIONS. Notwithstanding this chapter, chapter  
8 331, or chapter 384, when a contract for a public  
9 improvement is to be awarded to the lowest responsible  
10 bidder, a resident bidder shall be allowed a preference  
11 as against a nonresident bidder from a state or foreign  
12 country which gives or requires a preference to bidders  
13 from that state or foreign country. The preference  
14 is equal to the preference given or required by the  
15 state or foreign country in which the nonresident  
16 bidder is a resident. "Resident bidder" means a  
17 person authorized to transact business in this state  
18 and having a place of business for transacting business  
19 within the state at which it is and has conducted  
20 business for at least six months prior to the first  
21 advertisement for the public improvement and in the  
22 case of a corporation, at least fifty percent of the  
23 common stock is owned by residents of this state.  
24 If another state or foreign country has a more  
25 stringent definition of a resident bidder, the more  
26 stringent definition is applicable as to bidders from  
27 that state or foreign country."

28 Sec. 2. This Act, being deemed of immediate  
29 importance, takes effect from and after its publication  
30 in the Waterloo Courier Record, a newspaper published  
31 in Waterloo, Iowa, and in The Red Oak Express, a  
32 newspaper published in Red Oak, Iowa."

CALVIN O. HULTMAN  
TED ANDERSON

S-5151

1 Amend House File 4, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 6 through 15 and  
4 inserting in lieu thereof the following: "ever, if  
5 more than ten separate parcels of real estate are  
6 described in one instrument and the parcels are  
7 contiguous or separated only by a public street or  
8 highway, the fee shall not exceed fifty dollars.  
9 A For the purposes of this paragraph, a separate  
10 parcel of real estate located outside of the corporate

11 limits of a city includes means all unplatted land  
12 described in a deed or transfer of title lying within  
13 one numbered section of land outside the corporate  
14 limits of a city, or all lots described in a deed  
15 or transfer of title lying within one numbered block  
16 inside the corporate limits of a city."

COMMITTEE ON LOCAL GOVERNMENT  
ALVIN V. MILLER, Chair

## HOUSE AMENDMENT TO SENATE FILE 442

S-5152

1 Amend Senate File 442 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 1, by inserting after the word  
4 "Code" the word "Supplement".

S-5153

1 Amend Senate File 2180 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. Section 279.34, Code Supplement 1983,  
5 is amended by striking the section and inserting in  
6 lieu thereof the following:  
7 279.34 PUBLICATION OF FINANCIAL STATEMENT AND  
8 WARRANTS. In each school district, the board shall  
9 publish by one insertion in at least one newspaper,  
10 if there is a newspaper published in the district,  
11 the following statements verified by affidavit of  
12 the secretary of the board:  
13 1. Quarterly a summary of the proceedings of the  
14 board pertaining to financial matters or expenses  
15 to the district for the previous quarter, including  
16 the list of all warrants issued by the board, the  
17 names of the persons, firms or corporations receiving  
18 same, the amount thereof and the reason therefor;  
19 except warrants issued to persons regularly employed  
20 by the school district for services regularly performed  
21 by them.  
22 2. During the second week of August of each year  
23 a summarized statement of the board showing the  
24 receipts and disbursements of all funds for the  
25 preceding school year and a statement listing persons  
26 regularly employed by the school district for services  
27 regularly performed by them with the total compensation  
28 of wages and benefits received in the preceding school  
29 year by each employee, including but not limited to,

30 contributions by the school district to the Iowa  
31 public employees retirement system, for insurance,  
32 annuities, housing, motor vehicles, fuel, and club  
33 and organization memberships or dues.  
34 3. The fee for publication of the statements  
35 required by this sections shall not exceed three-  
36 fifths of the legal publication fee provided by statute  
37 for the publication of legal notices.  
38 Sec. 2. Section 279.36, Code 1983, is repealed."

JOE BROWN

S-5154

1 Amend Senate File 2117 as follows:  
2 1. Page 1, by striking lines 4 and 5 and inserting  
3 in lieu thereof the following: "and employees during  
4 regular working hours for the support of a charitable  
5 organization which conducts a single, annual  
6 consolidated effort to secure funds for distribution  
7 to a number of agencies engaged in charitable and  
8 public health, welfare and service work. The state  
9 agency or department shall adopt guidelines imposing  
10 reasonable time, place, and manner restrictions on  
11 the solicitation permitted by this section."

TED ANDERSON  
ARTHUR A. SMALL, JR.

S-5155

1 Amend Senate File 2136 as follows:  
2 1. Page 2, by inserting after line 17 the  
3 following:  
4 "Sec. \_\_\_\_  
5 1. This bill becomes effective July 1, 1984.  
6 However, the superintendent of banking may grant to  
7 a state bank or a private bank and the supervisor  
8 of savings and loan associations may grant to a savings  
9 and loan association a six-month extension to January  
10 1, 1985 upon a finding that the financial institution  
11 has diligently sought to comply with this Act but  
12 was unable to do so by July 1, 1984. After expiration  
13 of the first extension a second six-month extension  
14 may be granted until July 1, 1985 upon a finding that  
15 the financial institution has diligently sought to  
16 comply with this Act but was unable to do so by January  
17 1, 1985. In no event shall an extension be granted  
18 beyond July 1, 1985.  
19 2. Notwithstanding subsection 1, the requirements

20 of this Act shall not apply until July 1, 1986 to  
21 a bank or savings and loan association which holds  
22 a state charter and is uninsured as of January 1,  
23 1984 if the state bank or savings and loan association  
24 maintains a reserve equal to at least fifteen percent  
25 of its deposits. However, if a bank or savings and  
26 loan association exempt from compliance until July  
27 1, 1986 allows its reserve to drop below fifteen  
28 percent of its deposits, then the bank or savings  
29 and loan shall comply with this Act. The bank or  
30 savings and loan may be granted a six-month extension  
31 to comply upon a finding that the financial institution  
32 has diligently sought to comply but was unable to  
33 do so by the date compliance is required. After  
34 expiration of the first extension, a second six-month  
35 extension may be granted upon a finding that the  
36 financial institution has diligently sought to com-  
37 ply but was unable to do so by the date of expiration  
38 of the first extension.

39 A bank or savings and loan association exempt from  
40 compliance until July 1, 1986 may be granted a six-  
41 month extension to comply upon a finding that the  
42 financial institution has diligently sought to comply  
43 but was unable to do so by July 1, 1986. After  
44 expiration of the first extension, a second six-month  
45 extension may be granted upon a finding that the  
46 financial institution has diligently sought to comply  
47 but was unable to do so by January 1, 1987. In no  
48 event shall an extension be permitted under this Act  
49 beyond July 1, 1987.

50 3. A state bank, private bank, or state savings

Page 2

1 and loan association that does not have account  
2 insurance in effect by July 1, 1984 shall mail a  
3 written notice to each of its depositors stating that  
4 the deposits in the financial institution are not  
5 insured. The notice shall be sent to the last known  
6 address of each depositor. A copy of the notice shall  
7 be given to each prospective depositor seeking to  
8 open a new account prior to accepting any funds for  
9 the account."

EDGAR H. HOLDEN  
ARTHUR A. SMALL, JR.

S-5156

1 Amend the amendment S-5133 to House File 140 as  
2 amended, passed, and reprinted by the House as fol-

3 lows:

- 4 1. Page 1, by striking lines 5 through 10 and in-  
 5 serting in lieu thereof the following:  
 6 "3. Page 1, by striking lines 28 through 30 and  
 7 inserting in lieu thereof the following: "that rule  
 8 is deemed to be unreasonable, arbitrary, capricious  
 9 or otherwise beyond the procedural or substantive  
 10 authority delegated to the agency, the committee, gov-  
 11 ernor"."
- 12 2. Page 1, by striking lines 22 through 26 and  
 13 inserting in lieu thereof the following:  
 14 "7. Page 2, by striking lines 13 through 15 and  
 15 inserting in lieu thereof the following: "is not un-  
 16 reasonable, arbitrary, capricious or otherwise beyond  
 17 the procedural or substantive authority delegated to  
 18 it."

ARTHUR A. SMALL, JR.

S-5157

- 1 Amend Senate File 2007 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 445.5, Code Supplement 1983,  
 5 is amended to read as follows:  
 6 445.5 RECEIPT. The treasurer shall upon request,  
 7 make out and deliver to the taxpayer a receipt, stating  
 8 the time of payment, the description and assessed  
 9 value of each parcel of land, and the assessed value  
 10 of personal property, the amount of each kind of tax,  
 11 the interest on each and costs, if any, giving a  
 12 separate receipt for each year. The treasurer shall  
 13 make the proper entries of the payments on the books  
 14 or other records approved by the state auditor. The  
 15 receipt shall be in full of the first or second half  
 16 or all of the person's taxes for that year. Persons  
 17 whose real property taxes are delinquent may pay to  
 18 the county treasurer part of the delinquent real  
 19 property taxes and the county treasurer shall accept  
 20 payment of part of these delinquent taxes provided  
 21 that the amount of the payment is equal to the amount  
 22 of the installment that has been delinquent the longest  
 23 plus penalties and interest assessed on that delinquent  
 24 installment. However, the treasurer shall receipt  
 25 less than a full one-half installment of a person's  
 26 taxes where payments tendered are a minimum of fifty  
 27 dollars and the person tendering payment is blind,  
 28 handicapped, disabled, over the age of sixty-five  
 29 years, or has an income at or below one hundred fifty



30 percent of the federal poverty income guidelines  
 31 established by the United States community services  
 32 administration, 45 C.F.R. sec. 1060.2. Partial  
 33 payments shall be applied to the person's oldest  
 34 installment of property taxes due. The payment shall  
 35 not be permitted if taxes have been sold under chapter  
 36 446 and under any circumstances shall not constitute  
 37 an extension of the time period for a sale under  
 38 section 446.18."

39 2. Title page, line 1, by inserting after the  
 40 word "authorizing" the words "the treasurer to accept  
 41 less than full payment of a delinquent property tax  
 42 installment and authorizing".

LEE W. HOLT

S-5158

1 Amend the amendment S-5147 to Senate File 517 as  
 2 follows:  
 3 1. Page 1, line 37, by striking the word  
 4 "immediately" and inserting in lieu thereof the  
 5 words "within eight hours".

JOE J. WELSH

S-5159

1 Amend Senate File 2181 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. **NEW SECTION. REIMBURSEMENT OF TRAINING**  
 5 **COST.** If a political subdivision of the state hires  
 6 a law enforcement officer from another political  
 7 subdivision of the state, the hiring political  
 8 subdivision shall reimburse the former employer  
 9 political subdivision for the necessary and actual  
 10 expenses incurred by the former employer political  
 11 subdivision in training the law enforcement officer.  
 12 Necessary and actual expenses incurred by the former  
 13 employer political subdivision means the salary paid  
 14 to the officer while the officer was in attendance  
 15 at the Iowa law enforcement academy and the cost of  
 16 tuition, lodging, meals, and travel expenses paid  
 17 by the former employer political subdivision for  
 18 training the officer. Reimbursement shall be made  
 19 by the hiring political subdivision as follows:  
 20 1. If the law enforcement officer was employed  
 21 for one year or less after training was completed,  
 22 the hiring political subdivision shall reimburse the

23 former employer political subdivision for ninety-five  
 24 percent of the necessary and actual expenses incurred  
 25 by the former employer political subdivision in  
 26 training the officer.

27 2. For each subsequent year, the law enforcement  
 28 officer was employed by the former employer political  
 29 subdivision the rate of reimbursement required shall  
 30 be reduced by five percent.

31 3. Reimbursement is not required from the hiring  
 32 political subdivision if the law enforcement officer  
 33 was employed by the former employer political  
 34 subdivision for four years or more following the law  
 35 enforcement officer's completion of training at the  
 36 Iowa law enforcement academy."

37 2. Amend the title, by striking lines 1 and 2  
 38 and inserting in lieu thereof the following: "An  
 39 Act relating to reimbursement to a political  
 40 subdivision for the cost of training a law enforcement  
 41 officer hired away from the political subdivision."

JOE J. WELSH  
 MILO COLTON  
 JOE BROWN

S-5160

1 Amend Senate File 2163 as follows:

2 1. Page 1, by inserting after line 9 the following:

3 "Sec. \_\_\_\_ . Section 598.41, subsections 1 and 2,  
 4 Code 1983, are amended to read as follows:

5 1. The court, insofar as is reasonable and in  
 6 the best interest ~~interests~~ of the child, shall order  
 7 the custody award, including liberal visitation rights  
 8 where appropriate, which will assure a ~~minor~~ the child  
 9 frequent and the opportunity for the maximum continuing  
 10 physical and emotional contact with both parents after  
 11 the parents have separated or dissolved the marriage,  
 12 unless direct physical harm or significant emotional  
 13 harm to the child is likely to result from such contact  
 14 with one parent, and which will encourage parents  
 15 to share the rights and responsibilities of raising  
 16 the child. The court shall consider the denial by  
 17 one parent of the child's opportunity for maximum  
 18 continuing contact with the other parent, without  
 19 just cause, a significant factor in determining the  
 20 proper custody arrangement. Unless otherwise ordered  
 21 by the court in the custody decree, both parents shall  
 22 have legal access to information concerning the child,  
 23 including but not limited to medical, educational  
 24 and law enforcement records.

25 2. On the application of either parent, the court  
26 shall consider granting joint custody in cases where  
27 the parents do not agree to joint custody. If the  
28 court does not grant joint custody under this  
29 subsection, the court shall state in its decision  
30 the reasons for denying joint custody cite clear and  
31 convincing evidence, pursuant to the factors in  
32 subsection 3, that joint custody is unreasonable and  
33 not in the best interest of the child to the extent  
34 that the legal custodial relationship between the  
35 child and a parent should be severed. Before ruling  
36 upon the joint custody petition in these cases, the  
37 court may require the parties to participate in custody  
38 mediation counseling to determine whether joint custody  
39 is in the best interest of the child. The court may  
40 require the child's participation in the mediation  
41 counseling insofar as the court determines the child's  
42 participation is advisable.

43 The costs of custody mediation counseling shall  
44 be paid in full or in part by the parties and taxed  
45 as court costs.

46 Sec. \_\_\_\_ . Section 598.41, subsection 3, unnumbered  
47 paragraph 1, Code 1983, is amended to read as follows:

48 In considering what custody arrangement under  
49 either subsection 1 or 2 is in the best interests  
50 of the minor child, the court shall consider the

Page 2

1 following factors:

2 Sec. \_\_\_\_ . Section 598.41, Code 1983, is amended  
3 by adding the following new subsection before  
4 subsection 4 and renumbering the subsequent  
5 subsections:

6 NEW SUBSECTION. 4. Subsection 3 shall not apply  
7 when parents agree to joint custody.

8 Sec. \_\_\_\_ . Section 598.41, subsection 4, Code 1983,  
9 is amended to read as follows:

10 4. Joint legal custody does not require joint  
11 physical care. When the court determines such action  
12 would be in the child's best interest interests,  
13 physical care may be given to one joint custodial  
14 parent and not to the other. If one joint custodial  
15 parent is awarded physical care, the court shall hold  
16 that parent responsible for providing for the best  
17 interests of the child. However, physical care given  
18 to one parent does not affect the other parent's  
19 rights and responsibilities as a legal custodian of  
20 the child. Rights and responsibilities as legal  
21 custodian of the child include, but are not limited

22 to equal participation in decisions affecting the  
 23 child's legal status, medical care, education,  
 24 extracurricular activities, and religious instruction.  
 25 Sec. \_\_\_\_ . **NEW SECTION. 598.42 REMOVAL OF CHILD**  
 26 **FROM STATE--PENALTY.**

27 1. A parent with physical care custody of a child  
 28 for which a court has awarded visitation or custody  
 29 rights to a person other than the physical-care  
 30 custodial parent, shall not remove that child from  
 31 the state for the purpose of establishing a new  
 32 permanent residence unless the physical-care custodial  
 33 parent has given sixty days' prior written notice  
 34 of intention to move to the court and all other persons  
 35 having visitation or custody rights.

36 2. A person to whom the court has awarded a visita-  
 37 tion or custody right may, within sixty days of  
 38 notification of intention to remove the child from  
 39 the state, petition the court for an order enjoining  
 40 the physical-care custodial parent from removing the  
 41 child from the state. The case shall be given calendar  
 42 priority and handled expeditiously by the court.

43 3. In an action to enjoin the removal of a child  
 44 from the state, the physical-care custodial parent  
 45 has the burden of proving that the establishment of  
 46 the child's permanent residence outside the state  
 47 is in the best interest of the child. However, career  
 48 advancement of the physical-care custodial parent  
 49 including promotion, better employment opportunity,  
 50 or career training shall be considered as a factor

Page 3

1 in the best interest of the child.

2 4. A physical-care custodial parent who does not  
 3 provide sixty days' prior written notice of intention  
 4 to remove a child from the state, and so removes the  
 5 child to the detriment of another person's visitation  
 6 or custody rights, is guilty of a simple misdemeanor.

7 Sec. \_\_\_\_ . The enactment of subsection 1 of section  
 8 598.41 constitutes a substantial change in  
 9 circumstances authorizing a court to modify a child  
 10 custody order pursuant to section 598.21 and chapter  
 11 598A."

12 2. Title page, by striking lines 1 and 2 and  
 13 inserting in lieu thereof the following: "An Act  
 14 relating to child custody."

15 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chair

S-5161

- 1 Amend Senate File 32 as follows:  
 2 1. Page 1, by striking lines 1 through 8.  
 3 2. Page 1, by striking line 13 and inserting in  
 4 lieu thereof the following: "posted speed limit by  
 5 ten miles per hour or less."  
 6 3. Page 1, by striking lines 14 through 18.  
 7 4. Page 2, line 7, by striking the word "fifteen"  
 8 and inserting in lieu thereof the word "ten".  
 9 5. Amend the title, line 2, by striking the word  
 10 "fifteen" and inserting in lieu thereof the word  
 11 "ten".  
 12 6. Renumber sections and correct internal  
 13 references as necessary in accordance with this  
 14 amendment.

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chair

S-5162

- 1 Amend the amendment S-5133 to House File 140 as  
 2 amended, passed, and reprinted by the House as fol-  
 3 lows:  
 4 1. Page 1, by striking lines 5 through 10 and in-  
 5 serting in lieu thereof the following:  
 6 "3. Page 1, by striking lines 28 through 30 and  
 7 inserting in lieu thereof the following: "that rule  
 8 is deemed to be unreasonable, arbitrary, capricious  
 9 or otherwise beyond the procedural or substantive  
 10 authority delegated to the agency, the committee, gov-  
 11 ernor."  
 12 2. Page 1, by striking lines 22 through 26 and  
 13 inserting in lieu thereof the following:  
 14 "7. Page 2, by striking lines 13 through 15 and in-  
 15 serting in lieu thereof the following: "is not  
 16 unreasonable, arbitrary, capricious or otherwise  
 17 beyond the procedural or substantive authority del-  
 18 egated to it."

ARTHUR A. SMALL, JR.

S-5163

- 1 Amend amendment S-5144 to Senate File 2014 as  
 2 follows:  
 3 1. Page 1, by striking lines 2 through 6 and  
 4 inserting in lieu thereof the following:  
 5 "1. Page 1, by striking lines 6 through 8 and

- 6 inserting in lieu thereof the following: "contributions  
 7 from political committees including in-kind  
 8 contributions. This section does not."  
 9 2. Page 1, by striking lines 7 through 10 and  
 10 inserting in lieu thereof the following:  
 11 "2. Page 1, line 11, by striking the words "and  
 12 amounts".  
 13 3. Page 1, by striking lines 13 through 18 and  
 14 inserting in lieu thereof the following:  
 15 "1. State representative.  
 16 2. State senator.  
 17 3. Lieutenant governor, attorney general, secretary  
 18 of state, treasurer of state, auditor of state or  
 19 secretary of agriculture.  
 20 4. Governor.""

MILO COLTON  
 TOM MANN, JR.

S-5164

- 1 Amend Senate File 2014 as follows:  
 2 1. Page 1, by inserting after line 18 the  
 3 following: "A candidate for an office listed in this  
 4 section shall not contribute more than one thousand  
 5 dollars to that person's candidate's committee."

MILO COLTON  
 TOM MANN, JR.

S-5165

- 1 Amend Senate File 2014 as follows:  
 2 1. Page 1, by inserting after line 18 the  
 3 following: "A candidate's committee of a candidate  
 4 for an office listed in this section shall not accept  
 5 more than two hundred fifty dollars from any one  
 6 person except the candidate and state and county  
 7 statutory political committees."

MILO COLTON  
 TOM MANN, JR.

S-5166

- 1 Amend Senate File 2121 as follows:  
 2 1. Page 1, line 3, by striking the word  
 3 "historical" and inserting in lieu thereof the word  
 4 "historic".  
 5 2. Page 1, line 5, by striking the word  
 6 "historical" and inserting in lieu thereof the word  
 7 "historic".

- 8 3. Page 1, line 7, by striking the word  
9 "HISTORICAL" and inserting in lieu thereof the word  
10 "HISTORIC".
- 11 4. Page 1, line 9, by striking the word  
12 "historical" and inserting in lieu thereof the word  
13 "historic".
- 14 5. Page 1, line 14, by striking the word "and"  
15 and inserting in lieu thereof the word "or".
- 16 6. Page 1, by striking line 15 and inserting in  
17 lieu thereof the words "visions as qualified historic  
18 buildings which are included in, or appear to meet  
19 criteria for inclusion in, the national register of  
20 historic places. The alternative".
- 21 7. Page 1, line 17, by striking the word  
22 "historical" and inserting in lieu thereof the word  
23 "historic".
- 24 8. Page 1, line 18, by striking the word  
25 "historical" and inserting in lieu thereof the word  
26 "historic".
- 27 9. Page 1, line 19, by striking the word  
28 "historical" and inserting in lieu thereof the word  
29 "historic".
- 30 10. Page 1, line 26, by striking the word  
31 "HISTORICAL" and inserting in lieu thereof the word  
32 "HISTORIC".
- 33 11. Page 1, line 28, by striking the word  
34 "historical" and inserting in lieu thereof the word  
35 "historic".
- 36 12. Page 1, by striking lines 30 through 32 and  
37 inserting in lieu thereof the following: "of  
38 structures subject to its jurisdiction for which the  
39 state historic preservation officer, in response to  
40 an adequately documented request, has issued an opinion  
41 affirming that the property is either included in  
42 or appears to meet criteria for inclusion in the  
43 national register of historic places. A building,  
44 structure or collection of structures so".
- 45 13. Page 1, line 33, by striking the word  
46 "historical" and inserting in lieu thereof the word  
47 "historic".
- 48 14. Page 2, lines 2 and 3, by striking the word  
49 "HISTORICAL" and inserting in lieu thereof the word  
50 "HISTORIC".

## Page 2

- 1 15. Page 2, line 4, by striking the word  
2 "historical" and inserting in lieu thereof the word  
3 "historic".

- 4 16. Page 2, line 9, by striking the word  
5 "historical" and inserting in lieu thereof the word  
6 "historic".
- 7 17. Page 2, line 10, by inserting after the word  
8 "in" the words "providing reasonable safety from fire  
9 and other hazards for the occupants and other users  
10 while".
- 11 18. Page 2, line 13, by striking the word  
12 "historical" and inserting in lieu thereof the word  
13 "historic".
- 14 19. Page 2, line 16, by striking the word  
15 "historical" and inserting in lieu thereof the word  
16 "historic".
- 17 20. Page 2, line 17, by inserting after the word  
18 "in" the words "providing reasonable safety from fire  
19 and other hazards for the occupants and other users  
20 while".
- 21 21. Page 2, line 20, by striking the word  
22 "historical" and inserting in lieu thereof the word  
23 "historic".
- 24 22. Page 2, line 22, by striking the word  
25 "historical" and inserting in lieu thereof the word  
26 "historic".
- 27 23. Page 2, line 26, by striking the word  
28 "historical" and inserting in lieu thereof the word  
29 "historic".
- 30 24. Page 2, line 28, by striking the word  
31 "historical" and inserting in lieu thereof the word  
32 "historic".
- 33 25. Page 2, line 30, by striking the word  
34 "historical" and inserting in lieu thereof the word  
35 "historic".
- 36 26. Page 2, line 32, by striking the word  
37 "HISTORICAL" and inserting in lieu thereof the word  
38 "HISTORIC".
- 39 27. Page 2, line 35, by striking the word  
40 "historical" and inserting in lieu thereof the word  
41 "historic".
- 42 28. Page 3, by striking lines 1 and 2 and inserting  
43 in lieu thereof the following: "of nine members as  
44 follows:
- 45 a. The commissioner.  
46 b. The state fire marshal.  
47 c. The state historic preservation officer.  
48 d. Six members appointed by the governor as  
49 follows:  
50 (1) One person selected from recommendations

Page 3

1 submitted by the Iowa association of building



- 2 officials.
- 3 (2) One person selected from recommendations  
4 submitted by the Iowa chapter of the American institute  
5 of architects.
- 6 (3) One person who is a member of the legal  
7 profession.
- 8 (4) Three persons who represent related professions  
9 or the general public.
- 10 2. Each member specified in paragraphs a through  
11 c of subsection 1 may designate an alternate to serve  
12 in place of the member at meetings the member is  
13 unable to attend. An alternate so serving has all  
14 of the authority that the member would have when  
15 attending in the member's place.
- 16 3. The members appointed by the governor shall  
17 be appointed for terms of four years and until".
- 18 29. Page 3, line 3, by striking the word "four"  
19 and inserting in lieu thereof the word "three".
- 20 30. Page 3, line 4, by striking the word "five"  
21 and inserting in lieu thereof the word "three".
- 22 31. Page 3, by striking lines 8 through 13.
- 23 32. Page 3, by striking lines 23 through 27 and  
24 inserting in lieu thereof the following:
- 25 "6. The members of the board shall serve without  
26 compensation, but they are entitled to receive  
27 necessary ex-".
- 28 33. Page 3, line 29, by striking the word  
29 "HISTORICAL" and inserting in lieu thereof the word  
30 "HISTORIC".
- 31 34. Page 3, line 30, by striking the word  
32 "historical" and inserting in lieu thereof the word  
33 "historic".
- 34 35. Page 3, line 34, by striking the word  
35 "historical" and inserting in lieu thereof the word  
36 "historic".
- 37 36. Page 4, line 2, by striking the word  
38 "historical" and inserting in lieu thereof the word  
39 "historic".
- 40 37. Page 4, line 6, by striking the word  
41 "historical" and inserting in lieu thereof the word  
42 "historic".
- 43 38. Page 4, line 11, by striking the word  
44 "historical" and inserting in lieu thereof the word  
45 "historic".
- 46 39. Page 4, line 12, by striking the word  
47 "historical" and inserting in lieu thereof the word  
48 "historic".
- 49 40. Page 4, line 16, by striking the word  
50 "historical" and inserting in lieu thereof the word

Page 4

- 1 "historic".
- 2 41. Title page, line 1, by striking the word
- 3 "historical" and inserting in lieu thereof the word
- 4 "historic".
- 5 42. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT  
TOM SLATER, Chair

S-5167

- 1 Amend Senate File 301 as follows:
- 2 1. Page 1, by striking lines 27 through 30 and
- 3 inserting in lieu thereof the following:
- 4 "5. The employee is domiciled in this state and
- 5 the employee's employer engaged in business in this
- 6 state during the period of time in which the employee
- 7 was employed by the employer. For the purpose of
- 8 this subsection, an employer engages in business in
- 9 this state if the employer is incorporated under the
- 10 laws of this state or is a foreign corporation
- 11 authorized to do business in this state pursuant to
- 12 section 496A.108."

COMMITTEE ON LABOR AND  
INDUSTRIAL RELATIONS  
TED ANDERSON, Chair

S-5168

- 1 Amend Senate File 2215 as follows:
- 2 1. Page 1, line 15, by striking the words "an
- 3 activity" and inserting in lieu thereof the words
- 4 "a position of coach or sponsor".

DOUGLAS RITSEMA

S-5169

- 1 Amend Senate amendment S-5155 to Senate File 2136
- 2 as follows:
- 3 1. Page 1, by inserting after line 1 the following:
- 4 "\_\_\_\_. Page 1, line 13, by striking the word
- 5 "determining".
- 6 \_\_\_\_ . Page 1, line 34, by striking the word
- 7 "determining".
- 8 \_\_\_\_ . Page 2, line 1, by striking the word
- 9 "constitutes" and inserting in lieu thereof the words

- 10 "shall constitute".  
11 \_\_\_\_\_. Page 2, line 17, by striking the word  
12 "determining".  
13 2. Page 2, by inserting after line 9 the following:  
14 \_\_\_\_\_. Title page, line 2, by striking the word  
15 "obtain" and inserting in lieu thereof the word  
16 "acquire".  
17 \_\_\_\_\_. Title page, line 2, by inserting after the  
18 word "insurance" the words "on their deposits".

EDGAR H. HOLDEN

S-5170

- 1 Amend Senate File 2199 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 321.1, subsection 3, Code  
5 Supplement 1983, is amended by adding the following  
6 new lettered paragraph:  
7 NEW LETTERED PARAGRAPH. c. "Bicycle" means a  
8 device having two wheels and having at least one  
9 saddle or seat for the use of a rider which is  
10 propelled by human power."  
11 Sec. \_\_\_\_\_. Section 321.234, Code 1983, is amended  
12 to read as follows:  
13 321.234 BICYCLES OR ANIMAL-DRAWN VEHICLES.  
14 1. Every A person riding a bicycle or an animal  
15 or driving any an animal drawing a vehicle upon a  
16 roadway shall be is subject to the provisions of this  
17 chapter applicable to the driver of a vehicle, except  
18 those provisions of this chapter which by their nature  
19 can have no application.  
20 2. A person riding a bicycle on the highway is  
21 subject to the provisions of this chapter and has  
22 all the rights and duties under this chapter applicable  
23 to the driver of a vehicle, except those provisions  
24 of this chapter which by their nature can have no  
25 application.  
26 3. A person propelling a bicycle on the highway  
27 shall not ride other than upon or astride a permanent  
28 and regular seat attached thereto.  
29 4. A person shall not use a bicycle on the highway  
30 to carry more persons at one time than the number  
31 of persons for which it is designed and equipped.  
32 5. This section does not apply to the use of a  
33 bicycle in a parade authorized by proper permit from  
34 local authorities.  
35 Sec. \_\_\_\_\_. Section 321.358, subsection 1, Code  
36 1983, is amended to read as follows:  
37 1. On a sidewalk, except a bicycle may stop.

38 stand, or park on a sidewalk if not prohibited by  
 39 a local jurisdiction."  
 40 2. Page 1, line 35, by inserting after the word  
 41 "sections" the figures and words "321.234, subsections  
 42 2 and 3,".  
 43 3. Renumber sections and correct internal  
 44 references as necessary in accordance with this  
 45 amendment.

EDGAR H. HOLDEN

S-5171

1 Amend Senate File 2018 as follows:  
 2 1. Page 1, by striking lines 26 through 29 and  
 3 inserting in lieu thereof the words "patient's  
 4 hospitalization or care and custody holds a discharge  
 5 hearing which shall be held within forty-eight hours  
 6 of the court's receipt of the chief medical officer's  
 7 report concluding that the patient no longer requires  
 8 treatment or care."

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chair

## HOUSE AMENDMENT TO SENATE FILE 2089

S-5172

1 Amend Senate File 2089 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 30, by striking the figure "6"  
 4 and inserting in lieu thereof the figure "5".

S-5173

1 Amend House File 189 as amended, passed, and  
 2 reprinted as follows:  
 3 1. Page 1, line 13, by inserting after the words  
 4 "purpose of" the word "determining".  
 5 2. Page 1, line 33, by inserting after the words  
 6 "purpose of" the word "determining".  
 7 3. Page 2, line 5, by striking the word "A" and  
 8 inserting in lieu thereof the word "An".  
 9 4. Page 2, line 16, by inserting after the words  
 10 "purpose of" the word "determining".  
 11 5. Page 3, line 3, by inserting after the word  
 12 "loan" the word "association".  
 13 6. Page 3, line 4, by inserting after the word  
 14 "loan" the word "association".

EDGAR H. HOLDEN

S-5174

- 1 Amend Senate File 2224 as follows:  
2 1. Page 1, line 9, by striking the word "eleven"  
3 and inserting in lieu thereof the word "fifteen".

TOM MANN, JR.

S-5175

- 1 Amend House File 2263 as follows:  
2 1. Page 1, by striking lines 16 through 18 and  
3 inserting in lieu thereof the following:  
4 "(1) A rate determined in accordance with an index  
5 selected by the commissioner. The index selected  
6 may include Moody's corporate bond yield average-  
7 monthly average corporates as published in Moody's  
8 investors service, inc., or any successor to the  
9 investors service."

PATRICK J. DELUHERY

S-5176

- 1 Amend Senate File 2224 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. **NEW SECTION. 558.69 CONVEYANCE OF**  
5 **IMPROVEMENTS TO REAL PROPERTY.** Any instrument  
6 containing a power to convey improvements to real  
7 property must set forth the remaining time that an  
8 action arising out of the unsafe or defective condition  
9 of an improvement to real property may be brought,  
10 pursuant to the restrictions contained in section  
11 614.1, subsection 11."  
12 2. Title page, line 2, by inserting after the  
13 word "property" the words "and requiring notification  
14 of the time remaining to bring an action arising out  
15 of improvements to real property to be contained in  
16 the conveyance of property."  
17 3. By renumbering to conform to this amendment.

TOM MANN, JR.

S-5177

- 1 Amend Senate File 2056 as follows:  
2 1. Page 1, by striking lines 19 and 20 and  
3 inserting in lieu thereof the following: "Iowa housing  
4 finance authority or to the funds received by the  
5 state racing commission under section 99D-14."

WM. W. (Bill) DIELEMAN

S-5178

- 1 Amend Senate File 2130 as follows:
- 2 1. Page 1, line 9, by striking the word "three"
- 3 and inserting in lieu thereof the words "three four".
- 4 2. Page 1, line 10, by striking the following
- 5 "or 280A.11" and inserting in lieu thereof the
- 6 following "or, 280A.11, 280A.12, or 280A.13".
- 7 3. Page 1, line 32, by striking the word "three-
- 8 year" and inserting in lieu thereof the word "four-
- 9 year".
- 10 4. Page 1, line 32, by striking the word "May"
- 11 and inserting in lieu thereof the word "November".
- 12 5. Page 2, line 30, by striking the words "June
- 13 of each" and inserting in lieu thereof the words
- 14 "December of each odd-numbered".
- 15 6. Page 3, line 19, by striking the word and
- 16 figure "March 1" and inserting in lieu thereof the
- 17 word and figure "May 30".
- 18 7. Page 4, line 17, by striking the word and
- 19 figure "March 15" and inserting in lieu thereof the
- 20 word and figure "July 1".
- 21 8. Page 4, by inserting after line 26 the
- 22 following:
- 23 "Sec. . Section 274.7, Code 1983, is amended
- 24 to read as follows:
- 25 274.7 DIRECTORS. The affairs of each school
- 26 corporation shall be conducted by a board of directors,
- 27 the members of which in all community or independent
- 28 school districts shall be chosen for a term of three
- 29 four years.
- 30 Sec. \_\_\_\_ . Section 275.12, subsection 2, Code
- 31 Supplement 1983, is amended to read as follows:
- 32 2. ~~Such~~ The petition shall also state the number
- 33 of directors which may be either five or seven and
- 34 the method of election of the school directors of
- 35 the proposed district. The method of election of
- 36 the directors shall be one of the following optional
- 37 plans:
- 38 a. Election at large from the entire district
- 39 by the electors of the entire district.
- 40 b. Division of the entire school district into
- 41 designated geographical subdistricts on the basis
- 42 of population, to be known as director districts,
- 43 each of which ~~director districts~~ shall be represented
- 44 on the school board by one director who shall be a
- 45 resident of ~~such~~ the director district but who shall
- 46 be elected by the vote of the electors of the entire
- 47 school district. The school district shall be divided
- 48 into the same number of director districts as the

49 number of school directors the district is authorized  
50 by law. The boundaries of ~~such~~ the director districts

Page 2

1 and the area and population included within each  
2 district shall be such as justice, equity, and the  
3 interests of the people ~~may~~ require. Changes in the  
4 boundaries of director districts shall not be made  
5 during a period commencing sixty days prior to the  
6 date of the annual regular school election. ~~Insofar~~  
7 As far as may be practicable, the boundaries of ~~such~~  
8 the districts shall follow established political or  
9 natural geographical divisions.

10 c. Election of not more than one-half of the total  
11 number of school directors at large from the entire  
12 district and the remaining directors from and as  
13 residents of designated single-member or multi-member  
14 director districts into which the entire school  
15 district shall be divided on the basis of population  
16 for each director. In such case, all directors shall  
17 be elected by the electors of the entire school  
18 district. Changes in the boundaries of director  
19 districts shall not be made during a period commencing  
20 sixty days prior to the date of the annual regular  
21 school election.

22 d. Division of the entire school district into  
23 designated geographical subdistricts on the basis  
24 of population, to be known as director districts,  
25 each of which ~~director districts~~ shall be represented  
26 on the school board by one director who shall be a  
27 resident of ~~such~~ that director district and who shall  
28 be elected by the voters of ~~said~~ that director  
29 district. Place of voting in ~~such~~ director districts  
30 shall be designated by the commissioner of elections.  
31 Changes in the boundaries of director districts shall  
32 not be made during a period commencing sixty days  
33 prior to the date of the annual regular school  
34 election.

35 e. In districts having seven directors, election  
36 of three directors at large by the electors of the  
37 entire district, one no more than two at each annual  
38 regular school election, and election of the remaining  
39 directors as residents of and by the electors of  
40 individual geographic subdistricts established on  
41 the basis of population and identified as director  
42 districts. Boundaries of the subdistricts shall  
43 follow precinct boundaries, insofar as far as  
44 practicable, and shall not be changed less than sixty

45 days prior to the ~~annual~~ regular school election.”  
 46 9. By striking page 4, line 29 through page 5,  
 47 line 15 and inserting in lieu thereof the following:  
 48 “3. The directors who are elected to serve shall  
 49 serve until their successors are elected and qualify.  
 50 At the special election, the three newly elected

Page 3

1 ~~director~~ directors receiving the most votes shall  
 2 be elected to serve until ~~the director's successor~~  
 3 qualifies their successors qualify after the ~~fourth~~  
 4 second regular school election date occurring after  
 5 the effective date of the reorganization; the two  
 6 newly elected directors receiving the next largest  
 7 number of votes shall be elected to serve until the  
 8 directors' successors qualify after the third regular  
 9 school election date occurring after the effective  
 10 date of the reorganization; ~~and the two newly elected~~  
 11 ~~directors receiving the next largest number of votes~~  
 12 ~~shall be elected to serve until the directors'~~  
 13 ~~successors qualify after the second regular school~~  
 14 ~~election date occurring after the effective date of~~  
 15 ~~the reorganization.~~ However, in districts that include  
 16 all or a part of a city of fifteen thousand or more  
 17 population and in districts in which the proposition  
 18 to establish a new corporation provides for the  
 19 election of seven directors, the ~~three~~ four newly  
 20 elected directors receiving the most votes shall be  
 21 elected to serve until the directors' successors  
 22 qualify after the ~~fourth~~ second regular school election  
 23 date occurring after the effective date of the  
 24 reorganization ~~and the three newly elected directors~~  
 25 ~~receiving the next largest number of votes shall be~~  
 26 ~~elected to serve until the directors' successors~~  
 27 ~~qualify after the third regular school election date~~  
 28 ~~occurring after the effective date of the~~  
 29 reorganization.

30 Sec. \_\_\_\_ . Section 275.36, Code 1983, is amended  
 31 to read as follows:

32 275.36 SUBMISSION OF CHANGE TO ELECTORS. If a  
 33 petition for a change in the number of directors or  
 34 in the method of election of school directors,  
 35 describing the boundaries of the proposed director  
 36 districts, if any, signed by eligible electors of  
 37 the school district equal in number to at least thirty  
 38 percent of those who voted in the last previous ~~annual~~  
 39 regular school election in the school district, but  
 40 not less than twenty-five persons, and accompanied  
 41 by affidavit as required by section 275.13 ~~be~~ is filed



42 with the school board of a school district, not earlier  
43 than six months and not later than two months before  
44 a regular or special school election, the school board  
45 shall submit ~~such the~~ proposition to the voters at  
46 ~~such the~~ election. If a proposition for a change  
47 in the number of directors or in the method of election  
48 of school directors submitted to the voters under  
49 this section is rejected, it shall not be resubmitted  
50 to the voters of the district in substantially the

Page 4

1 same form within the next three years; if it is  
2 approved, no other proposal ~~may~~ shall be submitted  
3 to the voters of the district under this section  
4 within the next six years.

5 Sec. \_\_\_\_ . Section 275.37, Code 1983, is amended  
6 to read as follows:

7 275.37 INCREASE IN NUMBER OF DIRECTORS. At the  
8 next succeeding ~~annual~~ regular school election in  
9 a district where the number of directors has been  
10 increased from five to seven, and directors are elected  
11 at large, there shall be elected a director to succeed  
12 each incumbent director whose term is expiring in  
13 that year, and two additional directors. Upon  
14 organizing as required by section 279.1, the newly  
15 elected ~~director~~ directors who received the fewest  
16 votes in the election shall be assigned a term of  
17 ~~either one year or~~ two years if necessary in order  
18 that as nearly as possible ~~one-third~~ one-half of the  
19 members of the board shall be elected ~~each year~~  
20 biennially.

21 Sec. \_\_\_\_ . Section 275.38, Code 1983, is amended  
22 to read as follows:

23 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

24 If change in the method of election of school directors  
25 is approved at a regular or special school election,  
26 the directors who were serving unexpired terms or  
27 were elected concurrently with approval of the change  
28 of method shall serve out the terms for which they  
29 were elected. If the plan adopted is that described  
30 in section 275.12, subsection 2, paragraph "b," "c,"  
31 "d," or "e," the board shall at the earliest  
32 practicable time designate the districts from which  
33 residents are to be elected as school directors at  
34 each of the next ~~three~~ two succeeding ~~annual~~ regular  
35 school elections, arranging so far as possible for  
36 elections of directors as residents of the respective  
37 districts to coincide with the expiration of terms  
38 of incumbent members residing in those districts.

39 If an increase in the size of the board from five  
40 to seven members is approved concurrently with the  
41 change in method of election of directors, the board  
42 shall make the necessary adjustment in the manner  
43 prescribed in section 275.37, as well as providing  
44 for implementation of the districting plan under this  
45 section."

46 10. Page 6, line 25, by striking the words "one-  
47 year terms and two for three-year" and inserting in  
48 lieu thereof the words "~~one-year~~ two-year terms and  
49 two for ~~three-year~~ four-year".

50 11. Page 6, by striking lines 27 through 32.

Page 5

1 12. Page 7, line 1, by striking the word "annually"  
2 and inserting in lieu thereof the words "~~annually~~  
3 biennially".

4 13. Page 7, line 2, by striking the word "May"  
5 and inserting in lieu thereof the words "November  
6 of each odd-numbered year".

7 14. Page 7, by inserting after line 18, the  
8 following:

.9 "Sec. \_\_\_\_ . Section 277.20, unnumbered paragraph  
10 1, Code 1983, is amended to read as follows:

11 On the next ~~Friday~~ Monday after the regular school  
12 election, the county board of supervisors shall canvass  
13 the returns made to the county commissioner of  
14 elections from the several precinct polling places  
15 and the absentee ballot counting board, ascertain  
16 the result of the voting with regard to every matter  
17 voted upon and cause a record to be made thereof as  
18 required by section 50.24. Special elections held  
19 in school districts shall be canvassed at the time  
20 and in the manner required by that section. The board  
21 shall declare the results of the voting for members  
22 of boards of directors of school corporations nominated  
23 pursuant to section 277.4, and the commissioner shall  
24 at once issue a certificate of election to each person  
25 declared elected. The board shall also declare the  
26 results of the voting on any public question submitted  
27 to the voters of a single school district, and the  
28 commissioner shall certify the result as required  
29 by section 50.27."

30 15. Page 7, by inserting after line 28 the  
31 following:

32 "Sec. \_\_\_\_ . Section 277.23, unnumbered paragraph  
33 2, Code 1983, is amended to read as follows:

34 A change from five to seven directors shall be

35 effected in a district at the first regular election  
 36 after authorization by the voters or when a district  
 37 becomes wholly or in part within a city of fifteen  
 38 thousand population or more in the following manner:  
 39 If the term of ~~one director~~ two directors of the five-  
 40 member board expires at the time of ~~said the~~ regular  
 41 election, ~~three~~ four directors shall be elected to  
 42 serve until the ~~third~~ second following regular election  
 43 thereafter; if the terms of ~~two~~ three directors expire  
 44 at the time of ~~said the~~ regular election, ~~three~~  
 45 directors shall be elected to serve until the ~~third~~  
 46 second regular election thereafter and ~~one director~~  
 47 two directors shall be elected to serve a term the  
 48 expiration of which coincides with the expiration  
 49 of the term of the director heretofore singly elected  
 50 until the next regular election.

Page 6

1 Sec. \_\_\_\_ . Section 277.25, Code 1983, is amended  
 2 to read as follows:  
 3 277.25 DIRECTORS IN NEW DISTRICTS. At the first  
 4 election in newly organized districts the directors  
 5 shall be elected as follows:  
 6 1. In districts having three directors, ~~one~~  
 7 director ~~two directors~~ shall be elected for ~~one year,~~  
 8 ~~one~~ for two years, and one for ~~three~~ four years.  
 9 2. In districts having five directors, ~~two~~ three  
 10 shall be elected for ~~one year,~~ ~~two~~ for two years,  
 11 and one for ~~three~~ four years.  
 12 3. In districts having seven directors, ~~two~~ four  
 13 shall be elected for ~~one year,~~ ~~two~~ for two years,  
 14 and ~~three~~ four for three years."  
 15 16. Page 8, lines 15 and 16, by striking the words  
 16 "~~third first~~ Monday in ~~September~~ June" and inserting  
 17 in lieu thereof the words "~~third~~ Monday in ~~September~~  
 18 November of each odd-numbered year".  
 19 17. Page 8, lines 26 and 27, by striking the words  
 20 "~~third first~~ Monday in ~~September~~ June each" and  
 21 inserting in lieu thereof the words "~~third~~ Monday  
 22 in ~~September~~ November of each odd-numbered".  
 23 18. Page 9, line 6, by striking the word "annual"  
 24 and inserting in lieu thereof the words "~~annual~~  
 25 regular".  
 26 19. Page 9, lines 7 and 8, by striking the words  
 27 "~~the first~~ Monday in ~~October~~ following such elections  
 28 May 31" and inserting in lieu thereof the words "~~the~~  
 29 ~~first~~ second Monday in ~~October~~ November following  
 30 such the elections".

31 20. Page 9, line 9, by striking the word "three"  
32 and inserting in lieu thereof the words "~~three~~ four".

33 21. Page 9, line 30, by striking the words "June  
34 of each" and inserting in lieu thereof the words  
35 "December of each ~~odd-numbered~~".

36 22. Page 10, line 16, by striking the words "July  
37 March" and inserting in lieu thereof the word "July".

38 23. Page 10, by striking lines 17 and 18 and  
39 inserting in lieu thereof the words "the next regular  
40 school election to be held the next following  
41 September".

42 24. Page 10, by inserting before line 19 the  
43 following:

44 "Sec. \_\_\_\_ . Section 280A.13, subsection 4, Code  
45 1983, is amended to read as follows:

46 4. To the extent possible the board shall provide  
47 that changes in the boundary lines of director  
48 districts of merged areas do not lengthen or diminish  
49 the term of office of a director of the board. Initial  
50 terms of office shall be set by the board so that

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1 as nearly as possible the terms of ~~one-third~~ one-half  
2 of the members expire ~~annually~~ biennially.

3 Sec. \_\_\_\_ . Section 280A.15, subsection 1, Code  
4 1983, is amended to read as follows:

5 1. Regular elections held ~~annually~~ by the merged  
6 area for the election of members of the board of  
7 directors as required by section 280A.11, for the  
8 renewal of the twenty and one-fourth cents per thousand  
9 dollars of assessed valuation levy authorized in  
10 section 280A.22, or for any other matter authorized  
11 by law and designated for election by the board of  
12 directors of the merged area, shall be held on the  
13 date of the school election as fixed by section 277.1.  
14 The election notice shall be made a part of the local  
15 school election notice published as provided in section  
16 49.53 in each local school district where voting is  
17 to occur in the merged area election and the election  
18 shall be conducted by the county commissioner of  
19 elections pursuant to chapters 39 to 53 and section  
20 277.20."

21 25. Page 10, line 27, by striking the word "May"  
22 and inserting in lieu thereof the word "November".

23 26. Page 11, by inserting after line 2, the  
24 following:

25 "Sec. \_\_\_\_ . Section 280A.22, subsection 1, paragraph  
26 a, Code 1983, is amended to read as follows:

27 a. In addition to the tax authorized under section  
28 280A.17, the voters in ~~any a~~ merged area may at the  
29 ~~annual regular~~ school election vote a tax not exceeding  
30 twenty and one-fourth cents per thousand dollars of  
31 assessed value in any one year for a period not to  
32 exceed ten years for the purchase of grounds,  
33 construction of buildings, payment of debts contracted  
34 for the construction of buildings, purchase of  
35 buildings and equipment for buildings, and the  
36 acquisition of libraries, and for the purpose of  
37 maintaining, remodeling, improving, or expanding the  
38 area vocational school or area community college of  
39 the merged area which tax shall be collected by the  
40 county treasurers and remitted to the treasurer of  
41 the merged area as other taxes are collected and  
42 remitted, and the proceeds of ~~said the~~ tax shall be  
43 deposited in a separate and distinct fund to be known  
44 as the voted tax fund, to be paid out upon warrants  
45 drawn by the president and secretary of the board  
46 of directors of the merged area district for the  
47 payment of costs incurred in providing the school  
48 facilities for which the tax was voted."  
49 27. Page 11, line 6, by striking the words "in  
50 May".

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1 28. Page 11, line 10, by striking the words  
2 "January June" and inserting in lieu thereof the word  
3 "January".  
4 29. Page 11, by striking lines 23 through 33 and  
5 inserting in lieu thereof the following:  
6 "Sec. \_\_\_\_ . In order to accomplish the transition  
7 from election of directors of community and independent  
8 school districts, and of merged areas, annually for  
9 terms of three years each to election of such directors  
10 biennially for terms of four years each, the following  
11 adjustments in terms and times of election shall be  
12 made:  
13 1. The term of office of each director of a  
14 community or an independent school district elected  
15 at the annual school election in the years 1983 or  
16 1984, and of any person elected or appointed as  
17 provided by law to fill a vacancy in such an office  
18 for the balance of a term to which some other person  
19 was elected at the annual school election in the years  
20 1983 or 1984, shall be extended until the third Monday  
21 in November of the year 1987. The term of office  
22 of each director of a merged area elected at the

23 annual school election in the years 1983 or 1984,  
24 and of any person elected or appointed as provided  
25 by law to fill a vacancy in such an office for the  
26 balance of a term to which some other person was  
27 elected at the annual school election in the years  
28 1983 or 1984, shall be extended until the third Monday  
29 in November of the year 1987. The term of office  
30 of each director of an area education agency board  
31 elected at an annual director district convention  
32 in the years 1983 and 1984, and of any person elected  
33 as provided by law to fill a vacancy in such an office  
34 for the balance of a term to which some other person  
35 was elected at an annual director district convention  
36 in the years 1983 or 1984, shall be extended until  
37 the third Monday in November of the year 1987.

38 a. In community and independent school districts,  
39 merged areas, and area education agencies having five-  
40 member boards of directors which under this subsection  
41 will elect successors to four of those members at  
42 the biennial school election in 1987, the persons  
43 so elected who received the greatest and the next  
44 greatest number of votes in that election shall serve  
45 terms of four years each, and the other persons so  
46 elected shall serve terms of two years each.

47 b. In community and independent school districts,  
48 merged areas, and area education agencies having  
49 seven-member boards of directors which under this  
50 subsection will elect successors to five of those

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1 members at the biennial school election in 1987, the  
2 persons so elected who received the greatest, the  
3 next greatest and the third greatest number of votes  
4 shall serve terms of four years each, and the other  
5 persons so elected shall serve terms of two years  
6 each.

7 c. In merged areas and area education agencies  
8 having more than seven members, the persons elected  
9 as directors at the biennial school election in 1987  
10 who receive the greatest, the next greatest, the third  
11 greatest and the fourth greatest number of votes shall  
12 serve terms of four years each, and the other persons  
13 so elected shall serve terms of two years each.

14 2. The term of office of each director of a  
15 community or an independent school district elected  
16 at the annual school election in the year 1985, and  
17 of any person elected or appointed as provided by  
18 law to fill a vacancy in such an office for the balance

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19 of a term to which some other person was elected at  
 20 the annual school election in the year 1985, shall  
 21 be extended until the third Monday in November of  
 22 the year 1989. The term of office of each director  
 23 of a merged area elected at the annual school election  
 24 in the year 1985 and of each director of an area  
 25 education agency elected at a director district con-  
 26 vention in 1985, and of any person elected or appointed  
 27 as provided by law to fill a vacancy in such an office  
 28 for the balance of a term to which some other per-  
 29 son was elected in the year 1985, shall be extended  
 30 until the third Monday in November of the year 1989.

31 The terms of regional library trustees elected  
 32 in 1984 shall be extended until the third Monday in  
 33 November of the year 1989, and the terms of regional  
 34 library trustees elected in 1986 shall be extended  
 35 until the third Monday in November of the year 1991."

36 30. Page 12, line 4, by striking the word and  
 37 figure "March 15" and inserting in lieu thereof the  
 38 word and figure "July 1".

39 31. Page 12, line 11, by striking the word and  
 40 figures "July 1, 1984," and inserting in lieu thereof  
 41 the word and figures "January 1, 1986".

42 32. By renumbering as necessary.

JOE BROWN  
 MILO COLTON

S-5179

1 Amend Senate File 54 as follows:

2 1. Page 1, by inserting after line 6 the following:

3 "Sec. \_\_\_\_ . Section 455C.2, subsection 2, Code  
 4 1983, is amended to read as follows:

5 2. In addition to the refund value provided in  
 6 subsection 1 of this section, a dealer, or person  
 7 operating a redemption center, who redeems empty  
 8 beverage containers shall be reimbursed by the  
 9 distributor required to accept the empty beverage  
 10 containers an amount which is one cent equals twenty  
 11 percent of the refund value but not exceeding two  
 12 cents per container. A dealer or person operating  
 13 a redemption center may compact empty metal beverage  
 14 containers with the approval of the distributor  
 15 required to accept such the container."

16 Amend the title, line 1, by inserting after the  
 17 word "Act" the words "relating to handling fee for  
 18 beverage containers,".

COMMITTEE ON ENERGY  
 JAMES V. GALLAGHER, Chair

S-5180

- 1 Amend Senate File 2156 as follows:
- 2 1. Page 1, line 29, by inserting after the word
- 3 "collected" the words "and repay the amount to the
- 4 director upon collection".

EMIL J. HUSAK  
WM. W. (Bill) DIELEMAN

S-5181

- 1 Amend House File 266, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the following
- 4 new sections:
- 5 "Section 1. Section 321.19, subsection 1, Code
- 6 Supplement 1983, is amended to read as follows:
- 7 1. All vehicles owned or leased for a period of
- 8 sixty days or more by the government and used in the
- 9 transaction of official business by the representatives
- 10 of foreign governments or by officers, boards, or
- 11 departments of the government of the United States,
- 12 and by the state, counties, municipalities and other
- 13 political subdivisions of the state including vehicles
- 14 used by an urban transit company operated by a
- 15 municipality, regional transit system, and self-
- 16 propelling vehicles used neither for the conveyance
- 17 of persons for hire, pleasure, or business nor for
- 18 the transportation of freight other than those used
- 19 by an urban transit company operated by a municipality,
- 20 regional transit system, and all fire trucks, providing
- 21 they are not owned and operated for a pecuniary profit,
- 22 are exempted from the payment of the fees imposed
- 23 by this chapter, except as provided for urban transit
- 24 companies in subsection 2, but are not exempt from
- 25 the penalties provided in this chapter. The department
- 26 shall furnish, on application, free of charge,
- 27 distinguishing plates for vehicles thus exempted,
- 28 which plates except plates on Iowa highway safety
- 29 patrol vehicles shall bear the word "official," and
- 30 the department shall keep a separate record.
- 31 Registration plates issued for Iowa highway safety
- 32 patrol vehicles, except unmarked patrol vehicles,
- 33 shall bear two red stars on a yellow background, one
- 34 before and one following the registration number on
- 35 the plate which registration number shall be the
- 36 officer's badge number. Registration plates issued
- 37 for a county sheriff's patrol vehicles shall display
- 38 one seven pointed gold star on a green background



39 followed by the letter "S" and the call number of  
40 the vehicle. However, the director of general services  
41 or the director of transportation may order the  
42 issuance of regular registration plates for any  
43 exempted vehicle used by peace officers in the  
44 enforcement of the law and persons enforcing chapter  
45 204 and other laws relating to controlled substances.  
46 For purposes of sale of exempted vehicles, the exempted  
47 governmental body, upon the sale of the exempted  
48 vehicle, may issue for in-transit purposes a pasteboard  
49 card bearing the words "Vehicle in Transit," the name  
50 of the official body from which the vehicle was

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1 purchased, together with the date of the purchase  
2 plainly marked in at least one-inch letters, and other  
3 information which may be required by the department.  
4 The in-transit card shall be valid for use only within  
5 forty-eight hours after the purchase date as indicated  
6 on the bill of sale which shall be carried by the  
7 driver.

8 Sec. \_\_\_\_ . Section 321.19, subsection 2, unnumbered  
9 paragraph 2, Code Supplement 1983, is amended to read  
10 as follows:

11 Any person, firm, corporation, or company operating  
12 an urban transit system shall pay to the county  
13 treasurer annually as a registration fee for each  
14 bus, car, or vehicle used in the transportation of  
15 passengers, five dollars, which shall be paid into  
16 the city general fund. Any urban transit company  
17 operated by a municipality is not required to pay  
18 such registration fees. The motor vehicle department,  
19 in accordance with subsection 1, shall furnish  
20 distinguishing plates for vehicles used by urban  
21 transit companies operated by a municipality. No  
22 other provision of law providing for the payment of  
23 taxes, registration, or license fees for vehicles  
24 shall be applicable to any bus, car, or vehicle for  
25 the transportation of passengers owned and operated  
26 by any urban transit company.

27 Sec. \_\_\_\_ . Section 321.19, Code Supplement 1983,  
28 is amended by adding the following new subsection:  
29 **NEW SUBSECTION. 3. "Regional transit system"**  
30 means a public transit system serving one county or  
31 all or part of a multicounty area whose boundaries  
32 correspond to the same boundaries as those of the  
33 regional planning areas designated by the governor,  
34 except as agreed upon by the department. Each county

35 board of supervisors within the region is responsible  
36 for determining the service and funding within its  
37 county. However, the administration and overhead  
38 support services for the overall regional transit  
39 system shall be consolidated into one existing or  
40 new agency to be mutually agreed upon by the  
41 participating members. Privately chartered bus  
42 services and uses other than providing services that  
43 are open and public on a shared ride basis shall not  
44 be construed to be a regional transit system.

45 Sec. \_\_\_\_ . Section 321.22, Code 1983, is amended  
46 to read as follows:

47 321.22 URBAN AND REGIONAL TRANSIT EQUIPMENT PLATES

48 1. An urban transit company or system having a  
49 franchise to operate in any city and any regional  
50 transit system may make application to the motor

Page 3

1 vehicle department, upon forms furnished by the  
2 department, for a certificate containing a  
3 distinguishing number and for one or more pairs of  
4 transit bus plates to be attached to the front and  
5 rear of buses owned or operated by the urban transit  
6 company or system.

7 2. The department shall issue to the applicant  
8 a certificate, or certificates, containing, but not  
9 limited to, the applicant's name and address, the  
10 distinguishing number assigned to the applicant, and  
11 such other information deemed necessary by the  
12 department for proper identification of the buses.

13 3. The department shall issue urban transit bus  
14 (license) plates as applied for, which shall have  
15 imprinted thereon the words "Urban Transit Bus," and  
16 the distinguishing number assigned to the applicant.  
17 The department shall issue the certificates and plates  
18 without fee.

19 4. Every urban transit bus plate issued hereunder  
20 shall expire at midnight on the thirtieth day of June  
21 of each year, and new plates or validation stickers  
22 for the ensuing year may be obtained upon proper  
23 application."

24 2. Amend the title, line 5, by inserting after  
25 the word "exemptions" the words "and vehicle  
26 registrations".

27 3. Renumber sections and correct internal  
28 references as necessary in accordance with this  
29 amendment.

DONALD V. DOYLE

S-5182

1 Amend Senate File 2074 by striking everything after  
2 the enacting clause and inserting in lieu thereof  
3 the following:

4 "Section 1. Section 232.52, Code Supplement 1983,  
5 is amended by adding the following new subsections:  
6 **NEW SUBSECTION. 5.** When the court enters an order  
7 placing a child in foster care, the court shall review  
8 and may affirm or make other disposition not later  
9 than six months after the initial order and every  
10 six months thereafter. The court shall consider the  
11 following criteria:

12 a. The case permanency plan pursuant to section  
13 237.22.

14 b. The services provided to reunite the child  
15 and family as defined in section 237.15.

16 c. The type of care provided for the child when  
17 return to the family is not feasible.

18 d. The recommendation of the foster care provider.

19 e. Reports submitted to the court pursuant to  
20 section 232.53, subsection 3.

21 A copy of the dispositional order pursuant to this  
22 subsection shall be submitted to the state and local  
23 foster care review boards.

24 **NEW SUBSECTION. 6.** Reasonable notice of the court  
25 review shall be given to the following parties in  
26 the same manner as provided in section 232.37:

27 a. The person, court, or agency responsible for  
28 the child.

29 b. The parent or parents of the child unless  
30 termination of parental rights has occurred pursuant  
31 to section 232.117.

32 c. The foster care provider of the child.

33 d. The child receiving foster care if the child  
34 is fourteen years of age or older.

35 e. The guardian ad litem of the foster child.

36 f. The department.

37 g. The county attorney.

38 Sec. 2. Section 232.78, Code 1983, is amended  
39 by adding the following new subsection:

40 **NEW SUBSECTION. 5.** When there has been a temporary  
41 removal of a child pursuant to an ex parte court  
42 order, a physical examination of the child by a  
43 licensed medical practitioner shall be performed  
44 within twenty-four hours of the child's removal unless  
45 the child is returned to the child's home within  
46 twenty-four hours of the removal.

47 Sec. 3. Section 232.102, subsection 6, Code  
48 Supplement 1983, is amended to read as follows:

49 6. The duration of any placement made after an  
50 order pursuant to this section shall be for an initial

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1 period of six months. At the expiration of that  
2 period and every six months thereafter, the court  
3 shall hold a hearing and review the placement in order  
4 to determine whether the child should be returned  
5 home, an extension of the placement should be made,  
6 or a termination of the parent-child relationship  
7 proceeding should be instituted.

8 a. The court shall consider the following criteria:

9 (1) The case permanency plan pursuant to section  
10 237.22.

11 (2) The services provided to reunite the child  
12 and family as defined in section 237.15.

13 (3) The type of care provided for the child when  
14 return to the family is not feasible.

15 (4) The recommendation of the foster care provider.

16 The placement should be terminated and the child  
17 returned to his or her the child's home if the court  
18 finds by a preponderance of the evidence that the  
19 child will not suffer harm in the manner specified  
20 in section 232.2, subsection 5. If the placement  
21 is extended, the court should determine whether  
22 additional services are necessary to facilitate the  
23 return of the child to his or her the child's home,  
24 and if the court determines such services are needed,  
25 the court shall order the provision of such services.  
26 A copy of the dispositional order pursuant to this  
27 subsection shall be submitted to the state and local  
28 foster care review boards.

29 b. Reasonable notice of the court review shall  
30 be given to the following parties in the same manner  
31 as provided in section 232.37:

32 (1) The person, court, or agency responsible for  
33 the child.

34 (2) The parent or parents of the child unless  
35 termination of parental rights has occurred pursuant  
36 to section 232.117.

37 (3) The foster care provider of the child.

38 (4) The child receiving foster care if the child  
39 is fourteen years of age or older.

40 (5) The guardian ad litem of the foster child.

41 (6) The department.

42 (7) The county attorney.

43 Sec. 4. Section 232.103, subsections 2 and 3,

44 Code 1983, are amended to read as follows:

- 45 2. The following persons shall be are authorized  
46 to file a motion to terminate, modify or vacate and  
47 substitute a dispositional order:  
48 a. The child.  
49 b. The child's parent, guardian or custodian,  
50 except that such the motion may be filed by that

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- 1 person not more often than once every six months  
2 except with leave of court for good cause shown.  
3 c. The child's guardian ad litem.  
4 d. A person supervising the child pursuant to  
5 a dispositional order.  
6 e. An agency, facility, institution or person  
7 to whom legal custody has been transferred pursuant  
8 to a dispositional order.  
9 f. The county attorney.  
10 g. Local review boards.  
11 3. A hearing shall be held on a motion to terminate  
12 or modify a dispositional order except that a hearing  
13 on a motion to terminate an order may be waived upon  
14 agreement by all parties. Reasonable notice of the  
15 hearing shall be given in the same manner as for  
16 adjudicatory hearings in cases of juvenile delinquency  
17 as provided in section 232.37. The hearing shall  
18 be conducted in accordance with the provisions of  
19 section 232.50. Notice shall be given to:  
20 a. The person, court, or agency responsible for  
21 the child.  
22 b. The parent or parents of the child unless  
23 termination of parental rights has occurred pursuant  
24 to section 232.117.  
25 c. The foster care provider of the child.  
26 d. The child receiving foster care if the child  
27 is fourteen years of age or older.  
28 e. The guardian ad litem of the foster child.  
29 f. The department.  
30 g. The county attorney.  
31 Sec. 5. Section 232.117, Code Supplement 1983,  
32 is amended by adding the following new subsections:  
33 **NEW SUBSECTION. 5.** When the court enters an order  
34 placing a child in foster care, the court shall review  
35 and may affirm or make other disposition not later  
36 than six months after the initial order and every  
37 six months thereafter. The court shall consider the  
38 following criteria:  
39 a. The case permanency plan pursuant to section  
40 237.22.

- 41 b. The services provided to reunite the child  
 42 and family as defined in section 237.15.  
 43 c. The type of care provided for the child when  
 44 return to the family is not feasible.  
 45 d. The recommendation of the foster care provider.  
 46 A copy of the dispositional order pursuant to this  
 47 subsection shall be submitted to the state and local  
 48 foster care review boards.  
 49 NEW SUBSECTION. 6. Reasonable notice of any court  
 50 review under this section shall be given to the

Page 4

- 1 following parties in the same manner as provided in  
 2 section 232.37:  
 3 a. The person, court, or agency responsible for  
 4 the child.  
 5 b. The parent or parents of the child unless  
 6 termination of parental rights has occurred pursuant  
 7 to section 232.117.  
 8 c. The foster care provider of the child.  
 9 d. The child receiving foster care if the child  
 10 is fourteen years of age or older.  
 11 e. The guardian ad litem of the foster child.  
 12 f. The department.  
 13 g. The county attorney.  
 14 Sec. 6. NEW SECTION. 237.15 DEFINITIONS. For  
 15 the purposes of this division unless otherwise defined:  
 16 1. "Local board" means a local foster care review  
 17 board created pursuant to section 237.19.  
 18 2. "State board" means the state foster care  
 19 review board created pursuant to section 237.16.  
 20 3. "Child receiving foster care" means a child  
 21 defined in section 234.1 whose foster care placement  
 22 is the financial responsibility of the state pursuant  
 23 to section 234.35, subsections 1, 2, or 4 or 234.36  
 24 or who is under the guardianship of the department.  
 25 4. "Person or court responsible for the child"  
 26 means the department, including but not limited to  
 27 the department of human services, agency, or individual  
 28 who is the guardian of a neglected, dependent, or  
 29 delinquent child by court order and has the  
 30 responsibility of the care of the child, or the court  
 31 having jurisdiction over the child.  
 32 5. "Family" means the social unit consisting of  
 33 the child and the biological or adoptive parent,  
 34 stepparent, brother, sister, stepbrother, stepsister,  
 35 and grandparent of the child.  
 36 6. "Case permanency plan" means a document

37 identifying decisions made by a child-placing agency,  
38 for both the family and the child, concerning action  
39 which needs to be taken to assure that the child in  
40 foster care expeditiously obtains a permanent home.

41 **Sec. 7. NEW SECTION. 237.16 STATE FOSTER CARE**  
42 **REVIEW BOARD.** The state foster care review board  
43 is created. The state board consists of seven members  
44 appointed by the governor, subject to confirmation  
45 by the senate and directly responsible to the governor.  
46 The members shall serve three-year terms and until  
47 their successors are appointed and qualified.  
48 Vacancies on the state board shall be filled for the  
49 unexpired term in the same manner as original  
50 appointments. A person shall not serve more than

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1 two consecutive terms.

2 The members of the state board shall annually  
3 select a chairperson, vice chairperson, and other  
4 officers the members deem necessary. The members  
5 shall not receive per diem but shall receive  
6 reimbursement for actual and necessary expenses  
7 incurred in their duties as members. The state board  
8 shall meet at least twice a year.

9 An employee of the department, an employee or board  
10 member of a child-placing agency, or an employee of  
11 the district court is not eligible to serve on the  
12 state board.

13 **Sec. 8. NEW SECTION. 237.17 FOSTER CARE REGISTRY.**

14 The state board shall establish a statewide registry  
15 of the placements of all children receiving foster  
16 care. The department shall notify the state board  
17 of each placement within three working days of the  
18 department's notification of the placement. The  
19 notification to the state board shall include  
20 information identifying the child receiving foster  
21 care and placement information for that child.

22 Within thirty days of the placement the agency  
23 responsible for the placement shall submit the case  
24 permanency plan to the state board. All subsequent  
25 revisions of the care permanency plan shall be  
26 submitted when the revisions are developed. In cases  
27 where the agency responsible for the placement is  
28 not the department, the case permanency plan shall  
29 also be submitted to the department.

30 The department shall make a monthly report to the  
31 state board, including but not limited to, the names  
32 of children receiving foster care, the location of  
33 their placements, the goals of the case permanency

34 plan, and other information specified by the state  
35 board.  
36 Sec. 9. NEW SECTION. 237.18 POWERS AND DUTIES  
37 OF STATE BOARD. The state board shall:  
38 1. Review the activities and actions of local  
39 boards.  
40 2. Adopt rules pursuant to chapter 17A to:  
41 a. Establish a central recordkeeping facility  
42 for the files of local review boards including  
43 individual case reviews.  
44 b. Accumulate data and develop an annual report  
45 regarding children in foster care. The report shall  
46 include:  
47 (1) Personal data regarding the total number of  
48 days of foster care provided and the characteristics  
49 of the children receiving foster care.  
50 (2) The number of placements of children in foster

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1 care.  
2 (3) The frequency and results of court reviews.  
3 c. Evaluate the judicial and administrative data  
4 collected on foster care and disseminate the data  
5 to the governor, the supreme court, the chief judge  
6 of each judicial district, the department, and child-  
7 placing agencies.  
8 d. Establish mandatory training programs for  
9 members of the state and local review boards including  
10 an initial training program and periodic in-service  
11 training programs.  
12 e. Establish procedures for the local review  
13 board.  
14 f. Establish grounds and procedures for removal  
15 of a local review board member.  
16 3. Assign the case of each child receiving foster  
17 care to the appropriate local board.  
18 4. Assist local boards in reviewing each case  
19 of a child receiving foster care, as provided in  
20 section 237.20.  
21 5. Employ a state director and appropriate staff  
22 in accordance with available funding.  
23 The state board shall make recommendations to the  
24 general assembly, department, to child-placing  
25 agencies, the governor, the supreme court, the chief  
26 judge of each judicial district, and to the judicial  
27 department. The recommendations shall include, but  
28 are not limited to, necessary changes relating to



29 the data collected and the annual report made under  
30 subsection 2, paragraph "b". The state board may  
31 visit and observe facilities in the performance of  
32 its statutory responsibilities to determine whether  
33 the physical, psychological, and sociological needs  
34 of the child receiving foster care are being met.

35 **Sec. 10. NEW SECTION. 237.19 LOCAL FOSTER CARE**  
36 **REVIEW BOARDS.**

37 1. The state board shall establish local foster  
38 care boards to review cases of children receiving  
39 foster care. The state board shall select five members  
40 and two alternate members to serve on each local board  
41 in consultation with the chief judge of each judicial  
42 district. The actual number of local boards needed  
43 and established shall be determined by the state  
44 board. However, the state board shall establish at  
45 least one local board in each district of the  
46 department. The members of each local board shall  
47 consist of persons of the various social, economic,  
48 racial, and ethnic groups and various occupations  
49 of their district, and may include individuals who  
50 provide family foster care. A person employed by

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1 the state board or the department, the district court,  
2 or a child-placing agency shall not serve on a local  
3 board. The state board shall provide the names of  
4 the members of the local boards to the department.

5 2. A member of a local board shall serve a three-  
6 year term and until the member's successor is appointed  
7 and qualified. Vacancies on a board shall be filled  
8 for the unexpired term in the same manner as original  
9 appointments. The members shall not receive per diem  
10 but shall receive reimbursement for actual and  
11 necessary expenses incurred in their duties as members.

12 **Sec. 11. NEW SECTION. 237.20 LOCAL BOARD DUTIES.**  
13 A local board shall:

14 1. Review every six months the case of each child  
15 receiving foster care assigned to the local board  
16 by the state board to determine whether satisfactory  
17 progress is being made toward the goals of the case  
18 permanency plan pursuant to section 237.22.

19 During each six month review, the local board shall  
20 review all of the following:

21 a. The past, current, and future status of the  
22 child and placement as shown through the case  
23 permanency plan and case progress reports submitted  
24 by the agency responsible for the placement of the  
25 child and other information the board may require.

- 26 b. The efforts of the agency responsible for the  
27 placement of the child to locate and provide services  
28 to the biological or adoptive parents of the child.
- 29 c. The efforts of the agency responsible for the  
30 placement of the child to facilitate the return of  
31 the child to the home or to find an alternative  
32 permanent placement other than foster care if reunion  
33 with the parent or previous custodian is not feasible.  
34 The agency shall report to the board all factors which  
35 either favor or mitigate against a decision or  
36 alternative with regard to these matters.
- 37 d. Any problems, solutions, or alternatives which  
38 may be capable of investigation, or other matters  
39 with regard to the child which the agency responsible  
40 for the placement of the child or the board feels  
41 should be investigated with regard to the best  
42 interests of the state or of the child.
- 43 2. Submit to the appropriate court within ten  
44 days after the review under subsection 1, the findings  
45 and recommendations of the review. The findings and  
46 recommendations shall include the proposed date of  
47 the next review by the local board. The local board  
48 shall notify the persons specified in subsection 4  
49 of the findings and recommendations.
- 50 3. Encourage placement of the child in the most

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- 1 stable and family-like situation possible considering  
2 the needs of the child if the return of the child  
3 to the family or adoption of the child is not feasible.
- 4 4. Notify the following persons at least five  
5 days before the review of a case of a child receiving  
6 foster care:
- 7 a. The person, court, or agency responsible for  
8 the child.
- 9 b. The parent or parents of the child unless  
10 termination of parental rights has occurred pursuant  
11 to section 232.117.
- 12 c. The foster care provider of the child.
- 13 d. The child receiving foster care if the child  
14 is fourteen years of age or older.
- 15 e. The guardian ad litem of the foster child.
- 16 f. The department.
- 17 g. The county attorney.
- 18 Sec. 12. NEW SECTION. 237.21 CONFIDENTIALITY  
19 OF RECORDS-PENALTY.
- 20 1. The information and records regarding a child  
21 receiving foster care and the child's family when

22 relating to the foster care placement are not public  
23 records pursuant to chapter 68A.

24 2. Information and records relating to a child  
25 receiving foster care shall be provided to a local  
26 board or the state board by the department or child-  
27 care agency upon request by either board. A court  
28 having jurisdiction of a child receiving foster care  
29 shall release the information and records the court  
30 deems necessary to determine the needs of the child,  
31 if the information and records are not obtainable  
32 elsewhere, to a local board or the state board upon  
33 request by either board.

34 3. Members of the state board and local boards  
35 and the employees of the department are subject to  
36 standards of confidentiality pursuant to sections  
37 217.30 and 235A.15. A person who discloses information  
38 or records, other than as provided in subsection 2,  
39 is guilty of a serious misdemeanor.

40 Sec. 13. **NEW SECTION. 237.22 CASE PERMANENCY**

41 **PLAN.** The agency responsible for the placement of  
42 the child shall create a case permanency plan. The  
43 plan shall include, but not be limited to:

- 44 a. The reason the child is receiving foster care.
- 45 b. The estimated length of time the child will  
46 be receiving foster care.
- 47 c. The services necessary to assist the child  
48 and family in adjustment and rehabilitation.
- 49 d. The persons responsible for implementing the  
50 plan.

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1 e. A complete record of previous placements of  
2 the child receiving foster care.

3 Sec. 14. Two of the members of the state foster  
4 care review board established in section 237.16 shall  
5 initially serve a one-year term, two shall initially  
6 serve a two-year term, and three shall initially serve  
7 a three-year term. The state foster care review board  
8 shall appoint members of the local foster care review  
9 boards pursuant to section 237.19 as soon as  
10 practicable. Of the local boards, two members shall  
11 initially serve a one-year term, two shall initially  
12 serve a two-year term, and one shall initially serve  
13 a three-year term.

14 Sec. 15. Sections 6 through 13 of this Act are  
15 enacted as a new division of chapter 237 entitled  
16 "Foster Care Review."

S-5183

- 1 Amend Senate File 2014 as follows:  
 2 1. Page 1, by inserting after line 18 the following:  
 3 "Sec. 2. Section 68B.5, Code 1983, is amended to  
 4 read as follows:  
 5 68B.5 GIFTS SOLICITED OR ACCEPTED. Except as  
 6 otherwise provided in this section, an An official,  
 7 official, employee, local official, local employee,  
 8 member of the general assembly, candidate or  
 9 legislative employee shall not, directly or indirectly,  
 10 solicit, accept, or or receive any gift having a value  
 11 of fifty dollars or more in any one occurrence.  
 12 During a regular or special session of the general  
 13 assembly, a member of the general assembly shall not  
 14 accept anything of value given for the purpose of  
 15 influencing that legislator's vote. A person shall  
 16 not, directly or indirectly, offer or make any such  
 17 gift to an official, employee, local official, local  
 18 employee, member of the general assembly, candidate  
 19 or legislative employee which has a value in excess  
 20 of fifty dollars in any one occurrence, if accepted,  
 21 would violate this section."  
 22 2. Title page, line 2, by inserting after the  
 23 word "committee" the words "and to the gifts that  
 24 can be accepted by members of the general assembly".

DOUGLAS RITSEMA

S-5184

- 1 Amend Senate File 2235 as follows:  
 2 1. Page 1, by inserting after line 25 the  
 3 following:  
 4 "Sec. 2. Section 321A.32, subsection 2, Code 1983,  
 5 is amended to read as follows:  
 6 2. Any person willfully failing to return license  
 7 or registration as required in section 321A.31 shall  
 8 be guilty of a ~~serious~~ simple misdemeanor."

ARTHUR A. SMALL, JR.

S-5185

- 1 Amend Senate File 2181 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. Section 80B.11, Code 1983, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 6. Provide minimum basic training

AMENDMENTS FILED

1919

7 instruction to an applicant who is otherwise qualified  
8 for employment as a law enforcement officer and is  
9 recommended by a city. The cost of the training shall  
10 be paid by the applicant.

11 Sec. 2. NEW SECTION. 362.11 EMPLOYMENT OF LAW  
12 ENFORCEMENT OFFICERS. A city may provide for the  
13 employment of law enforcement officers after the  
14 officers have completed a minimum basic law enforcement  
15 training course approved by the Iowa law enforcement  
16 academy council under chapter 80B."

17 2. Amend the title, by striking lines 1 and 2  
18 and inserting in lieu thereof the following: "An  
19 Act relating to the employment and training of law  
20 enforcement officers by cities."

JOE J. WELSH  
MILO COLTON  
JOE BROWN

S-5186

1 Amend Senate File 2233 as follows:

2 1. Page 2, line 3, by inserting after the words  
3 "after the" the words "mailing and".

4 2. Page 3, line 35, by inserting after the words  
5 "after the" the words "mailing and".

EDGAR H. HOLDEN

S-5187

1 Amend Senate File 2215 as follows:

2 1. Page 1, line 17, by striking the words "position  
3 and".

DOUGLAS RITSEMA

S-5188

1 Amend Senate File 2233 as follows:

2 1. Page 1, by striking line 17 and inserting in  
3 lieu thereof the words "shall provide that the suc-  
4 ceeding affiliate maintain one or".

PATRICK J. DELUHERY  
EDGAR H. HOLDEN

S-5189

1 Amend the House amendment S-5111 to Senate File  
2 190 as amended, passed and reprinted by the Senate.

3 as follows:

- 4 1. Page 1, by inserting before line 3 the  
5 following:  
6 "1. Page 1, line 9, by inserting after the word  
7 "pension" the words ", health or other"."  
8 2. Page 1, by striking lines 6 and 7 and inserting  
9 in lieu thereof the following:  
10 "3. Page 1, line 16, by striking the word  
11 "persons." and inserting in lieu thereof the words  
12 "full-time persons. The leave of absence granted  
13 by this section need not exceed six years. The leave  
14 of absence granted by this section does not apply  
15 to an elective office held by the employee prior to  
16 the election."

CALVIN O. HULTMAN  
TOM SLATER

S-5190

1 Amend Senate File 489 as follows:

- 2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. Section 321.423, subsection 1,  
5 paragraph b, Code 1983, is amended to read as follows:  
6 b. "Search and rescue service" means a volunteer  
7 organized search and rescue department.  
8 c. "Member" means a person who is a member in  
9 good standing of a fire department or a member in  
10 good standing of a volunteer search and rescue service  
11 who is not a full-time paid member of the search and  
12 rescue service.  
13 Sec. 2. Section 321.423, subsection 2, Code 1983,  
14 is amended by adding the following new lettered  
15 paragraph:  
16 NEW LETTERED PARAGRAPH. f. A flashing green light  
17 on a vehicle upon which a green light is permitted  
18 under subsection 4.  
19 Sec. 3. Section 321.423, Code 1983, is amended  
20 by inserting after subsection 3 the following new  
21 subsection:  
22 NEW SUBSECTION. 4. GREEN LIGHT. A green light  
23 shall not be used on any vehicle except:  
24 a. A vehicle owned or exclusively operated by  
25 a volunteer search and rescue department; or  
26 b. A vehicle authorized by the director when:  
27 (1) The vehicle is owned by a member of a volunteer  
28 search and rescue department.  
29 (2) The request for authorization is made by the  
30 member on forms provided by the department.  
31 (3) Necessity for authorization is demonstrated  
32 in the request.

33 (4) The administrative head of the volunteer  
34 search and rescue department certifies that the member  
35 is in good standing with the volunteer search and  
36 rescue department and recommends that the authorization  
37 be granted.

38 Sec. 4. Section 321.423, subsection 4, Code 1983,  
39 is amended to read as follows:

40 4 5. EXPIRATION OF AUTHORITY. The authorization  
41 shall expire at midnight on the thirty-first day of  
42 December five years from the year in which it was  
43 issued, or when the vehicle is no longer owned by  
44 the member, or when the member has ceased to be an  
45 active member of the fire department or search and  
46 rescue service, or when the member has used the blue  
47 light beyond the scope of its authorized use.

48 Sec. 5. Section 321.423, subsection 5, unnumbered  
49 paragraph 1, Code 1983, is amended to read as follows:  
50 When used. The certificate of authorization shall

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1 be carried at all times with the certificate of  
2 registration of the authorized vehicle and the operator  
3 of the vehicle shall not illuminate the blue light  
4 except:

5 Sec. 6. Section 321.423, subsection 5, paragraph  
6 d, Code 1983, is amended to read as follows:

7 d. The use of a blue ~~the~~ light in or on a private  
8 motor vehicle shall be for identification purposes  
9 only."

10 2. Amend the title, line 2, by striking the words  
11 "or rescue service agency to use blue" and inserting  
12 in lieu thereof the words "and rescue service agency  
13 to use green".

JOE J. WELSH

S-5191

1 Amend House File 266, as amended, passed, and  
2 reprinted by the House, as follows:

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

5 "Section 1. Section 321.19, subsection 1, Code  
6 Supplement 1983, is amended to read as follows:

7 1. All vehicles owned or leased for a period of  
8 sixty days or more by the government and used in the  
9 transaction of official business by the representatives  
10 of foreign governments or by officers, boards, or  
11 departments of the government of the United States,  
12 and by the state, counties, municipalities and other

13 political subdivisions of the state including vehicles  
14 used by an urban transit company operated by a  
15 municipality, regional transit system, and self-  
16 propelling vehicles used neither for the conveyance  
17 of persons for hire, pleasure, or business nor for  
18 the transportation of freight other than those used  
19 by an urban transit company operated by a municipality,  
20 regional transit system, and all fire trucks, providing  
21 they are not owned and operated for a pecuniary profit,  
22 are exempted from the payment of the fees imposed  
23 by this chapter, except as provided for urban transit  
24 companies in subsection 2, but are not exempt from  
25 the penalties provided in this chapter. The department  
26 shall furnish, on application, free of charge,  
27 distinguishing plates for vehicles thus exempted,  
28 which plates except plates on Iowa highway safety  
29 patrol vehicles shall bear the word "official," and  
30 the department shall keep a separate record.  
31 Registration plates issued for Iowa highway safety  
32 patrol vehicles, except unmarked patrol vehicles,  
33 shall bear two red stars on a yellow background, one  
34 before and one following the registration number on  
35 the plate which registration number shall be the  
36 officer's badge number. Registration plates issued  
37 for a county sheriff's patrol vehicles shall display  
38 one seven pointed gold star on a green background  
39 followed by the letter "S" and the call number of  
40 the vehicle. However, the director of general services  
41 or the director of transportation may order the  
42 issuance of regular registration plates for any  
43 exempted vehicle used by peace officers in the  
44 enforcement of the law and persons enforcing chapter  
45 204 and other laws relating to controlled substances.  
46 For purposes of sale of exempted vehicles, the exempted  
47 governmental body, upon the sale of the exempted  
48 vehicle, may issue for in-transit purposes a pasteboard  
49 card bearing the words "Vehicle in Transit," the name  
50 of the official body from which the vehicle was

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1 purchased, together with the date of the purchase  
2 plainly marked in at least one-inch letters, and other  
3 information which may be required by the department.  
4 The in-transit card shall be valid for use only within  
5 forty-eight hours after the purchase date as indicated  
6 on the bill of sale which shall be carried by the  
7 driver.  
8 Sec. \_\_\_\_ . Section 321.19, subsection 2, unnumbered  
9 paragraph 2, Code Supplement 1983, is amended to read



10 as follows:

11 Any person, firm, corporation, or company operating  
12 an urban transit system shall pay to the county  
13 treasurer annually as a registration fee for each  
14 bus, car, or vehicle used in the transportation of  
15 passengers, five dollars, which shall be paid into  
16 the city general fund. Any urban transit company  
17 operated by a municipality is not required to pay  
18 such registration fees. The motor vehicle department,  
19 in accordance with subsection 1, shall furnish  
20 distinguishing plates for vehicles used by urban  
21 transit companies operated by a municipality. No  
22 other provision of law providing for the payment of  
23 taxes, registration, or license fees for vehicles  
24 shall be applicable to any bus, car, or vehicle for  
25 the transportation of passengers owned and operated  
26 by any urban transit company.

27 Sec. \_\_\_\_ . Section 321.19, Code Supplement 1983,  
28 is amended by adding the following new subsection:

29 **NEW SUBSECTION. 3. "Regional transit system"**  
30 means a public transit system serving one county or  
31 all or part of a multicounty area whose boundaries  
32 correspond to the same boundaries as those of the  
33 regional planning areas designated by the governor,  
34 except as agreed upon by the department. Each county  
35 board of supervisors within the region is responsible  
36 for determining the service and funding within its  
37 county. However, the administration and overhead  
38 support services for the overall regional transit  
39 system shall be consolidated into one existing or  
40 new agency to be mutually agreed upon by the  
41 participating members. Privately chartered bus  
42 services and uses other than providing services that  
43 are open and public on a shared ride basis shall not  
44 be construed to be a regional transit system.

45 Sec. \_\_\_\_ . Section 321.22, Code 1983, is amended  
46 to read as follows:

47 **321.22 URBAN AND REGIONAL TRANSIT EQUIPMENT PLATES.**

48 1. An urban transit company or system having a  
49 franchise to operate in any city and any regional  
50 transit system may make application to the motor

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1 vehicle department, upon forms furnished by the  
2 department, for a certificate containing a  
3 distinguishing number and for one or more pairs of  
4 transit bus plates to be attached to the front and  
5 rear of buses owned or operated by the urban transit

- 6 company or system.
- 7 2. The department shall issue to the applicant  
8 a certificate, or certificates, containing, but not  
9 limited to, the applicant's name and address, the  
10 distinguishing number assigned to the applicant, and  
11 such other information deemed necessary by the  
12 department for proper identification of the buses.
- 13 3. The department shall issue ~~urban~~ transit bus  
14 (license) plates as applied for, which shall have  
15 imprinted thereon the words "Urban Transit Bus," and  
16 the distinguishing number assigned to the applicant.  
17 The department shall issue the certificates and plates  
18 without fee.
- 19 4. Every ~~urban~~ transit bus plate issued hereunder  
20 shall expire at midnight on the thirtieth day of June  
21 of each year, and new plates ~~or validation stickers~~  
22 for the ensuing year may be obtained upon proper  
23 application."
- 24 2. Amend the title, line 5, by inserting after  
25 the word "exemptions" the words "and vehicle  
26 registrations".
- 27 3. Renumber sections and correct internal  
28 references as necessary in accordancé with this  
29 amendment.

COMMITTEE ON TRANSPORTATION  
C. JOSEPH COLEMAN, Chair

S-5192

- 1 Amend Senate amendment S-5144 to Senate File 2014  
2 as follows:
- 3 1. Page 1, line 6, by striking the words "This  
4 section does not".
- 5 2. Page 1, by inserting after line 6 the follow-  
6 ing:
- 7 "2. Page 1, by striking lines 9 through 14 and  
8 inserting in lieu thereof the following:  
9 "The offices and amounts provided by this section  
10 are as follows:
- 11 1. State representative, four thousand dollars.  
12 2. State senator, seven thousand dollars."

CHARLES BRUNER  
TOM SLATER

S-5193

- 1 Amend House File 2124, as passed by the House,  
2 as follows:

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

5 "Section 1. Section 912.1, subsection 4, Code  
6 1983, is amended to read as follows:

7 4. "Crime" means conduct that occurs or is  
8 attempted in this state, poses a substantial threat  
9 of personal injury or death, and is punishable as  
10 a felony, an aggravated misdemeanor, or a serious  
11 misdemeanor, or would be so punishable but for the  
12 fact that the person engaging in the conduct lacked  
13 the capacity to commit the crime under the laws of  
14 this state. "Crime" does not include conduct arising  
15 out of the ownership, maintenance, or use of a motor  
16 vehicle, motorcycle, motorized bicycle, train, boat,  
17 or aircraft except when the intention is to cause  
18 personal injury or death.

19 Sec. 2. Section 912.3, subsection 6, Code  
20 Supplement 1983, is amended by striking the subsection.

21 Sec. 3. Section 912.4, subsection 2, Code 1983,  
22 is amended to read as follows:

23 2. A person is not eligible for reparation unless  
24 the crime was reported to the local police department,  
25 or county sheriff department, or other law enforcement  
26 agency within twenty-four hours of its occurrence.  
27 However, if the crime cannot ~~could~~ not reasonably  
28 be have been reported within that time period, the  
29 crime ~~shall~~ must have been reported within twenty-  
30 four hours of the earliest time a report can could  
31 have reasonably be been made.

32 Sec. 4. Section 912.9, Code 1983, is amended by  
33 adding the following new subsection:

34 **NEW SUBSECTION.** 3. A person who, having the  
35 intent to fraudulently induce a payment or overpayment  
36 of reparation, knowingly files a false or deceptive  
37 application for reparation or executes a false or  
38 deceptive affidavit or statement in support of an  
39 application for reparation commits a fraudulent  
40 practice punishable under chapter 714."

41 2. By renumbering the sections of the bill in  
42 accordance with this amendment.

43 3. Title page, line 1, by inserting after the  
44 words "An Act" the words "broadening the scope and".

WM. W. (Bill) DIELEMAN

8-5194

1 Amend Senate File 2098 as follows:

2 1. Page 1, line 17, by inserting after the word

3 "service" the words and figure "under this section  
4 or section 910.2".

PATRICK J. DELUHERY

S-5195

1 Amend amendment S-5144 to Senate File 2014 as  
2 follows:  
3 1. Page 1, by striking lines 1 through 10 and  
4 inserting in lieu thereof the following:  
5 "1. Page 1, by striking lines 4 through 18 and  
6 inserting in lieu thereof the following:  
7 "If a candidate seeks the office of state  
8 representative, state senator, lieutenant governor,  
9 attorney general, secretary of state, secretary of  
10 agriculture, treasurer of state, auditor of state  
11 or governor, that person's candidate's committee shall  
12 not accept contributions from political committees  
13 which are not county or state statutory political  
14 committees or political committees of national  
15 political parties."

MILO COLTON

S-5196

1 Amend amendment S-5144 to Senate File 2014 as  
2 follows:  
3 1. Page 1, by inserting after line 10 the  
4 following:  
5 "4. Page 1, by inserting after line 18 the  
6 following:  
7 "A county or state statutory political committee  
8 shall not accept contributions from political  
9 committees other than county or state statutory  
10 political committees."

MILO COLTON

S-5197

1 Amend Senate File 2215 as follows:  
2 1. Page 2, line 28, by inserting after the word  
3 "softball," the word "volleyball,".

DALE TIEDEN

S-5198

1 Amend Senate File 2215 as follows:

AMENDMENTS FILED

1927

- 2 1. Page 3, line 5, by striking the words "three
- 3 semester credit hours" and inserting in lieu thereof
- 4 the words "one semester credit hour".
- 5 2. Page 3, line 6, by striking the word "thirty"
- 6 and inserting in lieu thereof the word "ten".
- 7 3. Page 3, line 9, by striking the words "two
- 8 semester credit hours" and inserting in lieu thereof
- 9 the words "one semester credit hour".
- 10 4. Page 3, line 10, by striking the word "twenty"
- 11 and inserting in lieu thereof the word "ten".
- 12 5. Page 3, line 13, by striking the words "two
- 13 semester credit hours" and inserting in lieu thereof
- 14 the words "one semester credit hour".
- 15 6. Page 3, line 14, by striking the word "twenty"
- 16 and inserting in lieu thereof the word "ten".
- 17 7. Page 3, line 18, by striking the words "three
- 18 semester credit hours" and inserting in lieu thereof
- 19 the words "one semester credit hour".
- 20 8. Page 3, line 19, by striking the word "thirty"
- 21 and inserting in lieu thereof the word "ten".

DOUGLAS RITSEMA  
RAY TAYLOR

S-5199

- 1 Amend Senate File 2098 as follows:
- 2 1. Page 1, by striking lines 1 through 7.
- 3 2. By renumbering to conform to this amendment.

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chair

S-5200

- 1 Amend House File 2295 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by striking lines 16 through 30 and
- 4 inserting in lieu thereof the following: "board.
- 5 The board shall consist of seven members of which
- 6 no more than four shall be of the same political
- 7 party. The board shall be appointed by the governor
- 8 and shall consist of the following:
- 9 a. One member who is a member of the board of
- 10 regents or an administrator or faculty member of a
- 11 board of regents' institution.
- 12 b. One member who is a member of the board of
- 13 directors or an administrator or faculty member of
- 14 a community college.
- 15 c. One member who is a member of the Iowa

- 16 development commission or a designee of the Iowa  
 17 development commission.  
 18 d. One member who is a member of the jobs  
 19 commission created pursuant to the 1983 Iowa Acts,  
 20 chapter 207, or a designee of the job commission.  
 21 e. Three members who are members of the general  
 22 public and who are interested in economic development.  
 23 As used in this".

EDGAR H. HOLDEN

S-5201

- 1 Amend Senate File 2130 as follows:

DIVISION S—5201B

- 2 1. Page 1, by striking lines 1 and 2.  
 3 2. Page 11, by striking lines 3 through 22.

DIVISION S—5201A

- 4 3. Page 11, line 25, by striking the words "or  
 5 a regional library trustee,".

DIVISION S—5201B

- 6 4. Title page, lines 2 and 3, by striking the  
 7 words "area education agency, and trustees of a  
 8 regional library board," and inserting in lieu thereof  
 9 the words "and an area education agency,".  
 10 5. By renumbering as necessary.

JOE BROWN

S-5202

- 1 Amend House File 2295 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 7, line 30, by striking the word "forty-  
 4 five" and inserting in lieu thereof the word "seventy-  
 5 five".

ARNE WALDSTEIN

S-5203

- 1 Amend the Committee on State Government amendment,  
 2 S-5166, to Senate File 2121 as follows:  
 3 1. Page 2, line 42, by striking the word and  
 4 figure "and 2" and inserting in lieu thereof the word

- 5 and figure "through 7".
- 6 2. Page 3, by striking lines 17 through 21 and  
7 inserting in lieu thereof the following: "serve four-  
8 year terms at the pleasure of the governor and their  
9 appointments are not subject to confirmation. Sections  
10 69.15, 69.16 and 69.19 apply to such members. However,  
11 initially the governor shall appoint three members  
12 for two-year terms and three members for four-year  
13 terms with the terms commencing upon appointment and  
14 expiring as provided in section 69.19."
- 15 3. Page 3, line 22, by striking the figure "13"  
16 and inserting in lieu thereof the figure "17".
- 17 4. Page 3, line 25, by striking the figure "6"  
18 and inserting in lieu thereof the figure "5".

PATRICK J. DELUHERY

S-5204

- 1 Amend S-5178 to Senate File 2130 as follows:  
2 1. Page 7, by striking lines 49 and 50.  
3 2. Page 8, by striking lines 1 through 3.  
4 3. Page 9, by striking lines 31 through 35.  
5 4. By renumbering as necessary.

JOE BROWN

S-5205

- 1 Amend Senate File 2215 as follows:  
2 1. By striking page 1, line 1, through page 2,  
3 line 23.  
4 2. Page 2, by striking line 26 and inserting in  
5 lieu thereof the following: "shall assign an extra  
6 duty position for head coach of".  
7 3. Page 2, by striking lines 31 and 32 and  
8 inserting in lieu thereof the following:  
9 "The board of directors of a school district may  
10 assign an extra duty position for sponsor of  
11 cheerleading, for".  
12 4. Page 3, by striking lines 25 through 35.  
13 5. Amend the title, by striking lines 1 through  
14 5 and inserting in lieu thereof the following: "An  
15 Act relating to extracurricular activities, to provide  
16 for the assignment of extra duty positions for certain  
17 coaches of interscholastic extracurricular activities  
18 and sponsors of cheerleading activities and to  
19 establish a coaching authorization."

DOUGLAS RITSEMA  
RAY TAYLOR

S-5206

1 Amend Senate File 2181 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. NEW SECTION. REIMBURSEMENT OF TRAINING

5 COST. If a political subdivision of the state hires  
6 a law enforcement officer from another political  
7 subdivision of the state, the hiring political  
8 subdivision shall reimburse the former employer  
9 political subdivision for the necessary and actual  
10 expenses incurred by the former employer political  
11 subdivision in training the law enforcement officer.  
12 Necessary and actual expenses incurred by the former  
13 employer political subdivision means the salary paid  
14 to the officer while the officer was in attendance  
15 at the Iowa law enforcement academy and the cost of  
16 tuition, lodging, meals, and travel expenses paid  
17 by the former employer political subdivision for  
18 training the officer. Reimbursement shall be made  
19 by the hiring political subdivision as follows:

20 1. If the law enforcement officer was employed  
21 for one year or less after training was completed,  
22 the hiring political subdivision shall reimburse the  
23 former employer political subdivision for ninety-five  
24 percent of the necessary and actual expenses incurred  
25 by the former employer political subdivision in  
26 training the officer. The former employer political  
27 subdivision shall provide verification of the necessary  
28 and actual expenses incurred.

29 2. For each subsequent year, the law enforcement  
30 officer was employed by the former employer political  
31 subdivision the rate of reimbursement required shall  
32 be reduced by ten percent.

33 3. Reimbursement is not required from the hiring  
34 political subdivision if the law enforcement officer  
35 was employed by the former employer political  
36 subdivision for four years or more following the law  
37 enforcement officer's completion of training at the  
38 Iowa law enforcement academy.

39 Sec. 2. Section 80B.11, Code 1983, is amended  
40 by adding the following new subsection:

41 NEW SUBSECTION. 6. Provide minimum basic training  
42 instruction to an applicant who is otherwise qualified  
43 for employment as a law enforcement officer and is  
44 recommended by a city. The cost of the training shall  
45 be paid by the applicant.

46 Sec. 3. NEW SECTION. 362.11 EMPLOYMENT OF LAW  
47 ENFORCEMENT OFFICERS. A city may provide for the  
48 employment of law enforcement officers after the



49 officers have completed a minimum basic law enforcement  
50 training course approved by the Iowa law enforcement

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1 academy council under chapter 80B.”  
2 2. Amend the title, by striking lines 1 and 2  
3 and inserting in lieu thereof the following: “An  
4 Act relating to the employment and training of law  
5 enforcement officers and providing for the  
6 reimbursement of training costs by cities.”

JOE WELSH  
MILO COLTON  
JOE BROWN  
ARNE WALDSTEIN

S-5207

1 Amend Senate File 2228 as follows:  
2 1. Page 1, lines 13 and 14, by striking the words  
3 and figures “since June 15, 1976.”  
4 2. Page 1, by striking lines 16 and 17 and  
5 inserting in lieu thereof the following: “under  
6 authority of 42 U.S.C. sec. 5403. A mobile home  
7 as defined in section 135D.1 is not a manufactured  
8 home, unless it has been converted to real property  
9 as provided in section 135D.26, and shall be taxed  
10 as a site-built dwelling.”  
11 3. Page 1, lines 30 and 31, by striking the words  
12 and figures “since June 15, 1976.”  
13 4. Page 1, by striking lines 33 and 34 and  
14 inserting in lieu thereof the following: “under  
15 authority of 42 U.S.C. sec. 5403. A mobile home  
16 as defined in section 135D.1 is not a manufactured  
17 home, unless it has been converted to real property  
18 as provided in section 135D.26, and shall be taxed  
19 as a site-built dwelling.”

JAMES D. WELLS

S-5208

1 Amend Senate File 2014 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 “Sec. 2. Section 56.2, subsection 6, Code  
5 Supplement 1983, is amended to read as follows:  
6 6. “Political committee” means a committee, but  
7 not a candidate’s committee, which accepts

8 contributions, makes expenditures, or incurs  
 9 indebtedness in the aggregate of more than two hundred  
 10 fifty dollars in any one calendar year for the purpose  
 11 of supporting or opposing a candidate for public  
 12 office or ballot issue or supporting a state statutory  
 13 political committee, or an association, lodge, society,  
 14 cooperative, union, fraternity, sorority, educational  
 15 institution, civic organization, labor organization,  
 16 religious organization, or professional organization  
 17 which makes contributions in the aggregate of more  
 18 than two hundred fifty dollars in any one calendar  
 19 year for the purpose of supporting or opposing a  
 20 candidate for public office or a ballot issue or  
 21 supporting a state statutory political committee."

CALVIN O. HULTMAN

S-5209

1 Amend Senate File 2215 as follows:  
 2 1. Page 2, by inserting after line 23 the  
 3 following:  
 4 "\_\_\_\_. If the board of directors of a school  
 5 district is unable to fill a vacancy in a position  
 6 as a coach of an interscholastic athletic activity  
 7 or as a sponsor of cheerleading, the board may require  
 8 that a teacher who has signed a contract under section  
 9 279.13 to teach in the school district and is eligible  
 10 to coach the interscholastic athletic activity or  
 11 sponsor the cheerleading activity sign an  
 12 extracurricular contract to coach or sponsor the  
 13 activity."

RAY TAYLOR

S-5210

1 Amend Senate File 2093 as follows:  
 2 1. Page 1, line 14, by inserting after the figure  
 3 "862.3" the words "except that at least seven days  
 4 notice must be given and in no case shall the public  
 5 hearing be held earlier than the next regularly sched-  
 6 uled city council meeting following the published  
 7 notice".

LOWELL L. JUNKINS

S-5211

1 Amend Senate File 2238 as follows:  
 2 1. Page 4, by inserting after line 2 the following:  
 3 "Sec. \_\_\_\_ . Section 217A.2, subsections 5, 6, and

- 4 7, Code Supplement 1983, are amended to read as  
5 follows:
- 6 5. North central medium security correctional  
7 facility at Rockwell City.
- 8 6. Mount Pleasant medium security correctional  
9 facility.
- 10 7. Clarinda correctional treatment facility."
- 11 2. Page 11, by inserting after line 13 the  
12 following:
- 13 "Sec. \_\_\_\_ . Section 321B.2, unnumbered paragraph  
14 2, Code 1983, is amended to read as follows:
- 15 As used in this chapter and sections 29B.106,  
16 321.209, 321.281, ~~321.404~~ and 690.2 the words  
17 "alcoholic beverage" include alcohol, wine, spirits,  
18 beer, or any other beverage which contains ethyl  
19 alcohol and is fit for human consumption."
- 20 3. Page 14, by inserting after line 24 the  
21 following:
- 22 "Sec. \_\_\_\_ . Section 602.6501, subsection 3, Code  
23 Supplement 1983, is amended to read as follows:
- 24 3. A member of a magistrate appointing commission  
25 shall be reimbursed for actual and necessary expenses  
26 reasonably incurred in the performance of official  
27 duties. Reimbursements are payable ~~out of the court~~  
28 ~~expense fund of~~ by the county in which the member  
29 serves, upon certification of the expenses to the  
30 county auditor by the clerk of the district court.
- 31 The district judges of each judicial district may  
32 prescribe rules for the administration of this  
33 subsection."
- 34 4. Page 15, by inserting after line 10 the  
35 following:
- 36 "Sec. \_\_\_\_ . Section 905.11, Code Supplement 1983,  
37 is amended to read as follows:
- 38 905.11 BIENNIAL PLAN. The Iowa department of  
39 human services corrections shall prepare a biennial  
40 plan relating to the management of the community-based  
41 corrections programs and services.
- 42 The plan shall include:
- 43 1. Goals, objectives, operations, and funding  
44 allocations for programs and projects to accomplish  
45 the requirements of this chapter and the orderly  
46 development of the community-based corrections programs  
47 and services.
- 48 2. The plans for coordination with the state  
49 agencies responsible for substance abuse services,  
50 mental health services, employment programs and other

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1 programs needed to improve the availability of  
2 services.

3 The plan shall be prepared and submitted by the  
4 Iowa department of human services corrections to the  
5 council on human services board of corrections. The  
6 council board shall submit the plan to the governor  
7 and the general assembly in January of each odd-  
8 numbered year."

9 5. Page 15, line 11, by inserting after the figure  
10 "144.57" the figure " , 321.494".

11 6. By renumbering sections as necessary.

DOUGLAS RITSEMA

S-5212

1 Amend the Welsh amendment, S-5190, to Senate File  
2 489 as follows:

3 1. Page 1, by inserting after line 7 the following:

4 "c. "Ambulance service" means a volunteer ambulance  
5 service which is not a part of an established volunteer  
6 fire department."

7 2. Page 1, line 8, by striking the letter "c"  
8 and inserting in lieu thereof the letter "d".

9 3. Page 1, line 9, by inserting after the word  
10 "department" the words "a member in good standing  
11 of an ambulance service."

12 4. Page 1, line 25, by inserting after the word  
13 "department" the words "or an ambulance service".

14 5. Page 1, line 28, by inserting after the word  
15 "department" the words "or an ambulance service".

16 6. Page 1, line 36, by inserting after the word  
17 "department" the words "or the administrative head  
18 of the ambulance service certifies that the member  
19 is in good standing with the ambulance service".

20 7. Page 1, line 45, by inserting after the word  
21 "department" the words "ambulance service."

22 8. Page 2, line 12, by inserting after the word  
23 "service" the words "or ambulance service".

EMIL J. HUSAK

S-5213

1 Amend amendment S-5160 to Senate File 2168 as  
2 follows:

3 1. By striking page 2, line 25, through page 3,

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- 4 line 7.  
5 2. By renumbering as necessary.

TOM MANN, JR.

S-5214

- 1 Amend Senate File 2231 as follows:  
2 1. Page 1, by striking lines 31 through 34 and  
3 inserting in lieu thereof the following: "be kept  
4 confidential, except as authorized by a court of  
5 competent jurisdiction. The department may seek an  
6 appropriate protective order where discovery is  
7 permitted by court order."

TOM MANN, JR.

S-5215

- 1 Amend House File 2295 as amended, passed, and  
2 reprinted by the House, as follows:

DIVISION S—5215A

- 3 1. Page 4, line 26, by striking the word "fifty"  
4 and inserting in lieu thereof the words "one hundred".

DIVISION S—5215B

- 5 2. Page 7, line 30, by striking the word "forty-  
6 five" and inserting in lieu thereof the word "thirty-  
7 five".

DIVISION S—5215C

- 8 3. Page 18, by striking lines 13 through 17.

WM. W. (Bill) DIELEMAN

S-5216

- 1 Amend House File 257 as amended, passed and re-  
2 printed by the House as follows:  
3 1. By striking page 4, line 27 through page 5,  
4 line 6.

WM. W. (Bill) DIELEMAN  
EDGAR H. HOLDEN  
TED ANDERSON

S-5217

- 1 Amend Senate File 2069 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "state" the words "or a licensed motor fuel dis-
- 4 tributor".

EDGAR H. HOLDEN

S-5218

- 1 Amend House File 2295 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. By striking page 8, line 13 through page 9,
- 4 line 14.

JAMES V. GALLAGHER  
 BERL E. PRIEBE  
 HURLEY W. HALL  
 C. JOSEPH COLEMAN

S-5219

- 1 Amend Senate File 2014 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:
- 4 "A political committee which contributes to a
- 5 candidate's committee and threatens to withhold future
- 6 contributions based upon the candidate's lack of
- 7 support for the legislative or public policy
- 8 recommendations of the political committee shall be
- 9 subject to a civil penalty not exceeding one thousand
- 10 dollars. If the political committee is a county or
- 11 state statutory political committee, the civil penalty
- 12 shall not exceed five thousand dollars. An individual
- 13 who contributes to a candidate's committee and
- 14 threatens to withhold future contributions based upon
- 15 the candidate's lack of support for the individual's
- 16 legislative or public policy recommendations shall
- 17 be subject to a civil penalty not exceeding five
- 18 hundred dollars."

MILO COLTON

S-5220

- 1 Amend Senate File 2014 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:
- 4 "A political committee shall not make contributions
- 5 to a county or state statutory political committee

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6 with instructions that certain amounts are to be used  
7 for the benefits of specified candidates."

MILO COLTON

S-5221

1 Amend Senate File 2014 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 "A political committee or a person who represents  
5 a political committee, except a county or state  
6 statutory political committee, shall not contribute  
7 to, participate in or attend a fund-raising event  
8 of a candidate's committee of a candidate for a seat  
9 in the general assembly while the general assembly  
10 is in session. Any contribution so received shall  
11 escheat to the state and the candidate's committee  
12 shall remit the contribution to the state comptroller  
13 who shall deposit it in the road use tax fund."

MILO COLTON

S-5222

1 Amend Senate File 2252 as follows:  
2 1. Page 1, by inserting before line 1, the  
3 following:  
4 "Section 1. Section 232.111, subsection 3,  
5 paragraph b, Code Supplement 1983, is amended by  
6 adding the following new subparagraph:  
7 NEW SUBPARAGRAPH. (7) Living grandparents of  
8 the child.  
9 Sec. 2. Section 232.117, subsection 3, unnumbered  
10 paragraph 1, Code Supplement 1983, is amended to read  
11 as follows:  
12 If the court concludes that facts sufficient to  
13 sustain the petition have been established by clear  
14 and convincing evidence, the court may order parental  
15 rights terminated. However, the rights of the natural  
16 grandparents are not terminated if a petition pursuant  
17 to section 600A.10 is filed and granted. If the court  
18 terminates the parental rights of the child's natural  
19 or adoptive parents, the court shall transfer the  
20 guardianship and custody of the child to one of the  
21 following:"  
22 2. Page 1, by inserting after line 7, the  
23 following:  
24 "Sec. \_\_\_\_ . Section 600.13, subsection 4, Code  
25 1983, is amended to read as follows:

26 4. A final adoption decree terminates any parental  
 27 rights, except those of a spouse of the adoption  
 28 petitioner, existing at the time of its issuance and  
 29 establishes the parent-child relationship between  
 30 the adoption petitioner and the person petitioned  
 31 to be adopted. Unless otherwise specified by law,  
 32 such parent-child relationship shall be deemed to  
 33 have been created at the birth of the child. However,  
 34 the rights of the natural grandparents are not  
 35 terminated if a petition pursuant to section 600A.10  
 36 is filed and granted.

37 Sec. \_\_\_\_ . Section 600.13, Code 1983, is amended  
 38 by adding the following new subsection:

39 NEW SUBSECTION. 6. The court has jurisdiction  
 40 to determine the grandchild visitation rights of the  
 41 natural grandparents of a child if the grandparents  
 42 have filed a petition pursuant to section 600A.10.

43 Sec. \_\_\_\_ . Section 600A.9, subsection 1, paragraph  
 44 b, Code 1983, is amended to read as follows:

45 b. Order the petition granted. The juvenile court  
 46 shall appoint a guardian and a custodian or a guardian  
 47 only. An order issued under this paragraph shall  
 48 include the finding of facts. Such The finding shall  
 49 specify the factual basis for terminating the parent-  
 50 child relationship and shall specify the ground or

Page 2

1 grounds upon which the termination is ordered. The  
 2 rights of the natural grandparents shall not be  
 3 terminated when the petition is granted if a petition  
 4 pursuant to section 600A.10 is filed and granted.

5 Sec. \_\_\_\_ . NEW SECTION. 600A.10 GRANDPARENT  
 6 RIGHTS. The natural grandparents of a child may  
 7 petition the district court for grandchild visitation  
 8 rights when a parent's rights are terminated pursuant  
 9 to section 232.117, 600.13, or 600A.9.

10 A petition for grandchild visitation rights shall  
 11 be granted only upon a finding that visitation is  
 12 in the best interest of the child and the best  
 13 interests of the person with custody of the child,  
 14 including an adoptive parent.

15 A grandparent may also file a petition pursuant  
 16 to this section if a parent's rights have been  
 17 terminated before July 1, 1984."

18 3. By renumbering as necessary.

DAVID M. READINGER  
 DONALD V. DOYLE



AMENDMENTS FILED

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S-5223

- 1 Amend Senate File 2215 as follows:
- 2 1. Page 2, by inserting after line 23 the following:
- 3 "Nothing herein shall affect the right of the
- 4 school board to assign duties to its employees."

CALVIN O. HULTMAN

S-5224

- 1 Amend Senate File 2215 as follows:
- 2 1. Page 1, lines 4 and 5, by striking the words "or
- 3 to sponsor cheerleading activities".
- 4 2. Page 2, line 32, by striking the words "for
- 5 sponsor of cheerleading."

ARTHUR L. GRATIAS

S-5225

- 1 Amend Senate File 2215 as follows:
- 2 1. Page 2, line 4, by inserting after the word
- 3 "received." the following: "However, prior to July
- 4 1, 1988, if the board of a school district has made
- 5 a good faith effort to fill a coaching or cheerleading
- 6 sponsoring position, and has not filled the position
- 7 by July 1 of a year, the board may require the employee
- 8 who held the extracurricular contract during the
- 9 preceding year to accept the extracurricular contract
- 10 for the subsequent school year."

ARTHUR L. GRATIAS

S-5226

- 1 Amend Senate File 2215 as follows:
- 2 1. Page 2, line 25, by inserting after the word
- 3 "district" the words "with an enrollment of over
- 4 two thousand students".

RAY TAYLOR  
ARTHUR L. GRATIAS

S-5227

- 1 Amend House File 316 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. \_\_\_\_\_ . Section 609.1, Code 1983, is amended
- 6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The jury commission  
 8 may convene at the courthouse to prepare an additional  
 9 list or lists as the commission deems necessary at  
 10 the time and date determined by a majority of the  
 11 commissioners."  
 12 2. By renumbering as necessary.

PATRICK J. DELUHERY

S-5228

1 Amend Senate File 2279 as follows:  
 2 1. Page 1, line 14, by striking the word "not".  
 3 2. Page 1, line 15, by inserting before the word  
 4 "if" the word "only".  
 5 3. Page 1, line 28, by striking the word "adopted"  
 6 and inserting in lieu thereof the word "adapted".

BERL E. PRIEBE

S-5229

1 Amend House File 2295 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 8, line 13, by inserting after the word  
 4 "fund" the words ", except as provided in subsection  
 5 2A."  
 6 2. Page 9, by inserting after line 14 the  
 7 following:  
 8 "2A. There is appropriated annually to the school  
 9 budget review committee, established in section 442.12,  
 10 from the general fund of the state, the sum of five  
 11 million (5,000,000) dollars, or as much thereof as  
 12 is necessary, for distribution to school districts  
 13 that have a negative balance of funds raised for  
 14 special education instruction programs. The school  
 15 budget review committee shall adopt rules pursuant  
 16 to chapter 17A relating to distribution of the funds.  
 17 Funds received by a school district under this  
 18 subsection are miscellaneous income for purposes of  
 19 chapter 442."

RICHARD VANDE HOEF  
 JACK W. HESTER

S-5230

1 Amend House File 2295 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 8, line 13, by inserting after the word  
 4 "fund" the words ", except as provided in subsection

- 5 2A.”  
6 2. Page 9, by inserting after line 14 the  
7 following:  
8 “2A. There is appropriated annually to the school  
9 budget review committee, established in section 442.12,  
10 from the general fund of the state, the sum of five  
11 million (5,000,000) dollars, or as much thereof as  
12 is necessary, for distribution to school districts  
13 for expenditures for programs for gifted and talented  
14 children. The school budget review committee shall  
15 adopt rules pursuant to chapter 17A relating to  
16 distribution of the funds. Funds received by a school  
17 district under this subsection are miscellaneous  
18 income for purposes of chapter 442.”

RICHARD VANDE HOEF  
JACK W. HESTER

## S-5231

- 1 Amend House File 2295 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 15, by inserting after line 15 the fol-  
4 lowing:  
5 “5. Purchase of a ticket disqualifies the purchaser  
6 for assistance under chapter 239 for a period of twelve  
7 months from the date of purchase.”

DOUGLAS RITSEMA

## S-5232

- 1 Amend House File 2295 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 8, line 32, by inserting after the word  
4 “which” the words “help inventors or designers to  
5 secure patents and to produce and market new products.”

ARNE WALDSTEIN

## S-5233

- 1 Amend House File 2295 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 9, by striking lines 8 through 11.  
4 2. Page 9, line 12, by striking the word “econ-  
5 omic” and inserting in lieu thereof the word “Econ-  
6 omic”.

JAMES V. GALLAGHER

S-5234

- 1 Amend House File 2295 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 9, by inserting after line 19 the follow-
- 4 ing:
- 5 "4. The first fifteen million dollars collected
- 6 by the lottery shall go to pay off the depositors
- 7 of the Exchange Bank in Bloomfield, Iowa."

DON E. GETTINGS

S-5235

- 1 Amend Senate File 2248 as follows:
- 2 1. Page 6, by striking lines 3 through 10 and
- 3 inserting in lieu thereof the following: "in writing
- 4 the reasons that release of the information would
- 5 have an adverse impact on the employer and would not
- 6 provide any information having an impact or potential
- 7 impact on public health and safety. The bureau shall
- 8 refuse to release the information after a request
- 9 for information has been made only if the bureau
- 10 determines that the release of the information would
- 11 have an adverse impact on the employer and would not
- 12 provide any information having an impact or potential
- 13 impact on public health and safety."

TOM SLATER  
TED ANDERSON  
BOB CARR

S-5236

- 1 Amend House File 2295 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 9, line 10, by inserting after the word
- 4 "construction" the words "of a trade center or".

JAMES V. GALLAGHER

S-5237

- 1 Amend Senate File 2253 as follows:
- 2 1. Page 1, by striking line 9 and inserting in
- 3 lieu thereof the following: "agency, and the
- 4 enterprise for which the illegal action was taken,
- 5 convicted under this chapter, or convicted under the
- 6 laws of any other state or the federal government
- 7 for actions which would constitute a violation of
- 8 this chapter, are prohibited from bidding".

JOE J. WELSH

S-5238

1 Amend Senate File 2253 as follows:

- 2 1. Page 1, by striking lines 1 through 6 and  
3 inserting in lieu thereof the following:  
4 "Section 1. Section 553.14, Code 1983, is amended  
5 by adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. A person having  
7 substantial control over an enterprise who knowingly  
8 and willfully engages in bid-rigging or price fixing  
9 involving a contract with the state or a governmental  
10 agency is guilty of a class "D" felony."

JOE J. WELSH

S-5239

1 Amend Senate File 2271 as follows:

- 2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 25A.2, subsection 5, paragraph  
5 b, Code Supplement 1983, is amended to read as follows:  
6 b. Any claim against an employee of the state  
7 for money only, on account of damage to or loss of  
8 property or on account of personal injury or death,  
9 caused by the negligent or wrongful act or omission,  
10 except an act of malfeasance in office or ~~willful~~  
11 ~~and wanton conduct~~, of any employee of the state while  
12 acting within the scope of ~~his~~ the employee's office  
13 or employment.  
14 Sec. 2. Section 25A.21, Code 1983, is amended  
15 by striking the section and inserting in lieu thereof  
16 the following:  
17 25A.21 EMPLOYEES DEFENDED AND INDEMNIFIED. The  
18 state shall defend any employee, and shall indemnify  
19 and hold harmless an employee against any claim as  
20 defined in section 25A.2, subsection 5, paragraph  
21 b, including claims arising under the constitution,  
22 statutes or rules of the United States or of any  
23 state. However, the duty to indemnify and hold  
24 harmless shall not apply to awards for punitive  
25 damages. The duty to indemnify and hold harmless  
26 shall not apply and the state shall be entitled to  
27 restitution from an employee if, in an action commenced  
28 by the state against the employee, it is determined  
29 that the conduct of the employee upon which a tort  
30 claim or demand was based constituted a willful and  
31 wanton act or omission or malfeasance in office.  
32 Sec. 3. Section 25A.22, Code 1983, is amended  
33 by striking the section and inserting in lieu thereof

34 the following:

35 25A.22 EMPLOYEES. Employees of the state are  
36 not personally liable for any claim which is exempted  
37 under section 25A.14, except those claims within  
38 subsection 4, claims for punitive damages, and actions  
39 permitted by section 85.20. An employee of the state  
40 is not liable for punitive damages unless actual  
41 malice is pleaded and proven."

42 2. Title page, by striking line 1 and inserting  
43 in lieu thereof the following: "An Act relating to  
44 the criminal and civil liability of state employees  
45 by modifying the definition of "claim" under the state  
46 tort claims Act, modifying the requirements of  
47 representation of, indemnification for, and restitution  
48 from state employees."

49 3. Title page, line 2, by inserting after the  
50 word "of" the words "department of public safety".

Page 2

- 1 4. Title page, line 3, by inserting after the
- 2 word "and" the words "providing for".
- 3 5. By renumbering to conform to this amendment.

JOE J. WELSH

S-5240

- 1 Amend Senate File 2262 as follows:
- 2 1. Page 2, line 35, by striking the words "shall
- 3 include" and inserting in lieu thereof the words "may
- 4 include, at the option of the employer purchaser."

EDGAR H. HOLDEN

S-5241

- 1 Amend the amendment, S-5179 to Senate File 54 as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "container." the words "This subsection does not apply
- 5 to containers which are intended to be refillable
- 6 by the manufacturer or distributor."

NORMAN G. RODGERS

S-5242

- 1 Amend Senate File 2206 as follows:
- 2 1. Page 2, by striking lines 15 and 16 and

3 inserting in lieu thereof the following:  
4 "a. Threaten a breach of the peace."

DONALD V. DOYLE  
CHARLES P. MILLER

S-5243

1 Amend Senate File 2014 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 "A political committee shall not make contributions  
5 to two or more candidate's committees of candidates  
6 who are opposing each other for the same position."

MILO COLTON

S-5244

1 Amend Senate File 2014 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 "Funds received by a candidate's committee from  
5 a political committee, other than a county or state  
6 statutory political committee, shall not be used to  
7 reimburse the state for the use of state motor vehicles  
8 or airplanes."

MILO COLTON

S-5245

1 Amend Senate File 2014 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 "A political committee, other than a county or  
5 state statutory political committee or a national  
6 political party, shall not contribute to or withhold  
7 contributions from a candidate's committee on the  
8 basis of the candidate's age, race, national origin,  
9 religion, or political affiliation."

MILO COLTON

S-5246

1 Amend the House amendment S-5111 to Senate File  
2 190 as amended, passed and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by inserting after line 9 the following:

5 "4. Page 1, by inserting after line 21 the  
 6 following:  
 7 "However, by making a written application for a  
 8 leave of absence the employee agrees to return to  
 9 the place of employment or be subject to the penalties  
 10 of section 2 of this Act."

ARNE WALDSTEIN  
 JOHN W. JENSEN

S-5247

1 Amend Senate File 2220 as follows:  
 2 1. Page 13, by inserting after line 23 the  
 3 following:  
 4 "Sec. \_\_\_\_ . NEW SECTION. 453.21 LOCAL GOVERNMENT  
 5 INVESTMENT POOL.  
 6 1. A local government investment pool is created,  
 7 consisting of all funds from local governments that  
 8 are placed in the custody of the treasurer of state  
 9 for investment as provided in this chapter.  
 10 2. The treasurer of state shall administer the  
 11 local government investment pool on behalf of the  
 12 participating local governments. The treasurer of  
 13 state shall adopt rules pursuant to chapter 17A as  
 14 necessary for the efficient administration of the  
 15 pool including, but not limited to, the following:  
 16 a. Specification of minimum amounts which may  
 17 be deposited in the pool and minimum periods of time  
 18 for which deposits shall be retained in the pool.  
 19 b. Creation of a reserve for losses.  
 20 c. Payment of administrative expenses from the  
 21 earnings of the pool.  
 22 d. Distribution of the earnings in excess of  
 23 expenses or allocation of losses to the participants  
 24 in proportion to the differing amounts of their  
 25 respective investments and the differing periods of  
 26 time for which the amounts were in the custody of  
 27 the pool.  
 28 e. Procedures for the deposit and withdrawal of  
 29 funds.  
 30 f. Procedures for receiving comment from  
 31 organizations representing local political subdivisions  
 32 including, but not limited to, the city finance  
 33 committee created in section 384.13 and the county  
 34 finance committee created in chapter 333A.  
 35 3. The treasurer of state shall invest moneys  
 36 in the local government investment pool with the  
 37 degree of judgment and care which persons of prudence,  
 38 discretion, and intelligence exercise in the management



39 of their own affairs, not for speculation but for  
40 investment, considering the probable safety of their  
41 capital and the probable income to be derived. The  
42 investments for pool assets shall be limited to those  
43 investments authorized for the treasurer of state  
44 in section 452.10. However, the total investment  
45 in commercial paper of any one corporation is limited  
46 to not more than twenty percent of the total  
47 stockholders' equity of the corporation.

48 4. The governing body of a local government having  
49 funds which are available for investment and which  
50 are not required by law or by covenant or agreement

Page 2

1 with bondholders or others to be segregated and  
2 invested in a different manner, may direct its  
3 treasurer to remit the funds to the treasurer of state  
4 for investment as part of the local government  
5 investment pool.

6 5. A separate account designated by name and  
7 number for each participant in the fund shall be kept  
8 to record individual transactions and totals of all  
9 investments belonging to each participant. A monthly  
10 report showing the changes in investments made during  
11 the preceding month shall be furnished to each  
12 participant having an interest in the investment pool.  
13 Details of an investment transaction shall be furnished  
14 to any participant upon request.

15 6. The principal and accrued income, or any part  
16 of the principal and accrued income, of each account  
17 maintained for a participant in the investment pool  
18 are payable at any time from the pool upon request,  
19 subject to the minimum investment period established  
20 under subsection 2, paragraph a.

21 7. The instruments of title of all investments  
22 of the investment pool shall remain in the custody  
23 of the treasurer of state. However, the treasurer  
24 of state may deposit with one or more fiscal agents  
25 or banks selected instruments of title which are to  
26 be held in safekeeping for collection of the principal  
27 and interest or other income or the proceeds of sale.  
28 The treasurer of state shall collect, when due and  
29 payable, the principal and interest or other income  
30 from investments of the investment pool, the  
31 instruments of title to which are in the treasurer's  
32 custody.

33 8. If a default in the payment of principal or  
34 interest or other income of an investment of the  
35 investment pool occurs, the treasurer of state may

- 36 take one or more of the following actions:  
 37 a. Institute the proper proceedings to collect  
 38 the matured principal or interest or other income.  
 39 b. Accept for exchange purposes refunding bonds  
 40 or other evidences of indebtedness at interest rates  
 41 to be agreed upon by the treasurer of state and the  
 42 obligor.  
 43 c. Adjust or dispose of the matured principal  
 44 or interest or other income as the treasurer of state  
 45 considers advisable for the purpose of protecting  
 46 the moneys invested.  
 47 d. Make adjustments to future payments of principal  
 48 or interest or other income as the treasurer of state  
 49 considers advisable for the purpose of protecting  
 50 the moneys invested.

Page 3

- 1 9. An order for a warrant shall not be issued  
 2 upon an account in an amount greater than the total  
 3 amount of the particular account to which it applies.  
 4 If an order for issuance of a warrant in excess of  
 5 the total amount of an account is issued, the treasurer  
 6 of state is liable under the treasurer's official  
 7 bond for the entire overdraft resulting from the  
 8 payment if made.  
 9 10. Subject to the objectives and requirements  
 10 of this section, the treasurer of state shall formulate  
 11 policies for the investment and reinvestment of funds  
 12 in the investment pool and the acquisition, retention,  
 13 management, and disposition of investments of the  
 14 investment pool."  
 15 2. Title page, line 6, by inserting after the  
 16 word "assets," the words "providing for the investment  
 17 of idle public funds,".  
 18 3. Renumber as necessary.

PATRICK J. DELUHERY  
 JAMES V. GALLAGHER  
 TOM MANN, JR.  
 CHARLES BRUNER  
 JAMES D. WELLS  
 CHARLES P. MILLER

S-5248

- 1 Amend Senate File 2220 as follows:  
 2 1. Page 10, by inserting after line 14 the  
 3 following:  
 4 "c. The depository institution may deposit,

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5 maintain, pledge, and assign for the benefit of the  
6 public officer in the manner provided in this chapter,  
7 promissory notes which are secured by residential  
8 real estate liens and approved by the public officer.  
9 The face value of the promissory notes shall not be  
10 less than one hundred thirty percent of the total  
11 deposits of public funds placed by that public officer  
12 in the depository institution for which security is  
13 not otherwise provided under this section. Not more  
14 than fifty percent of the public funds on deposit  
15 with a depository shall be secured by promissory notes  
16 under this paragraph. "Residential real estate liens"  
17 are first mortgages or deeds of trust on residential  
18 real estate located in the state where the principal  
19 debt on the promissory note secured by the lien does  
20 not exceed eighty percent of the appraised value of  
21 the real estate as of the date of the lien. Promissory  
22 notes secured by residential real estate liens are  
23 "securities" for the purposes of this chapter."

RICHARD F. DRAKE  
BERL E. PRIEBE

S-5249

1 Amend Senate File 2248 as follows:  
2 1. Page 2, by striking lines 21 through 29 and  
3 inserting in lieu thereof the following:  
4 "Sec. 4. NEW SECTION. 455D.5 LIABILITY OF STATE.  
5 The state is not liable for damages involving any  
6 claim based upon an act or omission of an employee  
7 of this state in carrying out the duties and  
8 responsibilities imposed by this chapter or a rule  
9 adopted under this chapter. Any duty created in this  
10 chapter is a duty to the public generally and not  
11 to any person or group of persons."

DONALD V. DOYLE

S-5250

1 Amend Senate File 2220 as follows:  
2 1. Page 4, line 13, by inserting after the word  
3 "due." the words "Further, the treasurer of state may  
4 maintain an account outside the state of Iowa for the  
5 purpose of providing custodial services for the  
6 state and state retirement fund accounts."

CHARLES BRUNER

## S-5251

- 1 Amend House File 2172 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 16 through 19 and  
 4 inserting in lieu thereof the words "of ~~two~~ twenty  
 5 thousand dollars to be approved by the labor  
 6 commissioner and".

JAMES D. WELLS  
 C.W. BILL HUTCHINS  
 JOHN W. JENSEN

## S-5252

- 1 Amend Senate File 2220 as follows:  
 2 1. Page 3, line 1, by inserting after the word  
 3 "bank" the words "or any office thereof".  
 4 2. Page 3, line 2, by inserting after the word  
 5 "association" the words "or any branch thereof".  
 6 3. Page 3, line 3, by inserting after the word  
 7 "bank" the words "or any branch thereof".  
 8 4. Page 3, line 32, by striking the words "or  
 9 depository offices" and inserting in lieu thereof the  
 10 word "offices".  
 11 5. Page 3, line 34, by striking the words "or  
 12 depository office" and inserting in lieu thereof the  
 13 word "office".  
 14 6. Page 3, line 35, by striking the words "or  
 15 depository office" and inserting in lieu thereof the  
 16 word "office".  
 17 7. Page 18, by striking lines 3 through 5 and  
 18 inserting in lieu thereof the words "after the closing  
 19 of any receiverships relating to any bank failures  
 20 prior to the effective date of this Act and shall  
 21 pay all sums remaining in the".

EDGAR H. HOLDEN

## S-5253

- 1 Amend Senate File 2220 as follows:  
 2 1. Page 13, by striking line 27 and inserting  
 3 in lieu thereof the following:  
 4 "1. A".  
 5 2. By striking page 14, line 5 through page 15,  
 6 line 1.  
 7 3. Page 15, by striking lines 2 and 3 and inserting  
 8 in lieu thereof the following:  
 9 2. ~~No A~~ bank holding company shall not directly

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- 10 or indirectly acquire".  
11 4. By striking page 15, line 17 through page 17,  
12 line 25.  
13 5. Amend the title, line 8, by striking the words  
14 "and geographic".  
15 6. By renumbering as necessary.

TED ANDERSON  
JACK RIFE  
C.W. BILL HUTCHINS  
JOHN W. JENSEN

S-5254

- 1 Amend Senate File 2220 as follows:  
2 1. Page 17, line 27, by striking the word  
3 "subsection" and inserting in lieu thereof the word  
4 "subsections".  
5 2. Page 17, by inserting after line 29 the  
6 following:  
7 "NEW SUBSECTION. 23. Engage in any activity  
8 authorized by the administrator which would be  
9 permitted if the credit union were federally chartered  
10 and which is consistent with state law."

TED ANDERSON

S-5255

- 1 Amend Senate File 2296 as follows:  
2 1. Page 1, line 6, by striking the words "  
3 vacation leave."  
4 2. Page 1, line 13, by striking the word "limits"  
5 and inserting in lieu thereof the word "prohibits".  
6 3. Page 1, line 14, by inserting after the figure  
7 "1982." the following: "An employer which supplemented  
8 an employee's workers' compensation with such  
9 entitlements in 1982 or 1983 shall credit the employee  
10 with any reductions made in such entitlements due  
11 to the supplementation; however, the employee is not  
12 required to reimburse the employer for, to forfeit  
13 present or future entitlements, or to otherwise  
14 compensate the employer for or forego such entitlements  
15 due to such a credit."

TED ANDERSON

S-5256

- 1 Amend Senate File 2014 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:

4 "A political committee or its representatives shall  
5 not solicit or receive a contribution on public  
6 property."

MILO COLTON

S-5257

1 Amend Senate File 2098 as follows:

2 1. Page 1, by striking everything after the  
3 enacting clause and inserting in lieu thereof the  
4 following:

5 "Section 1. NEW SECTION. 232.13 LIABILITY--  
6 PUBLIC WORK ASSIGNMENTS. The state of Iowa, a unit  
7 of local government, or an official or employee of  
8 the state or a local government acting in an official  
9 capacity, is not liable for a tortious act by or  
10 sustained by a child given a work assignment of value  
11 to the state or to the public under this chapter,  
12 except for willful misconduct or recklessness on the  
13 part of the governmental unit, official, or employee.  
14 A nonprofit corporation organized under chapter 504  
15 or 504A or a member or employee of the corporation,  
16 participating in a child's public work assignment  
17 and acting in good faith, is not liable for a tortious  
18 act by or sustained by the child, except for willful  
19 misconduct or recklessness on the part of the  
20 organization or member. As used in this section,  
21 "a unit of local government" means a city, county,  
22 township, school district, or soil conservation  
23 district or similar unit of government.

24 A child given a work assignment of value to the  
25 state or to the public is not an employee of the  
26 governmental unit or nonprofit corporation for any  
27 purpose.

28 Sec. 2. Section 907.13, Code 1983, is amended  
29 by adding the following new subsection:

30 NEW SUBSECTION. 5. The state of Iowa, a unit  
31 of local government, or an official or employee of  
32 the state or a local government acting in an official  
33 capacity, is not liable for a tortious act by or  
34 sustained by the defendant, except for willful miscon-  
35 duct or recklessness on the part of the governmental  
36 unit, official, or employee. A nonprofit corporation  
37 organized under chapter 504 or 504A or a member or  
38 employee of the corporation, participating in a  
39 defendant's community service plan and acting in good  
40 faith, is not liable for a tortious act by or sustained  
41 by the defendant, except for willful misconduct or  
42 recklessness on the part of the organization or member.

43 As used in this section, "a unit of local government"  
44 means a city, county, township, school district, soil  
45 conservation district, or similar unit of government.  
46 A defendant assigned to perform unpaid community  
47 service is not an employee of the governmental unit  
48 or nonprofit corporation for any purpose.  
49 Sec. 3. Section 25A.4, unnumbered paragraph 3,  
50 Code 1983, is amended to read as follows:

Page 2

1 The immunity of the state from suit and liability  
2 is waived to the extent provided in this chapter and  
3 those claims exempted under sections 232.13 and 907.13.  
4 Sec. 4. Section 85.61, subsection 3, Code  
5 Supplement 1983, is amended by adding the following  
6 new lettered paragraph:  
7 NEW LETTERED PARAGRAPH. d. A person who is  
8 performing unpaid community service under section  
9 907.13 or a work assignment of value to the state  
10 or to the public under chapter 232.  
11 Sec. 5. Section 613A.2, unnumbered paragraph 1,  
12 Code 1983, is amended to read as follows:  
13 Except as otherwise provided in this chapter and  
14 those claims exempt under sections 232.13 and 907.13.  
15 every municipality is subject to liability for its  
16 torts and those of its officers and employees, acting  
17 within the scope of their employment or duties, whether  
18 arising out of a governmental or proprietary function."

JULIA GENTLEMAN

8-5258

1 Amend Senate File 2248 as follows:  
2 1. Page 6, by striking lines 24 and inserting  
3 in lieu thereof the following: "NFPA 704-1980. The  
4 bureau shall adopt rules exempting employers from  
5 this requirement when buildings or structures do not  
6 contain significant amounts of a hazardous chemical."  
7 2. Page 7, by striking line 5 and inserting in  
8 lieu thereof the following: "mail. The bureau shall  
9 adopt rules exempting employers from this requirement  
10 when buildings or structures do not contain significant  
11 amounts of a hazardous chemical."  
12 3. Page 8, line 31, by inserting after the word  
13 "environmental" the words "and occupational".  
14 4. Page 8, line 32, by adding after the word  
15 "chemicals" the words "and provide aid and assistance  
16 to small employers, vendors, sellers or dispensers  
17 in the preparation of material safety data sheets

18 as required by this chapter".

CHARLES BRUNER  
CALVIN O. HULTMAN  
JAMES V. GALLAGHER

S-5259

1 Amend Senate File 2206 as follows:

DIVISION S-5259A

2 1. Page 2, by striking lines 18 through 20 and  
3 inserting in lieu thereof the following: "the  
4 influence of a controlled substance, or drink  
5 intoxicating".

DIVISION S-5259B

6 2. Page 2, by striking lines 23 and 24.

DOUGLAS RITSEMA

S-5260

1 Amend Senate File 2236 as follows:

2 1. Page 1, by inserting after line 35 the  
3 following:

4 "Sec. \_\_\_\_ . Section 80B.13, Code 1983, is amended  
5 by adding the following new unnumbered paragraph:  
6 **NEW UNNUMBERED PARAGRAPH.** Nothing in this chapter  
7 grants to the director of the academy, or to the  
8 council, or to both, the authority to require  
9 continuing education of law enforcement officers."

C. JOSEPH COLEMAN

S-5261

1 Amend Senate File 2248 as follows:

2 1. Page 3, by striking lines 24 and 25 and  
3 inserting in lieu thereof the following: "the  
4 interagency council recommends such action. However,  
5 the rule shall be consistent with and not exceed  
6 standards promulgated by the United States secretary  
7 of labor in accordance with federal law."

8 2. Page 7, line 18, by adding after the word  
9 "management." the following: "Actions and  
10 recommendations of the interagency council shall be  
11 by unanimous vote of the three voting members of the  
12 council."



- 13 3. Page 8, by striking line 12 and inserting in  
 14 lieu thereof the following: "required under this  
 15 chapter provided that the expansion can be justified  
 16 by substantial scientific evidence and there is a  
 17 significant threat to the public health or safety.  
 18 The bureau shall adopt rules".
- 19 4. Page 8, line 18, by inserting after the word  
 20 "wastes" the words "provided that the expansion can  
 21 be justified by substantial scientific evidence and  
 22 there is a significant threat to the public health  
 23 or safety".
- 24 5. Page 9, by striking lines 14 through 21.
- 25 6. Title page, by striking lines 3 through 6 and  
 26 inserting in lieu thereof the word "penalties."
- 27 7. By renumbering as necessary.

CALVIN O. HULTMAN

S-5262

- 1 Amend Senate File 2248 as follows:  
 2 1. Page 2, by striking lines 14 through 20 and  
 3 inserting in lieu thereof the following:  
 4 "Sec. 4. **NEW SECTION. 455D.5 LIABILITY OF STATE.**  
 5 The state is not liable for damages involving any  
 6 claim based upon an act or omission of an employee  
 7 of this state in carrying out the duties and  
 8 responsibilities imposed by this chapter or a rule  
 9 adopted under this chapter. Any duty created in this  
 10 chapter is a duty to the public generally and not  
 11 to any person or group of persons."

DONALD V. DOYLE

S-5263

- 1 Amend Senate File 2250 as follows:  
 2 1. Amend the title, lines 1 and 2, by striking  
 3 the words ", annual report and minimum local effort"  
 4 and inserting in lieu thereof the words "and annual  
 5 report".

C. JOSEPH COLEMAN

S-5264

- 1 Amend Senate File 2220 as follows:  
 2 1. Page 22, by inserting after the word "Iowa."  
 3 the words "However, a bank holding company that is  
 4 itself owned or controlled, directly or indirectly,  
 5 by another bank holding company shall be deemed to be  
 6 located in the state in which the operations of the

7 banking subsidiaries of its parent bank holding comp-  
 8 any are "principally conducted" as defined in 12 U.S.C.  
 9 section 1842(d), as amended to January 1, 1971."

WILLIAM D. PALMER

S-5265

1 Amend the amendment S-5262 to Senate File 2248 as  
 2 follows:  
 3 1. Page 1, line 4, by inserting after the word  
 4 "STATE" the words "OR POLITICAL SUBDIVISIONS".  
 5 2. Page 1, line 5, by striking the words "state is"  
 6 and inserting in lieu thereof the words "state or  
 7 its political subdivisions are".  
 8 3. Page 1, line 7, by inserting after the word  
 9 "state" the words "or its political subdivisions".

ALVIN V. MILLER

S-5266

1 Amend Senate File 2248 as follows:  
 2 1. Page 2, by inserting after line 20 the  
 3 following:  
 4 "Sec. 101. NEW SECTION. 455D.4A TRANSPORTATION  
 5 OF HAZARDOUS CHEMICALS. This chapter does not apply  
 6 to the transportation of hazardous chemicals if the  
 7 transportation is regulated by federal law or  
 8 regulation."

RICHARD F. DRAKE  
 C. JOSEPH COLEMAN  
 JOE J. WELSH

S-5267

1 Amend Senate File 2215 as follows:  
 2 1. Page 2, line 26, by inserting after the word  
 3 "for" the word "varsity".

JOE BROWN

S-5268

1 Amend Senate File 2248 as follows:  
 2 1. Page 8, by inserting after line 21 the  
 3 following new unnumbered paragraph:  
 4 "However, the interagency council shall make  
 5 such recommendations only upon scientific evidence

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6 that there may be a significant threat to public  
7 health and safety without such action."

CHARLES BRUNER  
CALVIN O. HULTMAN

S-5269

1 Amend Senate File 2206 as follows:  
2 1. By striking page 2, line 32 through page 3,  
3 line 14.

BOB CARR

S-5270

1 Amend Senate File 2215 as follows:  
2 1. Page 1, line 3, by inserting after the word  
3 "districts" the words "with enrollments of two thousand  
4 students or more in grades kindergarten through twelve  
5 determined pursuant to section 442.4, subsection 1,"  
6 2. Page 2, line 25, by inserting after the word  
7 "district" the words "that issues separate  
8 extracurricular contracts under section 279.19A".  
9 3. Page 2, line 31, by inserting after the word  
10 "district" the words "that issues separate  
11 extracurricular contracts under section 279.19A".

RAY TAYLOR  
ARTHUR L. GRATIAS

S-5271

1 Amend Senate File 2248 as follows:  
2 1. Page 6, by striking lines 6 through 10  
3 and inserting in lieu thereof the following:  
4 "instance, the bureau shall release the infor-  
5 mation after a request for information is made  
6 only if it determines the interest in public  
7 safety outweighs the damage that release of the  
8 information would cause the employer."

CHARLES BRUNER  
CALVIN O. HULTMAN

S-5272

1 Amend Senate File 2014 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 "A person who contributes to a political committee,  
5 other than a county or state statutory committee or

6 a national political party, shall not be eligible  
7 for appointment to a board or commission by a governor  
8 whose candidate's committee received a contribution  
9 from that political committee."

MILO COLTON

S-5273

1 Amend Senate File 2217 as follows:

2 1. By striking everything after the enacting'

3 clause and inserting in lieu thereof the following:

4 "Section 1. **NEW SECTION. 455B.109 SCHEDULE OF**  
5 **FINES--MINOR VIOLATIONS.**

6 1. The commission may establish, by rule, a  
7 schedule or range of civil penalties which may be  
8 administratively assessed. The schedule shall provide  
9 procedures and criteria for the administrative  
10 assessment of penalties of not more than one thousand  
11 dollars for minor violations of this chapter or rules,  
12 permits or orders adopted or issued under this chapter.  
13 In adopting a schedule or range of penalties and in  
14 proposing or assessing a penalty, the commission and  
15 executive director shall consider among other relevant  
16 factors the following:

17 a. The costs saved or likely to be saved by  
18 noncompliance by the violator.

19 b. The gravity of the violation.

20 c. The degree of culpability of the violator.

21 d. The maximum penalty authorized for that  
22 violation under this chapter.

23 Penalties may be administratively assessed only after  
24 an opportunity for a contested case hearing which  
25 may be combined with a hearing on the merits of the  
26 alleged violation. Major violations, violations not  
27 fitting within the schedule, or violations which the  
28 commission determines should be referred to the at-  
29 torney general for legal action shall not be governed  
30 by the schedule established under this subsection.

31 2. If the commission establishes a schedule for  
32 minor violations, the commission shall provide, by  
33 rule, a procedure for the screening of alleged  
34 violations to determine which cases may be appropriate  
35 for the administrative assessment of penalties.  
36 However, the screening procedure shall not limit the  
37 discretion of the department to refer any case to  
38 the attorney general for legal action.

39 3. A penalty shall be paid within thirty days  
40 of the date the order assessing the penalty becomes  
41 final. Additional judicial review may not be sought

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42 after the order becomes final. When a person against  
43 whom a civil penalty is assessed under this section  
44 seeks timely judicial review of an order imposing  
45 the penalty as provided under chapter 17A, the order  
46 is not final for the purposes of this section until  
47 all judicial review processes are completed. A person  
48 who fails to timely pay a civil penalty assessed by  
49 a final order of the department shall pay, in addition,  
50 interest at the rate of one and one-half percent of

Page 2

1 the unpaid balance of the assessed penalty for each  
2 month or part of a month that the penalty remains  
3 unpaid. The attorney general shall institute, at  
4 the request of the department, summary proceedings  
5 to recover the penalty and any accrued interest.

6 4. All civil penalties assessed by the department  
7 and interest on the penalties shall be deposited in  
8 the general fund of the state.

9 5. This section does not require the commission  
10 or the executive director to pursue an administrative  
11 remedy before seeking a remedy in the courts of this  
12 state."

NORMAN G. RODGERS

S-5274

1 Amend Senate File 2014 as follows:

2 1. Page 1, by inserting after line 18 the  
3 following:

4 "A candidate's committee shall not expend more  
5 than the salary the candidate would receive for the  
6 first year of the public office to which the candidate  
7 is seeking election."

MILO COLTON

S-5275

1 Amend Senate File 2014 as follows:

2 1. Page 1, by inserting after line 18 the  
3 following:

4 "A political committee, other than county or state  
5 statutory political committees and national political  
6 parties, shall not purchase newspaper or billboard  
7 space or radio or television time for the thirty days  
8 preceding a general or primary election."

MILO COLTON

- 12 surveyor registered hereunder, as provided in section  
 13 114.18."  
 14 2. Page 2, line 9, by striking the word "character"  
 15 and inserting in lieu thereof the word "character".

CHARLES P. MILLER

S-5302

- 1 Amend Senate amendment S-5253 to Senate File 2220  
 2 as follows:  
 3 1. Page 1, by striking lines 2 through 15 and  
 4 inserting in lieu thereof the following:  
 5 "1. Page 17, by striking line 3 and inserting  
 6 in lieu thereof the words "in Minnesota".  
 7 2. Page 17, line 4, by striking the word "States".  
 8 3. Page 17, by striking lines 10 and 11 and  
 9 inserting in lieu thereof the following: "in  
 10 subsection 2 restricting reciprocity to Minnesota,  
 11 then all of".  
 12 4. Page 17, by striking lines 22 through 25 and  
 13 inserting in lieu thereof the following: "1971.  
 14 However, a bank holding company that is itself owned  
 15 or controlled, directly or indirectly, by another  
 16 bank holding company shall be deemed to be located  
 17 in the state in which the operations of the banking  
 18 subsidiaries of its parent bank holding company are  
 19 "principally conducted" as defined in 12 U.S.C. sec.  
 20 1842 (d), as amended to January 1, 1971.""

MILO COLTON

S-5303

- 1 Amend Senate File 2164 as follows:  
 2 1. Page 1, line 22, by striking the word "and".  
 3 2. Page 1, line 24, by inserting after the word  
 4 "broadcasting" the words "and one shall have  
 5 experience and training in the preparation and  
 6 presentation of media instructional materials for  
 7 educational purposes in the elementary and secondary  
 8 educational system".

EDGAR H. HOLDEN  
 ARTHUR L. GRATIAS

S-5304

- 1 Amend Senate File 2277 as follows:  
 2 1. Page 1, line 15, by inserting after the word  
 3 "subscribers" the words "or participating providers".

- 4 2. Page 1, line 21, by inserting after the word  
 5 "or" the word "participating".  
 6 3. Page 1, by inserting after line 25, the  
 7 following:  
 8 "Sec. \_\_\_\_ . This Act, being deemed of immediate  
 9 importance, takes effect from and after its publication  
 10 in the Kossuth County Advance, a newspaper published  
 11 in Algona, Iowa, and in The Treynor Record, a newspaper  
 12 published in Treynor, Iowa."  
 13 4. Title page, line 12, by inserting after the  
 14 word "expenses" the words "and providing an effective  
 15 date".

TOM SLATER

S-5305

- 1 Amend Senate File 2197 as follows:  
 2 1. Page 6, line 4, by striking the word "may"  
 3 and inserting in lieu thereof the word "shall".

ARNE WALDSTEIN

S-5306

- 1 Amend Senate amendment, S-5253 to Senate File 2220  
 2 as follows:

DIVISION S-5306A

- 3 1. Page 1, by striking lines 2 through 15 and  
 4 inserting in lieu thereof the following:  
 5 "1. Page 17, line 8, by inserting after the word  
 6 "state," the following: "Before an out-of-state bank  
 7 holding company may acquire voting shares, an interest  
 8 in, or control of banks located in this state, the  
 9 bank holding company shall demonstrate to the committee  
 10 established in section 11, subsection 2 of this Act,  
 11 and to the board of governors of the federal reserve  
 12 system a commitment to community reinvestment and  
 13 economic development consistent with safe and sound  
 14 operation of its banks in those states in which it  
 15 owns banks and shall demonstrate a commitment to meet  
 16 the credit needs of those communities in which the  
 17 banks the bank holding company seeks to acquire voting  
 18 shares, an interest in, or control of, are located.  
 19 The committee shall adopt rules in accordance with  
 20 chapter 17A to implement the provisions of this  
 21 section.".

## DIVISION S—5306B

- 22 2. Page 17, by striking lines 24 and 25 and  
 23 inserting in lieu thereof the words "Nebraska, South  
 24 Dakota, Minnesota, and Wisconsin."  
 25 3. Renumber as necessary.

ARTHUR A. SMALL, JR.  
 EDGAR H. HOLDEN  
 GEORGE R. KINLEY

## S-5307

- 1 Amend Senate File 2270 as follows:  
 2 1. Page 1, by striking lines 5 and 6 and inserting  
 3 in lieu thereof the following: "The civil penalty  
 4 shall be deposited in the general fund of the state  
 5 and shall be subject to appropriation for substance  
 6 abuse programs. A temporary".

JAMES V. GALLAGHER

## S-5308

- 1 Amend Senate File 2235 as follows:  
 2 1. Page 1, by striking lines 7 through 15 and  
 3 inserting in lieu thereof the following: "is denied,  
 4 canceled, suspended, or revoked; is guilty of commits  
 5 a serious simple misdemeanor. However, a person whose  
 6 license or driving privilege has been revoked under  
 7 section 321.209 and who drives a motor vehicle upon  
 8 the highways of this state while the license or  
 9 privilege is revoked commits a serious".

DONALD V. DOYLE

## S-5309

- 1 Amend the Committee on Local Government amendment,  
 2 S-5151, to House File 4 as passed by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 16 and  
 5 inserting in lieu thereof the following:  
 6 "1. Page 1, by striking lines 2 through 15 and  
 7 inserting in lieu thereof the following:  
 8 "is amended by striking the paragraph and inserting  
 9 in lieu thereof the following:  
 10 a. For a transfer of property made in the transfer  
 11 records, five dollars for each separate platted lot  
 12 and five dollars for each separate parcel of contiguous  
 13 land lying within one unplatted section and described



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14 in one instrument of transfer. However, the fee shall  
15 not exceed fifty dollars for a transfer of platted  
16 or unplatted property which is described in one  
17 instrument of transfer and which is contiguous or  
18 separated only by a public street or highway.”  
19 2. Amend the title, lines 1 and 2, by striking  
20 the words “the definition of a parcel of land in  
21 relation to”.

ARNE WALDSTEIN  
ALVIN V. MILLER

S-5310

1 Amend Senate File 2270 as follows:  
2 1. Page 1, by inserting after line 22 the  
3 following:  
4 “Sec. 3. Section 912.13, Code 1983, is repealed.”

TOM MANN, JR.

S-5311

1 Amend Senate File 2014 as follows:  
2 1. By striking the enacting clause.

MILO COLTON

S-5312

1 Amend Senate File 2235 as follows:  
2 1. Page 1, by inserting after line 25 the  
3 following:  
4 “Sec. 2. Section 321A.32, subsection 2, Code 1983,  
5 is amended to read as follows:  
6 2. Any person willfully failing to return license  
7 or registration as required in section 321A.31 shall  
8 be guilty of a serious simple misdemeanor.  
9 Sec. 3. Section 2 of this bill takes effect July  
10 1, following its enactment and applies to all persons  
11 convicted under that subsection on or after January  
12 1, 1978.”

ARTHUR A. SMALL, JR.

S-5313

1 Amend the amendment, S-5299, to Senate File 2217  
2 as follows:  
3 1. By striking page 1, line 4 through page 2,  
4 line 13 and inserting in lieu thereof the following:

5 "Section 1. PROPOSED SCHEDULE OF CIVIL PENALTIES-  
6 -MINOR VIOLATIONS--DEPARTMENT OF WATER, AIR AND WASTE  
7 MANAGEMENT.

8 1. The water, air and waste management commission  
9 shall draft proposed administrative rules to establish  
10 a schedule or range of civil penalties which may be  
11 administratively assessed. The proposed rules shall  
12 be delivered to the speaker of the house of  
13 representatives and the president of the senate who  
14 shall forward the proposed rules to the appropriate  
15 standing committees of the two houses for legislative  
16 consideration. The proposed schedule or range of  
17 civil penalties shall provide procedures and criteria  
18 for the administrative assessment of penalties of  
19 not more than one thousand dollars for minor violations  
20 of chapter 455B or rules, permits or orders adopted  
21 or issued under chapter 455B. In drafting the proposed  
22 schedule or range of penalties, the commission and  
23 the executive director shall consider among other  
24 relevant factors the following:

- 25 a. The costs saved or likely to be saved by
- 26 noncompliance by a violator.
- 27 b. The gravity of the violation.
- 28 c. The degree of culpability of a violator.
- 29 d. The maximum penalty authorized for that
- 30 violation under chapter 455B.

31 2. The water, air and waste management commission  
32 shall include a procedure for the screening of alleged  
33 violations to determine which cases may be appropriate  
34 for the administrative assessment of penalties.  
35 However, the screening procedure shall not limit the  
36 discretion of the department to refer any case to  
37 the attorney general for legal action.

38 2. Amend the title, by striking lines 1 through  
39 3 and inserting in lieu thereof the following: "An  
40 Act relating to a proposed schedule of civil penalties  
41 for minor violations of chapter 455B."

EDGAR H. HOLDEN  
C. JOSEPH COLEMAN

S-5314

1 Amend Senate File 2164 as follows:

2 1. Page 1, line 22, by striking the word "and".

3 2. Page 1, line 24, by inserting after the word  
4 "broadcasting" the words "and one shall have  
5 experience and training in the preparation and  
6 presentation of media instructional materials for  
7 educational purposes in the elementary and secondary

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8 educational system".  
9 3. Page 1, by inserting after line 24 the  
10 following:  
11 "The board shall place an emphasis on the  
12 preparation and presentation of media instructional  
13 materials for educational purposes in the educational  
14 system in the programming and materials developed  
15 and utilized by the department."

EDGAR H. HOLDEN  
ARTHUR L. GRATIAS

S-5315

1\* Amend Senate File 2014 as follows:  
2 1. Page 1, by inserting after line 18 the  
3 following:  
4 "Sec. 2. NEW SECTION. 56.35 PANEL ON POLITICAL  
5 ACTION COMMITTEES. There is created within the  
6 campaign finance disclosure commission a panel on  
7 political action committees. The panel shall consist  
8 of six members appointed by the governor for terms  
9 of six years beginning and ending as provided in  
10 section 69.19, subject to senate confirmation. Any  
11 vacancy shall be filled by appointment for the  
12 unexpired portion of the term in accordance with the  
13 provisions for regular appointment as applicable.  
14 The panel shall elect one member to serve as  
15 chairperson and one to serve as vice chairperson.  
16 Members of the panel shall be entitled to receive  
17 a per diem of forty dollars and actual and necessary  
18 expenses while on panel business. The campaign finance  
19 disclosure commission shall provide staff support  
20 to the panel. The powers and procedures provided  
21 in this chapter for the commission shall also apply  
22 to the panel; however, the subject matter jurisdiction  
23 of the panel shall be limited to the activities of  
24 political committees which are not county or state  
25 statutory political committees, to the exclusion of  
26 the commission's jurisdiction.  
27 Sec. 3. In making initial appointments to the  
28 panel on political action committees, the governor  
29 shall appoint two members to terms of two years, two  
30 members to terms of four years and two members to  
31 terms of six years."

MILO COLTON

S-5316

1 Amend Senate File 2206 as follows:  
2 1. Page 3, by striking line 31 through page 4, line 1.

DOUGLAS RITSEMA

S-5317

1 Amend the amendment, S-5171, to Senate File 2018  
2 as follows:

3 1. Page 1, by striking lines 2 through 8 and  
4 inserting in lieu thereof the following:

5 "1. Page 1, by striking lines 19 through 29 and  
6 inserting in lieu thereof the following:

7 "2. The chief medical officer shall not discharge  
8 a patient who has been placed in the hospital or other  
9 suitable facility for psychiatric evaluation and  
10 appropriate treatment in connection with the patient's  
11 conviction for a public offense pursuant to R.Cr.P.  
12 22(3)(c), Ia. Ct. Rules, 2nd ed., or in connection  
13 with an unresolved formal charge of a public offense  
14 pending against the patient pursuant to chapter 812,  
15 or who has been found not guilty by reason of insanity  
16 or diminished responsibility and committed pursuant  
17 to R.Cr.P. 21(8), Ia. Ct. Rules, 2nd ed., until the  
18 court which ordered the patient's hospitalization  
19 or care and custody holds a discharge hearing which  
20 shall be held within forty-eight hours of the court's  
21 receipt of the chief medical officer's report  
22 concluding that the patient no longer requires  
23 treatment or care."

24 2. By striking page 1, line 35 through page 2,  
25 line 4, and inserting in lieu thereof the words  
26 "convicted of a public offense; or when there is  
27 pending against the respondent in connection with  
28 the respondent's conviction for a public offense  
29 pursuant to R.Cr.P. 22(3)(c), Ia. Ct. Rules, 2nd ed.,  
30 or in connection with an unresolved formal charge  
31 of a public offense pending against the respondent  
32 pursuant to chapter 812, or who has been found not  
33 guilty by reason of insanity or diminished  
34 responsibility and committed pursuant to R.Cr.P.  
35 21(8), Ia. Ct. Rules, 2nd ed., and the respondent's".

PATRICK J. DELUHERY  
TOM MANN, JR.

S-5318

1 Amend Senate File 2294 as follows:

2 1. By striking page 2, line 33 through page  
3 3, line 7.

4 2. Page 4, line 8, by inserting after the word  
5 "records." the following: "A hearing shall be held  
6 on a request for injunction upon reasonable notice  
7 as determined by the court to persons requesting

8 access to the record which is the subject of the  
9 request for injunction. It shall be the duty of  
10 the lawful custodian and any other person seeking  
11 an injunction to ensure compliance with the notice  
12 requirement."

13 3. Page 4, by striking lines 15 through 17  
14 and inserting in lieu thereof the following:  
15 "injure any person or persons."

16 4. Page 7, line 7, by inserting after the word  
17 "fees" the words ", including appellate attorneys  
18 fees."

19 5. Page 9, line 17, by striking the word  
20 "recorder" and inserting in lieu thereof the word  
21 "auditor".

CHARLES BRUNER  
RICHARD F. DRAKE  
TOM SLATER  
JOHN N. NYSTROM  
BOB CARR

S-5319

1 Amend Senate File 2231 as follows:

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

4 "Section 1. Section 135C.16, subsection 3, Code  
5 Supplement 1983, is amended to read as follows:

6 3. An inspector of the department may enter any  
7 licensed health care facility without a warrant, and  
8 may examine all records pertaining to the care provided  
9 residents of the facility. An inspector of the  
10 department may contact or interview any resident,  
11 employee, or any other person who might have knowledge  
12 about the operation of a health care facility. An  
13 inspector of the department of human services shall  
14 have the same right with respect to any facility where  
15 one or more residents are cared for entirely or  
16 partially at public expense and the state fire marshal  
17 or a deputy appointed pursuant to section 135C.9,  
18 subsection 1, paragraph "b" shall have the same right  
19 of entry into any facility and the right to inspect  
20 any records pertinent to fire safety practices and  
21 conditions within that facility. If any such inspector  
22 has probable cause to believe that any institution,  
23 ~~place,~~ building, or agency not licensed as a health  
24 care facility is in fact a health care facility as  
25 defined by this chapter, and upon properly identifying  
26 himself he producing identification that the individual

27 ~~is an inspector~~ is denied entry thereto for the purpose  
 28 of making an inspection, ~~be the inspector~~ may, with  
 29 the assistance of the county attorney of the county  
 30 in which the purported health care facility is located,  
 31 apply to the district court for an order requiring  
 32 the owner or occupant to permit entry and inspection  
 33 of the premises to determine whether there have been  
 34 any violations of this chapter.”  
 35 2. By renumbering as necessary.

TOM MANN, JR.

S-5320

1 Amend House File 2340 as follows:  
 2 1. Page 2, by striking lines 24 through 27, and  
 3 inserting in lieu thereof the words “be kept  
 4 confidential, except as authorized by a court of  
 5 competent jurisdiction. The department may seek an  
 6 appropriate protective order where discovery is  
 7 permitted by court order.”

TOM MANN, JR.

S-5321

1 Amend Senate File 2206 as follows:  
 2 1. Page 3, by striking lines 23 through 30.  
 3 2. Renumber as necessary.

TOM MANN, JR.

S-5322

1 Amend Senate File 2007 as follows:  
 2 1. Page 1, by striking lines 3 through 12 and  
 3 inserting in lieu thereof the following:  
 4 “NEW UNNUMBERED PARAGRAPH. The board of supervisors  
 5 may waive the charging and payment of all or a part  
 6 of the penalty and interest under sections 445.39  
 7 and 445.40 on delinquent property taxes assessed on  
 8 property of a certain class or classes if the board  
 9 determines that the property owners, as a whole, of  
 10 that class have suffered as a result of severe economic  
 11 conditions. The board of supervisors shall provide  
 12 for this waiver by adopting a resolution stating the  
 13 percent of the penalty and interest that would be  
 14 waived and the class or classes of property for which  
 15 the waiver would be granted. A property owner seeking  
 16 this waiver shall petition the board of supervisors  
 17 within sixty days after the adoption of the resolution

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18 allowing a waiver. Upon determination that the owner's  
19 property is of the designated class, the board shall  
20 grant the waiver."

WILLIAM D. PALMER

S-5323

1 Amend Senate File 2240 as follows:  
2 1. Page 6, line 4, by striking the word "seven"  
3 and inserting in lieu thereof the word "five".  
4 2. Page 6, line 6, by striking the word "four"  
5 and inserting in lieu thereof the word "one".  
6 3. Page 6, line 7, by striking the word "practi-  
7 tioners" and inserting in lieu thereof the word  
8 "practitioner".  
9 4. Page 6, line 8, by striking the word "one" and  
10 inserting in lieu thereof the word "two".  
11 5. Page 6, line 9, by striking the word "member"  
12 and inserting in lieu thereof the word "members".

EDGAR H. HOLDEN

S-5324

1 Amend Senate File 2199 as follows:  
2 1. Page 1, by striking lines 24 through 31.  
3 2. Page 2, by striking lines 3 through 8.  
4 3. Renumber sections as necessary.

HURLEY W. HALL  
JAMES D. WELLS  
JOHN W. JENSEN

S-5325

1 Amend Senate File 2273 as follows:  
2 1. Page 2, lines 32 through 35, by striking the  
3 words "and the member states' officials or agencies,  
4 and in consultation with the state conservation  
5 commission and the department of water, air and waste  
6 management," and inserting in lieu thereof the words  
7 "the state conservation commission, the department  
8 of water, air and waste management, and the member  
9 states' officials or agencies,".

JACK W. HESTER

S-5326

1 Amend Senate File 2232 as follows:

- 2 1. Page 1, by striking lines 8 through 16.
- 3 2. Page 2, line 6, by striking the word
- 4 "subsections" and inserting in lieu thereof the word
- 5 "subsection".
- 6 3. Page 2, by striking lines 7 through 12.
- 7 4. Renumber as necessary.

C.W. BILL HUTCHINS

S-5327

- 1 Amend Senate File 2315 as follows:
- 2 1. Page 2, by striking lines 5 through 10.

EDGAR H. HOLDEN

S-5328

- 1 Amend Senate File 2056 as follows:
- 2 1. Page 7, by inserting after line 17 the
- 3 following:
- 4 "Sec. 101. Section 99D.24, subsection 4, Code
- 5 Supplement 1983, is amended by adding the following
- 6 new lettered paragraphs:
- 7 NEW LETTERED PARAGRAPH c. Trains racing dogs
- 8 in this state and uses live animals, other than the
- 9 dogs being trained, in the course of that training.
- 10 NEW LETTERED PARAGRAPH d. Knowingly permits
- 11 a racing dog to race in the state if the dog was
- 12 trained with the use of live animals, other than the
- 13 dogs being trained, in the course of the training."
- 14 2. Title page, line 1, by inserting after the
- 15 word "Act" the words "and providing penalties".

WILLIAM W. (Bill) DIELEMAN

S-5329

- 1 Amend Senate File 2236 as follows:
- 2 1. Page 1, by striking line 26 and inserting in
- 3 lieu thereof the following: "of the employing agency,
- 4 the council and the affected law enforcement officer,
- 5 or as ordered by a reviewing court."
- 6 2. Page 1, by inserting after line 26 the
- 7 following:
- 8 "The council shall establish a process for the
- 9 protest and appeal of a revocation or suspension made
- 10 pursuant to this subsection."

TOM MANN, JR.



S-5330

1 Amend Senate File 2274 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 136C.1, Code 1983, is amended  
5 by adding the following new subsection:

6 **NEW SUBSECTION.** "Licensed practitioner" means  
7 a person licensed or otherwise authorized by law to  
8 practice medicine, osteopathy, podiatry, chiropractic,  
9 or dentistry.

10 Sec. 2. Chapter 136C, Code 1983, is amended by  
11 adding the following new section:

12 **NEW SECTION. 136C.6 QUALIFIED OPERATORS-DISPLAY**  
13 **OF CREDENTIALS.**

14 1. A person, other than a licensed professional,  
15 shall not operate equipment or use materials for  
16 medical treatment or diagnostic purposes unless that  
17 person has completed a course of instruction approved  
18 by the department or has otherwise met the minimum  
19 training established by the department.

20 2. A person, other than a licensed professional,  
21 who operates equipment or uses materials for medical  
22 treatment or diagnostic purposes shall display the  
23 credentials which indicate that person's qualification  
24 to operate equipment or use materials in the immediate  
25 vicinity of the equipment or where the materials are  
26 stored. A person who owns or controls the equipment  
27 or materials is also responsible for the proper display  
28 of credentials of those who operate the equipment  
29 or use the materials."

EDGAR H. HOLDEN

S-5331

1 Amend Senate File 2299 as follows:

2 1. Page 15, by inserting after line 6 the  
3 following:

4 "Sec. \_\_\_\_ . **NEW SECTION. PURPOSE.** It is the  
5 purpose of this chapter to provide educational,  
6 recreational, cultural, and other community services  
7 and programs through the establishment of the concept  
8 of community education with the community school  
9 serving as the center for such activity. In co-  
10 operation with other community agencies and groups,  
11 it is the purpose of the community education Act to  
12 mobilize community resources to solve identified  
13 community concerns and to promote a more efficient  
14 and expanded use of existing school buildings and

15 equipment, to provide leadership in working with other  
 16 entities, to mobilize the human and financial resources  
 17 of a community, and to provide a wide range of  
 18 opportunities for all socioeconomic, ethnic, and age  
 19 groups. A related purpose of this chapter is to  
 20 develop a sense of community in which the citizenry  
 21 co-operates with the school and community agencies  
 22 and groups to resolve their school and community  
 23 concerns and to recognize that the schools belong  
 24 to the people, and that as the entity located in every  
 25 neighborhood, the schools are available for use by  
 26 the community day and night, year-round or any time  
 27 when the programming will not interfere with the  
 28 elementary and secondary program."

29 2. Page 15, by striking lines 9 through 16 and  
 30 inserting in lieu thereof the following:

31 "1. "Community education" means a life-long  
 32 education process concerning itself with every facet  
 33 that affects the well-being of all citizens within  
 34 a given community. It extends the role of the school  
 35 from one of teaching children through an elementary  
 36 and secondary program to one of providing for citizen  
 37 participation in identifying the wants, needs, and  
 38 concerns of the neighborhood community and co-  
 39 ordinating all educational, recreational, and cultural  
 40 opportunities within the community with community  
 41 education being the catalyst for providing for citizen  
 42 participation in the development and implementation  
 43 of programs toward the goal of improving the entire  
 44 community.

45 Community education energizes people to strive  
 46 for the achievement of determined goals and stimulates  
 47 capable persons to assume leadership responsibilities.  
 48 It welcomes and works with all groups, it draws no  
 49 lines. It is the one institution in the entire  
 50 community that has the opportunity to reach all people

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1 and groups and to gain their cooperation."

2 3. Page 15, line 22, by inserting after the word  
 3 "coordinator" the words "or "coordinator"."

4 4. Page 15, line 25, by inserting after the word  
 5 "director" the words "or "director"."

6 5. Page 15, by inserting after line 30 the  
 7 following:

8 " \_\_\_\_ . "Community school" means any elementary  
 9 or secondary school.

10 \_\_\_\_ . "Community" means the area located within

11 the boundaries of the local school district.

12 \_\_\_\_\_ . "State consultant" means the state community  
13 education consultant.

14 \_\_\_\_\_ . "State advisory council" means the council  
15 established by section 276.6.

16 \_\_\_\_\_ . "Board" means the local board of directors  
17 of school districts.

18 Sec. \_\_\_\_ . NEW SECTION. STATE CONSULTANT. State  
19 consultant of community education shall serve district  
20 and local advisory councils in accordance with rules  
21 promulgated by the superintendent of public  
22 instruction.

23 Sec. \_\_\_\_ . NEW SECTION. LOCAL DIRECTOR. The local  
24 community education director shall:

25 1. Serve as staff person to district-wide and  
26 local advisory councils.

27 2. Promote, publicize, and interpret the community  
28 education programs to the schools and community.

29 3. Facilitate community needs and resources after  
30 adequate assessment.

31 4. Seek ideas, promote people involvement in the  
32 process, and open lines of communication and co-  
33 ordination.

34 5. Stimulate planning to meet needs.

35 6. Schedule community-use hours available in  
36 school-plant facilities and related equipment and  
37 co-ordinate such use with building principals or  
38 designated representatives.

39 7. Prepare the community education budget in  
40 concert and with approval of the district-wide advisory  
41 council, and administer the budget after final approval  
42 by the board of directors.

43 Sec. \_\_\_\_ . NEW SECTION. STATE ADVISORY COUNCIL.

44 1. The state advisory council is established  
45 consisting of nine members appointed by the state  
46 board of public instruction for three-year terms.  
47 The purpose of the community school advisory council  
48 is to promote educational, recreational, cultural  
49 and other community services through the maximum use  
50 of school facilities. The state council shall consist

Page 3

1 of members who are broadly representative of the  
2 educational, recreational, cultural, and social  
3 entities of the state. Members shall be appointed  
4 from various geographic locations throughout the state  
5 and shall represent various socioeconomic, ethnic,  
6 and age groups. Terms of office shall commence on  
7 July 1 of the year in which the appointment is made

8 and shall continue until a successor is appointed  
 9 and qualifies. However, for the initial council,  
 10 three members shall be appointed for three-year terms,  
 11 three members for two-year terms, and three members  
 12 for one-year terms. Vacancies occurring on the state  
 13 council shall be filled for the unexpired term in the  
 14 same manner as the original appointment.

15 2. The members of the state council shall serve  
 16 without compensation, but shall be reimbursed for  
 17 actual expenses and travel incurred while the member  
 18 is on official business of the state council.

19 3. The members of the council shall meet annually  
 20 as soon after July 1 as possible to organize at a  
 21 time and place designated by the state consultant.  
 22 Thereafter, meetings may be called by the chairperson  
 23 or a majority of members. The state council shall  
 24 elect a chairperson and such other officers as it  
 25 deems necessary. The state consultant shall serve  
 26 as secretary for the state council.

27 Sec. \_\_\_\_ . NEW SECTION. DUTIES OF STATE COUNCIL.

28 The state council shall:

29 1. Establish and maintain close co-operation and  
 30 understanding among the various groups throughout  
 31 the state affected by community education programs.

32 2. Provide a forum for the discussion, development,  
 33 and recommendation of public policy alternatives for  
 34 community education programs.

35 3. Serve as a clearinghouse for information on  
 36 matters relating to community education programs and  
 37 similar programs throughout the United States.

38 4. Serve as a clearinghouse for resource persons,  
 39 associations, and groups of all kinds, co-ordinating  
 40 assistance to school districts which have specific  
 41 needs.

42 5. Provide an annual report to the state board  
 43 of public instruction.

44 6. Perform other functions necessary to insure  
 45 the orderly and co-ordinated development of community  
 46 school programs in the state.

47 Sec. \_\_\_\_ . NEW SECTION. ESTABLISHMENT OF PROGRAM.

48 1. The board of directors of a local school  
 49 district may establish a community education program  
 50 for schools in the district and provide for the general

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1 supervision of the program. Financial support for  
 2 the program shall be provided from funds raised  
 3 pursuant to section 276.8 and from any private funds

4 and any federal funds made available for the purpose  
5 of implementing this chapter. The program which  
6 recognizes that the schools belong to the people and  
7 which shall be centered in the schools may include  
8 but shall not be limited to the use of the school  
9 facilities day and night, year round including weekends  
10 and regular school vacation periods for educational,  
11 recreational, cultural, and other community services  
12 and programs for all age, ethnic, and socioeconomic  
13 groups residing in the community.

14 2. If a community education program is established,  
15 the board shall appoint a community education director  
16 who shall have professional training in the field  
17 of community education, recreation, or comparable  
18 experience.

19 3. Upon establishment of a community education  
20 program, the board shall provide for the selection  
21 of an advisory council which shall be responsible  
22 to the board and shall co-operate with and assist  
23 the board and the local community education director.  
24 The board shall also provide for the selection of  
25 local advisory councils.

26 4. The board shall receive an annual report and  
27 budget recommendation from the advisory council and  
28 may request supplementary reports as needed.

29 5. The school districts may co-operate with merged  
30 area schools, institutions under the control of the  
31 state board of regents, and area education agencies  
32 in providing community education programs.

33 6. The board may use opportunities available under  
34 any public law for community education.

35 7. The board may approve co-operation and pooling  
36 of funds with other school districts."

37 6. Page 15, line 31, by inserting before the word  
38 "ELEMENTS" the word "MINIMUM".

39 7. Page 18, by striking lines 11 through 13 and  
40 inserting in lieu thereof the following:

41 "a. As many local organizations serving the target  
42 population be given the opportunity to participate  
43 in determining programs to be offered. This shall  
44 include the opportunity for each organization to  
45 review and comment prior to the submission of the  
46 grant application."

47 8. Page 18, line 14, by inserting after the word  
48 "for" the words "a minimum of".

49 9. Page 18, by striking lines 17 through 19 and  
50 inserting in lieu thereof the following:

Page 5

1 "c. A description of each community education  
2 program for which assistance is sought in sufficient  
3 detail to show compliance with elements of the program  
4 pursuant to section 276.3."

5 10. Page 18, line 22, by striking the words "at  
6 least ninety" and inserting in lieu thereof the words  
7 "not more than ten".

8 11. Page 18, by inserting after line 26, the  
9 following:

10 "\_\_\_\_. Assurance that funding from this chapter  
11 is received within a local school district through  
12 only one application regardless of the number of co-  
13 sponsors of the program."

14 12. Page 20, line 5, by inserting after the figure  
15 "276.5." the following: "The property tax authorized  
16 in this section shall not be levied if the school  
17 district is levying a property tax under section  
18 300.4."

19 13. Page 20, by striking lines 6 through 8 and  
20 inserting in lieu thereof the following:

21 "Sec. \_\_\_\_ . NEW SECTION.  
22 USE OF SPECIAL TAX LEVY. If the voters of a school  
23 district have approved the levying of a tax pursuant  
24 to section 300.2 prior to July 7, 1978, moneys  
25 collected pursuant to the voted tax levy after said  
26 date may be used for community education programs."

27 14. Page 20, by striking lines 19 through 21 and  
28 inserting in lieu thereof the following:

29 "2. Training of community education directors,  
30 coordinators, advisory council members, and other  
31 personnel pursuant to section 276.7 ..... \$ 75,000".

32 15. By renumbering as necessary.

JOE BROWN

S-5332

1 Amend Senate File 2258 as follows:

2 1. Page 2, by inserting after line 35 the  
3 following:

4 "NEW LETTERED PARAGRAPH. s. For the administrative  
5 costs of collecting and distributing support payments  
6 payable to the clerk of the district court under  
7 section 598.22, to be paid annually by the person  
8 obligated to pay the support, twenty-five dollars."

DONALD V. DOYLE

S-5333

- 1 Amend Senate File 2274 as follows:
- 2 1. Page 5, line 26, by striking the word "may"
- 3 and inserting in lieu thereof the word "shall".
- 4 2. Page 5, by striking lines 27 and 28 and
- 5 inserting in lieu thereof the following: "education
- 6 and accreditation (CAHEA) standards."
- 7 3. Page 5, line 33, by striking the word "may"
- 8 and inserting in lieu thereof the word "shall".
- 9 4. Page 5, line 34, by striking the word
- 10 "standards," and inserting in lieu thereof the word
- 11 "standard."
- 12 5. By striking page 5, line 35 through page 6,
- 13 line 1.
- 14 6. Page 6, line 6, by striking the word "may"
- 15 and inserting in lieu thereof the word "shall".
- 16 7. Page 6, by striking lines 8 and 9 and inserting
- 17 in lieu thereof the word "standards."
- 18 8. Page 6, by striking lines 17 through 27.
- 19 9. Page 7, line 4, by striking the word "may"
- 20 and inserting in lieu thereof the word "shall".
- 21 10. Page 7, line 25, by striking the word ", at
- 22 its discretion, may" and inserting in lieu thereof
- 23 the word "shall".
- 24 11. Page 11, by striking lines 4 and 5.

EDGAR H. HOLDEN

S-5334

- 1 Amend S-5326 to Senate File 2232 as follows:
- 2 1. Page 1, by inserting after line 6 the following:
- 3 "4. Title page, line 2; by striking the words
- 4 "providing for a bad check charge,""
- 5 2. Renumber as necessary.

C.W. BILL HUTCHINS

S-5335

- 1 Amend Senate File 2199 as follows:
- 2 1. Page 1, line 27, by striking the word "eighteen"
- 3 and inserting in lieu thereof the word "fourteen".
- 4 2. Page 1, line 31, by inserting after the word
- 5 "situation." the following: "This section does not
- 6 apply to persons riding in the pickup's area designed
- 7 to carry merchandise or freight if such area is
- 8 enclosed by a box or combination of a box and stock
- 9 rack where the height from the floor of the area to

10 the top of the box or top of the box and stock rack  
 11 combination is at no place less than four feet. An  
 12 upright and secured tailgate shall be deemed to be  
 13 part of the enclosing box when determining an exemption  
 14 under this section."

EMIL J. HUSAK

S-5336

1 Amend Senate File 2274 as follows:  
 2 1. Page 4, line 1, by inserting after the word  
 3 "podiatry," the word "dentistry,".  
 4 2. Page 4, by inserting after line 3 the following:  
 5 "\_\_\_\_\_. The requirement of a license does not apply  
 6 to a person licensed as a dental hygienist by the  
 7 board of dental examiners or a person holding a valid  
 8 certificate of qualification in dental radiography  
 9 issued by the board of dental examiners or a person  
 10 enrolled in a program or course of study approved  
 11 by the department who applies radiation to humans  
 12 as a part of the program or course of study."

JOHN N. NYSTROM

S-5337

1 Amend Senate File 2240 as follows:  
 2 1. By striking page 2, line 23 through page 3,  
 3 line 12.  
 4 2. By striking page 13, line 25 through page 15,  
 5 line 14.

JULIA B. GENTLEMAN

S-5338

1 Amend Senate File 2234 as follows:  
 2 1. By striking page 1, line 35 through page 2,  
 3 line 6.

JULIA B. GENTLEMAN

S-5339

1 Amend Senate File 2302 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. NEW SECTION. 566.28 BURIAL SITES.  
 5 If a governmental subdivision or agency is notified  
 6 of the existence of a burial site within its  
 7 jurisdiction, and the burial site is not otherwise



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8 provided for under this chapter or chapter 305A or  
9 566A, it shall as soon as practicable notify the owner  
10 of the land upon which the burial site is located  
11 of the site's existence and location. The notification  
12 shall include an explanation of the provisions  
13 contained within section 566.29.

14 Sec. 2. NEW SECTION. 566.29 DISTURBANCE OF  
15 BURIAL SITES. A person who knowingly and without  
16 authorization removes, destroys, or otherwise disturbs  
17 a burial site for which the person received  
18 notification under section 566.28 commits a simple  
19 misdemeanor.

20 Sec. 3. NEW SECTION. 566.30 PROTECTION AND  
21 PRESERVATION OF BURIAL SITES. A governmental  
22 subdivision or agency having a burial site within  
23 its jurisdiction, for which protection or preservation  
24 is not otherwise provided, shall provide for the  
25 protection and preservation of the burial site."

26 2. Title page, line 1, by inserting after the  
27 word "burial" the words "sites and".

28 3. Title page, line 2, by striking the words  
29 "confiscation and return" and inserting in lieu thereof  
30 the words "protection and preservation".

31 4. By renumbering to conform to this amendment.

JACK W. HESTER  
C. JOSEPH COLEMAN

S-5340

1 Amend Senate File 2108 as follows:

2 1. Page 1, line 3, by striking the number "1."

3 2. Page 1, by striking lines 25 through 33.

RICHARD VANDE HOEF

S-5341

1 Amend Senate File 2294 as follows:

2 1. Page 3, line 9, by striking the words "or  
3 solicited by a government body".

4 2. Page 6, line 24, by striking the word "defen-  
5 dants" and inserting in lieu thereof the word "per-  
6 sons".

7 3. Page 6, line 30, by striking the word "def-  
8 endant" and inserting in lieu thereof the word "per-  
9 son".

10 4. Page 7, line 16, by striking the words "law-  
11 ful custodian" and inserting in lieu thereof the word  
12 "person".

ARTHUR A. SMALL, JR.

S-5342

- 1 Amend Senate File 2014 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. The legislative council shall establish  
5 an interim study committee during the 1984 legislative  
6 interim on the subject of the financing of political  
7 campaigns of candidates for state offices and the  
8 independent expenditures of political committees.  
9 The interim study committee shall file its  
10 recommendations and bill drafts incorporating its  
11 recommendations with the general assembly convening  
12 in 1985."  
13 2. Amend the title, by striking lines 1 and 2  
14 and inserting in lieu thereof the following:  
15 "An Act to provide for an interim study of campaign  
16 financing of candidates for state offices and the  
17 independent expenditures of political committees."

MILO COLTON  
DONALD V. DOYLE  
DALE L. TIEDEN  
JACK RIFE  
RICHARD F. DRAKE  
BERL E. PRIEBE  
DON E. GETTINGS

S-5343

- 1 Amend Senate File 2294 as follows:  
2 1. Page 3, line 9, by striking the words "or  
3 solicited by a government body" and inserting in  
4 lieu thereof the words ", rule, or procedure".  
5 2. Page 6, line 24, by striking the word  
6 "defendants" and inserting in lieu thereof the word  
7 "persons".  
8 3. Page 6, line 30, by striking the word  
9 "defendant" and inserting in lieu thereof the word  
10 "person".  
11 4. Page 7, line 16, by striking the words  
12 "lawful custodian" and inserting in lieu thereof the  
13 word "person".

ARTHUR A. SMALL, JR.

S-5344

- 1 Amend Senate File 2280 as follows:  
2 1. Page 2, line 12, by inserting after the word

3 "procedure" the words "other than the professional  
 4 services of a licensed professional for which the  
 5 selection process shall include consideration of the  
 6 scope of the professional services, professional  
 7 skills and experience, and fees".

ARTHUR A. SMALL, JR.  
 JOHN N. NYSTROM

S-5345

1 Amend Senate File 2294 as follows:  
 2 1. Page 1, by striking lines 3 through 16 and  
 3 inserting in lieu thereof the following:  
 4 "NEW UNNUMBERED PARAGRAPH. As used in this chapter  
 5 "lawful custodian" means a person who is delegated  
 6 the responsibility of compiling or preserving the  
 7 records in question and includes the chief executive  
 8 of an agency of government, or the chief executive's  
 9 designee."

TOM MANN, JR.

S-5346

1 Amend Senate File 2294 as follows:

DIVISION S—5346A

2 1. Page 2, by inserting after line 32 the  
 3 following:  
 4 "Sec. \_\_\_\_\_ : Section 68A.7, Code Supplement 1983,  
 5 is amended by adding the following new subsection:".

DIVISION S—5346B

6 2. Page 3, by inserting before line 8 the  
 7 following:  
 8 "NEW SUBSECTION. If the records pursuant to section  
 9 144.43 are under sixty-five years old, the records  
 10 may only be inspected by a person and certified copies  
 11 may only be released to a person who has a verifiable  
 12 direct and tangible interest in the record, and who  
 13 has paid a reasonable fee for certification.  
 14 Direct and tangible interest is shown if the person  
 15 interested in the records is the registrant, a member  
 16 of the registrant's immediate family, the registrant's  
 17 legal representative, or if a person needs the  
 18 information for the determination or protection of  
 19 a person's personal or property interests. A person

20 conducting family research shall substantiate a line  
 21 of direct lineal consanguinity to demonstrate the  
 22 existence of a direct and tangible interest."

JULIA B. GENTLEMAN

S-5347

1 Amend Senate File 2316 as follows:  
 2 1. Page 1, by striking lines 19 through 29.  
 3 2. Page 4, by inserting after line 27 the  
 4 following:  
 5 "5. Individuals who are not licensed as licensed  
 6 registered dietitians or licensed nutritionists who  
 7 do not hold themselves out to the public as being  
 8 licensed registered dietitians or licensed  
 9 nutritionists. Section 147.83 does not apply to  
 10 persons who are not so licensed and do not hold  
 11 themselves out as licensed registered dietitians or  
 12 licensed nutritionists."

C.W. BILL HUTCHINS  
 JAMES V. GALLAGHER  
 C. JOSEPH COLEMAN  
 JOHN N. NYSTROM  
 NORMAN G. RODGERS  
 JOHN E. SOORHOLTZ  
 BERL E. PRIEBE  
 RICHARD F. DRAKE  
 LEE W. HOLT  
 EMIL J. HUSAK  
 CHARLES P. MILLER

S-5348

1 Amend the amendment S-5174 to Senate File 2224 as  
 2 follows:  
 3 1. Page 1, line 3, by striking the word "fifteen"  
 4 and inserting in lieu thereof the word "forty".

MILO COLTON

S-5349

1 Amend Senate File 2316 as follows:  
 2 1. Page 2, lines 21 and 22, by striking the words  
 3 "one licensed registered dietitian or licensed  
 4 nutritionist representing community nutrition."  
 5 2. Page 2, line 22, by striking the word "two"  
 6 and inserting in lieu thereof the word "three".  
 7 3. Page 4, by striking lines 20 through 23.

- 8 4. Page 5, line 6, by striking the words "the  
9 board of dietetic examiners or".
- 10 5. Page 5, by inserting after line 9 the following  
11 new lettered paragraph:  
12 **"NEW LETTERED PARAGRAPH. d. The board of dietetic**  
13 **examiners may accept the registration exam or require**  
14 **an additional exam."**
- 15 6. Page 5, by inserting after line 19 the following  
16 new sections:  
17 **"Sec. \_\_\_\_ . NEW SECTION. RULES FOR REVOCATION**  
18 **OR SUSPENSION OF LICENSE. The dietetic examining**  
19 **board shall include in its provisions the rules for**  
20 **revocation or suspension of a license as stated in**  
21 **section 258A.10.**
- 22 **Sec. \_\_\_\_ . NEW SECTION. CONTESTED CASES. The**  
23 **board shall prescribe rules of procedure by which**  
24 **it will suspend or revoke a license or impose any**  
25 **other sanction as authorized by chapter 258A. The**  
26 **provisions shall conform to the contested case**  
27 **provisions of chapter 17A."**
- 28 7. Renumber and reletter as necessary.

CHARLES P. MILLER  
TOM SLATER  
JOE J. WELSH

S-5350

- 1 Amend Senate File 2232 as follows:  
2 1. Page 1, by striking lines 1 through 16.  
3 2. Page 2, line 6, by striking the word  
4 "subsections" and inserting in lieu thereof the word  
5 "subsection".  
6 3. Page 2, by striking lines 7 through 12.  
7 4. Title page, line 1, by striking the words  
8 "small loan and".  
9 5. Title page, line 2, by striking the words  
10 "providing for a bad check charge".  
11 6. Renumber as necessary.

C.W. BILL HUTCHINS

S-5351

- 1 Amend Senate File 2269 as follows:  
2 1. Page 5, line 24, by striking the words "any  
3 funds" and inserting in lieu thereof the words "funds  
4 for transportation purposes".

C. JOSEPH COLEMAN

S-5352

- 1 Amend Senate File 2289 as follows:
- 2 1. Page 1, line 2, by striking the words "Iowa  
3 world trade center" and inserting in lieu thereof  
4 the words "state involvement in world trade activities  
5 for Iowa businesses".
- 6 2. Page 1, line 7, by striking the word "state,"  
7 and inserting in lieu thereof the words "state  
8 through".
- 9 3. Page 1, line 9, by striking the word  
10 "producers," and inserting in lieu thereof the word  
11 "producers."
- 12 4. Page 1, by striking lines 10 through 15.
- 13 5. Page 1, by striking lines 32 and 33 and  
14 inserting in lieu thereof the following: "small and  
15 medium-size cities throughout the state.
- 16 6. A world trade center has been promoted as a  
17 means to assist small and medium-size".
- 18 6. Page 2, by striking lines 1 through 14 and  
19 inserting in lieu thereof the words "development of  
20 the state of Iowa; and the Iowa world trade council,  
21 ltd., a nonprofit".
- 22 7. By striking page 2, line 17 through page 5,  
23 line 14 and inserting in lieu thereof the following:  
24 "in the Iowa world trade center; and it has been  
25 proposed that the state commit thirty million dollars  
26 in public funds to assist in the construction of the  
27 world trade center and provide some continuing  
28 financial involvement for the operation of parts of  
29 the center.
- 30 7. A variety of other forms of state involvement  
31 and assistance to expand international trade for  
32 smaller and medium-size Iowa businesses and  
33 agricultural product producers should be explored  
34 in addition to involvement in a world trade center,  
35 including but not limited to the following:
- 36 a. Expansion of overseas offices run through the  
37 Iowa development commission to other locations.
- 38 b. Development of trade missions through the Iowa  
39 development commission.
- 40 c. Establishment of agricultural technology grants  
41 designed to promote Iowa product attractiveness  
42 overseas.
- 43 d. Funding for agricultural product development  
44 through the Iowa product development corporation.
- 45 e. Creation of an export finance authority working  
46 capital account for small traders overseas.
- 47 f. Financing of an export finance authority and  
48 export information office to provide assistance to  
49 private export trading companies based in Iowa and  
50 selling Iowa products overseas.

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1 8. A thirty million dollar capitalization by the  
2 state of Iowa could provide for a variety of activities  
3 to expand Iowa's agricultural economy and careful  
4 consideration should be given to determining which  
5 are the most effective uses of public moneys and which  
6 must rely on public rather than private funds for  
7 success.

8 Sec. 4. NEW SECTION. 18C.4 STATE ESTABLISHMENT  
9 OF A WORLD TRADE ACTIVITIES FOR IOWA BUSINESSES  
10 COMMISSION.

11 1. There is established a world trade activities  
12 for Iowa businesses commission. The commission shall  
13 consist of nine members appointed by the governor.  
14 The appointees of the governor shall include persons  
15 knowledgeable in the areas of finance, export business,  
16 agricultural economics, and education. The commission  
17 shall select a chairperson and other officers as it  
18 believes necessary.

19 2. The purpose of the commission is to study  
20 alternative proposals for state involvement and  
21 assistance in meeting the purpose of section 18C.2.  
22 In so doing, the commission shall study the following:

23 a. The feasibility, size, scope, site, development,  
24 bonding authority, costs, and the amount of private  
25 and public financial commitment required for  
26 establishment of an Iowa world trade center. In this  
27 study, the commission shall consider all of the  
28 following:

29 (1) The role of the world trade center in marketing  
30 agricultural commodities, given the present systems  
31 for marketing such commodities, and whether new  
32 marketing approaches can be effective through a world  
33 trade center.

34 (2) The relationship of the world trade center  
35 to private export trading companies, trade missions,  
36 and overseas offices.

37 (3) The need for and desirability of an exhibition  
38 area for the display of products of Iowa manufacturers,  
39 given the absence of such areas in other world trade  
40 centers in the United States.

41 (4) The relative financial responsibility of the  
42 state and of the city in which a world trade center  
43 would be located as to the benefits each would receive  
44 directly from the center.

45 (5) The rationale for public support and the  
46 public purpose such support would address and the

47 limitations on private financial support being  
 48 sufficient to establish and operate the world trade  
 49 center.  
 50 (6) Other beneficiaries of the world trade center,

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1 such as commodity organizations, who might reasonably  
 2 be expected to participate in the financing of the  
 3 center.

4 (7) The feasibility of the world trade center  
 5 being economically profitable, given the unique  
 6 characteristics of Iowa and any city in which such  
 7 a center might be located in Iowa.

8 (8) The likely success of an Iowa world trade  
 9 center contrasted with the successes and failures  
 10 of other world trade centers in the United States,  
 11 as to their levels of public involvement, their  
 12 financial structure, and other such items.

13 b. Other options to expand world trade by Iowa  
 14 companies, including but not limited to those  
 15 identified in section 18C.3, subsection 7. The  
 16 commission shall solicit proposals seeking state  
 17 assistance and involvement in expanding world trade  
 18 by Iowa companies, and shall review actions taken  
 19 by other states.

20 3. The commission shall do all things necessary  
 21 and reasonable to conduct the study including holding  
 22 meetings and soliciting testimony and information,  
 23 The commission shall report to the general assembly  
 24 and the governor by January 15, 1985, its conclusions  
 25 and recommendations, which shall include proposals  
 26 it determines warrant state involvement in promoting  
 27 world trade, including priorities the state should  
 28 consider in using public funds."

CHARLES BRUNER

S-5353

1 Amend House File 386 as passed by the House as follows:  
 2 1. Page 5, line 24, by striking the words "any  
 3 funds" and inserting in lieu thereof the words "funds  
 4 for transportation purposes".

C. JOSEPH COLEMAN

S-5354

1 Amend House File 540 as amended, passed, and  
 2 reprinted by the House, as follows:



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- 3 1. Page 2, by striking lines 1 through 3 and
- 4 inserting in lieu thereof the words "seed shall be
- 5 liable to the employees of the farm labor contractor".

C.W. BILL HUTCHINS

S-5355

- 1 Amend Senate File 2224 as follows:
- 2 1. Page 1, by inserting after line 15, the
- 3 following:
- 4 "For purposes of this subsection, the failure of
- 5 a contractor to use or provide materials specified
- 6 by the architect, designer or engineer of an
- 7 improvement to real property constitutes fraud.
- 8 This subsection does not apply to actions based
- 9 upon products liability for the manufacturing or
- 10 supplying of materials."

ARTHUR A. SMALL, JR.

S-5356

- 1 Amend Senate File 2224 as follows:
- 2 1. Page 1, by inserting after line 15, the
- 3 following:
- 4 "This subsection does not apply to a contractor
- 5 or supplier intentionally furnishing materials of
- 6 less strength or capacity than those required by the
- 7 plans and specifications for the improvement and
- 8 concealing the fact that materials of less strength
- 9 or capacity had been used."

JOE J. WELSH

S-5357

- 1 Amend the Drake and Welsh amendment, S-5277, to
- 2 House File 2218, as amended, passed, and reprinted
- 3 by the House, as follows:
- 4 1. By striking page 3, line 50 through page 4,
- 5 line 12, and inserting in lieu thereof the following:
- 6 "Sec. \_\_\_\_ . Section 321.47, unnumbered paragraph
- 7 1, Code 1983, is amended to read as follows:
- 8 In the event of the transfer of ownership of any
- 9 vehicle by operation of law as upon inheritance,
- 10 devise or bequest, order in bankruptcy, insolvency,
- 11 replevin, foreclosure or execution sale, or whenever
- 12 the engine of a motor vehicle is replaced by another
- 13 engine, or whenever a vehicle is sold to satisfy an
- 14 artisan's lien as provided in chapter 577, or is sold

15 to satisfy a landlord's lien as provided in chapter  
16 570, or a storage lien as provided in chapter 579,  
17 or repossession is had upon default in performance  
18 of the terms of a security agreement, the treasurer  
19 of the county in which the last certificate of title  
20 to any such vehicle was issued, upon the surrender  
21 of the prior certificate of title or the manufacturer's  
22 or importer's certificate, or when that is not  
23 possible, upon presentation of satisfactory proof  
24 to the county treasurer of ownership and right of  
25 possession to such vehicle and upon payment of a fee  
26 of two ~~ten~~ dollars and the presentation of an  
27 application for registration and certificate of title,  
28 may issue to the applicant a registration card for  
29 such vehicle and a certificate of title thereto.  
30 The person or persons entitled under the laws of  
31 descent and distribution of an intestate's property  
32 to the possession and ownership of a vehicle owned  
33 in whole or in part by a decedent, upon filing an  
34 affidavit stating the name and date of death of the  
35 decedent, the right to possession and ownership of  
36 the persons filing said affidavit, and that there  
37 has been no administration of the said decedent's  
38 estate, which instrument shall also contain an  
39 agreement to indemnify any creditors of the decedent  
40 who would be entitled to levy execution upon said  
41 motor vehicle to the extent of the value of said motor  
42 vehicle, shall be entitled upon fulfilling the other  
43 requirements of this chapter, to the issuance of a  
44 registration card for the interest of the decedent  
45 in such vehicle and a certificate of title thereto.  
46 No requirement of either chapter 450 or 451 shall  
47 be considered satisfied by the filing of the affidavit  
48 provided for in this section. If, from the records  
49 in the office of the county treasurer, there appear  
50 to be any lien or liens on such vehicle, such

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- 1 certificate of title shall contain a statement of
- 2 such liens unless the application is accompanied by
- 3 proper evidence of their satisfaction or extinction.
- 4 Evidence of extinction may consist of, but is not
- 5 limited to, an affidavit of the applicant stating
- 6 that a security interest was foreclosed as provided
- 7 in Uniform Commercial Code, chapter 554, Article 9,
- 8 Part 5."
- 9 2. Page 8, line 39, by striking the word "Sixty"
- 10 and inserting in lieu thereof the word "Forty".
- 11 3. Page 10, line 9, by striking the word "twenty"

12 and inserting in lieu thereof the word "thirty".  
13 4. Page 10, line 35, by striking the word  
14 "increasing".

RICHARD F. DRAKE  
JOE J. WELSH

S-5358

1 Amend Senate File 2303 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 364.12, subsection 2, Code  
5 1983, as amended by House File 359, section 1, 1983  
6 Session, is amended by striking the subsection and  
7 inserting in lieu thereof the following:  
8 2. A city shall keep all public grounds, streets,  
9 sidewalks, alleys, bridges, culverts, overpasses,  
10 underpasses, grade crossing separations and approaches,  
11 public ways, squares, and commons open, in repair,  
12 and free from nuisance, with the following exceptions:  
13 a. Public ways and grounds may be temporarily  
14 closed by resolution. Following notice as provided  
15 in section 362.3, public ways and grounds may be  
16 vacated by ordinance.  
17 b. The city's general duty under this subsection  
18 does not include a duty to remove natural accumulations  
19 of snow or ice from the sidewalks.  
20 c. The abutting property owner may be required  
21 by ordinance to remove the natural accumulation of  
22 snow and ice from the sidewalks within a reasonable  
23 amount of time and to maintain all property outside  
24 the lot and property lines and inside the curb lines  
25 upon the public streets, except that the property  
26 owner shall not be required to remove diseased trees  
27 or dead wood on the publicly-owned property or right  
28 of way.  
29 d. If the abutting property owner does not perform  
30 an action required under this subsection within a  
31 reasonable time, a city may perform the required  
32 action and assess the costs against the abutting  
33 property for collection in the same manner as a  
34 property tax.  
35 e. A city has no duty under this subsection with  
36 respect to property that is required by law to be  
37 maintained by a railway company."  
38 2. By renumbering to conform to this amendment.

EDGAR H. HOLDEN

S-5359

- 1 Amend Senate File 2251 as follows:
- 2 1. Page 2, lines 3 and 4, by striking the words
- 3 "with the individual to" and inserting in lieu thereof
- 4 the words "and".
- 5 2. Page 2, by inserting after line 5 the following:
- 6 "Sec. 5. Section 148A.5, Code 1983, is repealed."

BOB CARR

S-5360

- 1 Amend Senate File 2224 as follows:
- 2 1. Page 1, line 6, by striking the word "tort"
- 3 and inserting in lieu thereof the word "negligence".

TOM MANN, JR.

S-5361

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 2, by striking lines 19 through 22 and
- 3 inserting in lieu thereof the words "administration
- 4 of food service, and two members".

EDGAR H. HOLDEN

S-5362

- 1 Amend amendment S-5342 to Senate File 2014 as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "committees." the following: "The interim study
- 5 committee shall examine the effects of political
- 6 action committees on elections and the desirability
- 7 of limiting political action committee contributions
- 8 to candidates, the policies of other states regarding
- 9 campaign financing, and the possibility and
- 10 desirability of public financing, in whole or in part,
- 11 of campaigns for state offices. Five nonlegislative
- 12 members shall be appointed to the interim study
- 13 committee, two by the presiding officer of the senate,
- 14 two by the presiding officer of the house of
- 15 representatives, and one by the governor. The
- 16 nonlegislative members shall be entitled to a per
- 17 diem of forty dollars and actual expenses for each
- 18 day while engaged in authorized committee meetings
- 19 from the funds appropriated by section 2.12. The
- 20 campaign finance disclosure commission shall provide

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21 assistance and information for the activities of the  
22 interim study committee."

TOM SLATER  
CHARLES BRUNER

S-5363

1 Amend Senate File 2224 as follows:  
2 1. Page 1, by inserting after line 15, the  
3 following:  
4 "As used in this subsection, the term "real  
5 property" means residential, single family dwellings."

TOM MANN, JR.

S-5364

1 Amend Senate File 2224 as follows:  
2 1. Page 1, line 12, by inserting after the word  
3 "death" the words "unless the defective or unsafe  
4 condition was known or should have been known to the  
5 defendant prior to the expiration of the limitation  
6 period".

TOM MANN, JR.

S-5365

1 Amend Senate File 2224 as follows:  
2 1. Page 1, by inserting after line 15, the  
3 following:  
4 "This subsection does not apply to unsafe or  
5 defective conditions which were latent conditions  
6 or conditions which were not reasonably discoverable  
7 by the owner, occupant, or operator."

TOM MANN, JR.

S-5366

1 Amend House File 2386, as amended and passed by  
2 the House, as follows:  
3 1. Page 5, by inserting after line 28 the following  
4 new section:  
5 "Sec. \_\_\_\_ . The department shall establish two  
6 pilot projects to evaluate the feasibility of  
7 developing area-wide ride-sharing programs. One pilot  
8 project shall be located in an urban area and the  
9 other in a rural area. The department shall coordinate  
10 its efforts with state and local agencies, existing

11 transportation providers and planning agencies. The  
 12 department shall consult with public and private  
 13 organizations to ascertain ride-sharing needs and  
 14 opportunities for client participation. Ride-sharing  
 15 in privately-owned vehicles shall be included in the  
 16 project. The department shall monitor the progress  
 17 of the projects and report at least once annually  
 18 to the general assembly and participating agencies.  
 19 It is intended that if the pilot programs prove that  
 20 ride-sharing is feasible, administration will be  
 21 delegated to the urban and regional transit systems.  
 22 The department shall implement in the pilot projects  
 23 appropriate telecommunications and data processing  
 24 technology to implement ride-sharing programs.”  
 25 2. Renumber sections and correct internal  
 26 references as necessary in accordance with this  
 27 amendment.

ARNE WALDSTEIN  
 JOE J. WELSH  
 RICHARD F. DRAKE

S-5367

- 1 Amend Senate File 2271 as follows:
- 2 1. Page 1, by striking lines 1 through 17.
- 3 2. By renumbering to conform to this amendment.

MILO COLTON  
 LEE W. HOLT

S-5368

- 1 Amend Senate amendment, S-5239, to Senate File
- 2 2271 as follows:
- 3 1. Page 1, line 40, by striking the word “actual”
- 4 and inserting in lieu thereof the words “willful and
- 5 wanton misconduct”.
- 6 2. Page 1, line 41, by striking the word “malice”.

MILO COLTON  
 TOM MANN, JR.

S-5369

- 1 Amend Senate amendment, S-5330, to Senate File
- 2 2274 as follows:
- 3 1. Page 1, line 6, by striking the word
- 4 “practitioner” and inserting in lieu thereof the word
- 5 “professional”.

6 2. Page 1, by striking line 9 and inserting in  
7 lieu thereof the words "dentistry, dental hygiene,  
8 or veterinary medicine".

EDGAR H. HOLDEN

S-5370

1 Amend Senate File 2274 as follows:

2 1. Page 6, by striking lines 15 and 16 and  
3 inserting in lieu thereof the following: "medicine  
4 technologist on or before July 1, 1984."

5 2. Page 8, line 4, by striking the words "one  
6 hundred eighty days" and inserting in lieu thereof  
7 the words "one year".

8 3. Page 8, by striking lines 5 through 16 and  
9 inserting in lieu thereof the following:

10 "3. The board shall issue a conditional license  
11 to a person upon individual application when there  
12 is evidence that the people in the locality of the  
13 state in which the conditional license is sought would  
14 be denied adequate health care because of  
15 unavailability of appropriately licensed persons under  
16 this chapter. A conditional license shall expire  
17 one year after issuance and shall be renewed upon  
18 application."

HURLEY W. HALL

S-5371

1 Amend Senate File 2278 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 135.64, unnumbered paragraph  
5 1, Code 1983, is amended by striking the unnumbered  
6 paragraph and inserting in lieu thereof the following:

7 In determining whether a certificate of need shall  
8 be issued, the department and council shall determine  
9 whether the community can afford the cost of the new  
10 or changed institutional health service. If so  
11 determined the council shall also consider the  
12 following:

13 Sec. 2. Section 135.64, Code 1983, is amended  
14 by adding the following new subsection as subsection  
15 3 and renumbering the subsequent subsection:

16 **NEW SUBSECTION.** 3. In addition to subsection  
17 2, for proposals exceeding a cost of two million  
18 dollars, the council shall receive an analysis of  
19 the impact on per capita costs of the proposal from

20 a three person panel with actuarial and health finance  
 21 experience and shall consider the impact of per capita  
 22 costs with respect to the community's current per  
 23 capita costs."

CHARLES BRUNER  
 EDGAR H. HOLDEN  
 TOM SLATER

S-5372

1 Amend Senate File 2206 as follows:  
 2 1. Page 3, by striking lines 26 through 30 and  
 3 inserting in lieu thereof the words "an act in violation  
 4 of this chapter."

TOM SLATER

S-5373

1 Amend Senate File 2303 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 364.12, subsection 2,  
 5 paragraphs b, c, and e, Code 1983, as amended by House  
 6 File 359, section 1, 1983 Session, are amended by  
 7 striking the paragraphs and inserting in lieu thereof  
 8 the following:  
 9 b. The city's general duty under this subsection  
 10 does not include a duty to remove natural accumulations  
 11 of snow or ice from the sidewalks.  
 12 c. The abutting property owner may be required  
 13 by ordinance to remove the natural accumulation of  
 14 snow and ice from the sidewalks within a reasonable  
 15 amount of time and to maintain all property outside  
 16 the lot and property lines and inside the curb lines  
 17 upon the public streets, except that the property  
 18 owner shall not be required to remove diseased trees  
 19 or dead wood on the publicly-owned property or right  
 20 of way.  
 21 e. If the abutting property owner does not perform  
 22 an action required under this subsection within a  
 23 reasonable time, a city may perform the required  
 24 action and assess the costs against the abutting  
 25 property for collection in the same manner as a  
 26 property tax."  
 27 2. By renumbering to conform to this amendment.

EDGAR H. HOLDEN  
 DON E. GETTINGS



S-5374

- 1 Amend the amendment, S-5299, to Senate File 2217  
2 as follows:
- 3 1. By striking page 1, line 4 through page 2,  
4 line 13 and inserting in lieu thereof the following:  
5 "Section 1. PROPOSED SCHEDULE OF CIVIL PENALTIES-  
6 -MINOR VIOLATIONS-DEPARTMENT OF WATER, AIR AND WASTE  
7 MANAGEMENT.
- 8 1. The water, air and waste management commission  
9 shall provide a schedule or range of civil penalties  
10 which may be administratively assessed. The proposed  
11 schedule shall be delivered to the speaker of the  
12 house of representatives and the president of the  
13 senate who shall forward the proposed schedule to  
14 the appropriate standing committees of the two houses  
15 for legislative consideration. The proposed schedule  
16 or range of civil penalties shall provide procedures  
17 and criteria for the administrative assessment of  
18 penalties of not more than one thousand dollars for  
19 minor violations of chapter 455B or rules, permits  
20 or orders adopted or issued under chapter 455B. In  
21 drafting the proposed schedule or range of penalties,  
22 the commission and the executive director shall  
23 consider among other relevant factors the following:  
24 a. The costs saved or likely to be saved by  
25 noncompliance by a violator.  
26 b. The gravity of the violation.  
27 c. The degree of culpability of a violator.  
28 d. The maximum penalty authorized for that  
29 violation under chapter 455B.
- 30 2. The water, air and waste management commission  
31 shall include a procedure for the screening of alleged  
32 violations to determine which cases may be appropriate  
33 for the administrative assessment of penalties.  
34 However, the screening procedure shall not limit the  
35 discretion of the department to refer any case to  
36 the attorney general for legal action.
- 37 2. Amend the title, by striking lines 1 through  
38 3 and inserting in lieu thereof the following: "An  
39 Act relating to a proposed schedule of civil penalties  
40 for minor violations of chapter 455B."

EDGAR H. HOLDEN

S-5375

- 1 Amend House File 489 as passed by the House, as  
2 follows:  
3 1. Page 1, line 6, by striking the word "state"

- 4 and inserting in lieu thereof the word "state".  
 5 2. Page 1, line 6, by inserting after the word  
 6 "agencies" the words "and institutions".  
 7 3. Page 1, by inserting after line 21 the  
 8 following:  
 9 "12. Palmer College of Chiropractic."

ENERGY COMMITTEE  
 JAMES V. GALLAGHER, Chair

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 111

S-5376

- 1 Amend Senate amendment H-5033 to House File 111  
 2 as passed by the House, as follows:  
 3 1. Page 1, by striking lines 2 through 11 and  
 4 inserting in lieu thereof the following:  
 5 "1. Page 1, line 5, by inserting after the word  
 6 "seed" the words "and the seed of other adapted grass.  
 7 and legumes including native grass species".

S-5377

- 1 Amend Senate File 2274 as follows:  
 2 1. Page 5, by striking lines 24 through 28 and  
 3 inserting in lieu thereof the following: "study in  
 4 radiography approved by the department."  
 5 2. Page 5, line 31, by striking the word "board"  
 6 and inserting in lieu thereof the word "department."  
 7 3. By striking page 5, line 32 through page 6,  
 8 line 1.  
 9 4. Page 6, by striking lines 3 through 9 and  
 10 inserting in lieu thereof the words "a course of study  
 11 approved by the department."  
 12 5. Page 6, by striking lines 17 through 27.  
 13 6. Page 6, line 31, by striking the word "board"  
 14 and inserting in lieu thereof the word "department".  
 15 7. Page 7, line 4, by striking the word "may"  
 16 and inserting in lieu thereof the word "shall".  
 17 8. Page 7, line 7, by striking the word "board"  
 18 and inserting in lieu thereof the word "department".  
 19 9. Page 7, line 8, by striking the word "board"  
 20 and inserting in lieu thereof the word "department".  
 21 10. Page 7, line 13, by striking the word "board"  
 22 and inserting in lieu thereof the word "department".  
 23 11. Page 7, line 25, by striking the words "at  
 24 its discretion" and inserting in lieu thereof the

25 words "in accordance with rules adopted by the  
26 department".

EDGAR H. HOLDEN

S-5378

- 1 Amend the amendment S-5352 to Senate File 2289 as
- 2 follows:
- 3 1. Page 2, line 1, by striking the words "A
- 4 thirty million dollar capitalization" and inserting
- 5 in lieu thereof the word "Capitalization".
- 6 2. Page 2, line 2, by striking the word "could"
- 7 and inserting in lieu thereof the word "may".

JAMES V. GALLAGHER

S-5379

- 1 Amend Senate File 2289 as follows:
- 2 1. Page 4, line 20, by striking the words "for
- 3 exhibition".
- 4 2. Page 4, line 22, by striking the words "for
- 5 exhibitions".
- 6 3. Page 4, by striking line 23, and inserting in
- 7 lieu thereof the words "trade center."

JAMES V. GALLAGHER

S-5380

- 1 Amend Senate File 2206 as follows:
- 2 1. Page 3, by striking lines 26 through 30 and in-
- 3 serting in lieu thereof the words "an act in violation
- 4 of this chapter".

TOM MANN, JR.

S-5381

- 1 Amend Senate File 2274 as follows:
- 2 1. Page 2, line 16, by striking the word
- 3 "radiologist" and inserting in lieu thereof the words
- 4 "licensed practitioner".
- 5 2. Page 3, by striking lines 28 through 30 and
- 6 inserting in lieu thereof the following:
- 7 "7. The provisions of this chapter shall not be
- 8 applicable to licensed".
- 9 3. Page 7, by striking lines 14 through 18.

HURLEY W. HALL

S-5382

- 1 Amend Senate File 2274 as follows:  
 2 1. Page 8, line 35, by striking the words  
 3 "censured, reprimanded, or".  
 4 2. Page 9, line 2, by striking the words "this  
 5 chapter" and inserting in lieu thereof the word and  
 6 figure "chapter 285A".  
 7 3. Page 10, by striking lines 3 through 30 and  
 8 inserting in lieu thereof the following:  
 9 "2. The board shall prescribe rules of procedure  
 10 by which it will suspend or revoke a license or impose  
 11 any other sanction as authorized by chapter 258A.  
 12 The rules shall conform to the contested case  
 13 provisions of chapter 17A."

TOM SLATER  
 CHARLES P. MILLER  
 JOE J. WELSH

S-5383

- 1 Amend Senate File 2315 as follows:  
 2 1. Page 2, by striking lines 5 through 10 and  
 3 inserting in lieu thereof the following:  
 4 "4. The department shall propose a schedule or  
 5 range of fines which may be administratively assessed  
 6 for minor violations of section 123.49 or rules or  
 7 orders adopted or issued under chapter 123. The  
 8 proposed schedule shall be delivered to the speaker  
 9 of the house of representatives and the president  
 10 of the senate who shall forward the proposed schedule  
 11 to the appropriate standing committees of the two  
 12 houses for legislative consideration. The proposed  
 13 schedule or range of civil penalties shall provide  
 14 procedures and criteria for the administrative  
 15 assessment of penalties of not more than three thousand  
 16 dollars."

EDGAR H. HOLDEN

S-5384

- 1 Amend Senate File 2164 as follows:  
 2 1. Page 1, line 18, by inserting after the word  
 3 "governor," the words "subject to confirmation by  
 4 the Senate".  
 5 2. Page 1, lines 27 and 28, by striking the words  
 6 "forty dollars per diem and" and inserting in lieu  
 7 thereof the words "forty dollars per diem and".

JOE BROWN  
 BOB CARR

S-5385

1 Amend Senate File 2289 as follows:

## DIVISION S—5385C

2 1. Page 2, line 2, by striking the word "ensure"  
3 and inserting in lieu thereof the word "benefit".

## DIVISION S—5385A

4 2. Page 2, by striking lines 11 through 13.  
5 3. Page 2, by striking lines 17 through 19 and  
6 inserting in lieu thereof the words "in the Iowa world  
7 trade center. Therefore it".  
8 4. Page 2, by striking lines 23 and 24 and  
9 inserting in lieu thereof the word "manner."

## DIVISION S—5385C

10 5. Page 2, line 25, by striking the words "is  
11 necessary" and inserting in lieu thereof the words  
12 "may be desirable".  
13 6. Page 2, line 30, by striking the words "is  
14 necessary" and inserting in lieu thereof the words  
15 "may be desirable".

## DIVISION S—5385B

16 7. Page 3, line 24, by striking the word "five"  
17 and inserting in lieu thereof the word "nine".  
18 8. Page 3, line 30, by striking the word "three"  
19 and inserting in lieu thereof the word "five".  
20 9. Page 3, line 32, by striking the word "two"  
21 and inserting in lieu thereof the word "four".  
22 10. Page 4, line 2, by striking the words "the  
23 following:" and inserting in lieu thereof the words  
24 "a majority of the membership of the board of directors  
25 voting in the affirmative."  
26 11. Page 4, by striking lines 3 through 7.

JAMES V. GALLAGHER  
ARNE WALDSTEIN  
ARTHUR L. GRATIAS  
DALE L. TIEDEN

S-5386

1 Amend Senate Resolution 106 as follows:  
2 1. Page 2, line 3, by adding after the word

3 "solids" the words "in such a fashion that these  
4 measures will not cause an increase in the retail  
5 price of fluid milk".

WILLIAM W. (Bill) DIELEMAN  
GEORGE R. KINLEY

S-5387

1 Amend House File 2302, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 7 through 13.

4 2. Page 1, by inserting after line 13 the  
5 following:

6 "Sec. 3. Section 232.96, subsection 6, Code  
7 Supplement 1983, is amended to read as follows:

8 6. A report, study, record, or other writing ~~or~~  
9 ~~an audiotape or videotape recording~~ made by the  
10 department of human services, a juvenile court officer,  
11 a peace officer or a hospital relating to a child  
12 in a proceeding under this division ~~shall be~~ is  
13 admissible notwithstanding any objection to hearsay  
14 statements contained ~~therein in~~ it provided it is  
15 relevant and material and provided its probative value  
16 substantially outweighs the danger of unfair prejudice  
17 to the child's parent, guardian, or custodian. The  
18 circumstances of the making of the report, study,  
19 record or other writing ~~or an audiotape or videotape~~  
20 ~~recording~~, including the maker's lack of personal  
21 knowledge, may be proved to affect its weight."

22 3. Title page, by striking lines 1 through 4 and  
23 inserting in lieu thereof the following: "An Act  
24 relating to the definition of child abuse and the  
25 admissibility of certain tape recordings as evidence  
26 in child in need of assistance cases."

27 4. By renumbering as necessary.

JULIA B. GENTLEMAN

S-5388

1 Amend Senate File 2292 as follows:

2 1. Page 1, by striking lines 14 through 27.

3 2. Title page, by striking lines 1 through 3 and  
4 inserting in lieu thereof the following: "An Act  
5 amending the definition of "child abuse" for purposes  
6 of reporting, investigation, and rehabilitation to  
7 include permitting a child to engage in prostitution  
8 and sexually exploiting a child in certain other  
9 ways."

JULIA B. GENTLEMAN

AMENDMENTS FILED

2027

S-5389

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 3, lines 21 and 22, by striking the words
- 3 "and educate groups or".
- 4 2. Page 3, line 22, by inserting before the word
- 5 "normal" the word "total".
- 6 3. Page 3, line 32, by inserting after the word
- 7 "professions." the words "The provisions of this Act
- 8 do not apply to medically approved weight-loss programs
- 9 as approved by the state department of health. The
- 10 commissioner of public health shall adopt rules for
- 11 the approval of such programs. An organization
- 12 offering an approved program shall not advertise the
- 13 department's approval of the program."

CHARLES P. MILLER  
TOM SLATER  
C.W. BILL HUTCHINS

S-5390

- 1 Amend the amendment S-5336 to Senate File 2274 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "dentistry,"
- 4 and inserting in lieu thereof the words "dentistry,
- 5 dental hygiene, veterinary medicine,".

EDGAR H. HOLDEN

S-5391

- 1 Amend Senate File 2099 as follows:
- 2 1. Page 1, line 10, by inserting after the
- 3 word "bidder." the following new sentence:
- 4 "However, this paragraph shall not be construed
- 5 to require competitive bids regarding the
- 6 contracting for labor costs to the extent the
- 7 project calls for the use of state employees to
- 8 provide that labor."

TOM SLATER  
CHARLES BRUNER  
BERL E. PRIEBE

S-5392

- 1 Amend House File 558 as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 7, by striking lines 4 through 35.  
4 2. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES  
BOB CARR, Chair

S-5393

- 1 Amend House File 2426 as follows:  
2 1. By striking page 1, line 33 through page 2,  
3 line 1, and inserting in lieu thereof the following:  
4 "under this section to any person except the state  
5 or a state agency. This section does not authorize  
6 the state to own or operate a hazardous waste treatment  
7 or disposal facility ~~and the state shall not own or~~  
8 operate such a facility for the treatment and disposal  
9 of hazardous wastes other than those generated by  
10 the state. The".

CHARLES BRUNER

S-5394

- 1 Amend Senate File 2308 as follows:  
2 1. Page 1, by striking lines 1 through 10 and  
3 inserting in lieu thereof the following:  
4 "Section 1. Section 524.910, subsection 2, Code  
5 1983, is amended to read as follows:  
6 2. Real property purchased by a state bank at  
7 sales upon foreclosure of mortgages or deeds of trust  
8 owned by it, or acquired upon judgments or decrees  
9 obtained or rendered for debts due it, or ~~such~~ real  
10 property as shall be conveyed to it in satisfaction  
11 of debts previously contracted in the course of its  
12 business, or ~~such~~ real property as it may obtain by  
13 redemption as a junior mortgagee or judgment creditor,  
14 shall be sold or otherwise disposed of by the state  
15 bank within one year after title is vested in the  
16 state bank, unless the time is extended by the  
17 superintendent. However, if the real property is  
18 farmland in a unit of at least eighty acres, then  
19 the bank may hold the real property for a period not  
20 to exceed five years from the time title is vested  
21 in the bank. The property may be held longer than  
22 five years with the approval of the superintendent."

EMIL J. HUSAK



S-5395

- 1 Amend Senate File 2289 as follows:
- 2 1. Page 3, line 1, by inserting after the word
- 3 "granted." the words "However, no state funds shall
- 4 be appropriated for the Iowa world center until all
- 5 general fund obligations have been met for the fiscal
- 6 year beginning July 1, 1984."

JAMES V. GALLAGHER

S-5396

- 1 Amend Senate File 2240 as follows:
- 2 1. Page 2, by striking lines 15 through 19 and
- 3 inserting in lieu thereof the following:
- 4 "7. "Organized health care systems" means health
- 5 care facilities as defined in section 135C.1,
- 6 subsection 4, clinic home health agencies, hospitals
- 7 as defined in section 135B.1, subsection 1 and public
- 8 or community health services."
- 9 2. Page 8, by striking lines 27 through 29 and
- 10 inserting in lieu thereof the following: "respiratory
- 11 care. The department shall not authorize".

CHARLES P. MILLER

S-5397

- 1 Amend Senate File 2274 as follows:
- 2 1. Page 6, line 26, by inserting after the word
- 3 "hospitals" the words "or clinics".

CHARLES P. MILLER

S-5398

- 1 Amend House File 558, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 28, by inserting after the word
- 4 "relative." the words "The application form shall
- 5 include information relating to both the assistance
- 6 for funeral expenses provided under this chapter and
- 7 the opportunity to make anatomical donations under
- 8 chapter 142 or 142A."

CHARLES P. MILLER

S-5399

- 1 Amend Senate File 2289 as follows:
- 2 1. Page 3, line 1, by inserting after the word

3 "granted." the words "However, no state funds shall  
4 be appropriated for the Iowa world trade center until  
5 all general fund obligations have been met for the  
6 fiscal year beginning July 1, 1984."

JAMES V. GALLAGHER

S-5400

1 Amend Senate File 2299 as follows:

2 1. Page 4, by inserting after line 7 the following:

3 "Sec. 100. SCHOOL IMPROVEMENT PROJECTS. For the  
4 school year beginning July 1, 1985, the board of a  
5 school district may by a majority vote of the board  
6 vote to request approval from the department of public  
7 instruction to raise money for a school improvement  
8 project.

9 The amount of money raised in a district for a  
10 school improvement project shall not exceed an amount  
11 equal to two percent multiplied by, the district cost  
12 of the district. School improvement project shall  
13 be developed in a school district under section 280.12.  
14 Prior to the vote, the board of directors shall conduct  
15 an educational needs assessment of the school district.  
16 The various activities included in the proposal for  
17 a school improvement project shall be determined by  
18 the board in consultation with a steering committee  
19 appointed by the board that includes representatives  
20 of school personnel and the communities in the school  
21 district.

22 The board of directors shall hold a public hearing  
23 on the school improvement project prior to its  
24 submission to the department of public instruction.  
25 The date and location of the public hearing shall  
26 be published in a newspaper in general circulation  
27 in the district not less than fourteen days before  
28 the date set for the hearing. Following the hearing,  
29 the board may vote to submit the plans for the project  
30 to the department of public instruction.

31 Sec. 101. PLANS. Plans for a school improvement  
32 project shall be submitted to the department not later  
33 than December 1, 1984 and they shall include all of  
34 the following:

35 1. Verification that the procedures outlined for  
36 the board of directors in section 100 of this Act  
37 have been met.

38 2. Statements of expectations in each area of  
39 the curriculum with appropriate curriculum development  
40 activities.

41 3. Statements of expectations for improvement

42 of instruction with appropriate staff development  
43 activities.

44 4. Stated criteria for program and personnel  
45 appraisal and provision for a continuing record of  
46 progress.

47 Sec. 102. APPROVAL BY DEPARTMENT. The department  
48 of public instruction shall review the plans for  
49 compliance with the requirements of section 101 of  
50 this Act and not later than March 1, 1985 shall inform

Page 2

1 the boards of directors of districts with approved  
2 projects.

3 Sec. 103. FUNDING. The amount of funding approved  
4 for a school improvement project shall be raised by  
5 a combination of a property tax and an income surtax  
6 imposed in the proportion of a property tax of twenty-  
7 seven cents per thousand dollars of assessed valuation  
8 of taxable property in the district for each five  
9 percent of income surtax.

10 The board shall certify to the state comptroller  
11 the amount to be raised, and the state comptroller  
12 shall establish the amount of property tax to be  
13 levied and the amount of the income surtax to be  
14 imposed for the school year beginning July 1, 1985.  
15 The state comptroller shall determine these amounts  
16 based upon the most recent figures available for the  
17 district's valuation of taxable property and individual  
18 state income tax paid, and shall certify to the  
19 district's county auditor the amount of property tax,  
20 and to the director of revenue the amount of income  
21 surtax to be imposed. Moneys collected from the  
22 property tax and income surtax are miscellaneous  
23 income. However, a separate accounting of the funds  
24 raised for the school improvement project shall be  
25 maintained and these funds shall only be expended  
26 for expenses incurred in funding the school improvement  
27 project.

28 Sec. 104. INCOME SURTAX. The income surtax shall  
29 be imposed on the state individual income tax for  
30 the calendar year during which the school's budget  
31 year begins, or for a taxpayer's fiscal year ending  
32 during the second half of that calendar year or the  
33 first half of the succeeding calendar year, and shall  
34 be imposed on all individuals residing in the school  
35 district on the last day of the applicable tax year.  
36 As used in this section, "state individual income  
37 tax" means the tax computed under section 422.5, less

38 the deductions allowed in section 422.12, and "budget  
 39 year" means budget year as defined in section 442.6.  
 40 Sections 442.16 through 442.20 apply to the income  
 41 surtax for school improvement projects."

JOE BROWN

S-5401

1 Amend Senate File 2291 as follows:

2 1. Page 1, by inserting after line 25 the  
 3 following:

4 "Sec. 3. Section 537.2202, Code 1983, is amended  
 5 to read as follows:

6 537.2202 FINANCE CHARGE FOR CONSUMER CREDIT SALES  
 7 PURSUANT TO OPEN END CREDIT.

8 1. With respect to a consumer credit sale made  
 9 pursuant to open end credit, a creditor may contract  
 10 for and receive a any finance charge not exceeding  
 11 that permitted in this section as agreed to by the  
 12 parties.

13 2. For each billing cycle, a charge may be made  
 14 which is a percentage of an amount not exceeding the  
 15 greatest of the following:

16 a. The average daily balance of the open end  
 17 account in the billing cycle for which the charge  
 18 is made, which is the sum of the amount unpaid each  
 19 day during that cycle, divided by the number of days  
 20 in that cycle. The amount unpaid on a day is  
 21 determined by adding to the balance, if any, unpaid  
 22 as of the beginning of that day all purchases and  
 23 other debits and deducting all payments and other  
 24 credits made or received as of that day.

25 b. The balance of the open end account at the  
 26 beginning of the first day of the billing cycle, after  
 27 deducting all payments and credits made in the cycle  
 28 except credits attributable to purchases charged to  
 29 the account during the cycle.

30 c. The median amount within a specified range  
 31 including the balance of the open end account not  
 32 exceeding that permitted by paragraph "a" or "b".  
 33 A charge may be made pursuant to this paragraph only  
 34 if the creditor, subject to classifications and  
 35 differentiations he may reasonably establish, makes  
 36 the same charge on all balances within the specified  
 37 range and if the percentage when applied to the median  
 38 amount within the range does not produce a charge  
 39 exceeding the charge resulting from applying that  
 40 percentage to the lowest amount within the range by  
 41 more than eight percent of the charge on the median

42 amount.

43 3. If the billing cycle is monthly, the charge  
44 may not exceed an amount equal to one and one-half  
45 percent of that part of the maximum amount pursuant  
46 to subsection 2 which is five hundred dollars or less  
47 and one and one-fourth percent of that part of the  
48 maximum amount which is more than five hundred dollars.  
49 If the billing cycle is not monthly, the maximum  
50 charge for the billing cycle shall bear the same

Page 2

1 relation to the applicable monthly maximum charge  
2 as the number of days in the billing cycle bears to  
3 three hundred sixty-five divided by twelve. A billing  
4 cycle is monthly if the closing date of the cycle  
5 is the same date each month or does not vary by more  
6 than four days from the regular date.

7 4. If the charge determined pursuant to  
8 subsection 3 is less than fifty cents, a charge may  
9 be made which does not exceed fifty cents if the  
10 billing cycle is monthly or longer, or the pro rata  
11 part of fifty cents which bears the same relation  
12 to fifty cents as the number of days in the billing  
13 cycle bears to three hundred sixty-five divided by  
14 twelve if the billing cycle is shorter than monthly."

EMIL J. HUSAK  
JACK RIFE

S-5402

1 Amend Senate File 2274 as follows:

2 1. Page 3, line 11, by inserting after the word  
3 "to" the words "one specific part of".

4 2. Page 3, line 12, by striking the word  
5 "practitioner" and inserting in lieu thereof the word  
6 "practitioner."

7 3. Page 3, by striking lines 13 and 14 and  
8 inserting in lieu thereof the following: "A person  
9 holding a license as a limited radiographer who has  
10 received appropriate clinical experience during  
11 required training may apply x-radiation to the human  
12 body for diagnostic purposes, while under the  
13 supervision of a licensed practitioner, in the  
14 extremities and the chest area. A limited radiographer  
15 may also perform additional diagnostic radiographic  
16 procedures for which the person has been certified  
17 by a radiologist following satisfactory completion  
18 of a course of clinical training approved by the

19 department of health. The person may use the".

BERLE E. PRIEBE  
DALE L. TIEDEN  
DONALD V. DOYLE

S-5403

- 1 Amend Senate File 2291 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "issuer." the following: "A creditor operating under
- 4 this subsection shall not discriminate among persons
- 5 from whom the cardholder may purchase or lease goods
- 6 or services by charging the persons differing rates
- 7 for the handling or processing of charges on credit
- 8 cards issued by the creditor and accepted by the
- 9 persons."

BOB CARR

S-5404

- 1 Amend Senate File 2291 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and inserting
- 3 in lieu thereof the following: "and receive a finance
- 4 charge not to exceed twenty-two percent per year with
- 5 respect to a loan pursuant to open-end credit".

BOB CARR

S-5405

- 1 Amend Senate File 2291 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "issuer." the following: "However, a creditor
- 4 operating under this subsection shall not charge an
- 5 annual charge pursuant to section 537.2501, subsection
- 6 1, paragraph "d",

BOB CARR

S-5406

- 1 Amend the amendment S-5401 to Senate File 2291 as
- 2 follows:
- 3 1. Page 2, line 8, by striking the word and fig-
- 4 ure "subsection 3" and inserting in lieu thereof the
- 5 words "~~subsection 3~~ this section".

EDGAR H. HOLDEN

S-5407

- 1 Amend House File 2338 as passed by the House
- 2 as follows:
- 3 1. Page 1, by striking lines 1 through 4 and
- 4 inserting in lieu thereof the following:
- 5 "Section 1. Section 476.6, Code Supplement 1983,
- 6 is amended by adding the following new subsection
- 7 immediately following subsection 4 and renumbering
- 8 the subsequent subsections:
- 9 **NEW SUBSECTION. 5. TELEPHONE DIRECTORY ASSISTANCE**
- 10 **CHARGES-RECORD PRO-".**
- 11 2. Title page, by striking lines 2 through 4 and
- 12 inserting in lieu thereof the following: "directory
- 13 assistance charges."

JULIA B. GENTLEMAN

S-5408

- 1 Amend amendment S-5310 to Senate File 2270 as
- 2 follows:
- 3 1. Page 1, by striking line 4 and inserting in
- 4 lieu thereof the following:
- 5 ""Sec. 3. Section 912.13, Code 1983, is repealed.
- 6 Sec. 4. Section 3 of this Act, being deemed of
- 7 immediate importance, takes effect from and after
- 8 the Act's publication in the Onawa Democrat, a news-
- 9 paper published in Onawa, Iowa and in the Diamond
- 10 Trial News, a newspaper published in Sully, Iowa and
- 11 sections 1 and 2 of this Act shall take effect July 1
- 12 following enactment.""

DONALD V. DOYLE  
WILLIAM W. (Bill) DIELEM/  
TOM MANN, JR.

S-5409

- 1 Amend Senate File 2291 as follows:
- 2 1. Page 1, line 10 by inserting after the
- 3 word "issuer." the following: "However, a creditor
- 4 operating under this subsection shall not charge
- 5 an annual charge pursuant to section 537.2501,
- 6 subsection 1, paragraph "d" on cards with a credit
- 7 limit of \$5,000 or less."

CHARLES BRUNER  
JACK RIFE

S-5410

- 1 Amend Senate File 2291 as follows:  
 2 1. Page 1, line 2, by striking the word  
 3 "subsection" and inserting in lieu thereof the  
 4 word "subsections".  
 5 2. Page 1, by inserting after line 10 the following:  
 6 **"NEW SUBSECTION. 6.** If the differential treatment  
 7 of this section based on the number of persons honoring  
 8 a credit card is found to be unconstitutional, a  
 9 creditor may contract for and receive a finance charge  
 10 not to exceed twenty-two percent per year for a loan  
 11 pursuant to open-end credit."

DOUGLAS RITSEMA

S-5411

- 1 Amend Senate File 2291 as follows:  
 2 1. Page 1, line 6, by inserting after the word  
 3 "loan" the following: "or consumer credit sales".  
 4 2. Page 1, by striking lines 7 through 10, and  
 5 inserting in lieu thereof the following: "obtained  
 6 pursuant to a credit card or a charge account."

JACK RIFE  
EMIL J. HUSAK

S-5412

- 1 Amend House File 540, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 1, line 26 through page 2,  
 4 line 4 and inserting in lieu thereof the following:  
 5 **"NEW SUBSECTION. 7.** A farm labor contractor who  
 6 contracts with a person engaged in the production  
 7 of seed to remove genetically deviant plants or corn  
 8 tassels or to hand pollinate plants shall file with  
 9 the commissioner a bond of at least twenty thousand  
 10 dollars on behalf of the person engaged in the  
 11 production of seed, with a corporate surety approved  
 12 by the commissioner, securing the payment of all wages  
 13 due the employees of the farm labor contractor. If  
 14 the bond is not filed as required or if the farm labor  
 15 contractor fails to pay all wages due the employees  
 16 of the farm labor contractor, the person engaged in  
 17 the production of seed shall be liable to the employees  
 18 for wages not paid by the farm labor contractor."

C.W. BILL HUTCHINS



S-5413

1 Amend Senate File 2261 as follows:

2 1. Page 2, by inserting after line 34 the  
3 following:

4 "Sec. 101. Section 534.10, Code 1983, is amended  
5 to read as follows:

6 534.10 SAVINGS LIABILITY. The savings liability  
7 of an association is not limited, but ~~shall consist~~  
8 ~~consists~~ only of the aggregate amount of share accounts  
9 of its members, plus dividends credited to ~~such the~~  
10 accounts, less redemption and withdrawal payments.  
11 Except as limited by the board of directors ~~from time~~  
12 ~~to time~~, a member may make additions to ~~his the~~  
13 ~~member's~~ share account in ~~such the~~ amounts and at  
14 ~~such the~~ times as he may elect ~~the member elects~~.  
15 Share accounts shall be opened for cash. The members  
16 of an association ~~shall are~~ not be responsible for  
17 any losses which its savings liability ~~shall is~~ not  
18 be sufficient to satisfy, and share accounts ~~shall~~  
19 ~~are~~ not be subject to assessment, nor ~~shall are~~ the  
20 holders thereof be ~~of share accounts~~ liable for any  
21 unpaid installments on their accounts. Dividends  
22 shall be declared in accordance with the provisions  
23 of this chapter. ~~No An~~ association shall ~~not~~ prefer  
24 one of its share accounts over any other share account  
25 as to the right to participate in dividends as to  
26 time or amount, ~~excepting except~~ that an association  
27 may classify its savings accounts according to ~~the~~  
28 ~~location of the offices at which the accounts are~~  
29 ~~opened~~, the character, amount or duration thereof  
30 ~~of the accounts~~, or ~~the~~ regularity of additions thereto  
31 ~~to the accounts~~, and may agree in advance to pay an  
32 additional rate of earnings for particular classes  
33 of accounts such as a variable rate or bonus for  
34 saving larger amounts, or for maintaining such savings  
35 over a longer period of time or with regularity, as  
36 determined by the board of directors; ~~however,~~  
37 ~~However~~, all ~~such classes of~~ accounts shall be  
38 available to all qualifying members. The board of  
39 directors may also determine that earnings shall not  
40 be paid on ~~any such an~~ account which has a withdrawable  
41 value in an amount less than fifty dollars. ~~No~~  
42 ~~preference Preference~~ between share account members  
43 shall ~~not~~ be created with respect to the distribution  
44 of assets upon voluntary or involuntary liquidation,  
45 dissolution, or winding up of an association. ~~No~~  
46 ~~An~~ association shall have power to ~~not~~ contract with  
47 respect to the savings liability in a manner

48 inconsistent with the provisions of this chapter."  
 49 2. Page 6, by inserting after line 28 the  
 50 following:

Page 2

1 "Sec. 102. NEW SECTION. 534.98 NAME. The name  
 2 of an association shall contain the words "savings  
 3 bank" or the words "savings and loan association."  
 4 3. Page 6, by inserting after line 28 the  
 5 following:  
 6 "Sec. 103. NEW SECTION. 534.99 POWERS OF SAVINGS  
 7 BANKS. A savings bank organized under this chapter  
 8 may exercise the same powers as a federally-chartered  
 9 savings bank so long as those powers are consistent  
 10 with this chapter."  
 11 4. Renumber as necessary.

EDGAR H. HOLDEN

S-5414

1 Amend Senate File 2249 as follows:  
 2 1. By striking page 5, line 29, through page 6,  
 3 line 5.

JOE J. WELSH

S-5415

1 Amend House File 2386 as follows:  
 2 1. Page 4, line 22, by inserting after the word  
 3 "services" the words ", except public school trans-  
 4 portation,".

HURLEY W. HALL

S-5416

1 Amend Senate File 2295 as follows:  
 2 1. Page 1, line 4, by striking the word "An" and  
 3 inserting in lieu thereof the words "A public".  
 4 2. Page 1, line 7, by inserting after the word  
 5 "entitlements" the words ", unless the employer first  
 6 notifies the employee of the employee's option to  
 7 supplement and the employee elects to so supplement".  
 8 3. Page 1, by striking lines 12 through 14 and  
 9 inserting in lieu thereof the words "in Waterloo,  
 10 Iowa."

TED ANDERSON

S-5417

- 1 Amend the amendment S-5281 to Senate File 2270 as
- 2 follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "deposit" the words "one-half of".
- 5 2. Page 1, line 12, by inserting after the figure
- 6 "912" the following: "and deposit one-half of the money in
- 7 a separate fund dedicated and used for the purposes
- 8 of sections 125.1 to 125.43".

JAMES V. GALLAGHER

S-5418

- 1 Amend Senate File 2297 as follows:
- 2 1. Page 1, by striking line 2 and inserting in
- 3 lieu thereof the words "amended to read as follows:
- 4 3. COMPENSATION PAYABLE. Except as in this chapter
- 5 otherwise provided, compensation for disability from
- 6 uncomplicated pneumoconiosis shall be payable in
- 7 accordance with the provisions hereof; provided,
- 8 however, that no compensation shall be payable for
- 9 disability from pneumoconiosis of less than ~~thirty-~~
- 10 ~~three and one-third~~ twenty-five percent of total,
- 11 and provided further that, during the transitory
- 12 period, the aggregate compensation payable to employees
- 13 and their dependents for disability and death for
- 14 uncomplicated pneumoconiosis shall be limited as
- 15 follows: If disablement occurs or in case of no claim
- 16 for prior disablement, if death occurs in the third
- 17 calendar month after October 1, 1947, the total
- 18 compensation and death benefits payable shall not
- 19 exceed the sum of five hundred dollars. If disablement
- 20 occurs or in case of no claim for prior disablement,
- 21 if death occurs during the next calendar month, the
- 22 total compensation and death benefits payable shall
- 23 not exceed five hundred fifty dollars. Thereafter,
- 24 the total amount or limit of the compensation and
- 25 death benefits payable for disability and death shall
- 26 be increased at the rate of fifty dollars per month,
- 27 the aggregate payable in each case to be limited
- 28 according to the foregoing formula for the month in
- 29 which disability occurs, or, in case of no claim for
- 30 prior disablement, in which death occurs. Such
- 31 progressive increase in the limits of the aggregate
- 32 compensation and benefits for disability and death
- 33 shall continue until the limit upon such benefits
- 34 fixed in the workers' compensation law is reached,
- 35 and thereafter the total aggregate of such compensation
- 36 and benefits shall be the total compensation and

37 benefits otherwise provided in the workers'  
38 compensation law."

JOHN W. JENSEN

S-5419

1 Amend Senate File 2297 as follows:  
2 1. Page 1, line 4, by striking the word "filed"  
3 and inserting in lieu thereof the words "where  
4 injurious exposure occurred".

JOHN W. JENSEN

S-5420

1 Amend Senate File 2293 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. Section 232.2, Code Supplement 1983,  
5 is amended by adding the following new subsection  
6 as subsection 4 and renumbering the subsequent  
7 subsections:  
8 **NEW SUBSECTION. 4.** "Case permanency plan" means  
9 the plan, mandated by Pub. L. No. 96-272, as codified  
10 in 42 U.S.C., secs. 671(a)(16), 627(a)(2)(B), and  
11 675(1),(5), designed to achieve placement in the least  
12 restrictive, most family-like setting available and  
13 in close proximity to the parent's home, consistent  
14 with the best interests and special needs of the  
15 child. The plan shall specifically include all of  
16 the following:  
17 a. Plans for carrying out the voluntary placement  
18 agreement or judicial determination pursuant to which  
19 the child entered care.  
20 b. The type and appropriateness of the placement  
21 and services to be provided to the child.  
22 c. The care and services that will be provided  
23 to the child, natural parents, and foster parents.  
24 d. How the care and services will meet the needs  
25 of the child while in care and will facilitate the  
26 child's return home or other permanent placement.  
27 Sec. 2. Section 232.52, Code Supplement 1983,  
28 is amended by adding the following new subsections:  
29 **NEW SUBSECTION. 5.** If the court orders the  
30 transfer of custody of the child to the department  
31 of human services or other agency for placement, the  
32 department or agency responsible for the placement  
33 of the child shall submit a case permanency plan to  
34 the court and shall make every effort to return the

35 child to the child's home as quickly as possible.  
36 **NEW SUBSECTION.** 6. When the court orders the  
37 transfer of legal custody of a child pursuant to  
38 section 232.52, subsection (2), paragraphs "d", "e",  
39 or "f", the order shall state that reasonable efforts  
40 have been made to prevent or eliminate the need for  
41 removal of the child from the child's home.

42 Sec. 3. Section 232.95, subsection 2, paragraph  
43 a, Code 1983, is amended by adding the following new  
44 unnumbered paragraph:

45 **NEW UNNUMBERED PARAGRAPH.** If removal is ordered,  
46 the order shall, in addition, contain a statement  
47 that removal from the home is the result of a  
48 determination that continuation therein would be  
49 contrary to the welfare of the child, and that  
50 reasonable efforts have been made to prevent or

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1 eliminate the need for removal of the child from the  
2 child's home.

3 Sec. 4. Section 232.102, subsection 3, paragraph  
4 b, Code Supplement 1983, is amended by adding the  
5 following new unnumbered paragraph:

6 **NEW UNNUMBERED PARAGRAPH.** The order shall, in  
7 addition, contain a statement that removal from the  
8 home is the result of a determination that continuation  
9 therein would be contrary to the welfare of the child,  
10 and that reasonable efforts have been made to prevent  
11 or eliminate the need for removal of the child from  
12 the child's home.

13 Sec. 5. Section 232.102, subsection 5, Code  
14 Supplement 1983, is amended to read as follows:

15 5. In any order transferring custody to the  
16 department or an agency, or in orders pursuant to  
17 a custody order, the court shall specify the nature  
18 and category of disposition which will serve the best  
19 interests of the child, and shall prescribe the means  
20 by which the placement shall be monitored by the  
21 court. If the court orders the transfer of the custody  
22 of the child to the department of human services or  
23 other agency for placement, the department or agency  
24 shall submit a case permanency plan to the court a  
25 specific plan for placement of the child and shall  
26 make every effort to return the child to his or her  
27 the child's home as quickly as possible. If the court  
28 orders the transfer of custody to a relative or other  
29 suitable person, the court may direct the department  
30 or other agency to provide services to the child's

31 parent, guardian or custodian in order to enable them  
32 to resume custody of the child.

33 Sec. 6. Section 232.102, subsection 6, Code  
34 Supplement 1983, is amended to read as follows:

35 6. The duration of any placement made after an  
36 order pursuant to this section shall be for an initial  
37 period of six months. At the expiration of that  
38 period and every six months thereafter, the court  
39 shall hold a hearing and review the placement in order  
40 to determine whether the child should be returned  
41 home, an extension of the placement should be made,  
42 or a termination of the parent-child relationship  
43 proceeding should be instituted. The placement should  
44 be terminated and the child returned to his or her  
45 the child's home if the court finds by a preponderance  
46 of the evidence that the child will not suffer harm  
47 in the manner specified in section 232.2, subsection  
48 5. If the placement is extended, the court should  
49 determine whether additional services are necessary  
50 to facilitate the return of the child to his or her

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1 the child's home, and if the court determines such  
2 services are needed, the court shall order the  
3 provision of such services.

4 Sec. 7. Section 232.117, Code Supplement 1983,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 5. If the court orders the  
7 termination of parental rights and transfers  
8 guardianship and custody under subsection 3, the  
9 department of human services or the agency responsible  
10 for the placement shall submit a case permanency plan  
11 to the court and shall make every effort to establish  
12 a stable placement for the child by adoption or other  
13 permanent placement. The child's placement shall  
14 be reviewed by the court every six months until the  
15 child is adopted.

16 Sec. 8. NEW SECTION. 237.15 DEFINITIONS. For  
17 the purposes of this division unless otherwise defined:

- 18 1. "Local board" means a local foster care review  
19 board created pursuant to section 237.19.
- 20 2. "State board" means the state foster care  
21 review board created pursuant to section 237.16.
- 22 3. "Child receiving foster care" means a child  
23 defined in section 234.1 whose foster care placement  
24 is the financial responsibility of the state pursuant  
25 to section 234.35, subsections 1, 2, or 4 or 234.36  
26 or who is under the guardianship of the department.

27 4. "Person or court responsible for the child"  
28 means the department, including but not limited to  
29 the department of human services, agency, or individual  
30 who is the guardian of a neglected, dependent, or  
31 delinquent child by court order and has the  
32 responsibility of the care of the child, or the court  
33 having jurisdiction over the child.

34 5. "Family" means the social unit consisting of  
35 the child and the biological or adoptive parent,  
36 stepparent, brother, sister, stepbrother, stepsister,  
37 and grandparent of the child.

38 6. "Case permanency plan" means the plan, mandated  
39 by Pub. L. No. 96-272, as codified in 42 U.S.C., secs.  
40 671(a)(16), 627(a)(2)(B), and 675(1)(5), designed  
41 to achieve placement in the least restrictive, most  
42 family-like setting available and in close proximity  
43 to the parent's home, consistent with the best  
44 interests and special needs of the child. The plan  
45 shall specifically include all of the following:

46 a. Plans for carrying out the voluntary placement  
47 agreement or judicial determination pursuant to which  
48 the child entered care.

49 b. The type and appropriateness of the placement  
50 and services to be provided to the child.

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1 c. The care and services that will be provided  
2 to the child, natural parents, and foster parents.  
3 d. How the care and services will meet the needs  
4 of the child while in care and will facilitate the  
5 child's return home or other permanent placement.

6 **Sec. 9. NEW SECTION. 237.16 STATE FOSTER CARE**  
7 **REVIEW BOARD.** The state foster care review board  
8 is created. The state board consists of seven members  
9 appointed by the governor, subject to confirmation  
10 by the senate and directly responsible to the governor.  
11 Vacancies on the state board shall be filled in the  
12 same manner as original appointments.

13 The members of the state board shall annually  
14 select a chairperson, vice chairperson, and other  
15 officers the members deem necessary. The members  
16 shall not receive per diem but shall receive  
17 reimbursement for actual and necessary expenses  
18 incurred in their duties as members. The state board  
19 shall meet at least twice a year.

20 An employee of the department, an employee or board  
21 member of a child-placing agency, an employee of an  
22 agency with which the department contracts for services

23 for children under foster care, a foster parent  
 24 providing foster care, or an employee of the district  
 25 court is not eligible to serve on the state board.  
 26 Sec. 10. **NEW SECTION. 237.17 FOSTER CARE**  
 27 **REGISTRY.** The state board shall establish a registry  
 28 of the placements of all children receiving foster  
 29 care in the two judicial districts with local boards.  
 30 The department shall notify the state board of each  
 31 placement within three working days of the department's  
 32 notification of the placement. The notification to  
 33 the state board shall include information identifying  
 34 the child receiving foster care and placement  
 35 information for that child.

36 Within thirty days of the placement the agency  
 37 responsible for the placement shall submit the case  
 38 permanency plan to the state board. All subsequent  
 39 revisions of the case permanency plan shall be  
 40 submitted when the revisions are developed. In cases  
 41 where the agency responsible for the placement is  
 42 not the department, the case permanency plan shall  
 43 also be submitted to the department.

44 Sec. 11. **NEW SECTION. 237.18 POWERS AND DUTIES**  
 45 **OF STATE BOARD.** The state board shall:

- 46 1. Review the activities and actions of local  
 47 boards.
- 48 2. Adopt rules pursuant to chapter 17A to:
  - 49 a. Establish a central recordkeeping facility  
 50 for the files of local review boards including

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- 1 individual case reviews.
- 2 b. Accumulate data and develop an annual report  
 3 regarding children in foster care. The report shall  
 4 include:
  - 5 (1) Personal data regarding the total number of  
 6 days of foster care provided and the characteristics  
 7 of the children receiving foster care.
  - 8 (2) The number of placements of children in foster  
 9 care.
  - 10 (3) The frequency and results of court reviews.
  - 11 (4) Contrasts between the foster care placement  
 12 policies by judicial district, with special emphasis  
 13 upon districts with and without local review boards.
- 14 c. Evaluate the judicial and administrative data  
 15 collected on foster care and disseminate the data  
 16 to the governor, the supreme court, the chief judge  
 17 of each judicial district, the department, and child-  
 18 placing agencies.



19 d. Establish mandatory training programs for  
20 members of the state and local review boards including  
21 an initial training program and periodic in-service  
22 training programs. Training shall focus on, but not  
23 be limited to, the following:

24 (1) The history, philosophy and role of the  
25 juvenile court in the child protection system.

26 (2) Juvenile court procedures under the juvenile  
27 justice act.

28 (3) The foster care administrative review process  
29 of the department of human services.

30 (4) The role and procedures of the citizen's  
31 foster care review system.

32 (5) The Adoption Assistance and Child Welfare  
33 Act of 1980, Pub. L. No. 96-272.

34 (6) The purpose of case permanency plans, and  
35 the type of information that will be available in  
36 those plans.

37 (7) The situations where the goals of either  
38 reuniting the child with the child's family or adoption  
39 would be appropriate.

40 (8) The legal processes that may lead to foster  
41 care placement.

42 (9) The types and number of children involved  
43 in those legal processes.

44 (10) The types of foster care placement available,  
45 with emphasis on the types and number of facilities  
46 available on a regional basis.

47 (11) The impact of specific physical or mental  
48 conditions of a child on the type of placement most  
49 appropriate and the kind of progress that should be  
50 expected in those situations.

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1 e. Establish procedures for the local review board  
2 consistent with the provisions of section 237.20.

3 f. Establish grounds and procedures for removal  
4 of a local review board member.

5 3. Assign the case of each child receiving foster  
6 care within the judicial district selected in section  
7 237.19, subsection 1, to the appropriate local board.

8 4. Assist local boards in reviewing each case  
9 of a child receiving foster care, as provided in  
10 section 237.20.

11 5. Employ a state director and appropriate staff  
12 in accordance with available funding.

13 The state board shall make recommendations to the  
14 general assembly, the department, to child-placing

15 agencies, the governor, the supreme court, the chief  
 16 judge of each judicial district, and to the judicial  
 17 department. The recommendations shall include, but  
 18 are not limited to, necessary changes relating to  
 19 the data collected and the annual report made under  
 20 subsection 2, paragraph "b".

21 Sec. 12. NEW SECTION. 237.19 LOCAL FOSTER CARE  
 22 REVIEW BOARDS.

23 1. The state board shall establish local foster  
 24 care boards in two judicial districts in the state  
 25 to review cases of children receiving foster care.  
 26 These districts shall be selected to allow comparison  
 27 of the effectiveness of local boards in different  
 28 types of counties in the state. The department shall  
 29 discontinue its foster care review process in at least  
 30 one of these districts when the local foster care  
 31 review boards are established and operating. The  
 32 state board shall select five members and two alternate  
 33 members to serve on each local board in consultation  
 34 with the chief judge of each judicial district. The  
 35 actual number of local boards needed and established  
 36 shall be determined by the state board. However,  
 37 the state board shall seek to establish a sufficient  
 38 number of boards to ensure no board must evaluate  
 39 more than one hundred cases annually. The members  
 40 of each local board shall consist of persons of the  
 41 various social, economic, racial, and ethnic groups  
 42 and various occupations of their district. A person  
 43 employed by the state board or the department, the  
 44 district court, an employee of an agency with which  
 45 the department contracts for services for children  
 46 under foster care, a foster parent providing foster  
 47 care, or a child-placing agency shall not serve on  
 48 a local board. The state board shall provide the  
 49 names of the members of the local boards to the  
 50 department.

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1 2. Vacancies on a board shall be filled in the  
 2 same manner as original appointments. The members  
 3 shall not receive per diem but shall receive  
 4 reimbursement for actual and necessary expenses  
 5 incurred in their duties as members.

6 Sec. 13. NEW SECTION. 237.20 LOCAL BOARD DUTIES.

7 A local board shall:

8 1. Review every six months the case of each child  
 9 receiving foster care assigned to the local board

10 by the state board to determine whether satisfactory  
11 progress is being made toward the goals of the case  
12 permanency plan pursuant to section 237.22. As much  
13 as is possible, review shall be conducted immediately  
14 prior to court reviews of the case.

15 During each six month review, the local board shall  
16 review all of the following:

17 a. The past, current, and future status of the  
18 child and placement as shown through the case  
19 permanency plan and case progress reports submitted  
20 by the agency responsible for the placement of the  
21 child and other information the board may require.

22 b. The efforts of the agency responsible for the  
23 placement of the child to locate and provide services  
24 to the biological or adoptive parents of the child.

25 c. The efforts of the agency responsible for the  
26 placement of the child to facilitate the return of  
27 the child to the home or to find an alternative  
28 permanent placement other than foster care if reunion  
29 with the parent or previous custodian is not feasible.  
30 The agency shall report to the board all factors which  
31 either favor or mitigate against a decision or  
32 alternative with regard to these matters.

33 d. Any problems, solutions, or alternatives which  
34 may be capable of investigation, or other matters  
35 with regard to the child which the agency responsible  
36 for the placement of the child or the board feels  
37 should be investigated with regard to the best  
38 interests of the state or of the child.

39 Each review shall include written testimony of  
40 any person notified pursuant to subsection 4, and  
41 may include oral testimony from those persons when  
42 determined to be relevant and material to the child's  
43 placement. Oral testimony may, upon the request of  
44 the testifier or upon motion of the local board, be  
45 given in a private setting when to do so would  
46 facilitate the presentation of evidence.

47 Written testimony from other interested parties  
48 may also be considered by the board in its review.

49 Access to all information considered by the local  
50 board shall be provided to the child, the parents,

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1 or their attorneys, and the county attorney.

2 2. Submit to the appropriate court within ten  
3 days after the review under subsection 1, the findings  
4 and recommendations of the review. The findings and  
5 recommendations shall include the proposed date of

6 the next review by the local board. The local board  
7 shall notify the persons specified in subsection 4  
8 of the findings and recommendations.

9 3. Encourage placement of the child in the most  
10 appropriate setting reflecting the provisions of  
11 chapter 232.

12 4. Notify the following persons at least ten days  
13 before the review of a case of a child receiving  
14 foster care:

15 a. The person, court, or agency responsible for  
16 the child.

17 b. The parent or parents of the child unless  
18 termination of parental rights has occurred pursuant  
19 to section 232.117.

20 c. The foster care provider of the child.

21 d. The child receiving foster care if the child  
22 is fourteen years of age or older.

23 e. The guardian ad litem of the foster child.

24 f. The department.

25 g. The county attorney.

26 Sec. 14. NEW SECTION. 237.21 CONFIDENTIALITY  
27 OF RECORDS-PENALTY.

28 1. The information and records regarding a child  
29 receiving foster care and the child's family when  
30 relating to the foster care placement are not public  
31 records pursuant to chapter 68A. The state board  
32 and local boards are not subject to chapter 28A.

33 2. Information and records relating to a child  
34 receiving foster care shall be provided to a local  
35 board or the state board by the department or child-  
36 care agency upon request by either board. A court  
37 having jurisdiction of a child receiving foster care  
38 shall release the information and records the court  
39 deems necessary to determine the needs of the child,  
40 if the information and records are not obtainable  
41 elsewhere, to a local board or the state board upon  
42 request by either board.

43 3. Members of the state board and local boards  
44 and the employees of the department are subject to  
45 standards of confidentiality pursuant to sections  
46 217.30 and 235A.15. A person who discloses information  
47 or records, other than as provided in subsection 2,  
48 is guilty of a serious misdemeanor.

49 Sec. 15. NEW SECTION. 237.22 CASE PERMANENCY  
50 PLAN. The agency responsible for the placement of

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1 the child shall create a case permanency plan. The  
2 plan shall include, but not be limited to:

3 1. Plans for carrying out the voluntary placement

4 agreement or judicial determination pursuant to which  
5 the child entered care;

6 2. The type and appropriateness of the placement  
7 and services to be provided to the child;

8 3. The care and services that will be provided  
9 to the child, natural parents, and foster parents;  
10 and

11 4. How the care and services will meet the needs  
12 of the child while in care and will facilitate the  
13 child's return home or other permanent placement.

14 Sec. 16. Section 238.1, Code Supplement 1983,  
15 is amended by adding the following new unnumbered  
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. For this chapter, "Case  
18 permanency plan" means the plan, mandated by Pub.  
19 L. No. 96-272, as codified in 42 U.S.C., secs.

20 671(a)(16), 627(a)(2)(B), and 675(1)(5), designed  
21 to achieve placement in the least restrictive, most  
22 family-like setting available and in close proximity  
23 to the parent's home, consistent with the best  
24 interests and special needs of the child. The plan  
25 shall specifically include all of the following:

26 a. Plans for carrying out the voluntary placement  
27 agreement or judicial determination pursuant to which  
28 the child entered care.

29 b. The type and appropriateness of the placement  
30 and services to be provided to the child.

31 c. The care and services that will be provided  
32 to the child, natural parents, and foster parents.

33 d. How the care and services will meet the needs  
34 of the child while in care and will facilitate the  
35 child's return home or other permanent placement.

36 Sec. 17. A copy of the dispositional order pursuant  
37 to section 232.102, subsection 6, shall be submitted  
38 to the state foster care review board and the local  
39 foster care review boards in the two judicial districts  
40 in which local foster care review boards are  
41 established.

42 Sec. 18. Sections 6 through 13 of this Act are  
43 enacted as a new division of chapter 237 entitled  
44 "Foster Care Review". Sections 6 through 13 of this  
45 Act are repealed July 1, 1988.

46 Sec. 19. The state foster care review board shall  
47 adopt administrative rules under sections 17A.4,  
48 subsection 2 and section 17A.5, subsection 2, paragraph  
49 b, relating to the intitial actions by the board  
50 pursuant to section 237.18 and the rules shall become

Page 10

- 1 effective immediately upon filing, unless a later
- 2 effective date is specified in the rules."
- 3 2. Title page, line 1, by inserting after the
- 4 word "boards" the words "for a four-year period".

COMMITTEE ON STATE GOVERNMENT  
TOM SLATER, Chair

S-5421

- 1 Amend Senate File 2098 as follows:
- 2 1. Page 1, by inserting after line 17 the following:
- 3 "Sec. 4. Section 25A.14, subsection 9, Code
- 4 Supplement 1983, is amended by striking the sub-
- 5 section.
- 6 Sec. 5. Section 613A.4, subsection 8, Code Supple-
- 7 ment 1983, is amended by striking the subsection."

TOM MANN, JR.

S-5422

- 1 Amend Senate amendment S-5371 to Senate
- 2 File 2278 as follows:
- 3 1. Page 1, line 8, by striking the word
- 4 "determine" and inserting in lieu thereof the
- 5 word "examine".
- 6 2. Page 1, line 11, by inserting after the
- 7 word "determined" the words "by the council,".

CHARLES BRUNER

S-5423

- 1 Amend Senate File 2306 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "foreclosure" the words "is one hundred eighty days,
- 4 or if a deficiency judgment has been waived the
- 5 period of redemption".

WILLIAM W. (Bill) DIELEMAN

S-5424

- 1 Amend amendment S-5336 to Senate File 2274 as
- 2 follows:
- 3 1. Page 1, line 11, by striking the word "depart-
- 4 ment" and inserting in lieu thereof the words "board

5 of dental examiners”.

JOHN N. NYSTROM

S-5425

1 Amend Senate File 2259 as follows:  
2 1. Page 1, by inserting after line 19 the fol-  
3 lowing:  
4 “Sec. 3. Section 33.1, subsection 6, Code 1983,  
5 is amended to read as follows:  
6 6. Labor Day, the first Monday in ~~September~~  
7 August.”

JOHN W. JENSEN

S-5426

1 Amend Senate File 2259 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 “Section 1. Section 262.9, Code 1983, is amended by  
5 adding the following new subsection:  
6 **NEW SUBSECTION. 15.** Adopt a rule that the first  
7 day of classes of the fall term for any institution  
8 of higher education under the control of the state  
9 board of regents shall commence no sooner than the  
10 first Tuesday after the first Monday in September.”  
11 2. Title page, line 1, by inserting after the  
12 word “for” the words “any institution of higher  
13 education under the control of the state board of  
14 regents and for”.

JULIA B. GENTLEMAN

S-5427

1 Amend amendment S-5342 to Senate File 2014 as  
2 follows:  
3 1. Page 1, by striking lines 4 through 12 and  
4 inserting in lieu thereof the following:  
5 “Section 1.  
6 1. There is established a political  
7 campaigns study committee which shall consist of  
8 eleven members. The members shall be as follows:  
9 a. Two members appointed by the majority leader  
10 of the senate.  
11 b. Two members appointed by the minority leader  
12 of the senate.  
13 c. Two members appointed by the speaker of the  
14 house of representatives.

15 d. Two members appointed by the minority leader  
16 of the house of representatives.

17 e. One member appointed by each chairperson of a  
18 state statutory political committee under chapter 48.

19 f. The chairperson of the campaign finance dis-  
20 closure commission.

21 A member of the general assembly is ineligible for  
22 appointment to the committee.

23 2. The members of the political campaigns study  
24 committee shall be reimbursed for their travel and  
25 other necessary expenses incurred in the performance  
26 of their official duties. The members of the committee  
27 who are not public employees shall also be paid a per  
28 diem of forty dollars. The per diem and expenses shall  
29 be paid from the funds appropriated under section 2.12.

30 3. The political campaign study committee shall  
31 conduct a study on the financing of political cam-  
32 paigns of candidates and the independent expenditures  
33 of political committees. The study committee shall  
34 examine the effects of political action committees  
35 and the desirability of limiting political action  
36 committee contributions to candidates, the policies  
37 of other states regarding campaign financing and the  
38 possibility and desirability of public financing, in  
39 whole or in part, of campaigns for state offices.

40 4. The appointments under subsection 1 shall be  
41 made within thirty days of the effective date of  
42 this Act. The meetings of the political campaigns  
43 study committee are subject to the approval of the  
44 legislative council. The study committee may re-  
45 quest that the legislative council provide staff  
46 for the study committee from the staff of the legis-  
47 lative service bureau. The campaign finance dis-  
48 closure commission shall provide assistance and in-  
49 formation for the activities of the study committee.

50 5. The political campaign study committee shall

Page 2

1 transmit copies of its final report to the legislative  
2 council by January 2, 1985 which shall include its  
3 findings of fact and recommendations."

4 2. Page 1, line 15, by striking the word "interim"  
5 and inserting in lieu thereof the word "independent".

TOM SLATER  
CHARLES BRUNER



S-5428

1 Amend House File 2389 as passed by the House, as  
2 follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 362.5, unnumbered paragraph  
6 2, subsections 1, 5, 7, and 9, Code 1983, are amended  
7 to read as follows:

8 A city officer or employee shall not have an  
9 interest, direct or indirect, in any contract or job  
10 of work or material or the profits thereof or services  
11 to be furnished or performed for the officer's or  
12 employee's city. A contract entered into in violation  
13 of this section is void. ~~The provisions of this~~ This  
14 section ~~do~~ does not apply to:

15 1. The payment of lawful compensation of a city  
16 officer or employee holding more than one city office  
17 or position, the holding of which is not incompatible  
18 with another public office or is not prohibited by  
19 law.

20 5. Contracts in which a city officer or employee  
21 has an interest solely by reason of employment, or  
22 a stock interest of the kind described in subsection  
23 9, or both, if the contracts are made by competitive  
24 bid, publicly invited and opened, and if the  
25 remuneration of employment will not be directly  
26 affected as a result of the contract and the duties  
27 of employment do not directly involve the procurement  
28 or preparation of any part of the contract. The  
29 competitive bid requirement of this subsection shall  
30 not be required for any contract for professional  
31 services not customarily awarded by competitive bid.

32 7. A contract in which a city officer or employee  
33 has an interest if the contract was made before the  
34 time he ~~the~~ officer was elected or appointed, but  
35 the contract may not be renewed.

36 9. A contract with a corporation in which a city  
37 officer or employee has an interest by reason of  
38 stockholdings when less than five percent of the  
39 outstanding stock of the corporation is owned or  
40 controlled directly or indirectly by the officer or  
41 employee or the spouse or immediate family of such  
42 ~~the~~ officer or employee.

43 Sec. 2. Section 362.5, Code 1983, is amended by  
44 adding the following new subsection:

45 NEW SUBSECTION. 11. Contracts for the purchase  
46 of goods or services by a city having a population  
47 of less than ten thousand, which benefit a city

48 officer, if the purchases benefiting that officer  
 49 do not exceed a cumulative total purchase price of  
 50 one thousand dollars in a fiscal year."

Page 2

- 1 2. Amend the title, line 1, by striking the words
- 2 "an elected" and inserting in lieu thereof the word
- 3 "a".

COMMITTEE ON LOCAL GOVERNMENT  
 ALVIN V. MILLER, Chair

S-5429

- 1 Amend House File 434 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "cities" the words "or counties".
- 5 2. Page 1, line 9, by inserting after the word
- 6 "cities" the words "or counties".
- 7 3. Page 1, line 11, by inserting after the
- 8 word "section," the word "or".

COMMITTEE ON LOCAL GOVERNMENT  
 ALVIN V. MILLER, Chair

S-5430

- 1 Amend the amendment S-5257 to Senate File 2098 as
- 2 follows:
- 3 1. Page 2, by inserting after line 18 the follow-
- 4 ing:
- 5 "Sec. 6. Section 25A.14, subsection 9, Code Supple-
- 6 ment 1983, is amended by striking the subsection.
- 7 Sec. 7. Section 613A.4, subsection 8, Code Supple-
- 8 ment 1983, is amended by striking the subsection."

TOM MANN, JR.

S-5431

- 1 Amend Senate amendment S-5420 to Senate File
- 2 2293 as follows:
- 3 1. Page 8, line 32, by inserting after the
- 4 word "boards" the following: ", with respect to
- 5 hearings involving specific children receiving
- 6 foster care and the child's family."

CHARLES BRUNER

S-5432

1 Amend Senate File 2258 as follows:

2 1. Page 11, by inserting after line 27 the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 909.7 ABILITY TO PAY  
5 FINE PRESUMED. A defendant is presumed to be able  
6 to pay a fine. The court may sentence the defendant  
7 to pay a fine and, in the alternative, may sentence  
8 the defendant to confinement if the defendant does  
9 not pay the fine. However, if the defendant proves  
10 to the satisfaction of the court that the defendant  
11 cannot pay the fine, the defendant shall not be  
12 confined."

13 2. By renumbering as necessary.

DONALD V. DOYLE

S-5433

1 Amend Senate File 2274 as follows:

2 1. Page 1, line 21, by striking the words "or  
3 dentistry" and inserting in lieu thereof the words  
4 "dentistry, dental hygiene, or veterinary medicine".

5 2. Page 4, line 2, by striking the words "to  
6 humans".

EDGAR H. HOLDEN

S-5434

1 Amend Senate File 2278 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 135.64, unnumbered paragraph  
5 1, Code 1983, is amended by striking the unnumbered  
6 paragraph and inserting in lieu thereof the following:

7 In determining whether a certificate of need shall  
8 be issued, the department and council shall consider  
9 and the council shall determine whether the community  
10 can afford the cost of the new or changed institutional  
11 health service as described in subsection 3. In doing  
12 so, the department and council shall also consider  
13 the following:

14 Sec. 2. Section 135.64, Code 1983, is amended  
15 by adding the following new subsection as subsection  
16 3 and renumbering the subsequent subsection:

17 NEW SUBSECTION. 3. In addition to subsection  
18 2, for proposals exceeding a cost of two million  
19 dollars, the council shall receive an analysis of

20 the impact on per capita costs of the proposal from  
 21 a three person panel with actuarial and health finance  
 22 experience and shall consider the impact of per capita  
 23 costs with respect to the community's current per  
 24 capita costs."

CHARLES BRUNER  
 EDGAR H. HOLDEN  
 TOM SLATER

S-5435

1 Amend the amendment S-5420 to Senate File 2293 as  
 2 follows:  
 3 1. Page 2, line 25, by striking the word "and" and  
 4 inserting in lieu thereof the word "and".

DOUGLAS RITSEMA

S-5436

1 Amend House File 540, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 1, line 26 through page 2,  
 4 line 4 and inserting in lieu thereof the following:  
 5 "NEW SUBSECTION. 7. A farm labor contractor who  
 6 contracts with a person engaged in the production  
 7 of seed to remove genetically deviant plants or corn  
 8 tassels or to hand pollinate plants shall file with  
 9 the commissioner a bond of at least twenty thousand  
 10 dollars on behalf of the person engaged in the  
 11 production of seed, with a corporate surety approved  
 12 by the commissioner, securing the payment of all wages  
 13 due the employees of the farm labor contractor. The  
 14 total and aggregate liability of the surety on the  
 15 bond is limited to the amount specified in the bond.  
 16 If the bond is not filed as required or if the farm  
 17 labor contractor fails to pay all wages due the  
 18 employees of the farm labor contractor, the person  
 19 engaged in the production of seed shall be liable  
 20 to the employees for wages not paid by the farm labor  
 21 contractor."

MILO COLTON  
 C.W. BILL HUTCHINS

S-5437

1 Amend Senate File 2255 as follows:  
 2 1. Page 1, line 5, by inserting after the word  
 3 "brokerage" the following: ", except a bank with

4 an office in a municipality of less than five thousand  
5 population may engage in real estate brokerage in  
6 that municipality”.

JAMES V. GALLAGHER

S-5438

1 Amend Senate File 2258 as follows:  
2 1. Page 1, by inserting after line 35 the  
3 following:  
4 “Sec. \_\_\_\_ . Section 602.8103, Code Supplement 1983,  
5 is amended by adding the following new subsection:  
6 **NEW SUBSECTION. 6.** Accept a check, share draft,  
7 draft, or written order on a bank, savings and loan  
8 association, credit union, corporation, or person  
9 as payment of a support obligation which is payable  
10 to the clerk or friend of the court, in accordance  
11 with procedures established by the clerk or friend  
12 of the court to assure that such negotiable instruments  
13 will not be dishonored.”  
14 2. By renumbering as necessary.

WALLY E. HORN

S-5439

1 Amend Senate amendment S-5239 to Senate File 2271  
2 as follows:  
3 1. Page 1, line 9, by striking the word “omission,”  
4 and inserting in lieu thereof the word “omission;”.  
5 2. Page 1, by striking line 10 and inserting in  
6 lieu thereof the following: “**except an act of**  
7 **malfeasance in office or willful**”.  
8 3. Page 1, by striking lines 32 through 35, and  
9 inserting in lieu thereof the following:  
10 “Sec. 3. Section 25A.22, Code 1983, is amended  
11 to read as follows:  
12 **25A.22 ACTIONS IN FEDERAL COURT.** The state shall  
13 defend; ~~any employee, and shall~~ indemnify and hold  
14 harmless an employee of the state in any action  
15 commenced in federal court under section 1983, Title  
16 42, United States Code, against the employee for acts  
17 of the employee while acting in the scope of  
18 employment. ~~If the acts or omissions of the employee,~~  
19 ~~upon which the action is based, are within the~~  
20 ~~exceptions to claim as defined in section 25A.2;~~  
21 ~~subsection 5, paragraph “b”;~~ the state shall not  
22 indemnify or hold harmless the employee. ~~However,~~  
23 ~~the duty to indemnify and hold harmless shall not~~

24 apply to awards of punitive damages. The duty to  
25 indemnify and hold harmless shall not apply and the  
26 state shall be entitled to restitution from an employee  
27 if, in an action commenced by the state against the  
28 employee, it is determined that the conduct of the  
29 employee upon which the claim or demand was based  
30 constituted a willful and wanton act or omission or  
31 malfeasance in office.

32 Sec. 4. NEW SECTION. EMPLOYEES. Employees of  
33 the state are”.

34 4. Page 1, by striking lines 39 through 41 and  
35 inserting in lieu thereof the following: “permitted  
36 by section 85.20. An employee of the state is liable  
37 for punitive damages only for illegal conduct committed  
38 or continued with a willful disregard of another’s  
39 rights or for actual malice when such conduct is  
40 pleaded or proven.”

41 5. By renumbering as necessary.

JOE J. WELSH

S-5440

1 Amend House File 540, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 26 through page 2,  
4 line 4 and inserting in lieu thereof the following:

5 “NEW SUBSECTION. 7. A farm labor contractor who  
6 contracts with a person engaged in the production  
7 of seed or feed grains to remove genetically deviant  
8 plants or corn tassels or to hand pollinate plants  
9 shall file with the commissioner a bond of at least  
10 twenty thousand dollars on behalf of the person engaged  
11 in the production of seed or feed grains, with a  
12 corporate surety approved by the commissioner, securing  
13 the payment of all wages due the employees of the  
14 farm labor contractor. The total and aggregate  
15 liability of the surety on the bond is limited to  
16 the amount specified in the bond. If the bond is  
17 not filed as required or if the farm labor contractor  
18 fails to pay all wages due the employees of the farm  
19 labor contractor, the person engaged in the production  
20 of seed or feed grains shall be liable to the employees  
21 for wages not paid by the farm labor contractor.”

MILO COLTON  
C.W. BILL HUTCHINS

S-5441

- 1 Amend Senate File 2271 as follows:
- 2 1. Page 1, by striking lines 18 through 24.

C. JOSEPH COLEMAN

S-5442

- 1 Amend House File 434, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "cities" the words "within the same county or two
- 5 contiguous counties".
- 6 2. Page 1, line 9, by inserting after the word
- 7 "cities" the words "or counties".
- 8 3. Page 1, line 11, by inserting after the word
- 9 "section," the word "or".
- 10 4. Amend the title, line 1, by inserting after
- 11 the word "cities" the words "or counties".

ALVIN V. MILLER  
C.W. BILL HUTCHINS

## HOUSE AMENDMENT TO SENATE FILE 2160

S-5443

- 1 Amend Senate File 2160, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "chapter," the words and figures "chapter 73, chapter
- 5 309, chapter 310,".
- 6 2. Page 1, line 12, by inserting after the period
- 7 the words "Following the letting of a contract for
- 8 a public improvement, the public agency receiving
- 9 the bids shall publish in two newspapers of general
- 10 circulation within the geographical area of the public
- 11 agency, the two lowest bids to publicly indicate the
- 12 change in the cost of the public improvement as a
- 13 result of this section."
- 14 3. Page 1, by inserting after line 22 the
- 15 following:
- 16 "For purposes of this section, "public improvement"
- 17 means public improvements as defined in section 23.1
- 18 and includes road construction, reconstruction, and
- 19 maintenance projects.
- 20 This section applies to the state, its agencies,
- 21 and any political subdivisions of the state.
- 22 If it is determined that this may cause denial
- 23 of federal funds which would otherwise be available,
- 24 or would otherwise be inconsistent with requirements

25 of federal law, this section shall be suspended, but  
 26 only to the extent necessary to prevent denial of  
 27 the funds or to eliminate the inconsistency with  
 28 federal requirements."

29 4. Page 1, by inserting after line 22 the  
 30 following:

31 "Sec. \_\_\_\_\_. Section 1 applies to contracts for  
 32 public improvements for which requests for bids are  
 33 published or requested after the effective date of  
 34 this Act."

35 5. Renumber sections and correct internal  
 36 references as necessary in accordance with this  
 37 amendment.

S-5444

1 Amend Senate File 2164 as follows:

2 1. Page 1, line 8, by striking the words "Nine  
 3 Seven" and inserting in lieu thereof the word "Nine".

4 2. Page 1, by striking line 10 and inserting in  
 5 lieu thereof the following:

6 "a. ~~Three~~ Two members shall be appointed by the".

7 3. Page 1, by striking line 14 and inserting in  
 8 lieu thereof the following:

9 "b. ~~Three~~ Two members shall be appointed by the".

10 4. Page 1, by striking lines 18 through 24 and  
 11 inserting in lieu thereof the following:

12 "c. Two members from regionally accredited private  
 13 four-year colleges and universities appointed by the  
 14 state association representing private colleges and  
 15 universities.

16 e d. Three members shall be appointed by the  
 17 governor, ~~at least one of whom shall be from a~~  
 18 ~~regionally accredited private four-year college or~~  
 19 ~~university shall be from the commercial broadcasting~~  
 20 ~~field, one of whom shall be a member of a fund-raising~~  
 21 ~~nonprofit organization financially assisting the~~  
 22 ~~department of public broadcasting, and one of whom~~  
 23 ~~shall represent the general public."~~

24 5. Page 1, by striking lines 30 through 35 and  
 25 inserting in lieu thereof the following:

26 "Sec. 3. The governor shall continue to appoint  
 27 one member each year when the terms of members of  
 28 the Iowa public broadcasting board expire. The state  
 29 board of regents shall not appoint a member to the  
 30 Iowa public broadcasting board when the term of the  
 31 member of the state board of regents expires June  
 32 30, 1984. The association representing private  
 33 colleges and universities shall appoint a member to



34 the Iowa public broadcasting board for a term  
 35 commencing on July 1, 1984. The association shall  
 36 appoint its second member when the term of the member  
 37 representing private colleges and universities expires  
 38 June 30, 1985. The state board of public instruction  
 39 shall not appoint a member to the Iowa public  
 40 broadcasting board when the term of a member of the  
 41 state board of public instruction expires June 30,  
 42 1985."

BASS VAN GILST  
 ARNE WALDSTEIN

S-5445

1 Amend House File 2279 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 14, by inserting after the word  
 4 "city" the words "with a population of fifty thousand  
 5 or more".  
 6 2. Page 2, by striking lines 4 through 6 and  
 7 inserting in lieu thereof the following:  
 8 "j. Require that operators demonstrate financial  
 9 responsibility for legal liability incurred for  
 10 property damage, bodily injury or death."  
 11 3. By striking page 2, line 34 through page 3,  
 12 line 6.

COMMITTEE ON LOCAL GOVERNMENT  
 ALVIN V. MILLER, Chair

S-5446

1 Amend House File 2394 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 2, by striking lines 7 and 8 and inserting  
 4 in lieu thereof the words "in hospitals, one licensed  
 5 registered di-".  
 6 2. Page 2, line 10, by striking the word "three" and  
 7 inserting in lieu thereof the word "two".  
 8 3. Page 2, line 10, by inserting after the word  
 9 "not" the words "registered dietitians,".

EDGAR H. HOLDEN

S-5447

1 Amend Senate File 2274 as follows:  
 2 1. Page 4, by striking lines 4 through 23 and  
 3 inserting in lieu thereof the following:  
 4 "Sec. 5. NEW SECTION. BOARD OF EXAMINERS CREATED.  
 5 1. A radiologic technology board of examiners  
 6 is created. The board shall consist of six members

7 with five members appointed by the governor according  
 8 to chapter 69 and subject to confirmation by the  
 9 Senate. No more than two of the members appointed  
 10 by the governor may be radiologic technologists and  
 11 the remaining members not licensed in the profession  
 12 shall be chosen from the general public. The  
 13 commissioner of public health or a designee of the  
 14 commissioner who may be a member of the radiological  
 15 health department of the state of Iowa shall serve  
 16 as an ex officio member of the board.

17 2. Members appointed by the governor shall serve  
 18 at the pleasure of the governor for a term of office  
 19 of four years beginning and ending as provided in  
 20 section 69.19. Vacancies shall be filled for an  
 21 unexpired term only in the manner provided in chapter  
 22 69."

23 2. Page 11, by inserting after line 5 the  
 24 following:

25 "Sec. 12. Of the initial board members appointed  
 26 by the governor according to section 5 of this Act,  
 27 the terms of two members as chosen by the governor  
 28 shall expire on April 30, 1985, and the terms of the  
 29 remaining members shall expire on April 30, 1987."

PATRICK J. DELUHERY

S-5448

1 Amend Senate File 2316 as follows:

2 1. Page 1, by striking lines 19 through 29.

3 2. Page 2, by striking lines 21 and 22 and  
 4 inserting in lieu thereof the words "the aged, and  
 5 three members".

6 3. Page 2, by striking lines 33 through 35 and  
 7 inserting in lieu thereof the words "that person's  
 8 name "nutritionist"."

9 4. Page 3, lines 21 and 22 by striking the words  
 10 "and educate groups or".

11 5. Page 3, line 22, by inserting after the word  
 12 "meet" the word "total".

13 6. Page 3, line 32, by inserting after the word  
 14 "professions." the following: "The provisions of  
 15 this Act do not apply to medically approved weight-  
 16 loss programs as approved by the state department  
 17 of health. The commissioner of public health shall  
 18 adopt rules for the approval of such programs. An  
 19 organization offering an approved program shall not  
 20 advertise the department's approval of the program."

21 7. Page 4, by striking lines 20 through 23.

22 8. Page 4, by inserting after line 27 the  
 23 following:

24 "5. Individuals who are not licensed as licensed  
 25 registered dietitians or licensed nutritionists who  
 26 do not hold themselves out to the public as being  
 27 licensed registered dietitians or licensed  
 28 nutritionists. Section 147.83 does not apply to  
 29 persons who are not so licensed and do not hold  
 30 themselves out as licensed registered dietitians or  
 31 licensed nutritionists."

32 9. Page 5, line 6, by striking the words "board  
 33 of dietetic examiners or the".

34 10. Page 5, by inserting after line 9 the following  
 35 new lettered paragraph:

36 "NEW LETTERED PARAGRAPH. d. The board of dietetic  
 37 examiners may accept the registration exam or require  
 38 an additional exam."

39 11. Page 5, by inserting after line 19 the  
 40 following new sections:

41 "Sec. \_\_\_\_ . NEW SECTION. RULES FOR REVOCATION  
 42 OR SUSPENSION OF LICENSE. The dietetic examining  
 43 board shall include in its provisions the rules for  
 44 revocation or suspension of a license as stated in  
 45 section 258A.10.

46 Sec. \_\_\_\_ .

47 NEW SECTION. CONTESTED CASES. The board shall  
 48 prescribe rules of procedure by which it will suspend  
 49 or revoke a license or impose any other sanction as  
 50 authorized by chapter 258A. The provisions shall

Page 2

1 conform to the contested case provisions of chapter  
 2 17A."  
 3 12. Renumber and reletter as necessary.

CHARLES P. MILLER

S-5449

1 Amend the amendment S-5444 to Senate File 2164  
 2 as follows:

3 1. Page 1, by striking lines 19 through 23 and  
 4 inserting in lieu thereof the words "university shall  
 5 have experience and training in the preparation and  
 6 presentation of media instructional materials for ed-  
 7 ucational purposes in the elementary and secondary  
 8 educational system, and one of whom shall be a member  
 9 of a fund-raising nonprofit organization financially  
 10 assisting the department of public broadcasting, and  
 11 one of whom shall represent the general public.

12 The board shall place an emphasis on the preparation  
 13 and presentation of media instructional materials for

14 educational purposes in the educational system in the  
15 programming and materials developed and utilized by  
16 the department."

EDGAR H. HOLDEN

S-5450

1 Amend Senate File 2281 as follows:

2 1. Page 6, line 25, by striking the words "or  
3 other medical facility".

4 2. By striking page 6, line 31, through page 7,  
5 line 3, and inserting in lieu thereof the following:

6 "c. Employed by or assigned to a hospital as a  
7 member of an authorized ambulance service or rescue  
8 squad for prehospital care, by rendering life-saving  
9 services in the facility in which employed or assigned  
10 pursuant to the advanced EMT's or paramedic's  
11 certification and under the direct supervision of  
12 a physician or registered nurse. When the physician  
13 or registered nurse cannot directly assume emergency  
14 care of the patient, the advanced EMT or paramedic  
15 may perform without direct supervision advanced  
16 emergency medical care procedures for which that  
17 individual is certified if in the judgment of the  
18 physician or registered nurse the life of the patient  
19 is in immediate danger and such care is required to  
20 preserve the patient's life; or

21 d. Employed by or assigned to a hospital as a  
22 member of an authorized ambulance service or rescue  
23 squad for prehospital care, by performing nonlife-  
24 saving procedures when assigned by a physician or  
25 registered nurse and for which those individuals have  
26 been trained and which are designated in a written  
27 job description.

28 3. Page 8, line 16, by inserting after the word  
29 "REGISTERED" the words "OR LICENSED PRACTICAL".

30 4. Page 8, by striking lines 17 through 19 and  
31 inserting in lieu thereof the following:

32 "1. Nothing in this chapter shall restrict a  
33 registered or licensed practical nurse, licensed  
34 pursuant to chapter 152, from staffing an".

35 5. Page 8, line 28, by inserting after the word  
36 "nursing" the words "developed jointly with the board  
37 of medical examiners".

38 6. Page 8, lines 31 and 32, by striking the words  
39 "physician's assistant and a registered nurse" and  
40 inserting in lieu thereof the words "registered nurse  
41 or a licensed practical nurse".

CHARLES P. MILLER

S-5451

- 1 Amend Senate File 2279 as follows:
- 2 1. Page 1, line 14, by striking the word "not"
- 3 and inserting in lieu thereof the word "only".
- 4 2. Page 1, line 28, by striking the word "adopted"
- 5 and inserting in lieu thereof the word "adapted".

GEORGE R. KINLEY

S-5452

- 1 Amend House File 2414 as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 6.

COMMITTEE ON COMMERCE  
GEORGE R. KINLEY, Chair

S-5453

- 1 Amend House File 2062 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 24 through 26 and
- 4 inserting in lieu thereof the following: "by law,
- 5 and who has been certified to the public utility by
- 6 the local agency which is administering the low income
- 7 home energy assistance program and weatherization
- 8 assistance program as being eligible for either the
- 9 low income home energy assistance program or
- 10 weatherization assistance program, and that if such
- 11 a resident resides within the serviced residence,
- 12 the customer should promptly have the qualifying
- 13 resident notify the local agency which is administering
- 14 the low income home energy assistance program and
- 15 weatherization assistance program. The commerce
- 16 commission".
- 17 2. Page 2, by striking lines 2 through 14, and
- 18 inserting in lieu thereof the following: "section
- 19 476.51, Code Supplement 1983.
- 20 A qualified applicant for the low income home
- 21 energy assistance program or the weatherization
- 22 assistance program who is also a "head of household",
- 23 as defined in section 422.4, subsection 11, shall
- 24 be promptly certified by the local agency administering
- 25 the applicant's program to the applicant's public
- 26 utility that the resident is a "head of household"
- 27 as defined in section 422.4, subsection 11, and is
- 28 qualified for the low income home energy assistance
- 29 program or weatherization assistance program.

30 Notwithstanding subsection 1, a public utility  
 31 furnishing gas or electricity shall not disconnect  
 32 service from November 1 through April 1 to a residence  
 33 which has a resident that has been certified under  
 34 this paragraph."

35 3. Title page, line 3, by striking the words  
 36 "residents age sixty or over" and inserting in lieu  
 37 thereof the words "certain residents".

COMMITTEE ON COMMERCE  
 GEORGE R. KINLEY, Chair

S-5454

1 Amend House File 2398 as amended, passed and  
 2 reprinted by the House, as follows:

3 1. Page 2, line 18, by inserting after the word  
 4 "department" the following: "and federal aid transit  
 5 dollars administered by the department".

6 2. Page 2, line 18, by striking the words  
 7 "department's chief engineer" and inserting in lieu  
 8 thereof the word "director".

9 3. Title page, line 2, by striking the words  
 10 "highway construction".

COMMITTEE ON TRANSPORTATION  
 C. JOSEPH COLEMAN, Chair

S-5455

1 Amend House File 2272 as passed by the House as  
 2 follows:

3 1. Page 1, line 6, by inserting after the word  
 4 "home." the following: "multipurpose vehicle.".

COMMITTEE ON TRANSPORTATION  
 C. JOSEPH COLEMAN, Chair

S-5456

1 Amend Senate File 2255 as follows:

2 1. Page 1, line 8, by inserting after the word  
 3 "continue" the words "and expand".

4 2. Page 1, line 18, by inserting after the word  
 5 "continue" the words "and expand".

EMIL J. HUSAK

S-5457

1 Amend House File 2348 as amended, passed and  
 2 reprinted as follows:

- 3 1. Page 3, line 27, by striking the word "county"  
 4 and inserting in lieu thereof the word "court".

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chair

S-5458

- 1 Amend Senate File 2279 as follows:  
 2 1. Page 1, by striking lines 14 through 22 and  
 3 inserting in lieu thereof the following:  
 4 "3. The moratorium declared by this section shall  
 5 apply if the person is delinquent on payments of  
 6 interest on the loan provided the person can show  
 7 that the delinquency is due to circumstances beyond  
 8 their control, and they cannot continue to make  
 9 payments without impairing their standard of living.  
 10 Circumstances beyond a person's control shall include,  
 11 but is not limited to, drought, hail, pest infestation,  
 12 disease, accident, illness, injury, or economic  
 13 emergency. This section does not limit a person's  
 14 rights as expressed under section 654.15."

CHARLES BRUNER

S-5459

- 1 Amend Senate File 2279 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 654.15, unnumbered paragraph  
 5 1, Code 1983, is amended to read as follows:  
 6 In all actions for the foreclosure of real estate  
 7 mortgages, deeds of trust of real property, and  
 8 contracts for the purchase of real estate, when the  
 9 owner or owners enter appearance and file answer  
 10 admitting some indebtedness and breach of the terms  
 11 of the ~~above designated~~ instrument (which admissions  
 12 cannot after a continuance is granted hereunder, be  
 13 withdrawn or denied) ~~such the~~ owner or owners may  
 14 apply for a continuance of the foreclosure action  
 15 when and where the default or inability of ~~such the~~  
 16 party or parties to pay or perform is mainly due or  
 17 brought about by reason of drought, flood, heat, hail,  
 18 storm, or other climatic conditions or by reason of  
 19 the infestation of pests which affect the land in  
 20 controversy, or when the governor of the state of  
 21 Iowa by reason of a depression shall have by  
 22 proclamation declared a state of emergency to exist  
 23 within this state. The proclamation by the governor

24 declaring a state of emergency may be for the entire  
 25 state or a portion of the state. Said The applications  
 26 must shall be in writing and filed at or before final  
 27 decree. Upon the filing of such the application the  
 28 court shall set a day for hearing of the same on the  
 29 application and provide by order for notice, to be  
 30 given to plaintiff, of the time fixed for said the  
 31 hearing. If the court shall on said at the hearing  
 32 find that the application is made in good faith, and  
 33 the same application is supported by competent evidence  
 34 showing that default in payment or inability to pay  
 35 is due to drought, flood, heat, hail, storm, or other  
 36 climatic conditions or due to infestation of pests  
 37 or when the governor of the state of Iowa by reason  
 38 of a depression shall have by proclamation declared  
 39 a state of emergency to exist within this state or  
 40 the portion of the state where the real estate is  
 41 located, the court may in its discretion continue  
 42 said the foreclosure proceeding or proceedings as  
 43 follows:"  
 44 2. Renumber as necessary.

CHARLES BRUNER

S-5460

1 Amend House File 2219 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by inserting after line 15 the  
 4 following:  
 5 "Sec. 2. Section 49.77, Code Supplement 1983,  
 6 is amended by adding the following new subsection:  
 7 **NEW SUBSECTION. 5.** A person whose name does not  
 8 appear on the election register of the precinct who  
 9 registers under section 1 of this Act shall be allowed  
 10 to cast a ballot and the precinct election official  
 11 is not under a duty to require that the ballot be  
 12 cast under section 49.81."

COMMITTEE ON STATE GOVERNMENT  
 TOM SLATER, Chair

S-5461

1 Amend House File 2067 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 4, by inserting after the word  
 4 "contest" the words "unless each contestant  
 5 participating in the contest is over the age of  
 6 thirty".

DON E. GETTINGS



S-5462

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 7, line 33, by inserting after the word
- 3 "state" the words ", except for purposes of determining
- 4 the annual inflation factor under section 422.4,
- 5 subsection 18, the balance in the fund shall be
- 6 considered part of the general fund of the state".

EDGAR H. HOLDEN

S-5463

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 14, line 10, by striking the word and
- 3 figures "October 1, 1984" and inserting in lieu
- 4 thereof the word and figures "January 15, 1985".

EDGAR H. HOLDEN

S-5464

- 1 Amend House File 2463 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the words
- 4 "made to" the word "directly".

JOE J. WELSH  
PATRICK J. DELUHERY

S-5465

- 1 Amend Senate File 2330 as follows:

## DIVISION S—5465A

- 2 1. Page 3, line 23, by inserting after the period
- 3 the words "Unobligated or unencumbered funds remaining
- 4 on June 30, 1986, from funds appropriated by this
- 5 section shall revert to the general fund of the state
- 6 on September 30, 1986."
- 7 2. Page 8, by striking lines 10 through 14 and
- 8 inserting in lieu thereof the following:
- 9 "3. The moneys in the Iowa economic emergency
- 10 fund may be appropriated by the general assembly only
- 11 for the fiscal year in which the appropriation is
- 12 made and only for a purpose for which the general
- 13 assembly previously appropriated funds for that fiscal
- 14 year."
- 15 3. Page 13, line 5, by striking the figure "1984"
- 16 and inserting in lieu thereof the figure "1983".

17 4. Page 13, line 6, by striking the figure "1984"  
 18 and inserting in lieu thereof the figure "1983".

DIVISION S—5465C

19 5. Page 14, by inserting after line 11 the  
 20 following new division:

21 "DIVISION \_\_\_\_\_

22 Sec. 43. Section 422.43, subsection 9, Code  
 23 Supplement 1983, is amended to read as follows:

24 9. The following enumerated services are subject  
 25 to the tax imposed on gross taxable services:

26 Alteration and garment repair; armored car; automobile  
 27 repair; battery, tire and allied; investment counseling  
 28 (excluding investment services of trust departments);  
 29 bank service charges; barber and beauty; boat repair;  
 30 car wash and wax; carpentry; roof, shingle, and glass  
 31 repair; dance schools and dance studios; dry cleaning,  
 32 pressing, dyeing, and laundering; electrical and  
 33 electronic repair and installation; engraving,  
 34 photography, and retouching; equipment rental of  
 35 tangible personal property; excavating and grading;  
 36 farm implement repair of all kinds; flying service,  
 37 except agricultural aerial application services and  
 38 aerial commercial and charter transportation services;  
 39 furniture, rug, upholstery repair and cleaning; fur  
 40 storage and repair; golf and country clubs and all  
 41 commercial recreation; house and building moving;  
 42 household appliance, television, and radio repair;  
 43 jewelry and watch repair; machine operator; machine  
 44 repair of all kinds; motor repair; motorcycle, scooter,  
 45 and bicycle repair; oilers and lubricators; office  
 46 and business machine repair; painting, papering, and  
 47 interior decorating; parking facilities; pipe fitting  
 48 and plumbing; wood preparation; private employment  
 49 agencies, excluding services for placing a person  
 50 in employment where the principal place of employment

Page 2

DIVISION S—5465C

1 of that person is to be located outside of the state;  
 2 printing and binding; sewing and stitching; shoe  
 3 repair and shoeshine; storage warehousing of raw  
 4 agricultural products; telephone answering service;  
 5 test laboratories, except tests on humans; termite,  
 6 bug, roach, and pest eradicators; tin and sheet metal  
 7 repair; turkish baths, massage, and reducing salons;

8 vulcanizing, recapping, and retreading; weighing;  
9 welding; well drilling; wrapping, packing, and  
10 packaging of merchandise other than processed meat,  
11 fish, fowl and vegetables; wrecking service; wrecker  
12 and towing.

13 Sec. 44. Section 422.45, subsection 12, Code  
14 Supplement 1983, is amended to read as follows:  
15 12. Gross receipts from the sale of all foods  
16 for human consumption which are eligible for purchase  
17 with food coupons issued by the United States  
18 department of agriculture pursuant to regulations  
19 in effect on July 1, 1974, regardless of whether the  
20 retailer from which the foods are purchased is  
21 participating in the food stamp program. However,  
22 as used in this subsection, "foods" does not include  
23 meals prepared for immediate consumption on or off  
24 the premises of the retailer, ~~and does not include~~  
25 foods sold through vending machines, or beverages  
26 as defined in section 455C.1, subsection 1.

27 Sec. 45. Section 43 and 44 are effective July  
28 1 following enactment."

DIVISION S—5465B

29 6. By striking page 14, line 26 through page 15,  
30 line 26.

DIVISION S—5465C

31 7. Page 15, by striking lines 27 through 31 and  
32 inserting in lieu thereof the following:  
33 "Sec. \_\_\_\_ . This Act, being deemed of immediate  
34 importance, takes effect from and after its publication  
35 in the Audubon News-Advocate, a newspaper published  
36 in Audubon, Iowa, and in The Winterset Madisonian,  
37 a newspaper published in Winterset, Iowa.

38 8. Amend the title, lines 19 and 20, by striking  
39 the words "a tax of one percent on gross investment  
40 income of insurance companies" and inserting in lieu  
41 thereof the words "the sales and use tax on beverages,  
42 electronic repair and installation, and rental of  
43 tangible personal property".

44 9. Renumber sections and correct internal  
45 references as necessary in accordance with this  
46 amendment.

S-5466

- 1 Amend Senate File 2330 as follows:
- 2 1. By striking page 13, line 12 through page 14,
- 3 line 11.
- 4 2. Renumber sections and correct internal
- 5 references as necessary in accordance with this
- 6 amendment.

CALVIN O. HULTMAN

S-5467

- 1 Amend Senate File 2330 as follows:
- 2 1. By striking page 13, line 12 through page 14,
- 3 line 11.
- 4 2. Renumber sections and correct internal
- 5 references as necessary in accordance with this
- 6 amendment.

CALVIN O. HULTMAN

S-5468

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 7, line 33, by inserting after the word
- 3 "state" the words ", except for purposes of determining
- 4 the annual inflation factor under section 422.4,
- 5 subsection 18, the balance in the fund shall be
- 6 considered part of the general fund of the state".

CALVIN O. HULTMAN

S-5469

- 1 Amend House File 2306 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 19, by striking the words
- 4 "thirty-day" and inserting in lieu thereof the words
- 5 "~~thirty-day~~ forty-five day".

NORMAN J. GOODWIN

S-5470

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 10, by striking lines 16 through 27 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SUBSECTION. 19. Subtract the amount of any
- 5 social security benefit received under Title II of
- 6 the federal Social Security Act as amended to January

7 1, 1984, or any tier 1 railroad retirement benefit  
8 under section 3(a), 4(a), or 4(f) of the federal  
9 Railroad Retirement Act of 1974, and included in the  
10 adjusted gross income computed for federal income  
11 tax purposes."

EDGAR H. HOLDEN

S-5471

1 Amend Senate File 2330 as follows:

2 1. Page 1, by inserting before line 1 the following  
3 new section:

4 "Section 1. Section 18.117, unnumbered paragraph  
5 1, Code Supplement 1983, is amended to read as follows:

6 A state officer or employee shall not use a state-  
7 owned motor vehicle for personal private use, nor  
8 shall the officer or employee be compensated for  
9 driving a privately owned motor vehicle unless it  
10 is done on state business with the approval of the  
11 state vehicle dispatcher, and in that case the officer  
12 or employee shall receive ~~twenty-two~~ twenty and one-  
13 half cents per mile ~~effective July 1, 1981, and twenty-~~  
14 ~~four cents per mile effective July 1, 1982.~~ A  
15 statutory provision stipulating necessary mileage,  
16 travel, or actual expenses reimbursement to a state  
17 officer falls under the mileage reimbursement  
18 limitation provided in this section unless specifically  
19 provided otherwise. Any peace officer employed by  
20 the state as defined in section 801.4 who is required  
21 to use a private vehicle in the performance of official  
22 duties shall receive reimbursement for mileage expense  
23 at the rate specified in this section. However, the  
24 state vehicle dispatcher may delegate authority to  
25 officials of the state, and department heads, for  
26 the use of private vehicles on state business up to  
27 a yearly mileage figure established by the director  
28 of general services and approved by the executive  
29 council. If a state motor vehicle has been assigned  
30 to a state officer or employee, the officer or employee  
31 shall not collect mileage for the use of a privately  
32 owned vehicle unless the state vehicle assigned is  
33 not usable."

34 2. Renumber sections and correct internal  
35 references as necessary in accordance with this  
36 amendment.

EDGAR H. HOLDEN

S-5472

- 1 Amend Senate File 2296 as follows:
- 2 1. Page 5, by striking lines 6 through 31.
- 3 2. Page 6, line 5, by inserting after the word
- 4 "rate." the words "If a base period employer's account
- 5 has been charged with benefits paid to an employee
- 6 at a time when the employee was employed by the base
- 7 period employer in the same employment as in the base
- 8 period, the employer may appeal, within thirty days
- 9 from the date of the first notice of the employer's
- 10 contribution rate which is based on the charges, for
- 11 a recomputation of the rate."
- 12 3. By striking page 6, line 21 through page 7,
- 13 line 21.
- 14 4. By striking page 8, line 33, through page 9,
- 15 line 11.
- 16 5. Page 9, by inserting after line 18 the
- 17 following:
- 18 "Notwithstanding the requirement in section 6 of
- 19 this Act that the recomputation appeal be made within
- 20 thirty days from the date of the first contribution
- 21 rate notice based on the charges, an employer may
- 22 appeal for a recomputation of contribution rates for
- 23 calendar year 1983 or 1984, or both, within thirty
- 24 days from the date of the contribution rate notice
- 25 issued for calendar year 1985."
- 26 6. By renumbering as necessary.

TED ANDERSON

S-5473

- 1 Amend House File 2421, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 11 the
- 4 following:
- 5 "Sec. \_\_\_\_ . NEW SECTION. 28H.10 INTERCONNECTION.
- 6 Nothing in this chapter shall be construed to require
- 7 a public utility subject to chapter 476 to interconnect
- 8 with a resource recovery facility constructed pursuant
- 9 to this chapter, if the public utility was determined
- 10 to have excess electric generating capacity as defined
- 11 in section 476.53, Code Supplement 1983, in its most
- 12 recent rate case proceeding in which its electric
- 13 generating capacity level was at issue."
- 14 2. By numbering sections.

EDGAR H. HOLDEN

S-5474

- 1 Amend Senate File 2330 as follows:
- 2 1. By striking page 14, line 26 through page 15,
- 3 line 26.

CALVIN O. HULTMAN

S-5475

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 13, lines 26 and 27, by striking the words
- 3 "thirty thousand dollars" and inserting in lieu thereof
- 4 the words "twenty-five thousand dollars for a single
- 5 person and forty thousand dollars for married
- 6 taxpayers".
- 7 2. Page 13, line 32, by striking the word "thirty"
- 8 and inserting in lieu thereof the word "forty".
- 9 3. Page 13, line 33, by striking the word "thirty"
- 10 and inserting in lieu thereof the word "forty".

ARTHUR L. GRATIAS  
WILLIAM D. PALMER  
NORMAN G. RODGERS

S-5476

- 1 Amend Senate File 2330 as follows:
- 2 1. Page 13, line 26, by striking the word "thirty"
- 3 and inserting in lieu thereof the word "fifty".
- 4 2. Page 13, line 32, by striking the word "thirty"
- 5 and inserting in lieu thereof the word "fifty".
- 6 3. Page 13, line 33, by striking the word "thirty"
- 7 and inserting in lieu thereof the word "fifty".

BERL E. PRIEBE

S-5477

- 1 Amend Senate File 2330 as follows:
- 2 1. By striking page 13, line 22 through page 14,
- 3 line 11 and inserting in lieu thereof the following:
- 4 "Sec. \_\_\_\_ . Notwithstanding section 442.26, the
- 5 state comptroller shall pay on July 15, 1985 from
- 6 the general fund of the state to the respective school
- 7 districts the amount of state school foundation aid
- 8 payable on June 15, 1985 if the governor finds that
- 9 the estimated budget resources during the fiscal year
- 10 beginning July 1, 1984 and ending June 30, 1985 are
- 11 insufficient to pay all appropriations in full and
- 12 the governor's findings are concurred in by the

13 executive council. The governor shall make the  
 14 determination not later than June 5, 1985. The amount  
 15 of the distribution transferred shall be accrued as  
 16 income by the school districts during the fiscal year  
 17 beginning July 1, 1984 and ending June 30, 1985."

EDGAR H. HOLDEN

S-5478

1 Amend House File 2334 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 11, by striking the words "this  
 4 chapter" and inserting in lieu thereof the word and  
 5 figure "chapter 713".

DONALD V. DOYLE

S-5479

1 Amend amendment S-5402 to Senate File 2274 as  
 2 follows:  
 3 1. By striking lines 7 through 19 and inserting  
 4 in lieu thereof the following:  
 5 "3. Page 3, lines 13 and 14, by striking the words  
 6 "in only the regions of the toes to mid-femur, the  
 7 fingers to mid-humerus and the chest area."  
 8 4. Page 3, line 14, by inserting before the word  
 9 "The" the words "A person holding a license as a  
 10 limited radiographer who has received appropriate  
 11 clinical experience during required training may apply  
 12 x-radiation to the human body for diagnostic purposes,  
 13 while under the supervision of a licensed practitioner,  
 14 in the extremities and the chest area."  
 15 5. Page 3, line 14, by inserting before the word  
 16 "The" the words "A limited radiographer may also  
 17 perform additional diagnostic radiographic procedures  
 18 for which the person has been certified by a  
 19 radiologist following satisfactory completion of a  
 20 course of clinical training approved by the department  
 21 of health."

BERL E. PRIEBE

S-5480

1 Amend House File 2464 as passed by the House as  
 2 follows:  
 3 1. Page 1, line 11, by striking the word  
 4 "additional" and inserting in lieu thereof the word  
 5 "adequate".  
 6 2. Page 1, line 12, by striking the word "or"  
 7 and inserting in lieu thereof the word "and".



- 8 3. Page 1, line 16, by striking the words "or  
9 tenant." and inserting in lieu thereof the words "and  
10 tenant."  
11 4. Page 1, line 16, by striking the words "owner  
12 or" and inserting in lieu thereof the words "owner  
13 and".  
14 5. Page 1, line 27, by striking the words  
15 "periodically published" and inserting in lieu thereof  
16 the words "published once every two years".

ARNE WALDSTEIN  
BERL E. PRIEBE

S-5481

- 1 Amend Senate File 2258 as follows:  
2 1. Page 8, by inserting after line 28 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 609.1, subsection 2, Code 1983,  
5 is amended to read as follows:  
6 2. PETIT JURORS. A list of names and addresses  
7 of eligible electors equal to at least one-eighth  
8 of the whole number of qualified electors in the  
9 county as shown by the current list of registered  
10 voters, from which to select petit jurors.  
11 Sec. \_\_\_\_ . Section 609.1, Code 1983, is amended  
12 by adding the following new unnumbered paragraph:  
13 NEW UNNUMBERED PARAGRAPH. The jury commission  
14 may convene at the courthouse to prepare an additional  
15 list or lists as the commission deems necessary at  
16 the time and date determined by a majority of the  
17 commissioners."  
18 2. By renumbering as necessary.

PATRICK J. DELUHERY  
DONALD V. DOYLE

S-5482

- 1 Amend Senate File 2279 as follows:  
2 1. Page 1, by inserting after line 30 the fol-  
3 lowing:  
4 "6. All proceeds received from the sale of any  
5 property protected under this section shall first be  
6 applied to the payment of principal and interest due  
7 under the real estate loan agreement."

BERL E. PRIEBE

S-5483

- 1 Amend House File 434, as amended, passed and

- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 3, by inserting after the word  
4 "cities" the words "within the same county, or two  
5 or more contiguous counties".
- 6 2. Page 1, line 9, by inserting after the word  
7 "cities" the words "or counties".
- 8 3. Page 1, line 11, by inserting after the word  
9 "section," the word "or".
- 10 4. Amend the title, line 1, by inserting after  
11 the word "cities" the words "or counties".

ALVIN V. MILLER  
C.W. BILL HUTCHINS

S-5484

- 1 Amend House File 2217 as amended, passed and  
2, reprinted by the House, as follows:
- 3 1. Page 2, lines 4 and 5, by striking the words  
4 "superintendent of public instruction" and inserting  
5 in lieu thereof the words "superintendent executive  
6 administrator".
- 7 2. Page 2, line 14, by striking the word  
8 "department" and inserting in lieu thereof the word  
9 "board".
- 10 3. Page 3, line 18, by striking the words "based  
11 upon the costs incurred".
- 12 4. Page 3, by inserting after line 19 the  
13 following:  
14 "\_\_\_\_. Develop criteria of professional practices  
15 under section 261.31."
- 16 5. Page 3, line 20, by inserting after the word  
17 "administrator" the words "and other personnel as  
18 may be necessary to carry out its duties".
- 19 6. Page 4, by inserting after line 8 the following:  
20 "Sec. \_\_\_\_ . NEW SECTION. BASIC SKILLS ASSESSMENT  
21 EXAMINATION. An applicant for a provisional  
22 certificate shall present evidence to the board that  
23 the applicant has successfully completed the basic  
24 skills assessment examination adopted by the board  
25 demonstrating competency in basic skills required  
26 for teaching. The basic skills examination shall  
27 first be administered during the fiscal year beginning  
28 July 1, 1985 and is required for certificates issued  
29 on or after October 1, 1987. The examination shall  
30 be administered by the board at least one time per  
31 year and may be given initially to students during  
32 their sophomore year.
- 33 The examination shall test all of the following:  
34 1. The ability to write in a logical and concise

35 style with appropriate grammar and sentence structure.

36 2. The ability to read, comprehend, and interpret  
37 professional and other written material.

38 3. The ability to comprehend and work with  
39 fundamental mathematical concepts.

40 An applicant for a provisional certificate who  
41 is from another state but otherwise meets the  
42 requirements of this state shall take the examination  
43 as prescribed by the board."

44 7. Page 4, by striking lines 17 through 20 and  
45 inserting in lieu thereof the following: "and approval  
46 areas. The examination shall test knowledge of subject  
47 matter and education philosophy and".

48 8. Page 4, by striking lines 29 through 32 and  
49 inserting in lieu thereof the following: "if, for  
50 each of three consecutive years, more than fifty

Page 2

1 percent of its students taking the examination before  
2 graduation receive failing scores."

3 9. Page 5, line 8, by striking the word "The"  
4 and inserting in lieu thereof the word "An".

5 10. Page 5, line 32, by inserting after the word  
6 "passed" the words "the basic skills assessment  
7 examination and".

8 11. Page 6, line 26, by inserting after the word  
9 "evaluator." the following: "Either the superintendent  
10 of the school district or the authority in charge  
11 of the nonpublic school or the teacher, may notify  
12 the board that the evaluator who has been named is  
13 unacceptable, and the board shall appoint another  
14 evaluator."

15 12. Page 7, line 11, by striking the word "may"  
16 and inserting in lieu thereof the word "shall".

17 13. Page 7, by striking lines 16 through 18 and  
18 inserting in lieu thereof the following: "If the  
19 holder of the provisional certificate is making  
20 satisfactory progress in correcting a deficiency and  
21 completing the remedial procedures, the board shall  
22 issue a second provisional certificate, and the  
23 certificate holder may be employed for a second".

24 14. Page 8, line 19, by striking the word "which"  
25 and inserting in lieu thereof the word "whom".

26 15. Page 8, line 33, by striking the word  
27 "teachers" and inserting in lieu thereof the word  
28 "teachers".

29 16. Page 8, line 34, by striking the words  
30 "superintendent of public instruction" and inserting

31 in lieu thereof the words "superintendent of public  
32 instruction ~~executive administrator of the board~~".

33 17. Page 9, lines 1 and 2, by striking the words  
34 "superintendent of public instruction" and inserting  
35 in lieu thereof the words "superintendent of public  
36 instruction ~~executive administrator of the board~~".

37 18. Page 9, by striking lines 6 through 10 and  
38 inserting in lieu thereof the following:  
39 "superintendent of public instruction shall remit  
40 the fee to the applicant by a state comptroller's  
41 warrant issued on the general fund of the state upon  
42 certification of the superintendent of public  
43 instruction that the fee has not been earned. The  
44 superintendent ~~executive administrator of the board~~  
45 shall refund a fee paid by an unsuccessful applicant.  
46 The ~~executive administrator~~ shall keep an accurate  
47 and".

48 19. Page 11, line 10, by striking the words  
49 "department of public instruction" and inserting in  
50 lieu thereof the word "board".

Page 3

1 20. Page 11, by striking line 27 and inserting  
2 in lieu thereof the words "obtains this information,  
3 is".

4 21. Page 11, by inserting after line 28 the  
5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 260.31 CRITERIA OF  
7 PROFESSIONAL PRACTICES. The board shall develop  
8 criteria of professional practices including, but  
9 not limited to, such areas as:

10 1. Contractual obligations.  
11 2. Competent performance of all members of the  
12 teaching profession.

13 3. Ethical practice toward other members of the  
14 profession, parents, students, and the community.

15 However, membership or nonmembership in a teachers'  
16 organization is not a criterion of an individual's  
17 professional standing. A violation, as determined  
18 by the board following a hearing, of any of the  
19 criteria so adopted is unprofessional practice and  
20 a legal basis for the suspension or revocation of  
21 a certificate by the board.

22 After a hearing, the board, in administering its  
23 responsibilities under this section, shall exonerate,  
24 warn or reprimand the member of the profession or  
25 may suspend or revoke a certificate under section  
26 260.23.

27 Sec. \_\_\_\_ . NEW SECTION. 260.32 APPOINTMENT OF

28 HEARING OFFICERS. The board shall maintain a list  
29 of qualified persons to serve as hearing officers  
30 who are experienced in the educational system of this  
31 state when a hearing is requested under section 279.24.  
32 When requested under section 279.24, the board shall  
33 submit a list of five qualified hearing officers to  
34 the parties. The hearing shall be held pursuant to  
35 chapter 17A relating to contested cases. The full  
36 costs of the hearing shall be shared equally by the  
37 parties. A person who is employed as a teacher or  
38 administrator by a school district is not eligible  
39 to serve as a hearing officer."

40 22. Page 12, line 5, by inserting after the word  
41 "passed" the words "the basic skills assessment  
42 examination and".

43 23. Page 12, by inserting after line 33 the  
44 following:

45 "Sec. \_\_\_\_ . Chapter 272A, Code 1983, is repealed."

46 24. Page 12, by inserting after line 35 the  
47 following:

48 "Sec. \_\_\_\_ . Personnel, assets, liabilities,  
49 contracts, equipment, unexpended balance of  
50 appropriations or other funds employed, held by, or

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1 available to a state agency or department for carrying  
2 out the functions assigned to the board pursuant to  
3 this chapter, except funds which revert to the general  
4 fund of the state, are transferred to the board on  
5 July 1, 1984."

6 25. Page 13, by striking lines 13 through 21 and  
7 inserting in lieu thereof the following:

8 "Sec. \_\_\_\_ . This Act takes effect July 1, 1984,  
9 except that section 25 takes effect July 1, 1988.

10 Rules promulgated by the department of public  
11 instruction under chapter 17A that relate to  
12 certification and program approval that are not  
13 contrary to this Act shall remain in force until  
14 changed by the board."

COMMITTEE ON EDUCATION  
JOE BROWN, Chair

S-5485

1 Amend Senate File 2279 as follows:

2 1. Page 1, lines 7 and 8 by striking the words  
3 "contracts for the purchase of real property,"

JACK W. HESTER

S-5486

- 1 Amend Senate File 2279 as follows:  
 2 1. Page 1, by inserting after line 30 the fol-  
 3 lowing:  
 4 "6. All proceeds received from the sale of any  
 5 property protected under this section shall first  
 6 be applied to the payment of principal and interest  
 7 due under the loan agreement."

BERL E. PRIEBE

S-5487

- 1 Amend House File 2436 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 35 by inserting after the word  
 4 "physician," the words "the dispensing pharmacist,".

CHARLES P. MILLER  
 TOM SLATER  
 WALLY E. HORN

S-5488

- 1 Amend Senate File 2279 as follows:  
 2 1. Page 1, by striking line 5 and inserting in  
 3 lieu thereof the following: "on farm operations,  
 4 small businesses, and residences in this state."  
 5 2. Page 1, by striking line 10 and inserting in  
 6 lieu thereof the following: "farming or the operation  
 7 of a small business or used as a dwelling by the owner  
 8 of the property. The moratorium".  
 9 3. Page 1, line 13, by inserting after the word  
 10 "implement." the following: "The moratorium imposed  
 11 by this subsection against foreclosure on dwellings  
 12 shall only apply if the owner of the dwelling resides  
 13 in the dwelling, is unemployed, and has exhausted  
 14 the owner's unemployment compensation benefits."  
 15 4. Title page, by striking lines 6 and 7 and  
 16 inserting in lieu thereof the following: "being used  
 17 for farming or the operation of a small business or  
 18 used as a dwelling by the owner of the property."

TED ANDERSON

S-5489

- 1 Amend Senate File 2255 as follows:  
 2 1. Page 1, by inserting before line 1 the fol-  
 3 lowing:

4 "Section 1. Chapter 117, Code 1983, is amended by  
5 adding the following new section:  
6 NEW SECTION. A real estate broker or any person  
7 other than a bank, savings and loan association, or  
8 savings bank who directly or indirectly owns, or is  
9 owned by, or is affiliated with, or is franchised by,  
10 or has franchised the real estate broker, shall not, in  
11 this state, engage in the business of selling stocks,  
12 bonds, mutual funds, or money market funds or in the  
13 business of acting as a broker for bank, savings and  
14 loan association or savings bank deposit accounts or  
15 certificates of deposit."

EDGAR H. HOLDEN

S-5490

1 Amend Senate File 2255 as follows:  
2 1. Page 1, by inserting before line 1 the following:  
3 "Section 1. Chapter 117, Code 1983, is amended by  
4 adding the following new section:  
5 NEW SECTION. A real estate broker or any person who  
6 directly or indirectly owns, or is owned by, or is  
7 affiliated with, or is franchised by, or has fran-  
8 chised the real estate broker, shall not engage in  
9 the business of selling or leasing tangible goods at  
10 any location where the real estate broker conducts  
11 business."

EDGAR H. HOLDEN

S-5491

1 Amend House File 2464 as passed by the House as  
2 follows:  
3 1. Page 1, line 22, by inserting after the period  
4 the words "If earthwork, excavation, or tiling is  
5 performed in a highway or street right-of-way and  
6 will not traverse the pipeline, the pipeline company  
7 shall not be required to have a representative present  
8 during the earthwork, excavation, or tiling."

EMIL J. HUSAK

S-5492

1 Amend the Drake amendment S-5277 to House File  
2 2218, as amended, passed and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 4 the following:

5 "Sec. \_\_\_\_ . Chapter 307, Code 1983, is amended  
 6 by adding the following new section:  
 7 **NEW SECTION. 307.36 ODOMETER LAW ENFORCEMENT.**  
 8 The department shall with the assistance of the  
 9 attorney general investigate and prosecute violators  
 10 of the state and federal odometer law. The department  
 11 shall refer available evidence concerning a possible  
 12 violation of section 321.71 or the federal odometer  
 13 law or a rule or order issued under section 321.71  
 14 or the federal odometer law to the attorney general.  
 15 The attorney general, with or without the referral,  
 16 may institute appropriate criminal proceedings or  
 17 may direct the case to the appropriate county attorney  
 18 to institute appropriate criminal proceedings. The  
 19 attorney general may use those funds available to  
 20 the department for the purpose of prosecutions and  
 21 to investigate violations of the state and federal  
 22 odometer law and law enforcement agencies may be  
 23 reimbursed for expenses incurred in the enforcement  
 24 of the state and federal odometer laws with the  
 25 approval of the attorney general and concurrence by  
 26 the department."

27 2. Page 1, by inserting after line 28 the  
 28 following:

29 "Sec. \_\_\_\_ . Section 312.2, Code Supplement 1983,  
 30 is amended by adding the following new subsection:  
 31 **NEW SUBSECTION. 16.** The treasurer of state,  
 32 before making the allotments provided for in this  
 33 section, shall credit annually to the state department  
 34 of transportation from the road use tax fund an amount  
 35 equal to twenty-five cents on each title issuance  
 36 to be expended with the concurrence of the state  
 37 department of transportation and the attorney general  
 38 for state and federal odometer law enforcement  
 39 purposes. This subsection is effective for the fiscal  
 40 period beginning July 1, 1984 and ending June 30,  
 41 1989."

42 3. Page 4, line 20, by striking the word "ten"  
 43 and inserting in lieu thereof the word "four".

44 4. Page 5, by inserting after line 39 the  
 45 following:

46 "Sec. \_\_\_\_ . Section 321.71, subsection 11, Code  
 47 1983, is amended to read as follows:

48 11. Any person who violates the provisions of  
 49 this section shall be punished by a fine of not less  
 50 than four hundred dollars and not more than one

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1 thousand dollars or by imprisonment in the county  
 2 jail for a period not to exceed ninety days, or



3 punished by both such fine and imprisonment is guilty  
4 of a fraudulent practice."

5 5. Page 9, by striking lines 6 through 16 and  
6 inserting in lieu thereof the following:

7 "The fee for an operator's license shall be ~~five~~  
8 ~~ten~~ dollars if issued for a period of two years,  
9 ~~fifteen~~ dollars if issued for a period of ~~three~~ years,  
10 and ~~ten~~ ~~thirty~~ dollars if issued for a period of ~~four~~  
11 ~~six~~ years. The fee for a chauffeur's license shall  
12 be ~~ten~~ ~~fifteen~~ dollars if issued for a period of ~~two~~  
13 ~~three~~ years, and ~~twenty~~ ~~thirty~~ dollars if issued  
14 for a period of ~~four~~ ~~six~~ years. The fee for an  
15 instruction permit shall be ~~three~~ ~~six~~ dollars, for  
16 a chauffeur's instruction permit, ~~six~~ ~~twelve~~ dollars,  
17 for a temporary driver's permit, ~~five~~ ~~ten~~ dollars  
18 and for a motorized bicycle license, ~~five~~ ~~ten~~ dollars."

19 6. Renumber sections and correct internal  
20 references as are necessary in accordance with this  
21 amendment.

RICHARD F. DRAKE

S-5493

1 Amend Senate File 2279 as follows:

2 1. Page 1, by inserting after line 13 the  
3 following: "The moratorium shall only apply provided  
4 the delinquency in payment is due to circumstances  
5 beyond the debtor's control and the debtor cannot  
6 continue to make payments without impairing the  
7 debtor's standard of living."

CHARLES BRUNER

S-5494

1 Amend House File 2219, as amended, passed and  
2 reprinted by the House as follows:

3 1. Amend the title, line 3, by inserting after  
4 the word "day" the words ", and subjecting violators  
5 to a penalty as provided by law".

RAY TAYLOR

S-5495

1 Amend House File 2465 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. Section 226.27, Code 1983, is amended

5 by striking the section and inserting in lieu thereof  
6 the following:

7 226.27 PATIENT ACCUSED OR ACQUITTED OF CRIME OR  
8 AWAITING JUDGMENT. If a patient was committed to  
9 a state hospital for evaluation or treatment under  
10 chapter 812 or the rules of criminal procedure, further  
11 proceedings shall be had under chapter 812 or whichever  
12 rule is applicable when the evaluation has been  
13 completed or the patient has regained mental capacity,  
14 as the case may be.

15 Sec. 2. Section 229.1, subsection 1, Code  
16 Supplement 1983, is amended to read as follows:

17 1. "Mental illness" means every type of mental  
18 disease or mental disorder, except that it does not  
19 refer to mental retardation as defined in section  
20 222.2, subsection 5, or to insanity, diminished  
21 responsibility, or mental incompetency as the terms  
22 are defined and used in the Iowa criminal code or  
23 in the rules of criminal procedure, Iowa court rules,  
24 2d ed.

25 Sec. 3. Section 229.26, Code 1983, is amended  
26 to read as follows:

27 229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY  
28 HOSPITALIZATION. Sections 229.6 to ~~229.20~~ shall  
29 ~~229.19~~ constitute the exclusive procedure for  
30 involuntary hospitalization of persons by reason of  
31 serious mental impairment in this state, except that  
32 nothing in this chapter shall ~~negate~~ ~~negates~~ the  
33 provisions of sections 245.12 and 246.16 ~~relative~~  
34 relating to transfer of mentally ill prisoners to  
35 state hospitals for the mentally ill or applies to  
36 commitments of persons under chapter 812 or the rules  
37 of criminal procedure, Iowa court rules, 2d ed.

38 Sec. 4. Rule of criminal procedure 21, section  
39 8, Iowa court rules, 2d ed., is amended by striking  
40 the section and inserting in lieu thereof the  
41 following:

42 8. ACQUITTAL ON GROUND OF INSANITY OR DIMINISHED  
43 RESPONSIBILITY; COMMITMENT; HEARING.

44 a. JURY FINDING. If the defense is insanity or  
45 diminished responsibility, the jury must be instructed  
46 that, if it acquits the defendant on either of those  
47 grounds, it shall state that fact in its verdict.

48 b. COMMITMENT FOR EVALUATION. Upon a verdict  
49 of not guilty by reason of insanity or diminished  
50 responsibility, the court shall immediately order

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1 the defendant committed to a state mental health  
2 institute or other appropriate facility for a complete

3 psychiatric evaluation and shall set a date for a  
4 hearing to inquire into the defendant's current mental  
5 condition. The court shall prepare written findings  
6 which shall be delivered to the facility at the time  
7 the defendant is admitted fully informing the chief  
8 medical officer of the facility of the reason for  
9 the commitment. The chief medical officer shall  
10 report to the court within fifteen days of the  
11 admission of the defendant to the facility, stating  
12 the chief medical officer's diagnosis and opinion  
13 as to whether the defendant is in a mental state in  
14 which the defendant is dangerous to any other person  
15 or to the defendant's self. A copy of the report  
16 shall be provided to the defendant's attorney and  
17 to the attorney for the state. An extension of time  
18 for the evaluation, not to exceed fifteen days, shall  
19 be granted upon the chief medical officer's request  
20 unless the defendant objects to the extension of time  
21 in which case the court shall inquire into the need  
22 for the extension and either order the release of  
23 the defendant or grant the extension of time for the  
24 evaluation.

25 c. INDEPENDENT EXAMINATION. The defendant may  
26 have a separate examination conducted at the facility  
27 by a licensed physician of the defendant's choice  
28 and the report of the independent examiner shall be  
29 submitted to the court.

30 d. RETURN FOR HEARING. Upon filing the report  
31 required by this rule, the chief medical officer shall  
32 give notice to the sheriff and county attorney of  
33 the county from which the defendant was committed  
34 and the sheriff shall receive and hold the defendant  
35 for hearing. However, if the chief medical officer  
36 believes continued custody of the defendant at the  
37 facility is necessary to ensure the defendant's safety  
38 or the safety of any other person and states that  
39 finding in the report, the court shall make  
40 arrangements for the hearing to be conducted as soon  
41 as practicable at a suitable place within the facility  
42 to which the defendant was committed.

43 e. HEARING AND RELEASE OR RETENTION IN CUSTODY.

44 If, upon hearing, the defendant is found to be in  
45 good mental health and no longer dangerous to the  
46 defendant's self or to others, the defendant shall  
47 be discharged. If, however, the defendant is found  
48 to be dangerous to the defendant's self or to others,  
49 the court shall order the defendant committed to a  
50 state mental health institute or to the Iowa security

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1 and medical facility and retained in custody until  
2 it is demonstrated that the defendant has regained  
3 good mental health and is no longer dangerous to the  
4 defendant's self or to others but in no case shall  
5 the defendant be held in custody under this rule for  
6 a period greater than the period the defendant could  
7 have been imprisoned if the defendant had been  
8 convicted of the offense.

9 Sec. 5. Rule of criminal procedure 22, section  
10 3, subsections b and c, Iowa court rules, 2d ed.,  
11 are amended by striking the subsections and inserting  
12 in lieu thereof the following:

13 b. WHAT MAY BE SHOWN FOR CAUSE. The defendant  
14 may show for cause against the entry of judgment any  
15 sufficient ground for a new trial or in arrest of  
16 judgment.

17 c. INCOMPETENCY. If it reasonably appears to  
18 the court that the defendant is suffering from a  
19 mental disorder which prevents the defendant from  
20 appreciating or understanding the nature of the  
21 proceedings or effectively assisting defendant's  
22 counsel, judgment shall not be immediately entered  
23 and the defendant's mental competency shall be  
24 determined according to the procedures described in  
25 sections 812.3 through 812.5.

26 Sec. 6. Sections 226.29 and 229.20, Code 1983,  
27 are repealed.

PATRICK J. DELUHERY

S-5496

1 Amend House File 2394 as follows:  
2 1. Page 1, by striking lines 19 through 29.  
3 2. Page 4, by inserting after line 20 the  
4 following:  
5 "5. Individuals who are not licensed as licensed  
6 registered dietitians or licensed nutritionists who  
7 do not hold themselves out to the public as being  
8 licensed registered dietitians or licensed  
9 nutritionists. Section 147.83 does not apply to  
10 persons who are not so licensed and do not hold  
11 themselves out as licensed registered dietitians or  
12 licensed nutritionists."

EDGAR H. HOLDEN

S-5497

1 Amend House File 2183 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 19, by inserting after the word  
 4 "purpose." the words "This chapter does not apply  
 5 to a business entity which uses its own employees  
 6 in removing or encapsulating asbestos for the purpose  
 7 of renovating, maintaining or repairing its own  
 8 facilities."

COMMITTEE ON LABOR AND  
 INDUSTRIAL RELATIONS  
 TED ANDERSON, Chair

S-5498

1 Amend House File 625 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. By striking page 1, line 1 through page 2,  
 4 line 4, and inserting in lieu thereof the following:  
 5 "Section 1. Section 123.53, Code 1983, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 8. The treasurer of state shall  
 8 deposit in a special account in the general fund of  
 9 the state, a sum of money equal to seven percent of  
 10 the gross amount of sales made by the state liquor  
 11 stores in the cities of the state. Any amount so  
 12 deposited shall be used for substance abuse treatment  
 13 and prevention programs in an amount determined by  
 14 the general assembly and for an appropriate cash  
 15 balance in the general fund as determined by the  
 16 general assembly.  
 17 Sec. 2. NEW SECTION. 123.162 SALES MARGIN  
 18 DIFFERENCE. The governor may order the council to  
 19 adjust the sales margin on liquor. However, the  
 20 adjustment in any fiscal year shall not exceed twenty  
 21 percent of the sales margin in that fiscal year.  
 22 Sec. 3. NEW SECTION. 125.60 LOCAL PROGRAMS.  
 23 Notwithstanding section 125.13, subsection 1, ten  
 24 percent of the annual appropriation to the department  
 25 shall be used to reimburse counties for the annual  
 26 cost of substance abuse treatment and prevention  
 27 programs which were operated or contracted by a county  
 28 board of supervisors before July 1, 1984 and are not  
 29 included in section 125.13, subsection 1. The  
 30 treasurer of state shall apportion the total amount  
 31 available under this subsection to the eligible  
 32 counties on a per capita basis. A county board of  
 33 supervisors may semiannually submit a claim to the

34 treasurer of state for the actual amount expended  
 35 by the county board of supervisors for the programs.  
 36 The amount of the claim shall not exceed the county's  
 37 per capita apportionment."

38 2. Page 2, line 5, by striking the figure "125.60"  
 39 and inserting in lieu thereof the figure "125.61".

40 3. Page 2, by inserting after line 31 the  
 41 following: "The funding available for implementing  
 42 the state plan developed by the department shall be  
 43 distributed by a formula based on population, need,  
 44 and other criteria as determined by the department  
 45 in each county or multicounty area."

46 4. Page 3, by striking lines 2 through 6 and  
 47 inserting in lieu thereof the words "This decision  
 48 and review is not applicable to county plans and  
 49 programs which are not funded by the department."

50 5. Page 3, by striking lines 15 through 26.

Page 2

1 6. Page 3, by inserting before line 27 the  
 2 following:

3 "Sec. \_\_\_\_ . Chapter 125, Code 1983, is amended  
 4 by adding the following new section:  
 5 **NEW SECTION. 125.43A PRELIMINARY ASSESSMENT.**  
 6 Except in cases of medical emergency, a person shall  
 7 be admitted to a state mental health institute only  
 8 after a preliminary intake and assessment by an Iowa  
 9 department of substance abuse licensed treatment  
 10 facility has confirmed that the admission is  
 11 appropriate to the person's substance abuse service  
 12 needs."

13 7. Page 5, by striking lines 10 through 13 and  
 14 inserting in lieu thereof the words "The state's cost  
 15 for the treatment of substance abusers under this  
 16 section shall be paid from funds available to the  
 17 department of substance abuse. Treatment for substance  
 18 abusers under 125.43 shall be paid from funds available  
 19 to the department of human services for that purpose."

20 8. Page 6, line 34, by striking the figure "125.53"  
 21 and inserting in lieu thereof the figure "125.52".

22 9. Page 7, by striking lines 1 through 9.

23 10. Page 7, by inserting before line 10 the  
 24 following:

25 "Sec. \_\_\_\_ . In addition to the regular sales margin  
 26 which is included in the sale price of liquor as  
 27 established by the Iowa beer and liquor control council  
 28 pursuant to section 123.21, subsection 6, and including  
 29 the provisions in section 123.53, subsections 3 and  
 30 7, the council shall adjust the sale price of liquor

AMENDMENTS FILED

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31 on July 1, 1984 in an amount sufficient to raise funds  
32 in an amount equal to the difference between the  
33 amount appropriated to the department of substance  
34 abuse from the general fund of the state for the 1983-  
35 1984 fiscal year and the amount appropriated to the  
36 department for the 1984-1985 fiscal year."

37 11. Page 7, line 11, by striking the figure "1984"  
38 and inserting in lieu thereof the figure "1985".

39 12. By renumbering as necessary.

WILLIAM W. (Bill) DIELEMAN

S-5499

1 Amend House File 2478, as amended, passed and  
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 10 and 11 and  
4 inserting in lieu thereof the following: "the  
5 exemption is claimed is otherwise qualified. The  
6 belated claim shall be filed with the appropriate  
7 assessor before the succeeding July 1 and, if approved  
8 by the board of supervisors, the county treasurer  
9 shall file an amended certificate of military service."

COMMITTEE ON LOCAL GOVERNMENT  
ALVIN V. MILLER, Chair

S-5500

1 Amend House File 2274, as passed by the House,  
2 as follows:

3 1. Page 1, by striking lines 14 and 15 and  
4 inserting in lieu thereof the following:  
5 "Sec. 2. This Act is retroactive to January 1,  
6 1984, for the tax years beginning on or after that  
7 date."

BERLE E. PRIEBE

S-5501

1 Amend House File 2439 as passed by the House, as  
2 follows:

3 1. By striking page 2, line 31 through page 3,  
4 line 4.  
5 2. Page 3, by striking lines 26 through 32.  
6 3. Renumber as necessary.

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chair

S-5502

- 1 Amend House File 2068 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "listing" the words "the utility's best estimate of".

EDGAR H. HOLDEN

S-5503

- 1 Amend House File 2491 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, by striking lines 14 through 27 and
- 4 inserting in lieu thereof the following: "generating
- 5 capacity which exceeds the amount reasonably necessary
- 6 to provide adequate and reliable service as determined
- 7 by the commission."

EDGAR H. HOLDEN

S-5504

- 1 Amend House File 2468 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 7, lines 30 and 31, by striking the words
- 4 "confined to a residence by a physical disability
- 5 or illness."
- 6 2. Page 8, lines 8 and 9, by striking the words
- 7 "confined to a residence by a physical disability
- 8 or illness."
- 9 3. Page 10, lines 21 and 22, by striking the words
- 10 "confined to a residence by a physical disability
- 11 or illness, or".

COMMITTEE ON STATE GOVERNMENT  
TOM SLATER, Chair

S-5505

- 1 Amend House File 2467, as passed by the House,
- 2 as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. **NEW SECTION. 252C.1 DEFINITIONS.**
- 6 As used in this chapter, unless the context otherwise
- 7 requires:
- 8 1. "Caretaker" means a parent, relative, guardian,
- 9 or another person who is responsible for paying foster
- 10 care costs pursuant to chapter 234 or whose needs
- 11 are included in an assistance payment made pursuant



12 to chapter 239.

13 2. "Court order" means a judgment or order of  
14 a court of this state or another state requiring the  
15 payment of a set or determinable amount of monetary  
16 support.

17 3. "Department" means the department of human  
18 services.

19 4. "Dependent child" means a person who meets  
20 the eligibility criteria established in chapter 234  
21 or 239 and whose support is required by chapter 234,  
22 239, 252A, 598, or 675.

23 5. "Director" means the director of the child  
24 support recovery unit of the department of human  
25 services, or the director's designee.

26 6. "Public assistance" means foster care costs  
27 paid by the department pursuant to chapter 234 or  
28 assistance provided pursuant to chapter 239.

29 7. "Responsible person" means a parent, relative,  
30 guardian, or another person legally liable for the  
31 support of a child or a child's caretaker.

32 **Sec. 2. NEW SECTION. 252C.2 ASSIGNMENT-CREATION**  
33 **OF SUPPORT DEBT-SUBROGATION.**

34 1. By accepting public assistance for or on behalf  
35 of a dependent child or a dependent child's caretaker,  
36 the recipient is deemed to have made an assignment  
37 to the department of any and all right, title, and  
38 interest in any support obligation and arrearages  
39 owed to or for the child or caretaker up to the amount  
40 of public assistance paid for or on behalf of the  
41 child or caretaker.

42 2. The payment of public assistance to or for  
43 the benefit of a dependent child or a dependent child's  
44 caretaker creates a support debt due and owing to  
45 the department by the responsible person in an amount  
46 equal to the public assistance payment, except that  
47 the support debt is limited to the amount of a support  
48 obligation established by court order or by the  
49 director. If a court order has not been entered,  
50 the director may establish a support debt in an amount

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1 determined to be consistent with the debtor's ability  
2 to pay and the needs of the dependent child, both  
3 as to amounts accrued and accruing, and with a schedule  
4 of minimum support obligations established by the  
5 department. However, a support debt is not created  
6 in favor of the department against a responsible  
7 person for the period during which the responsible

8 person is a recipient on the person's own behalf of  
9 public assistance for the benefit of the dependent  
10 child or the dependent child's caretaker.

11 3. The provision of child support collection or  
12 paternity determination services under chapter 252B  
13 to an individual, even though the individual is  
14 ineligible for public assistance, creates a support  
15 debt due and owing to the individual or the  
16 individual's child or ward by the responsible person  
17 in the amount of a support obligation established  
18 by court order or by the director. If a court order  
19 has not been entered, the director may establish a  
20 support debt in favor of the individual or the  
21 individual's child or ward and against the responsible  
22 person, in an amount determined to be consistent with  
23 the responsible person's ability to pay and the needs  
24 of the dependent child, both as to amounts accrued  
25 and accruing, and with a schedule of minimum support  
26 obligations established by the department.

27 4. The department is subrogated to the rights  
28 of a dependent child or a dependent child's caretaker  
29 to bring a court action or to execute an administrative  
30 remedy for the collection of support. The director  
31 may petition an appropriate court for modification  
32 of a court order on the same grounds as a party to  
33 the court order can petition the court for  
34 modification.

35 **Sec. 3. NEW SECTION. 252C.3 NOTICE OF SUPPORT**  
36 **DEBT-ADMINISTRATIVE HEARING, DETERMINATION, AND**  
37 **ORDER.**

38 1. In the absence of a court order, the director  
39 may issue a notice establishing and demanding payment  
40 of an accrued or accruing support debt due and owed  
41 to the department or an individual under section  
42 252C.2. The notice shall be served upon the  
43 responsible person in accordance with the rules of  
44 civil procedure. The notice shall include all of  
45 the following:

- 46 a. The amount of any monthly public assistance  
47 creating a support debt.
- 48 b. A computation of the support debt.
- 49 c. The name of a public assistance recipient and  
50 the name of the dependent child or caretaker for whom

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- 1 the public assistance is paid.
- 2 d. A demand for immediate payment of the support
- 3 debt.

4 e. A statement that if the responsible person  
5 desires to discuss the amount of support that the  
6 responsible person should be required to pay, the  
7 responsible person may, within ten days after being  
8 served, contact the office of the child support  
9 recovery unit which sent the notice and request a  
10 negotiation conference, after which the director may  
11 issue a new notice and finding of financial  
12 responsibility to be sent to the responsible person  
13 by regular mail addressed to the responsible person's  
14 last known address, or if applicable, to the  
15 responsible person's attorney's last known address.

16 f. A statement that if the responsible person  
17 objects to all or any part of the notice or finding  
18 of financial responsibility and no negotiation  
19 conference is requested, then within twenty days of  
20 the date of service, the responsible person shall  
21 send to the office of the child support recovery unit  
22 which issued the notice a written response setting  
23 forth any objections and requesting a hearing.

24 g. A statement that if a negotiation conference  
25 is requested, then the responsible person shall have  
26 ten days from the date set for the negotiation  
27 conference or twenty days from the date of service  
28 of the original notice, whichever is later, to send  
29 a request for a hearing to an office of the child  
30 support recovery unit.

31 h. A statement that if the director issues a new  
32 notice and finding of financial responsibility, then  
33 the responsible person shall have ten days from the  
34 date of issuance of the new notice or twenty days  
35 from the date of service of the original notice,  
36 whichever is later, to send a request for a hearing  
37 to an office of the child support recovery unit.

38 i. A statement that if a timely written request  
39 for a hearing is received by an office of the child  
40 support recovery unit, the responsible person shall  
41 have the right to a hearing to be held in district  
42 court; and that if no timely written response is  
43 received, the director may enter an order in accordance  
44 with the notice and finding of financial  
45 responsibility.

46 j. A statement that, as soon as the order is  
47 entered, the property of the responsible person is  
48 subject to collection action, including but not limited  
49 to wage withholding, garnishment, attachment of a  
50 lien, and execution.

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1 k. A statement that the responsible person shall

2 notify the director of any change of address or  
3 employment.

4 l. A statement that if the responsible person  
5 has any questions, the responsible person should  
6 telephone or visit an office of the child support  
7 recovery unit or consult an attorney.

8 m. Such other information as the director finds  
9 appropriate.

10 2. The time limitations for requesting a hearing  
11 in subsection 1 may be extended by the director.

12 3. If a timely written response setting forth  
13 objections and requesting a hearing is received by  
14 the appropriate office of the child support recovery  
15 unit, a hearing shall be held in district court.

16 4. If timely written response and request for  
17 hearing is not received by an office of the child  
18 support recovery unit, the director may enter an order  
19 in accordance with the notice, and shall specify all  
20 of the following:

21 a. The amount of monthly support to be paid, with  
22 directions as to the manner of payment.

23 b. The amount of the support debt accrued and  
24 accruing in favor of the department.

25 c. The name of the custodial parent or agency  
26 having custody of the dependent child and the name  
27 and birthdate of the dependent child for whom support  
28 is to be paid.

29 d. A statement that the property of the responsible  
30 person is subject to collection action, including  
31 but not limited to wage withholding, garnishment,  
32 attachment of a lien and execution.

33 5. The responsible person shall be sent a copy  
34 of the order by regular mail addressed to the  
35 responsible person's last known address, or if  
36 applicable, to the responsible person's attorney's  
37 last known address. The order is final, and action  
38 by the director to enforce and collect upon the order,  
39 including arrearages, may be taken from the date of  
40 issuance of the order.

41 **Sec. 4. NEW SECTION. 252C.5 CERTIFICATION OF**  
42 **ORDER TO DISTRICT COURT--HEARING--DEFAULT UPON FAILURE**  
43 **TO APPEAR.**

44 1. If a timely written request for a hearing is  
45 received, the director shall certify the matter to  
46 the district court in the county in which the order  
47 has been filed, or if no such order has been filed,  
48 then to a district court in the judicial district  
49 where the dependent child resides.

50 2. If the matter has not been heard previously

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1 by the district court, the certification shall include  
2 true copies of the notice and finding of financial  
3 responsibility or notice of the support debt accrued  
4 and accruing, the return of service, the written  
5 objections and request for hearing, and true copies  
6 of any administrative orders previously entered.

7 3. The court shall set the matter for hearing  
8 and notify the parties of the time and place of  
9 hearing.

10 4. The court shall consider as a guide the schedule  
11 established under section 252C.11 in establishing  
12 the monthly support payment and the amount of the  
13 support debt accrued and accruing.

14 5. If a party fails to appear at the hearing,  
15 upon a showing of proper notice to that party, the  
16 court may find that party in default and enter an  
17 appropriate order.

18 **Sec. 5. NEW SECTION. 252C.6 FILING AND DOCKETING**  
19 **OF FINANCIAL RESPONSIBILITY ORDER--ORDER EFFECTIVE**  
20 **AS DISTRICT COURT DECREE.** A true copy of any order  
21 entered by the director pursuant to this chapter,  
22 along with a true copy of the return of service, if  
23 applicable, may be filed in the office of the clerk  
24 of the district court in the county in which the  
25 dependent child resides. Upon filing, the clerk shall  
26 enter the order in the judgment docket, and the order  
27 shall have all the force, effect, and attributes of  
28 a docketed order or decree of the district court.

29 **Sec. 6. NEW SECTION. 252C.7 INTEREST ON SUPPORT**  
30 **DEBTS.** Interest accrues on support debts at the rate  
31 provided in section 535.3 for court judgments. The  
32 director may collect the accrued interest but is not  
33 required to maintain interest balance accounts. The  
34 department may waive payment of the interest if the  
35 waiver will facilitate the collection of the support  
36 debt.

37 **Sec. 7. NEW SECTION. 252C.8 EMPLOYERS--**  
38 **ASSIGNMENTS OF EARNINGS.** In addition to other remedies  
39 provided by law for the enforcement of a support  
40 obligation, the employer of a responsible person owing  
41 a support debt shall honor a duly executed assignment  
42 of current or future earnings presented by the director  
43 to the employer as a plan to satisfy or retire the  
44 support debt. The assignment is effective until  
45 released in writing by the director. The employer  
46 is entitled to receive from the debtor a fee of one  
47 dollar for each remittance under the assignment.

48 Payment of moneys pursuant to the assignment of  
 49 earnings is a full acquittance under a contract of  
 50 employment. The director is released from liability

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1 for improper receipt of moneys under an assignment  
 2 of earnings upon the return of the moneys.  
 3 **Sec. 8. NEW SECTION. 252C.9 PREVENTION OF**  
 4 **TRANSFER OF ASSETS OR COMPLIANCE WITH ORDER.** If the  
 5 director reasonably believes that the responsible  
 6 person is not a resident of this state, is about to  
 7 move from this state, or is concealing the responsible  
 8 person's whereabouts, or that the responsible person  
 9 has removed or is about to remove, secrete, waste,  
 10 or otherwise dispose of property which could be made  
 11 subject to collection procedures to satisfy the support  
 12 debt, the director may petition the district court  
 13 for a temporary restraining order barring the removal,  
 14 secretion, waste, or disposal. However, if the  
 15 responsible person furnishes a bond satisfactory to  
 16 the court, the temporary restraining order shall be  
 17 vacated.

18 **Sec. 9. NEW SECTION. 252C.10 COURT ORDER**  
 19 **PREVAILS.** If an order issued pursuant to this chapter  
 20 conflicts with an order of a court, to the extent  
 21 of the conflict the court order prevails.

22 **Sec. 10. NEW SECTION. 252C.11 RULES.**  
 23 1. The department shall adopt rules pursuant to  
 24 chapter 17A to establish the minimum support guidelines  
 25 set out in subsection 2 and to otherwise implement  
 26 this chapter.

27 2. a. As used in this subsection, "monthly net  
 28 income" means gross monthly income minus payroll taxes  
 29 as defined in section 85.61, subsection 10, mandatory  
 30 pension contributions, health insurance or health  
 31 benefit payments for dependents, and deductions not  
 32 to exceed twenty-five dollars per month for individual  
 33 health insurance, health benefit payments, or medical  
 34 expenses.

35 b. In ordering a parent to pay reasonable and  
 36 necessary child support, the court shall set the  
 37 monthly amount of the child support by multiplying  
 38 the parent's monthly net income by the percentage  
 39 indicated in the following guidelines, unless the  
 40 court makes express findings of fact as to the rea-  
 41 son for deviating from the guidelines. However, the  
 42 court may set the child support above the amount in  
 43 the guidelines without making express findings of

44 fact if the parties expressly agree to the amount  
 45 of the child support.

46

47 Monthly Net 48 Income of Parent	49 <u>Number of Children</u>						
	1	2	3	4	5	6	7 or more
49 \$ 400 and below	50 Order based on the ability of the parent to provide support at these income levels,						

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1	or at higher levels, if the parent has the						
2	ability to earn more.						
3 \$ 401 - 500	14%	17%	20%	22%	24%	26%	28%
4 \$ 501 - 550	15%	18%	21%	24%	26%	28%	30%
5 \$ 551 - 600	16%	19%	22%	25%	28%	30%	32%
6 \$ 601 - 650	17%	21%	24%	27%	29%	32%	34%
7 \$ 651 - 700	18%	22%	25%	28%	31%	34%	36%
8 \$ 701 - 750	19%	23%	27%	30%	33%	36%	38%
9 \$ 751 - 800	20%	24%	28%	31%	35%	38%	40%
10 \$ 801 - 850	21%	25%	29%	33%	36%	40%	42%
11 \$ 851 - 900	22%	27%	31%	34%	38%	41%	44%
12 \$ 901 - 950	23%	28%	32%	36%	40%	43%	46%
13 \$ 951 - 1000	24%	29%	34%	38%	41%	45%	48%
14 \$ 1001 and over	25%	30%	35%	39%	43%	47%	50%

15 c. If the parent is covered by a health insurance  
 16 or health benefit plan, provided through an employer  
 17 or an organization, which can be extended to cover  
 18 the child for whom child support is ordered and if  
 19 the employer or organization will pay a substantial  
 20 portion of the cost of extending the plan to the  
 21 child, the court shall require the parent to exercise  
 22 the option of extending the coverage to the child  
 23 and the court shall consider the additional costs  
 24 of the extension to the parent as a partial payment  
 25 of the child support ordered pursuant to paragraph  
 26 "b".

27 d. In applying the guidelines, the court shall  
 28 consider the following criteria:

29 (1) All earnings, income, and resources of the  
 30 parent, including real and personal property.

31 (2) The basic living needs of the parent.

32 (3) The financial needs of the child or children  
 33 to be supported.

34 (4) The amount of the aid to families with  
 35 dependent children grant for which the child or  
 36 children could be eligible.

37 e. In applying the guidelines, the court may  
 38 consider previous support or maintenance orders which  
 39 the parent is currently paying. The court shall not

40 consider debts owed to private creditors.  
 41 f. The court, in its child support order, may  
 42 direct that the monthly amount of child support be  
 43 periodically adjusted by the clerk of the district  
 44 court according to the guidelines."

TOM MANN, JR.

S-5506

1 Amend House File 2392 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, lines 31 and 32, by striking the words  
 4 "corrections, parole, and probation officers and  
 5 community correctional service workers" and inserting  
 6 in lieu thereof the words "correctional officers".  
 7 2. Page 1, line 35, by striking the word "their"  
 8 and inserting in lieu thereof the words "a correctional  
 9 career."  
 10 3. Page 2, by striking line 1.  
 11 4. Title page, by striking lines 2 and 3, and  
 12 inserting in lieu thereof the words "enforcement and  
 13 correctional officers."

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chair

S-5507

1 Amend House File 595 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 8, by striking the words  
 4 "misdemeanor or" and inserting in lieu thereof the  
 5 word "misdemeanor."

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chair

S-5508

1 Amend House File 2459 as passed by the House as  
 2 follows:  
 3 1. Page 1, line 6, by striking the words "one  
 4 hundred" and inserting in lieu thereof the word  
 5 "fifty".

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chair

S-5509

1 Amend House File 2486 as amended, passed, and re-



2 printed by the House as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 123.3, subsection 33, Code  
6 1983, is amended to read as follows:

7 33. "Legal age" means ~~nineteen~~ twenty years of  
8 age or more, ~~however, for a person who is an active~~  
9 ~~member of the armed forces of the United States legal~~  
10 ~~age means nineteen years of age or more.~~

11 Sec. 2. Section 123.50, Code 1983, is amended  
12 by adding the following new subsections:

13 NEW SUBSECTION. 4. However, upon the conviction  
14 of a licensee, beer permittee, or employee of a  
15 licensee or permittee for a violation of section  
16 123.49, subsection 2, paragraph "h", in lieu of the  
17 period of suspension required under subsection 3,  
18 the department may assess a civil penalty of one  
19 hundred dollars for a first offense, two hundred and  
20 fifty dollars for a second offense within a twelve-  
21 month period, and five hundred dollars for a third  
22 offense within a twelve-month period. Money collected  
23 from penalties assessed under this subsection shall  
24 be deposited with the Iowa department of substance  
25 abuse for use in substance abuse treatment programs.

26 NEW SUBSECTION. 5. Upon the conviction of an  
27 employee of a state liquor store for a violation of  
28 section 123.47, the department shall assess a civil  
29 penalty against the state liquor store of one hundred  
30 dollars for a first offense, two hundred fifty dollars  
31 for a second offense within a twelve-month period,  
32 and five hundred dollars for a third offense within  
33 a twelve-month period. Money collected from penalties  
34 assessed under this subsection shall be deposited  
35 with the Iowa department of substance abuse for use  
36 in substance abuse treatment programs.

37 Sec. 3. Section 321.189, subsection 1, Code 1983,  
38 is amended by inserting after unnumbered paragraph  
39 1 the following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. A motor vehicle license  
41 or a nonoperator's identification card issued to a  
42 person under twenty years of age shall be identical  
43 in form to any other motor vehicle license or  
44 nonoperator's identification card issued to any other  
45 person, except that the photograph appearing on the  
46 face of the license or card shall be a side profile  
47 of the applicant. Upon attaining the age of twenty,  
48 the person shall be entitled to a new motor vehicle  
49 license or nonoperator's identification card and the  
50 applicant shall receive a credit against the cost

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1 of a new motor vehicle license or nonoperator's  
2 identification card in an amount equal to the  
3 apportioned monthly cost for the unexpired months  
4 of the motor vehicle license or the nonoperator's  
5 identification card. This paragraph is effective  
6 for licenses or cards issued after the effective date  
7 of this Act.

8 Sec. 4. Section 321.281, subsection 2, Code 1983,  
9 is amended by adding the following new unnumbered  
10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. On a conviction for  
12 a second or subsequent offense in violation of this  
13 section, the court shall order the defendant to undergo  
14 a substance abuse evaluation and the court may order  
15 the defendant to follow the recommendations proposed  
16 in the substance abuse evaluation for appropriate  
17 substance abuse treatment for the defendant. The  
18 time for which the defendant is committed for treatment  
19 shall be credited against the defendant's sentence.  
20 The court may prescribe the length of time for the  
21 evaluation and treatment or it may request that the  
22 hospital to which the person is committed immediately  
23 report to the court when the person has received  
24 maximum benefit from the program of the hospital or  
25 institution or has recovered from the person's  
26 addiction, dependency, or tendency to chronically  
27 abuse alcohol or drugs. A person committed under  
28 this section who does not possess sufficient income  
29 or estate to make payment of the costs of the treatment  
30 in whole or in part shall be considered a state patient  
31 and the costs of treatment shall be paid as provided  
32 in section 125.44. A defendant who fails to carry  
33 out the order of the court or who fails to successfully  
34 complete or attend an ordered substance abuse treatment  
35 program shall be confined in the county jail for  
36 twenty days in addition to any other imprisonment  
37 ordered by the court or may be ordered to perform  
38 unpaid community service work, and shall be placed  
39 on probation for one year with a violation of this  
40 probation punishable as contempt of court.

41 Sec. 5. Section 321.281, Code 1983, is amended  
42 by adding the following new subsection:

43 NEW SUBSECTION. 10. The court shall order a  
44 defendant convicted of a violation of this section  
45 to make restitution for damages resulting directly  
46 from the violation.

## 47 Sec. 6. STUDY COMMITTEE CREATED.

48 1. There is established a committee to study the  
49 laws and penalties relating to operating motor vehicles  
50 while intoxicated composed of eight members. The

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1 members shall be appointed as follows:

2 a. The chief justice of the supreme court shall  
3 select one judge to be a member and chair the  
4 committee.

5 b. The Iowa county attorneys association shall  
6 select one member of their organization as a member.

7 c. The Iowa public defenders association shall  
8 select one member of their organization as a member.

9 d. The department of public safety shall select  
10 an employee as a member.

11 e. The department of transportation shall select  
12 an employee of that department as a member.

13 f. The Iowa department of substance abuse shall  
14 select an employee as a member.

15 g. The legislative council shall select an attorney  
16 experienced in the defense of those charged with  
17 driving while intoxicated as a member.

18 h. The legislative council shall select a person  
19 with professional experience in substance abuse  
20 treatment as a member.

21 All members of the study committee shall be  
22 appointed not later than thirty days from the effective  
23 date of this Act. The study committee shall hold  
24 its organizational meeting not more than thirty days  
25 following the appointment of its membership.

26 2. Public members of the study committee shall  
27 receive a per diem of forty dollars and be reimbursed  
28 for their travel and other necessary expenses actually  
29 incurred in the performance of their official duties.  
30 Public employees who are members of the study committee  
31 shall be reimbursed for travel and other expenses  
32 actually incurred in the performance of their official  
33 duties.

34 3. The study committee shall conduct a  
35 comprehensive study of the laws and penalties presently  
36 in the Code relating to the operation of a motor  
37 vehicle by a person who is intoxicated and make  
38 recommendations for any changes in the law the  
39 committee deems necessary. The study committee may  
40 request assistance of any state or local government  
41 agency to obtain any data or other information which  
42 the study committee deems necessary to carry out its

- 43 duties. The state and local government agencies shall  
 44 provide any assistance requested by the study  
 45 committee.  
 46 4. The study committee may request that the  
 47 legislative council provide staff for the study  
 48 committee from the staff of the legislative service  
 49 bureau and the legislative fiscal bureau.  
 50 5. The study committee shall transmit copies of

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- 1 its final report to the general assembly on January  
 2 5, 1985. The final report shall include findings  
 3 of fact and its recommendations and relevant data  
 4 gathered by and for the committee."

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chair

S-5510

- 1 Amend the House amendment S-5443 to Senate File  
 2 2160, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 2. Page 1, by striking lines 6 through 13.

JAMES D. WELLS  
 MERLIN D. HULSE  
 TED ANDERSON

S-5511

- 1 Amend Senate amendment S-5509 to House File 2486  
 2 as amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 7 through 10 and  
 5 inserting in lieu thereof the following:  
 6 "38. "Legal age" means ~~nineteen~~ twenty-one years  
 7 of age or more."  
 8 2. Page 1, line 42, by striking the word "twenty"  
 9 and inserting in lieu thereof the word "twenty-one".  
 10 3. Page 1, line 47, by striking the word "twenty"  
 11 and inserting in lieu thereof the word "twenty-one".

DONALD V. DOYLE  
 MILO COLTON  
 WILLIAM W. (Bill) DIELEMAN  
 NORMAN J. GOODWIN  
 JAMES E. BRILES  
 BASS VAN GILST

S-5512

1 Amend House File 224 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Amend the title, by striking lines 1 and 2  
4 and inserting in lieu thereof the following: "An  
5 Act relating to the licensing of dogs by repealing  
6 the mandatory licensing of dogs by counties and by  
7 repealing the domestic animal fund."

JOE BROWN

S-5513

1 Amend House File 2491 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 2, line 5, by striking the words "the  
4 pendency of".  
5 2. Page 2, by striking lines 30 and 31 and  
6 inserting in lieu thereof the following: "It is the  
7 intent of the general assembly of the policy of this  
8 state of Iowa to that utility regulation should provide  
9 for the development of a fair resolution".  
10 3. Page 2, line 33, by striking the word "It"  
11 and inserting in lieu thereof the following: "It  
12 Further, it".  
13 4. Page 3, by striking lines 10 and 11 and  
14 inserting in lieu thereof the following: "use the  
15 investment in the most recently constructed electric  
16 generating units but shall not include electric  
17 generating units".  
18 5. Page 3, by striking lines 17 through 27 and  
19 inserting in lieu thereof the following: "the  
20 utility's actual peak electrical demand during the  
21 applicable period, unless the commission finds that  
22 a different level of generating capacity will result  
23 in a reserve margin which allows the public utility  
24 to provide service to customers at a lower total cost,  
25 including costs resulting from insufficient capacity  
26 and benefits from all generating resources directly  
27 or indirectly available to the utility. In no case  
28 shall a return on common equity be allowed by the  
29 commission on a utility's electric generating capacity  
30 which exceeds one hundred twenty-five percent of the  
31 utility's actual peak electrical demand during the  
32 applicable period."  
33 6. By striking page 4, line 5 through page 5,  
34 line 12.  
35 7. Page 5, by striking lines 16 and 17 and  
36 inserting in lieu thereof the following: "to  
37 applications filed under sections 476.6 or 476.7 on  
38 or after the effective date of this Act, to

- 39 commission's motions to initiate a formal proceeding  
 40 made under section 476.7 on or after the effective  
 41 date of this Act, and to complaints or petitions filed  
 42 under 476.3 on or after the effective date of this  
 43 Act."  
 44 8. Title page, lines 7 and 8, by striking the  
 45 words "the use of competitive bidding procedures by  
 46 public utilities,".  
 47 9. Renumber sections as necessary.

COMMITTEE ON-COMMERCE  
 GEORGE R. KINLEY, Chair

S-5514

- 1 Amend House File 2415 as follows:  
 2 1. Page 1, by striking lines 20 through 35 and  
 3 inserting in lieu thereof the following:  
 4 "2. Except as provided in this section, a home  
 5 equity line of credit is subject to chapter 537.  
 6 However, sections 537.2307, 537.2402, and 537.2510  
 7 do not apply.  
 8 3. A lender may collect in connection with  
 9 establishing or renewing a home equity line of credit  
 10 the costs listed in section 535.8, subsection 2,  
 11 paragraph "b", charges for insurance as described  
 12 in section 537.2501, subsection 2, and a loan pro-  
 13 cessing fee as agreed between the borrower and the  
 14 lender. Fees collected under this subsection shall  
 15 be disregarded for purposes of determining the maximum  
 16 charge permitted by subsection 4.  
 17 4. The interest rate on a home equity line of  
 18 credit shall not exceed one and three-quarters percent  
 19 per month."  
 20 2. Renumber as necessary.

COMMITTEE ON COMMERCE  
 GEORGE R. KINLEY, Chair

S-5515

- 1 Amend House File 422 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 20 through 34.  
 4 2. Page 2, by striking lines 10 and 11 and  
 5 inserting in lieu thereof the following: "to secure  
 6 the necessary voluntary easements."

COMMITTEE ON COMMERCE  
 GEORGE R. KINLEY, Chair

S-5516

1 Amend House File 2385 as passed by the House as  
2 follows:

3 1. Page 1, line 18, by inserting after the word  
4 "period" the words "but not more than five times  
5 in a twenty-four month period without good cause."

6 2. Page 1, by striking line 29 and inserting in  
7 lieu thereof the words "twelve month period, ~~provided~~  
8 ~~that~~ but not more than three times in a twenty-four  
9 month period without good cause. However, if a class  
10 1 grain dealer".

11 3. Page 1, line 33, by inserting after the word  
12 "period" the words "but not more than five times  
13 in a twenty-four month period without good cause."

COMMITTEE ON AGRICULTURE  
BERL E. PRIEBE, Chair

S-5517

1 Amend House File 2492 as passed by the House as  
2 follows:

3 1. Page 1, by striking lines 4 and 5 and inserting  
4 in lieu thereof the words "is forty dollars for the  
5 primary location of operation and ten dollars for  
6 each additional location of operation of an aglime  
7 processing business."

COMMITTEE ON AGRICULTURE  
BERL E. PRIEBE, Chair

S-5518

1 Amend Senate Resolution 107 as follows:

2 1. Page 1, line 13, by striking the word "into".

3 2. Page 1, line 18, by striking the word "into".

EDGAR H. HOLDEN

S-5519

1 Amend House File 2212, as passed by the House,  
2 as follows:

3 1. Page 1, by inserting after line 18 the following  
4 new section:

5 "Sec. 2. Section 321.126, Code Supplement 1983,  
6 is amended by inserting after subsection 4 the  
7 following new subsection:

8 NEW SUBSECTION. 5. If the motor vehicle is sold,  
9 traded, or junked within the state by the owner and  
10 after thirty days from the date of the sale, trade,

11 or junking the owner has not received a credit under  
 12 section 321.46, the owner may make application for  
 13 a refund for the unexpired portion of the registration  
 14 fee."

15 2. Page 1, line 19, by striking the word "This"  
 16 and inserting in lieu thereof the words "Section 1  
 17 of this".

18 3. Page 1, by inserting after line 20 the following  
 19 new section:

20 "Sec. \_\_\_\_ . Section 2 of this Act is retroactive  
 21 to December 1, 1983."

22 4. Amend the title, line 3, by inserting after  
 23 the word "vehicles" the words "and making certain  
 24 provisions retroactive".

25 5. Renumber sections and correct internal  
 26 references as necessary in accordance with this  
 27 amendment.

CALVIN O. HULTMAN

S-5520

1 Amend House File 526 as passed by the House as  
 2 follows:

3 1. Page 1, lines 12 and 13 by striking the words  
 4 "prove by a preponderance of the evidence" and  
 5 inserting in lieu thereof the words "present evidence  
 6 from which a trier of fact could reasonably infer".

7 2. Page 1, by striking lines 30 through 33 and  
 8 inserting in lieu thereof the following:

9 "When the defense of insanity is raised, the  
 10 defendant has the burden of presenting evidence from  
 11 which a trier of fact could reasonably infer that  
 12 the defendant was not sane at the time of the alleged  
 13 criminal act."

TOM MANN, JR.

S-5521

1 Amend House File 2100 as amended, passed, and  
 2 reprinted by the House as follows:

3 1. Page 4, line 1, by striking the word "each".

HURLEY W. HALL

S-5522

1 Amend House File 2234 as amended, passed and re-  
 2 printed by the House as follows:

3 1. Page 3, by inserting after line 19 the fol-  
 4 lowing:



5 "8. All new cars sold in this state shall have  
6 affixed thereto in writing at the time of delivery of  
7 the new car to the purchaser the following state-  
8 ment: "The purchaser of this new car is protected under the  
9 warranty provisions of House File 2234. For further  
10 information contact the Consumer Protection Division  
11 of the Iowa Attorney General's Office."

TOM SLATER  
JOHN N. NYSTROM

S-5523

1 Amend House File 2439 as passed by the House, as  
2 follows:

DIVISION S—5523A

3 1. By striking page 2, line 31 through page 3,  
4 line 4.

DIVISION S—5523B

5 2. Page 3, by striking lines 26 through 32.

DIVISION S—5523A

6 3. Title page, by striking lines 4 and 5 and  
7 inserting in lieu thereof the following: "an  
8 applicant, authorizing the".  
9 4. Renumber as necessary.

COMMITTEE ON JUDICIARY  
DONALD V. DOYLE, Chair

S-5524

1 Amend Senate File 2328 as follows:

2 1. Page 3, line 19, by striking the word and  
3 letter "paragraph a,".

4 2. Page 3, line 26, by inserting after the figure  
5 "99D.11." the following: "This section does not  
6 prohibit a management contract approved by the  
7 commission."

8 3. Page 3, by inserting after line 26 the  
9 following:

10 "b. The nonprofit corporation shall not in any  
11 manner permit a person other than the licensee to  
12 have a share, percentage, or proportion of the money  
13 received for admissions to the race or race meeting

14 or from the operation of the pari-mutuel system."

NORMAN G. RODGERS

S-5525

- 1 Amend House File 2436 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 2, line 1, by striking the word "all" and
- 4 inserting in lieu thereof the word "any".

JOHN N. NYSTROM

S-5526

- 1 Amend House File 2436 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 2, line 1, by striking the word "all" and
- 4 inserting in lieu thereof the word "any".
- 5 Amend House File 434, as amended, passed and
- 6 reprinted by the House, as follows:
- 7 1. Page 1, line 3, by inserting after the word
- 8 "cities" the words "within the same county, or two
- 9 contiguous counties".
- 10 2. Page 1, line 9, by inserting after the word
- 11 "cities" the words "or counties".
- 12 3. Page 1, line 11, by inserting after the word
- 13 "section," the word "or".
- 14 4. Amend the title, line 1, by inserting after
- 15 the word "cities" the words "or counties".

ALVIN V. MILLER  
C.W. BILL HUTCHINS

S-5527

- 1 Amend House File 2219 as amended, passed and
- 2 reprinted by the House as follows:

DIVISION S—5527A

- 3 1. Page 1, line 11, by inserting after the figure
- 4 "321.190" the words "which shows a residence in the
- 5 precinct".
- 6 2. Page 1, line 13, by inserting after the word
- 7 "commissioner" the words "which shows a residence
- 8 in the precinct".

DIVISION S—5527B

- 9 3. Page 1, line 17, by inserting after the word
- 10 "precinct." the words "A qualified elector shall not

- 11 prove the residency of more than one eligible elector
- 12 unless the eligible electors are related by blood
- 13 or marriage."

JULIA B. GENTLEMAN

S-5528

- 1 Amend amendment S-5460 to House File 2219 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 11, by striking the word "not".

JULIA B. GENTLEMAN

S-5529

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 6, line 22, by inserting after the word
- 3 "facility," the following: "If the licensee is a
- 4 county or district fair society operating pursuant
- 5 to chapter 174, then the licensee may use the tax
- 6 credit for the operation and maintenance of the fair-
- 7 ground."

NORMAN G. RODGERS

S-5530

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 5, by inserting before line 17 the
- 3 following:
- 4 "Sec. 102. Section 99D.14, subsection 2, unnumbered
- 5 paragraph 1, Code Supplement 1983, is amended to read
- 6 as follows:
- 7 A Except when a licensee is a county or district
- 8 fair society operating pursuant to chapter 174, a
- 9 licensee shall also pay to the commission the sum
- 10 of fifty cents for each person entering the grounds
- 11 or enclosure of the licensee upon a ticket of
- 12 admission."
- 13 2. Renumber as necessary.

NORMAN G. RODGERS

S-5531

- 1 Amend House File 2219 as amended, passed and re-
- 2 printed as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "register" the words "to vote by ballot and advisory
- 5 referendum".

JAMES V. GALLAGHER

S-5532

1 Amend House File 2468 as amended, passed and  
 2 reprinted by House as follows:  
 3 1. Page 12, by inserting after line 22 the  
 4 following:  
 5 "Sec. 21. ADVISORY MEASURE ON LOTTERY.  
 6 1. The advisory measure described in subsection  
 7 2 shall be placed on the ballot at the 1984 general  
 8 election, published, and submitted to a vote of the  
 9 entire people of the state in the same manner as  
 10 provided for constitutional amendments under chapters  
 11 6 and 49. The vote on the measure is advisory only  
 12 and of no legal effect.  
 13 2. The ballot for the advisory measure shall be  
 14 substantially in the following form:  
 15 "Should the state establish a public  
 16 lottery?"  
 17

Yes \_\_\_\_\_  
 No \_\_\_\_\_.

JAMES V. GALLAGHER

S-5533

1 Amend House File 2164 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 2, line 11, by striking the word "any".

TOM MANN, JR.

S-5534

1 Amend House File 2414 as passed by the House as  
 2 follows:  
 3 1. Title page, line 1, by striking the words  
 4 "credit union reciprocity," and inserting in lieu  
 5 thereof the words "a credit union's".

GEORGE R. KINLEY

S-5535

1 Amend House File 2068 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 1, by striking lines 2 through 13 and  
 4 inserting in lieu thereof the following:  
 5 "1983, is amended to read as follows:  
 6 3. Public utilities subject to rate regulation  
 7 are prohibited from including either directly or  
 8 indirectly in their charges or rates to customers  
 9 the costs of advertising other than advertising

10 which is required by the commerce commission or by  
 11 other state or federal regulation. However, this  
 12 subsection does not apply to a utility's  
 13 advertising which is deemed by the commission to  
 14 be necessary for the utility's customer and which  
 15 is approved by the commission, provided that the  
 16 advertising includes a statement in the advertisement  
 17 stating the advertising expenses incurred for the  
 18 advertisement are charged to the customers of the  
 19 public utility. This subsection does not apply to  
 20 a utility's product or service that is or becomes  
 21 subject to competition as determined by the  
 22 commission."

CHARLES BRUNER  
 PATRICK J. DELUHERY

S-5536

- 1 Amend Senate amendment S-5509 to House File 2486  
 2 as follows:  
 3 1. Page 1, by striking lines 5 through 10.  
 4 2. By renumbering sections as required by this  
 5 amendment.

JOE J. WELSH  
 WALLY E. HORN

S-5537

- 1 Amend House File 2468 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 3, by inserting after line 7 the following:  
 4 "Sec. \_\_\_\_ . Section 47.2, subsection 1, Code 1983,  
 5 is amended to read as follows:  
 6 1. The county auditor of each county is designated  
 7 as the county commissioner of elections in each county.  
 8 However, in counties having a population of fifty  
 9 thousand or more, the board of supervisors shall  
 10 appoint a county commissioner of elections. The  
 11 county commissioner of elections shall conduct voter  
 12 registration pursuant to chapter 48 and conduct all  
 13 elections within the county."  
 14 2. Page 12, by inserting after line 22 the following:  
 15 "Sec. \_\_\_\_ . Section 331.505, Code 1983, is amended by  
 16 adding the following new unnumbered paragraph:  
 17 NEW UNNUMBERED PARAGRAPH. In counties having a  
 18 population of fifty thousand or more, subsections 1,  
 19 2, and 4 do not apply to the auditor."  
 20 3. Title page, line 5, by inserting after the word  
 21 "elections," the words "providing for the appointment

- 22 of the county commissioner of elections by the board  
 23 of supervisors in certain counties".  
 24 4. By numbering, renumbering and correcting internal  
 25 references as necessary.

JOE BROWN

S-5538

- 1 Amend House File 2433 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 1, by striking lines 7 through 12 and  
 4 inserting in lieu thereof the following: "subsection  
 5 9, paragraph "c" or if the individual is not  
 6 disqualified for benefits under section 96.5;  
 7 subsection 1, paragraph "i"."

CALVIN O. HULTMAN

S-5539

- 1 Amend House File 2065 as amended, passed and re-  
 2 printed by the House as follows:

DIVISION S—5539A

- 3 1. Page 1, line 9, by striking the word "prev-  
 4 iously" and inserting in lieu thereof the words  
 5 "previously in the previous twelve months".  
 6 2. Page 1, line 11, by inserting after the word  
 7 "place" the words "plus any delinquency".

DIVISION S—5539B

- 8 3. Page 1, line 15, by striking the word "one-"  
 9 and inserting in lieu thereof the words "one- two-".

EDGAR H. HOLDEN

S-5540

- 1 Amend House File 2068 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 1, by striking lines 9 through 11 and  
 4 inserting in lieu thereof the words "public utility.  
 5 This paragraph does not apply to a".

EDGAR H. HOLDEN

S-5541

- 1 Amend House File 2394 as amended, passed and  
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 18 the  
4 following:

5 "Sec. \_\_\_\_ . Section 147.2, Code 1983, is amended  
6 to read as follows:

7 147.2 LICENSE REQUIRED. No ~~A~~ person shall not  
8 engage in the practice of medicine and surgery,  
9 podiatry, osteopathy, osteopathic medicine and surgery,  
10 psychology, chiropractic, physical therapy, nursing,  
11 dentistry, dental hygiene, optometry, speech pathology,  
12 audiology, occupational therapy, pharmacy, cosmetology,  
13 barbering, ~~or~~ mortuary science, dietetics or nutrition  
14 as defined in the following chapters of this title,  
15 unless the person has obtained from the state  
16 department of health a license for that purpose."

17 2. Page 4, by striking lines 15 through 21 and  
18 inserting in lieu thereof the following:

19 "5. Individuals who do not hold themselves out  
20 to be dietitians or nutritionists and who market or  
21 distribute food products as defined by the federal  
22 food and drug administration, and who may engage in  
23 explanation and education of customers regarding the  
24 use of such products for normal nutritional needs."

25 3. Renumber as necessary.

CHARLES P. MILLER  
TOM SLATER  
BOB CARR  
C.W. BILL HUTCHINS

S-5542

1 Amend House File 558, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 9, by inserting after line 13 the  
4 following:

5 "Sec. 14. STUDY OF FUNERAL EXPENSES. The depart-  
6 ment of human services in collaboration with the  
7 counties shall study the feasibility of purchasing  
8 group or individual funeral expense insurance policies  
9 or life insurance policies covering funeral expenses  
10 for those recipients of assistance under the aid to  
11 families with dependent children program or under  
12 the state supplementary assistance program. The  
13 department shall report its findings, including the  
14 cost of purchasing such insurance coverage, and any  
15 recommendations relating to the study, to the social  
16 services appropriations subcommittee of the stand-  
17 ing appropriations committees by January 15, 1985."

CHARLES P. MILLER

S-5543

1 Amend House File 2401 as passed by the House as  
2 follows:

3 1. Page 1, line 3, by striking the word "Fifty"  
4 and inserting in lieu thereof the word "Forty".

5 2. Page 1, line 23, by inserting after the word  
6 "subsection." the words "The agreement shall not  
7 provide for the payment by the commission of more  
8 than fifty percent of the cost of the project and  
9 the agreement shall specify that the county  
10 conservation board or county board of supervisors,  
11 whichever is applicable, shall provide funds for the  
12 remaining cost of the project covered by the  
13 agreement."

14 3. Page 1, line 26, by striking the word "Fifty"  
15 and inserting in lieu thereof the word "Forty".

16 4. Page 2, by inserting after line 5 the following:

17 "3. Twenty percent of the funds credited to the  
18 public outdoor recreation and resources fund shall  
19 be expended on advertising which shall promote the  
20 use of recreational facilities and tourist attractions  
21 in the state. The commission shall enter into an  
22 agreement with the Iowa development commission for  
23 the expenditure of these funds for this purpose."

24 5. Page 3, line 12, by striking the word "five"  
25 and inserting in lieu thereof the word "four".

26 6. Page 3, by striking line 17.

27 7. Page 3, by striking lines 27 through 29 and  
28 inserting in lieu thereof the following:

29 "The public outdoor recreation and resources fund  
30 consists of all moneys credited to it by law or  
31 appropriated to it by the general assembly."

32 8. Page 4, line 10, by striking the word  
33 "paragraphs" and inserting in lieu thereof the word  
34 "paragraph".

35 9. Page 4, line 11, by striking the word "Fifty"  
36 and inserting in lieu thereof the word "Forty".

37 10. Page 4, by striking lines 18 through 31.

HURLEY W. HALL

S-5544

1 Amend House File 2015 as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, line 18, by striking the number and  
4 word "3 and" and inserting in lieu thereof the numbers  
5 and word "2, 3, and".

6 2. Page 1, by inserting after line 19 the follow-



7 ing:

8 "2. "Game of chance" means a game whereby the  
9 result is determined by chance and the player in order  
10 to win aligns or uncovers objects or balls in a  
11 prescribed pattern or order or makes certain color  
12 patterns appear and specifically includes but is not  
13 limited to the game games defined as bingo and pull-  
14 tab bingo. Game of chance does not include a slot  
15 machine."

16 3. Page 1, by inserting after line 29 the  
17 following:

18 "Sec. 102. Section 99B.1, Code 1983, is amended  
19 by adding the following new subsection:

20 NEW SUBSECTION. 23. "Pull-tab bingo" means a  
21 game of chance in which numbers or symbols are  
22 concealed by a tear-off covering and a prize is won  
23 if the numbers or symbols match a predetermined number  
24 or pattern of symbols."

25 4. Page 6, by inserting after line 23 the  
26 following:

27 Sec. 103. Section 99B.7, subsection 1, Code  
28 Supplement 1983, is amended by adding the following  
29 new paragraph d and relettering the subsequent  
30 paragraphs:

31 NEW PARAGRAPH. d. Cash prizes may be awarded  
32 in the game of pull-tab bingo and shall not exceed  
33 one hundred dollars. Merchandise prizes may be awarded  
34 in the game of pull-tab bingo. However, the actual  
35 retail value of the prize, or if the prize consists  
36 of more than one item, unit, or part, the aggregate  
37 retail value of all items, units or parts, shall not  
38 exceed one hundred dollars.

39 Sec. 104. Section 99B.7, subsection 1, paragraph  
40 d, Code Supplement 1983, is amended to read as follows:

41 d e. Cash prizes shall not be awarded in games  
42 other than bingo and pull-tab bingo. The actual  
43 retail value of any merchandise prizes shall not  
44 exceed fifty dollars and merchandise prizes shall  
45 not be repurchased. However, one raffle may be  
46 conducted in a twelve-month period at which a  
47 merchandise prize having a value not greater than  
48 ten thousand dollars as determined by purchase price  
49 paid by the organization or donor may be awarded.

50 Sec. 105. Section 99B.7, subsection 1, paragraph

Page 2

1 i, Code Supplement 1983, is amended to read as follows:

2 i. Concealed numbers or conversion Conversion

3 charts shall not be used to play any game and a game

4 or raffle shall not be adapted with any control device  
 5 to permit manipulation of the game by the operator  
 6 in order to prevent a player from winning or to  
 7 predetermine who the winner will be, and the object  
 8 of the game must be attainable and possible to perform  
 9 under the rules stated from the playing position of  
 10 the player."

TED ANDERSON

S-5545

1 Amend Senate File 2328 as follows:  
 2 1. Page 7, line 21, by striking the word "Three"  
 3 and inserting in lieu thereof the words "Three A sum  
 4 equal to twelve".  
 5 2. Page 7, line 24 by striking the word "three"  
 6 and inserting in lieu thereof the words "three twelve".

NORMAN G. RODGERS  
 LEE W. HOLT  
 WILLIAM D. PALMER  
 ARTHUR L. GRATIAS  
 GEORGE R. KINLEY  
 EDGAR H. HOLDEN  
 JACK W. HESTER

S-5546

1 Amend the amendment S-5535 to House File 2068 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page , line 22, by inserting after the word  
 4 "commission." the words "All advertisements shall  
 5 state that advertising expenses incurred for the  
 6 advertisement are charged to the customers of the  
 7 advertiser".

JOHN W. JENSEN

S-5547

1 Amend House File 2068 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 1, line 7, by striking the words "the  
 4 percentage of".  
 5 2. Page 1, by striking lines 8 through 13 and  
 6 inserting in lieu thereof the words "for the ad."

JAMES V. GALLAGHER

S-5548

1 Amend the amendment S-5509 to House File 2486 as  
 2 amended, passed and reprinted by the House as follows:

- 3 1. Page 2, line 50, by striking the word "eight"
- 4 and inserting in lieu thereof the word "nine".
- 5 2. Page 3, by inserting after line 20 the following:
- 6 "i. One member of the legislature appointed by the
- 7 governor."

JAMES V. GALLAGHER

S-5549

- 1 Amend House File 2466 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 1, by striking lines 27 through 35.

LEE W. HOLT  
WILLIAM W. (Bill) DIELEMAN

S-5550

- 1 Amend House File 2068 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 1, line 7, by striking the words "the
- 4 percentage of".
- 5 2. Page 1, by striking lines 8 through 11 and
- 6 inserting in lieu thereof the words "for the ad.
- 7 This paragraph does not apply to a".

JAMES V. GALLAGHER

S-5551

- 1 Amend the Committee on Commerce amendment S-5513
- 2 to House File 2491 as amended, passed and reprinted
- 3 by the House as follows:
- 4 1. Page 1, lines 20 and 21, by striking the words
- 5 "during the applicable period".
- 6 2. Page 1, lines 31 and 32, by striking the words
- 7 "during the applicable period".

EDGAR H. HOLDEN

S-5552

- 1 Amend House File 2472 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. Section 123.28, Code 1983, is amended
- 6 to read as follows:
- 7 123.28 TRANSPORTATION PERMITTED. It shall be
- 8 is lawful to transport, carry, or convey alcoholic

9 liquors from the place of purchase by the department  
10 to ~~any a~~ state warehouse, store, or depot established  
11 by the department or from one such place to another  
12 and, when so permitted by this chapter, it ~~shall be~~  
13 is lawful for ~~any a~~ common carrier or other person  
14 to transport, carry, or convey alcoholic liquor sold  
15 by a vendor from a state warehouse, store, depot or  
16 point of purchase by the state to any place to which  
17 ~~such the~~ liquor may be lawfully delivered under this  
18 chapter. Notwithstanding section 321.230, sections  
19 321.225 and 321.226 do not apply to department  
20 employees in the regular course of their employment.  
21 A common carrier or other person shall not break or  
22 open or allow to be broken or opened ~~any a~~ container  
23 or package containing alcoholic liquor or use or drink  
24 or allow to be used or drunk any alcoholic liquor  
25 while it is being transported or conveyed, but this  
26 section ~~shall does~~ not prohibit a private person from  
27 transporting individual bottles or containers of  
28 alcoholic liquor exempted pursuant to section 123.22  
29 and individual bottles or containers bearing the  
30 identifying mark prescribed in section 123.26 which  
31 have been opened previous to the commencement of ~~such~~  
32 the transportation, and which are transported in a  
33 portion of the motor vehicle that is not accessible  
34 to the driver when the vehicle is moving. This section  
35 ~~shall does~~ not affect the right of ~~any a~~ special  
36 permit or liquor control license holder to purchase,  
37 possess, or transport alcoholic liquors subject to  
38 the provisions of this chapter.

39 A person shall not knowingly possess in a motor  
40 vehicle upon a public street or highway any open or  
41 unsealed bottle, can, jar, or other receptacle  
42 containing an alcoholic beverage or beer with the  
43 intent to consume the alcoholic beverage or beer while  
44 the motor vehicle is upon a public street or highway.  
45 Evidence that an open or unsealed receptacle con-  
46 taining an alcoholic beverage or beer was found in  
47 the glove compartment, utility compartment, console,  
48 front passenger seat, or any unlocked portable device  
49 and within the immediate reach of the driver while  
50 the motor vehicle is upon a public street or highway

Page 2

1 is evidence from which the court or jury may infer  
2 that the driver intended to consume the alcoholic  
3 beverage or beer while upon the public street or  
4 highway. However, an open or unsealed receptacle

5 containing an alcoholic beverage or beer may be  
6 transported at any time in the trunk of the motor  
7 vehicle or in some other area of the interior of the  
8 motor vehicle not readily accessible to the driver  
9 while the motor vehicle is in motion.

10 Sec. 2. Section 123.49, subsection 2, paragraph  
11 b, Code 1983, is amended to read as follows:

12 b. Sell or dispense any alcoholic beverage or  
13 beer on the premises covered by the license or permit,  
14 or permit the ~~its~~ consumption thereon between the  
15 hours of two a.m. and six a.m. on any a weekday, and  
16 between the hours of two a.m. on Sunday and six a.m.  
17 on the following Monday, however, a holder of a liquor  
18 control license or retail beer permit granted the  
19 privilege of selling alcoholic liquor or beer on  
20 Sunday may sell or dispense such alcoholic liquor  
21 or beer between the hours of noon ~~ten a.m.~~ and ~~ten~~  
22 ~~p.m.~~ twelve midnight on Sunday.

23 Sec. 3. Section 123.50, Code 1983, is amended  
24 by adding the following new subsections:

25 **NEW SUBSECTION. 4.** If a licensee or permittee  
26 or an employee of a licensee or permittee is convicted  
27 of a violation of section 123.49, subsection 2,  
28 paragraph "h", in addition to the other penalties  
29 fixed for such a violation by this section, the  
30 licensee or permittee shall be assessed a fine of  
31 one hundred dollars for a first offense, two hundred  
32 and fifty dollars for a second offense within a twelve  
33 month period, and five hundred dollars for a third  
34 offense within a twelve month period.

35 **NEW SUBSECTION. 5.** A person, other than a licensee  
36 or permittee or a minor, who violates section 123.47  
37 is guilty of a serious misdemeanor punishable by a  
38 minimum fine of one hundred dollars for a first  
39 offense, two hundred and fifty dollars for a second  
40 offense, and five hundred dollars for a third and  
41 subsequent offense, and a maximum fine for any offense  
42 of not more than one thousand dollars.

43 Sec. 4. Section 232.8, subsection 1, unnumbered  
44 paragraph 2, Code 1983, is amended to read as follows:

45 Violations by a child of provisions of chapters  
46 106, 106A, 109, 109A, 110, 110A, 110B, 111, 321, or  
47 321G which would be simple misdemeanors if committed  
48 by an adult, violations of county or municipal curfew  
49 or traffic ordinances, and violations by a child of  
50 the provisions of section 123.47, are excluded from

Page 3

1 the jurisdiction of the juvenile court and shall be

2 prosecuted as simple misdemeanors as provided by law.  
 3 The court may advise appropriate juvenile authorities  
 4 and may refer violations of section 123.47 to the  
 5 juvenile court when there is reason to believe that  
 6 the child regularly abuses alcohol and may be in need  
 7 of treatment. The court shall notify the parents  
 8 or legal guardians of a child that appears before  
 9 it for a violation of section 123.47.

10 Sec. 5. Section 602.6405, subsection 1, Code  
 11 Supplement 1983, is amended to read as follows:

12 1. Magistrates have jurisdiction of simple  
 13 misdemeanors, including traffic and ordinance  
 14 violations, and preliminary hearings, search warrant  
 15 proceedings, and small claims. They also have  
 16 jurisdiction to exercise the powers specified in  
 17 sections 644.2 and 644.12, and to hear complaints  
 18 or preliminary informations, issue warrants, order  
 19 arrests, make commitments, and take bail. They also  
 20 have jurisdiction of first offense violations of  
 21 section 321.281 but only to the extent that they may  
 22 approve trial informations, conduct arraignments,  
 23 accept guilty pleas if the defendant is represented  
 24 by legal counsel, sentence those pleading guilty and  
 25 make appropriate orders authorized by section 321.283.  
 26 They also have jurisdiction over violations of section  
 27 123.49, subsection 2, paragraph "h".

COMMITTEE ON STATE GOVERNMENT  
 TOM SLATER, Chair

S-5553

1 Amend Senate amendment S-5509 to House File 2486  
 2 as amended, passed and reprinted by the House as  
 3 follows:

- 4 1. Page 1, line 42, by striking the word "twenty"
- 5 and inserting in lieu thereof the word "nineteen".
- 6 2. Page 1, line 47, by striking the word "twenty"
- 7 and inserting in lieu thereof the word "nineteen".

JOE J. WELSH  
 WALLY E. HORN

S-5554

1 Amend House File 2068, as amended, passed, and  
 2 reprinted by the House as follows:

- 3 1. Page 1, by striking lines 6 through 11 and
- 4 inserting in lieu thereof the following:
- 5 "public by a public utility which is to be charged

6 to the customers of the public utility and which is  
7 not required by the commerce commission or by other  
8 state or federal regulation shall include a statement  
9 in the ad that the costs of the ad are being charged  
10 to the customers of the public utility. This paragraph  
11 does not apply to a".

CHARLES BRUNER  
JAMES V. GALLAGHER

S-5555

1 Amend Senate amendment S-5509 to House File 2486  
2 as amended, passed and reprinted by the House as  
3 follows:

4 1. Page 2, by inserting after line 46 the  
5 following:

6 "Sec. \_\_\_\_ . Section 321.281, Code 1983, is amended  
7 by adding the following new subsections:

8 **NEW SUBSECTION.** If a defendant is convicted of  
9 a first offense of this section and the defendant's  
10 license or permit to operate a motor vehicle is revoked  
11 under section 321.209 or chapter 321B for the  
12 occurrence from which the arrest arose, the period  
13 of revocation shall be the period provided for such  
14 a revocation or until the defendant reaches the age  
15 of nineteen whichever period is longer."

HURLEY W. HALL

S-5556

1 Amend Senate amendment S-5509 to House File 2486  
2 as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 2, line 17, by inserting after the word  
5 "defendant." the following: "Court ordered substance  
6 abuse treatment is subject to the periodic reporting  
7 requirements of section 123.86. If a defendant is  
8 committed by the court to a substance abuse treatment  
9 facility, the administrator of the facility shall  
10 report to the court when it is determined that the  
11 defendant has received the maximum benefit of treatment  
12 at the facility and the defendant shall be released  
13 from the facility."

TOM MANN, JR.

S-5557

1 Amend the amendment S-5509 to House File 2486 as

- 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 2, line 50, by striking the word "eight"  
 4 and inserting in lieu thereof the word "nine".  
 5 2. Page 3, by inserting after line 20 the following:  
 6 "i. The governor shall appoint one member of the  
 7 legislature as a member."

JAMES V. GALLAGHER

S-5558

- 1 Amend Senate amendment S-5509 to House File 2486  
 2 as amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 13 through 22 and  
 5 inserting in lieu thereof the following:  
 6 "NEW SUBSECTION. 4. The department shall adopt  
 7 rules to establish fines in amounts of not more than  
 8 three thousand dollars which the department shall,  
 9 subject to the discretion of the director, assess  
 10 against licensees or permittees for violations of  
 11 section 123.49 as an alternative to other penalties  
 12 fixed for such violations by this section. Money  
 13 collected".

DONALD V. DOYLE

S-5559

- 1 Amend Senate amendment S-5509 to House File 2486  
 2 as amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 2, line 17, by inserting after the word  
 5 "defendant." the following: "Court ordered substance  
 6 abuse treatment is subject to the periodic reporting  
 7 requirements of section 125.86. If a defendant is  
 8 committed by the court to a substance abuse treatment  
 9 facility, the administrator of the facility shall  
 10 report to the court when it is determined that the  
 11 defendant has received the maximum benefit of treatment  
 12 at the facility and the defendant shall be released  
 13 from the facility."

TOM MANN, JR.

S-5560

- 1 Amend House File 2440 as passed by the House as  
 2 follows:  
 3 1. By striking page 1, line 34 through page 2,  
 4 line 2, and inserting in lieu thereof the following:  
 5 "2. A person shall not be received or retained in



6 the home who has been diagnosed by a qualified mental  
 7 health professional as acutely mentally ill and considered  
 8 dangerous to self or others, is an acute inebriate,  
 9 or is addicted to the use of drugs, and whose documented  
 10 behavior is continuously disruptive to the operation  
 11 of the facility. Notwithstanding section 219.9, Code 1983,  
 12 for the purposes of payment of costs incurred relating  
 13 to the care and treatment of a resident discharged under  
 14 this section, the county of legal settlement shall be  
 15 financially responsible."

BOB CAÑR

S-5561

1 Amend the amendment S-5484 to House File 2217,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 6.  
 5 2. Page 1, by striking lines 16 through 18 and  
 6 inserting in lieu thereof the following:  
 7 "\_\_\_\_. Page 3, line 20, by inserting after the  
 8 word "administrator" the words and figure ", and legal  
 9 and other services necessary to perform its functions  
 10 under section 260.31."  
 11 3. Page 2, by striking lines 29 through 32.  
 12 4. Page 2, by striking lines 33 through 36.  
 13 5. Page 2, by striking lines 37 through 47.

WALLY E. HORN

S-5562

1 Amend Senate amendment S-5509 to House File 2486  
 2 as amended, passed and reprinted by the House, as  
 3 follows:  
 4 "1. By striking page 1, line 48 through page 2,  
 5 line 3 and inserting in lieu thereof the words "and  
 6 upon the payment of a one dollar fee, the person shall  
 7 be entitled to a new motor vehicle license or  
 8 nonoperator's identification card for the unexpired  
 9 months".

DONALD V. DOYLE

S-5563

1 Amend the amendment S-5509 to House File 2486 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 1, line 10, by inserting after the word  
 4 "more" the words "and for a person who is married

5 legal age means 18 years of age or more".

TOM MANN, JR.  
JOE BROWN

S-5564

- 1 Amend Senate amendment S-5509 to House File 2486  
2 as amended, passed, and reprinted by the House as  
3 follows:  
4 1. Page 1, by inserting after line 36 the  
5 following:  
6 "Sec. \_\_\_\_ . Section 321.1, Code Supplement 1983,  
7 is amended by adding the following new subsections:  
8 **NEW SUBSECTION.** "Alcohol concentration" means  
9 the number of grams of alcohol per any of the  
10 following:  
11 a. One hundred milliliters of blood.  
12 b. Two hundred ten liters of breath.  
13 c. Sixty-seven milliliters of urine.  
14 **NEW SUBSECTION.** "Alcoholic beverage" includes  
15 alcohol, wine, spirits, beer, or any other beverage  
16 which contains ethyl alcohol and is fit for human  
17 consumption."  
18 2. Page 2, by inserting after line 7 the following:  
19 "Sec. \_\_\_\_ . Section 321.281, subsection I, Code  
20 1983, is amended to read as follows:  
21 1. A person shall not operate a motor vehicle  
22 ~~upon the public highways of in~~ this state in either  
23 of the following conditions:  
24 a. While under the influence of an alcoholic  
25 beverage; a narcotic; hypnotic; or other drug; or  
26 any a combination of such substances.  
27 b. While having an alcohol concentration of  
28 thirteen hundredths or more of one percent by weight  
29 of alcohol in the blood."  
30 3. Page 2, by inserting after line 40 the  
31 following:  
32 "Sec. \_\_\_\_ . Section 321.281, subsections 7 and  
33 8, Code 1983, are amended to read as follows:  
34 7. This section does not apply to a person  
35 operating a motor vehicle while under the influence  
36 of a narcotic, hypnotic, or other drug if such  
37 substances were the substance was prescribed for the  
38 person and were was taken under the prescription and  
39 in accordance with the directions of a medical  
40 practitioner as defined in section 155.3, subsection  
41 11, if there is no evidence of the consumption of  
42 alcohol and the medical practitioner had not directed  
43 the person to refrain from operating a motor vehicle.

44 8. In any prosecution under this section, evidence  
45 of the results of analysis of a specimen of the  
46 defendant's blood, breath, ~~saliva~~, or urine is  
47 admissible upon proof of a proper foundation. In  
48 an action in which a violation of by the means  
49 described in subsection 1, paragraph "a" of this  
50 section is alleged, evidence that ~~there was, at the~~

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1 time; the defendant had an alcohol concentration of  
2 ten hundredths or more of one percent by weight of  
3 alcohol in the defendant's blood is presumptive  
4 evidence that the defendant was under the influence  
5 of an alcoholic beverage."

6 4. Page 2, by inserting after line 46 the  
7 following:

8 "Sec. \_\_\_\_ . Section 321B.1, Code 1983, is amended  
9 to read as follows:

10 321B.1 DECLARATION OF POLICY. The general assembly  
11 declares that this chapter is necessary to aid the  
12 enforcement of laws prohibiting operation of a motor  
13 vehicle while under the influence of an alcoholic  
14 beverage, a narcotic, hypnotic, or other drug or any  
15 a combination of such substances, or while having  
16 an alcohol concentration of a certain amount of alcohol  
17 in the blood or more.

18 Sec. \_\_\_\_ . Section 321B.2, unnumbered paragraph  
19 2, Code 1983, is amended to read as follows:

20 As used in this chapter and sections 29B.106,  
21 ~~321.200, and 321.281, 321.404 and 600.2~~ the words  
22 "alcoholic beverage" include and alcohol; wine;  
23 spirits; beer; or any other beverage which contains  
24 ethyl alcohol and is fit for human consumption  
25 concentration means as defined in section 321.1.

26 Sec. \_\_\_\_ . Section 321B.4, subsection 1, unnumbered  
27 paragraph 1, Code 1983, is amended to read as follows:

28 Any person who operates a motor vehicle in this  
29 state upon a public highway under circumstances which  
30 give reasonable grounds to believe that the person  
31 to have ~~has~~ been operating a motor vehicle in violation  
32 of section 321.281; is deemed to have given consent  
33 to the withdrawal of specimens of the person's blood,  
34 breath, ~~saliva~~, or urine; and to a chemical test or  
35 tests of the specimens for the purpose of determining  
36 the alcoholic content of the blood alcohol  
37 concentration or presence of drugs, subject to this  
38 section. The withdrawal of the body substances and  
39 the test or tests shall be administered at the written

40 request of a peace officer having reasonable grounds  
41 to believe ~~that~~ the person to have been ~~was~~ operating  
42 a motor vehicle in violation of section 321.281, and  
43 if any of the following conditions exist:  
44 Sec. \_\_\_\_\_. Section 321B.4, subsection 1, paragraph  
45 d, Code 1983, is amended to read as follows:  
46 d. The preliminary breath screening test was  
47 administered and it ~~recorded~~ indicated an alcohol  
48 concentration of ten hundredths or more of one percent  
49 by weight of alcohol in the blood.  
50 Sec. \_\_\_\_\_. Section 321B.12, Code 1983, is amended

Page 3

1 by striking the section and inserting in lieu thereof  
2 the following:  
3 321B.12 STATEMENT OF OFFICER. A person who has  
4 been requested to submit to a chemical test shall  
5 be advised by a peace officer of the following:  
6 1. If the person refuses to submit to the test,  
7 the person's license or operating privilege will be  
8 revoked by the department for the applicable period  
9 under section 321B.13.  
10 2. If the person submits to the test and the  
11 results indicate an alcohol concentration of ten  
12 hundredths or more, the person's license or operating  
13 privilege will be revoked by the department for the  
14 applicable period under section 321B.16.  
15 This section does not apply in any case involving  
16 a person described in section 321B.11.  
17 Sec. \_\_\_\_\_. Section 321B.15, Code 1983, is amended  
18 to read as follows:  
19 321B.15 TAKING SAMPLE FOR TEST. Only a licensed  
20 physician, physician's assistant as defined in section  
21 148C.1, subsection 6, medical technologist or  
22 registered nurse, acting at the request of a peace  
23 officer, may withdraw ~~body substances~~ a specimen of  
24 blood for the purpose of determining the ~~alcoholic~~  
25 ~~or drug content of the person's blood~~ alcohol  
26 concentration or the presence of drugs. However,  
27 any peace officer, using devices and methods approved  
28 by the commissioner of public safety, may take a  
29 specimen of a person's breath or urine for the purpose  
30 of determining the ~~alcoholic or drug content of the~~  
31 ~~person's blood~~ alcohol concentration or the presence  
32 of drugs. Only new, originally factory wrapped,  
33 disposable syringes and needles, kept under strictly  
34 sanitary and sterile conditions shall be used for  
35 drawing blood.

36 PARAGRAPH DIVIDED. The person may have an  
37 independent chemical test or tests administered by  
38 a person of the person's own choosing and at the  
39 person's own expense in addition to any administered  
40 at the direction of a peace officer. The failure  
41 or inability of the person to obtain an independent  
42 chemical test or tests does not preclude the admission  
43 in of evidence of the results of the test or tests  
44 taken administered at the direction of the peace  
45 officer. Upon the request of the person who is tested,  
46 the results of the test or tests taken administered  
47 at the direction of the peace officer shall be made  
48 available to the person.  
49 Sec. \_\_\_\_ . Section 321B.16, Code 1983, is amended  
50 to read as follows:

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1 321B.16 TEST RESULT REVOCATION. Upon certification  
2 by the peace officer that there existed reasonable  
3 grounds to believe that the person to have had been  
4 operating a motor vehicle in violation of section  
5 321.281, that there existed one or more of the  
6 necessary conditions for chemical testing described  
7 in section 321B.4, subsection 1, and that the person  
8 submitted to chemical testing and the test results  
9 indicate indicated an alcohol concentration of ten  
10 hundredths or more of one percent by weight of alcohol  
11 in the person's blood, the department shall revoke  
12 the person's license or permit to drive or nonresident  
13 operating privilege for a period of one hundred twenty  
14 eighty days if the person has had no revocation within  
15 the previous six years under section 321.209,  
16 subsection 2, section 321.281 or this chapter, two  
17 hundred forty days if the person has one previous  
18 revocation under those provisions, and one year if  
19 the person has two had one or more previous revocations  
20 under those provisions arising from separate  
21 occurrences.  
22 The effective date of the revocation shall be  
23 twenty days after the department has mailed notice  
24 of revocation to the person by certified mail or,  
25 on behalf of the department; a. The peace officer  
26 offering a chemical test or directing who requested  
27 or directed the administration of a the chemical test  
28 may, on behalf of the department, serve immediate  
29 notice of intention to revoke and of revocation on  
30 a person when the person's whose test results indicate  
31 indicated an alcohol concentration of ten hundredths

32 or more of one percent by weight of alcohol in the  
33 blood.

34 If the peace officer serves that immediate notice,  
35 the peace officer shall take the person's Iowa license  
36 or permit of the driver, if any, and issue a temporary  
37 license valid only for twenty days. The peace officer  
38 shall immediately send the person's driver's license  
39 to the department along with an affidavit stating  
40 the officer's certificate indicating that the test  
41 results indicate indicated an alcohol concentration  
42 of ten hundredths of one percent or more by weight  
43 of alcohol in the person's blood.

44 The Not less than thirty days after the effective  
45 date of a revocation under this section, the department  
46 may, on application, issue a temporary restricted  
47 license to ~~a~~ the person whose license has been revoked  
48 under this section when the person's regular employment  
49 includes the operation of a motor vehicle or ~~who~~ the  
50 person cannot perform his or her regular occupation

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1 without the use of a motor vehicle, or when the  
2 person's use of a motor vehicle is necessary to attend  
3 evaluation, treatment or educational services for  
4 alcohol or drug dependency, but the person shall not  
5 operate a vehicle for pleasure while holding a  
6 restricted license. However, this paragraph does  
7 not apply to a person whose license is suspended or  
8 revoked for another reason.

9 Sec. \_\_\_\_ . Section 321B.26, Code 1983, is amended  
10 to read as follows:

11 321B.26 HEARING. Upon the written request of  
12 a person whose privilege to drive has been revoked  
13 or denied, or who has been issued a twenty-day license  
14 pursuant to section 321B.13 or section 321B.16, the  
15 department shall grant the person an opportunity to  
16 be heard within twenty days after the receipt of the  
17 request, but the request must be made within ten days  
18 of the effective date of revocation or denial of  
19 driving privileges or the issuance of a temporary  
20 permit license. A revocation or denial of driving  
21 privileges under this chapter shall not be stayed  
22 upon a request for a hearing but the department may  
23 upon application grant a stay of the balance of the  
24 revocation if the hearing has not been held within  
25 sixty days. The hearing shall be before the department  
26 in the county where the alleged events occurred,  
27 unless the director and the person agree that the

28 hearing may be held in some other county. The hearing  
 29 may be recorded and its scope shall cover be limited  
 30 to the issues of whether a peace officer had reasonable  
 31 grounds to believe that the person to have been was  
 32 operating a motor vehicle in violation of section  
 33 321.281; whether and either of the 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 if a person consented to a test and whether  
 38 the person should be issued a temporary restricted  
 39 license indicated an alcohol concentration of ten  
 40 hundredths or more.

41 PARAGRAPH DIVIDED. The department shall order  
 42 that the revocation or denial be either rescinded  
 43 or sustained.

44 Sec. \_\_\_\_ . Section 321B.28, Code 1983, is amended  
 45 to read as follows:

46 321B.28 EVIDENCE IN ANY ACTION. Upon the trial  
 47 of any civil or criminal action or proceeding arising  
 48 out of acts alleged to have been committed by any  
 49 a person while operating a motor vehicle in violation  
 50 of section 321.281, evidence of the amount of alcohol

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1 concentration or the presence of drugs in the person's  
 2 blood body substances at the time of the act alleged  
 3 as shown by a chemical analysis of the person's blood,  
 4 breath, saliva or urine is admissible. If it is  
 5 established at trial that an analysis of a breath  
 6 specimen was performed by use of a device and methods  
 7 approved by the commissioner of public safety, it  
 8 is presumed that the test results are valid and no  
 9 further foundation is necessary for introduction of  
 10 the evidence."

DOUGLAS RITSEMA

S-5565

1 Amend Senate amendment S-5509 to House File 2486  
 2 as amended, passed and reprinted by the House as  
 3 follows:

DIVISION S—5565A

4 1. Page 1, by inserting after line 25 the  
 5 following:  
 6 "NEW SUBSECTION. 5. Upon the conviction of a  
 7 vendor, as defined in section 123.24, subsection 1,

8 for a violation of section 123.47 and at the request  
 9 of the local authority, the director shall close the  
 10 state liquor store at which the violation occurred  
 11 for a period of fourteen days."

12 2. Page 1, by striking lines 26 through 28 and  
 13 inserting in lieu thereof the following:

14 **"NEW SUBSECTION. 6.** However, upon the conviction  
 15 of a vendor for a violation of section 123.47, in  
 16 lieu of the period of suspension required under  
 17 subsection 5, the department may assess a civil".

#### DIVISION S—5565B

18 3. Page 2, by inserting after line 46 the  
 19 following:

20 "Sec. . Section 321.281, Code 1983, is amended  
 21 by adding the following new subsection:

22 **NEW SUBSECTION.** When an officer makes an arrest  
 23 for a violation of this section, the officer shall  
 24 seize the motor vehicle driven by the arrested person.  
 25 The motor vehicle shall not be returned under chapter  
 26 809 to the arrested person until there is a disposition  
 27 of the charge. For the purposes of this subsection  
 28 a disposition includes a dismissal, conviction,  
 29 granting of a deferred judgment or admission to a  
 30 deferred prosecution program. If the defendant is  
 31 placed upon probation or is admitted to a deferred  
 32 prosecution program, the defendant must file with  
 33 the clerk of the court a performance bond in the  
 34 amount of the vehicle's value for successful completion  
 35 of the conditions of the probation or program in order  
 36 to have the vehicle returned. If the defendant is  
 37 not the owner of the vehicle, the vehicle shall be  
 38 returned to the owner only if the owner files an  
 39 appearance bond in the amount of the vehicle's value  
 40 that the defendant will appear as required by section  
 41 811.6. The holder of a lien on the motor vehicle  
 42 has the same rights under this subsection as an owner  
 43 who is not the defendant. The defendant shall pay  
 44 the costs of the seizure and storage."

45 4. Renumber as required.

EDGAR H. HOLDEN

#### S-5566

1 Amend the amendment S-5509 to House File 2486 as  
 2 amended, passed and reprinted by the House as follows:

3 1. Page 2, line 50, by striking the word "eight"  
 4 and inserting in lieu thereof the word "nine".



5 2. Page 3, by inserting after line 20 the following:  
6 "i. The legislative council shall appoint one member of the  
7 legislature as a member."

JAMES V. GALLAGHER

S-5567

1 Amend Senate amendment S-5509 to House File 2486  
2 as amended, passed and reprinted by the House as  
3 follows:  
4 1. Page 2, by inserting after line 7 the  
5 following:  
6 "Sec. \_\_\_\_ . Section 321.190, subsection 2, Code  
7 1983, is amended by adding the following new unnumbered  
8 paragraphs:  
9 NEW UNNUMBERED PARAGRAPH. Upon conviction of a  
10 minor for use of an altered nonoperator's  
11 identification card or a card not the minor's own  
12 while attempting to purchase or purchasing goods or  
13 services prohibited to a minor or in attempting to  
14 enter or entering premises prohibited to a minor,  
15 the minor's card or privilege to obtain a card shall  
16 be revoked for a period of five years. In the case  
17 in which the minor used a card not the minor's own  
18 for identification, there is a presumption that the  
19 card was obtained with the owner's permission, and  
20 upon conviction the owner's card shall be revoked  
21 for a period of five years. A person responsible  
22 for checking identification for legal age who suspects  
23 that a nonoperator's card presented for identification  
24 purposes does not belong to the person presenting  
25 it or suspects that it has been altered may hold the  
26 card and summon a peace officer to the scene. If  
27 the officer determines there is cause to believe that  
28 the card does not belong to the person presenting  
29 it or that the card has been altered, the officer  
30 shall issue a citation to the person presenting it  
31 and when applicable to the person to whom the card  
32 belongs and the officer shall confiscate the card  
33 pending action on the citation.  
34 NEW UNNUMBERED PARAGRAPH. If a person used a  
35 nonoperator's identification card for identification  
36 when making, uttering, drawing, delivering, or giving  
37 a check, share draft, draft, or written order, on  
38 a bank, credit union, person, or corporation when  
39 the person knew that the check, share draft, draft,  
40 or written order would not be paid when presented,  
41 the person's card shall be revoked for a period of  
42 five years upon a conviction.  
43 Sec. \_\_\_\_ . Section 321.209, Code Supplement 1983,

44 is amended by adding the following new subsections:  
 45 **NEW SUBSECTION. 9.** Theft by making, uttering,  
 46 drawing, delivering, or giving a check, share draft,  
 47 draft, or written order, on a bank, credit union,  
 48 person, or corporation when the person knew that the  
 49 check, share draft, draft, or written order would  
 50 not be paid when presented and the person's motor

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1 vehicle license was used for identification.  
 2 **NEW SUBSECTION. 10.** Possession of an altered  
 3 motor vehicle license or a motor vehicle license not  
 4 one's own when used by a minor in attempting to  
 5 purchase or purchasing goods or services prohibited  
 6 to a minor or in attempting to enter or entering  
 7 premises prohibited to a minor.  
 8 **NEW SUBSECTION. 11.** Lending a motor vehicle  
 9 license to a minor when used by the minor in attempting  
 10 to purchase or purchasing goods or services prohibited  
 11 to a minor or in attempting to enter or entering  
 12 premises prohibited to a minor.  
 13 Sec. \_\_\_\_ . Section 321.216, Code 1983, is amended  
 14 by adding the following new unnumbered paragraph:  
 15 **NEW UNNUMBERED PARAGRAPH.** A person responsible  
 16 for checking identification for legal age who suspects  
 17 that a motor vehicle license presented for  
 18 identification purposes does not belong to the person  
 19 presenting it or suspects that it has been altered  
 20 may hold the motor vehicle license and summon a peace  
 21 officer to the scene. If the officer determines there  
 22 is cause to believe that the motor vehicle license  
 23 does not belong to the person presenting it or that  
 24 the motor vehicle license has been altered, the officer  
 25 shall issue a citation to the person presenting it  
 26 and when applicable to the person to whom the motor  
 27 vehicle license belongs and the officer shall  
 28 confiscate the motor vehicle license pending action  
 29 on the citation. In the case in which the minor used  
 30 a motor vehicle license not the minor's own for iden-  
 31 tification, there is a presumption that the motor  
 32 vehicle license was obtained with the owner's  
 33 permission."

CHARLES P. MILLER

S-5568

1 Amend House File 2274 as passed by the House as  
 2 follows:

3 1. Page 1, by inserting before line 1 the following  
4 new section:  
5 "Section 1. Section 56.18, subsection 3, unnumbered  
6 paragraph 3, Code Supplement 1983, is amended to read  
7 as follows:

8 However, before a checkoff pursuant to subsection  
9 2 of the section shall be permitted, all liabilities  
10 on the books of the department of revenue, and accounts  
11 identified as owing under section 421.17 and the  
12 checkoff permitted under section 107.16 shall be  
13 satisfied."

14 2. Page 1, line 1, by striking the word and figure  
15 "paragraph 1" and inserting in lieu thereof the words  
16 and figures "paragraphs 1 and 7".

17 3. Page 1, by inserting after line 13 the  
18 following:

19 "The department shall adopt rules to implement  
20 this section. However, before a checkoff pursuant  
21 to this section shall be permitted, all liabilities  
22 on the books of the department of revenue and accounts  
23 identified as owing under section 421.17; subsection  
24 21, paragraph "b", and the political contribution  
25 allowed under section 56.18 shall be satisfied."

26 4. Renumber sections and correct internal  
27 references as necessary in accordance with this  
28 amendment.

CALVIN O. HULTMAN

S-5569

1 Amend House File 2394 as amended, passed and  
2 reprinted by the House as follows:

DIVISION S—5569A

3 1. Page 3, by striking lines 14 and 15 and  
4 inserting in lieu thereof the words "The provisions  
5 of this chapter do not apply to: licensed physicians  
6 and surgeons, nurses,".

DIVISION S—5569B

7 2. Page 4, by striking lines 13 and 14 and  
8 inserting in lieu thereof the words "nutritional  
9 assessment and advice as otherwise authorized by law."

DOUGLAS RITSEMA

S-5570

1 Amend House File 2110 as passed by the House as  
2 follows:

3 1. Page 1, by striking lines 9 through 14.

4 2. Page 9, by inserting after line 13 the  
5 following:

6 "Sec. 14. Chapter 147, Code 1983, is amended by  
7 adding sections 14 through 22 of this Act as a new  
8 division.

9 Sec. 15. NEW SECTION. 147.160 DEFINITIONS.  
10 For the purpose of this division:

11 1. "Board" means the radiologic technology board  
12 of examiners created by section 147.162.

13 2. "License" means a certificate issued by the  
14 board authorizing the licensee to use equipment  
15 emitting ionizing radiation on humans for diagnostic  
16 or therapeutic purposes in accordance with this  
17 chapter.

18 3. "Licensed practitioner" means a person licensed  
19 or otherwise authorized by law to practice medicine,  
20 osteopathy, podiatry, chiropractic, dentistry, dental  
21 hygiene, or veterinary medicine.

22 4. "Radiologist" means a physician who has been  
23 educated and is skilled in the diagnostic and  
24 therapeutic use of X rays and other forms of radiant  
25 energy.

26 5. "Radiologic technologist" means a person who  
27 is a radiographer, a limited radiographer, a radiation  
28 therapy technologist, or a nuclear medicine tech-  
29 nologist licensed pursuant to this chapter.

30 6. "Radiologic technology" means the use of  
31 equipment or substances emitting ionizing radiation  
32 on humans for diagnostic or therapeutic purposes.

33 7. "Radiographer" means a person, other than a  
34 licensed practitioner, whose application of radiation  
35 to humans is for diagnostic purposes.

36 8. "Limited radiographer" means a person, other  
37 than a licensed practitioner, whose application of  
38 radiation to humans for diagnostic purposes is limited  
39 to specific parts of the body as provided in section  
40 147.161, subsection 5.

41 9. "Nuclear medicine technologist" means a person,  
42 other than a licensed practitioner, whose application  
43 of radiopharmaceutical agents is for diagnostic  
44 purposes.

45 10. "Radiation therapy technologist" means a  
46 person, other than a licensed practitioner, whose  
47 application of radiation to humans is for therapeutic

48 purposes.

49 Sec. 16. **NEW SECTION. 147.161 USE OF RADIATION**  
50 **RESTRICTED, LICENSE REQUIRED.**

Page 2

1 1. Except as provided in this chapter, a person  
2 other than a licensed practitioner or the holder of  
3 a license as provided in this chapter shall not use  
4 X rays or other forms of ionizing energy on humans.

5 2. A person holding a license as a radiographer  
6 may use the title, "licensed radiographer" or the  
7 letters L.R. after the person's name. No other person  
8 is entitled to use the title or letters or any other  
9 title or letters that indicate or imply that the  
10 person is a licensed radiographer, nor may a person  
11 make any representation, orally or in writing,  
12 expressly or by implication, that the person is a  
13 licensed radiographer.

14 3. A person holding a license as a radiation  
15 therapy technologist may use the title "licensed  
16 radiation therapy technologist" or L.R.T.T. after  
17 the person's name. No other person is entitled to  
18 use the title or letters, or any other title or letters  
19 that indicate or imply that the person is a licensed  
20 radiation therapy technologist, nor may a person make  
21 any representation, orally or in writing, expressly  
22 or by implication, that the person is a licensed  
23 radiation therapy technologist.

24 4. A person holding a license as a nuclear medicine  
25 technologist may use the title "licensed nuclear  
26 medicine technologist" or L.N.M.T. after the person's  
27 name. No other person is entitled to use the title  
28 or letters, or any other title or letters that indicate  
29 or imply that the person is a licensed nuclear medicine  
30 technologist, nor may a person make any representation,  
31 orally or in writing, expressly or by implication,  
32 that the person is a licensed nuclear medicine  
33 technologist.

34 5. A person holding a license as a limited  
35 radiographer may apply x-radiation to one specific  
36 part of the human body for diagnostic purposes while  
37 under the supervision of a licensed practitioner.

38 A person holding a license as a limited radiographer  
39 who has received appropriate clinical experience  
40 during required training may apply x-radiation to  
41 the human body for diagnostic purposes, while under  
42 the supervision of a licensed practitioner, in the  
43 extremities and the chest area. The person may use  
44 the title "licensed limited radiographer" or L.L.R.

45 after the person's name. No other person is entitled  
46 to use the title or letters, or any other title or  
47 letters that indicate or imply that the person is  
48 a licensed limited radiographer, nor may a person  
49 make any representation, orally or in writing, ex-  
50 pressly or by implication, that the person is a

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1 licensed limited radiographer.

2 6. A person holding a license as provided by this  
3 chapter shall use medical equipment or substances  
4 emitting ionizing radiation on humans only for  
5 diagnostic or therapeutic purposes on a case-by-case  
6 basis at the direction of a licensed practitioner,  
7 and only if the application of the equipment or  
8 substance is limited in the manner specified.

9 7. The provisions of this chapter shall not be  
10 applicable to practitioners.

11 8. The requirement of a license does not apply  
12 to a hospital resident specializing in radiology who  
13 is not a licensed practitioner in the state of Iowa,  
14 or to a student enrolled in and attending a school  
15 or college of medicine, osteopathy, chiropractic,  
16 podiatry, denistry, dental hygiene, veterinary  
17 medicine, or radiologic technology who applies  
18 radiation while under the supervision of a licensed  
19 practitioner.

20 9. The requirement of a license does not apply  
21 to a person licensed as a dental hygienist by the  
22 board of dental examiners or a person holding a valid  
23 certificate of qualification in dental radiography  
24 issued by the board of dental examiners or a person  
25 enrolled in a program or course of study approved  
26 by the department who applies radiation to humans  
27 as a part of the program or course of study.

28 **Sec. 17. NEW SECTION. 147.162 BOARD OF EXAMINERS**  
29 **CREATED.**

30 1. A radiologic technology board of examiners  
31 is created. The board shall consist of six members  
32 with five members appointed by the governor according  
33 to chapter 69 and subject to confirmation by the  
34 Senate. No more than two of the members appointed  
35 by the governor may be radiologic technologists and  
36 the remaining members not licensed in the profession  
37 shall be chosen from the general public. The  
38 commissioner of public health or a designee of the  
39 commissioner who may be a member of the radiological  
40 health department of the state of Iowa shall serve

41 as an ex officio member of the board.

42 2. Members appointed by the governor shall serve  
43 at the pleasure of the governor for a term of office  
44 of four years beginning and ending as provided in  
45 section 69.19. Vacancies shall be filled for an  
46 unexpired term only in the manner provided in chapter  
47 69.

48 3. Members of the board shall serve without  
49 compensation but shall be reimbursed for their  
50 reasonable and necessary traveling and other expenses

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1 incurred in the performance of their official duties.

2 4. The commissioner shall designate an officer  
3 or employee of the department who is not a member  
4 of the board to act as a secretary to the board.

5 5. The board, for the purpose of transacting its  
6 business, shall meet at least every six months at  
7 times and places fixed by the board. At its first  
8 meeting each year it shall organize and elect from  
9 its members a chairperson. Special meetings also  
10 may be held at a time that the majority of the board  
11 may fix, or at the call of the chairperson or the  
12 commissioner. A written and timely notice of the  
13 time, place, and purpose of a special meeting shall  
14 be mailed by the secretary to all members of the  
15 board.

16 6. A majority of the members of the board is a  
17 quorum for the transaction of business at any meeting.

18 Sec. 18. NEW SECTION. 147.163 LICENSE-  
19 EXAMINATION FEE--STANDARDS--COURSE OF STUDY.

20 1. The board shall admit to examination for  
21 licensing, any applicant who pays to the department  
22 a nonrefundable fee established by rule of the board  
23 and submits satisfactory evidence, verified by oath  
24 or affirmation, that the applicant:

25 a. At the time of application is at least eighteen  
26 years of age.

27 b. Has successfully completed a course of study  
28 in a secondary school approved by the state board  
29 of education, or passed an approved equivalency test.

30 2. In addition to the requirements of subsection  
31 1, a person seeking to obtain a license in a specific  
32 area of radiologic technology must comply with the  
33 following requirements:

34 a. An applicant for a license as a radiographer  
35 or limited radiographer must have satisfactorily  
36 completed a course of study in radiography approved

37 by the board, or its equivalent as determined by the  
38 board. The essentials and curriculum for the course  
39 may follow the committee on allied health education  
40 and accreditation (CAHEA) standards, provided that  
41 the standards are not in conflict with board policy.

42 b. An applicant for a license as a radiation  
43 therapy technologist must have satisfactorily completed  
44 a course of study in radiation therapy technology  
45 approved by the board or its equivalent as determined  
46 by the board. The essentials and curriculum for the  
47 course may follow the committee on allied health  
48 education and accreditation (CAHEA) standards, provided  
49 that the standards are not in conflict with board  
50 policies.

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1 c. The program of nuclear medicine technology  
2 shall be a course of study approved by the board or  
3 its equivalent as determined by the board, in addition  
4 to education required for entrance to a nuclear  
5 medicine educational program. The essentials and  
6 curriculum for the course may follow the committee  
7 on allied health education and accreditation (CAHEA)  
8 standards provided that the standards are not in  
9 conflict with board policies.

10 3. The board shall admit to examination for  
11 licensing, for two years after the date of enactment  
12 of this law, any person meeting the requirements of  
13 subsection 1 of this section and who has been actively  
14 employed as a radiographer, limited radiographer,  
15 radiation therapy technologist, or nuclear medicine  
16 technologist for a minimum of three of the last five  
17 years.

18 4. The board shall establish criteria and standards  
19 for programs of study for radiography, limited  
20 radiography, radiation therapy technology, or nuclear  
21 medicine technology and approve these programs upon  
22 a finding that the standards and criteria have been  
23 met.

24 5. An approved program of radiologic technology  
25 may be offered by a medical or educational institution  
26 or other public or private agency or institution,  
27 and, for the purpose of providing the requisite  
28 clinical experience, shall be affiliated with one  
29 or more hospitals or clinics that, in the opinion  
30 of the board, are likely to provide the experience.

31 Sec. 19. NEW SECTION. 147.164 LICENSE ISSUED  
32 ON EXAMINATION OR EQUIVALENT.



33 1. An applicant is required to pass a license  
34 examination designated and approved by the board for  
35 the applicable speciality.

36 2. The board shall hold an examination for each  
37 type of license at least every six months at times  
38 and places as the board may determine.

39 3. An applicant who fails to pass the examination  
40 may reapply for the examination provided the applicant  
41 complies with the conditions established by the board.

42 4. The board may accept, in lieu of its own  
43 examination, a current certificate of a recognized  
44 credentialing body, issued on the basis of an  
45 examination satisfactory to the board, provided that  
46 the standards of that agency are at least as stringent  
47 as those established by the board.

48 5. The board shall accept, in lieu of its own  
49 examination, a current certificate, registration,  
50 or license as a radiologic technologist issued by

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1 another state, provided that the standards in the  
2 other state are at least as stringent as those  
3 established by the board.

4 **Sec. 20. NEW SECTION. 147.165 LICENSE ISSUED-**  
5 **TEMPORARY AND CONDITIONAL LICENSE--RENEWAL AND**  
6 **REISSUANCE.**

7 1. The board shall issue a license to a candidate  
8 who has paid the prescribed fee and has either  
9 successfully passed the examination, or has qualified  
10 under subsection 4, 5, or 6 of section 7 of this Act.

11 2. The board, at its discretion, may issue a  
12 temporary license to a person whose license or  
13 relicensure is pending and in whose case the issuance  
14 of a temporary license is justified by reason of  
15 special circumstances. A temporary license shall  
16 be issued only if the board finds that its issuance  
17 will not violate the purposes of this chapter nor  
18 tend to endanger the public health and safety. A  
19 temporary license shall expire ninety days after the  
20 date of the next examination if the applicant is  
21 required to take the examination, or if the applicant  
22 does not take the examination, then on the date of  
23 the examination. In all other cases, a temporary  
24 license shall expire when the determination is made  
25 either to issue or deny the applicant a regular license  
26 and a temporary license shall not be issued for a  
27 period longer than one hundred eighty days.

28 3. The board, at its discretion, may issue a

29 conditional license to a person upon individual  
 30 application when the board finds to its satisfaction  
 31 that there is substantial evidence that the people  
 32 in the locality of the state in which the conditional  
 33 license is sought would be denied adequate health  
 34 care because of unavailability of appropriately  
 35 licensed persons under the standards of this chapter.  
 36 A conditional permit shall be issued only if the board  
 37 finds that its issuance will not violate the purposes  
 38 of this chapter nor tend to endanger the public health  
 39 and safety. A conditional license shall expire one  
 40 hundred eighty days after issuance and may be renewed  
 41 upon application.

42 4. A radiologic technologist shall display a  
 43 current license at the technologist's place of  
 44 employment.

45 5. A license is renewable on December 31 of each  
 46 year following the year of issuance. A license shall  
 47 be renewed by the board for a period of one year upon  
 48 payment of a renewal fee in an amount to be determined  
 49 by rule of the commissioner and the submission of  
 50 proof of at least fifteen hours of continuing education

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1 relevant to the profession.

2 6. A radiologic technologist who has been duly  
 3 licensed in this state and whose license has not been  
 4 revoked or suspended, and who has temporarily ceased  
 5 activities as a radiologic technologist for no more  
 6 than five years, may apply for the reissuance of a  
 7 license upon compliance with the application provisions  
 8 of this chapter, including payment of any outstanding  
 9 fee.

10 **Sec. 21. NEW SECTION. 147.166 SUSPENSION OF**  
 11 **LICENSE--HEARING.**

12 1. The license of a radiologic technologist may  
 13 be suspended for a fixed period, or may be revoked,  
 14 or the technologist may be otherwise disciplined,  
 15 in accordance with the provisions and procedures  
 16 defined in chapter 285A, if after due hearing it is  
 17 determined that the technologist:

- 18 a. Is guilty of fraud or deceit in activities
- 19 as a radiologic technologist or in procuring a license.
- 20 b. Has been convicted in a court of competent
- 21 jurisdiction, either within or without this state,
- 22 of a crime involving moral turpitude, except that
- 23 if the conviction has been reversed and the holder
- 24 of the license discharged or acquitted, or if the
- 25 holder has been pardoned or the person's civil rights

- 26 restored, the license may be restored.
- 27 c. Is or has been afflicted with any medical  
28 problem, disability, or addiction which, in the opinion  
29 of the board, would impair professional competence.
- 30 d. Has aided and abetted a person who is not a  
31 licensed radiologic technologist or otherwise  
32 authorized pursuant to this chapter in engaging in  
33 the activities of a radiologic technologist.
- 34 e. Has undertaken or engaged in a practice beyond  
35 the scope of the authorized activities of a radiologic  
36 technologist pursuant to this chapter.
- 37 f. Has falsely impersonated a duly licensed or  
38 formerly duly licensed radiologic technologist or  
39 is engaging in the activities of a radiologic  
40 technologist under an assumed name.
- 41 g. Has been guilty of unethical conduct as defined  
42 by rules adopted by the board.
- 43 h. Has continued to practice without obtaining  
44 a license renewal as required by this chapter.
- 45 i. Has applied ionizing radiation to humans without  
46 the specific direction of a duly licensed practitioner,  
47 or to any person or part of the human body outside  
48 the scope of the technologist's specific authorization.
- 49 j. Has expressed to a member of the public an  
50 interpretation of a diagnostic X ray film or

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- 1 fluorescent image.
- 2 k. Is or has been found guilty of incompetence  
3 or negligence in activities as a radiologic  
4 technologist.
- 5 2. The board shall prescribe rules of procedure  
6 by which it will suspend or revoke a license or impose  
7 any other sanction as authorized by chapter 258A.  
8 The rules shall conform to the contested case  
9 provisions of chapter 17A.
- 10 3. When the license of any person has been revoked  
11 or annulled, the board may accept an application for  
12 restoration of the license after the expiration of  
13 two years.
- 14 Sec. 22. NEW SECTION. 147.167 EMPLOYMENT OF  
15 UNLICENSED RADIATION TECHNOLOGIST PROHIBITED. A  
16 person shall not knowingly employ as a radiologic  
17 technologist, a person who requires and does not  
18 possess a valid license to engage in the practice  
19 of radiologic technology."
- 20 3. Page 9, by inserting after line 14 the  
21 following:

22 "Sec. 24. Of the initial board members appointed  
 23 by the governor according to section 17 of this Act,  
 24 the terms of two members as chosen by the governor  
 25 shall expire on April 30, 1985, and the terms of the  
 26 remaining members shall expire on April 30, 1987."  
 27 4. By renumbering as required by this amendment.  
 28 5. Title page, line 1, by inserting after the  
 29 word "regulation" the words "and operation".

TOM SLATER  
 BOB CARR  
 ARTHUR A. SMALL, JR.  
 CHARLES P. MILLER

S-5571

1 Amend House File 2467, as passed by the House,  
 2 as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. NEW SECTION. 252C.1 DEFINITIONS.  
 6 As used in this chapter, unless the context otherwise  
 7 requires:  
 8 1. "Caretaker" means a parent, relative, guardian,  
 9 or another person who is responsible for paying foster  
 10 care costs pursuant to chapter 234 or whose needs  
 11 are included in an assistance payment made pursuant  
 12 to chapter 239.  
 13 2. "Court order" means a judgment or order of  
 14 a court of this state or another state requiring the  
 15 payment of a set or determinable amount of monetary  
 16 support.  
 17 3. "Department" means the department of human  
 18 services.  
 19 4. "Dependent child" means a person who meets  
 20 the eligibility criteria established in chapter 234  
 21 or 239 and whose support is required by chapter 234,  
 22 239, 252A, 598, or 675.  
 23 5. "Director" means the director of the child  
 24 support recovery unit of the department of human  
 25 services, or the director's designee.  
 26 6. "Public assistance" means foster care costs  
 27 paid by the department pursuant to chapter 234 or  
 28 assistance provided pursuant to chapter 239.  
 29 7. "Responsible person" means a parent, relative,  
 30 guardian, or another person legally liable for the  
 31 support of a child or a child's caretaker.  
 32 Sec. 2. NEW SECTION. 252C.2 ASSIGNMENT-CREATION  
 33 OF SUPPORT DEBT-SUBROGATION.  
 34 1. By accepting public assistance for or on behalf

35 of a dependent child or a dependent child's caretaker,  
36 the recipient is deemed to have made an assignment  
37 to the department of any and all right, title, and  
38 interest in any support obligation and arrearages  
39 owed to or for the child or caretaker up to the amount  
40 of public assistance paid for or on behalf of the  
41 child or caretaker.

42 2. The payment of public assistance to or for  
43 the benefit of a dependent child or a dependent child's  
44 caretaker creates a support debt due and owing to  
45 the department by the responsible person in an amount  
46 equal to the public assistance payment, except that  
47 the support debt is limited to the amount of a support  
48 obligation established by court order or by the  
49 director. If a court order has not been entered,  
50 the director may establish a support debt in an amount

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1 determined to be consistent with the debtor's ability  
2 to pay and the needs of the dependent child, both  
3 as to amounts accrued and accruing, and with the  
4 schedule of minimum support guidelines in section  
5 252C.10. However, a support debt is not created in  
6 favor of the department against a responsible person  
7 for the period during which the responsible person  
8 is a recipient on the person's own behalf of public  
9 assistance for the benefit of the dependent child  
10 or the dependent child's caretaker.

11 3. The provision of child support collection or  
12 paternity determination services under chapter 252B  
13 to an individual, even though the individual is  
14 ineligible for public assistance, creates a support  
15 debt due and owing to the individual or the  
16 individual's child or ward by the responsible person  
17 in the amount of a support obligation established  
18 by court order or by the director. If a court order  
19 has not been entered, the director may establish a  
20 support debt in favor of the individual or the  
21 individual's child or ward and against the responsible  
22 person, in an amount determined to be consistent with  
23 the responsible person's ability to pay and the needs  
24 of the dependent child, both as to amounts accrued  
25 and accruing, and with the schedule of minimum support  
26 guidelines in section 252C.10.

27 4. The department is subrogated to the rights  
28 of a dependent child or a dependent child's caretaker  
29 to bring a court action or to execute an administrative  
30 remedy for the collection of support. The director  
31 may petition an appropriate court for modification  
32 of a court order on the same grounds as a party to

33 the court order can petition the court for  
34 modification.

35 **Sec. 3. NEW SECTION. 252C.3 NOTICE OF SUPPORT**  
36 **DEBT-ADMINISTRATIVE HEARING, DETERMINATION, AND**  
37 **ORDER.**

38 1. In the absence of a court order, the director  
39 may issue a notice establishing and demanding payment  
40 of an accrued or accruing support debt due and owed  
41 to the department or an individual under section  
42 252C.2. The notice shall be served upon the  
43 responsible person in accordance with the rules of  
44 civil procedure. The notice shall include all of  
45 the following:

- 46 a. The amount of any monthly public assistance
- 47 creating a support debt.
- 48 b. A computation of the support debt.
- 49 c. The name of a public assistance recipient and
- 50 the name of the dependent child or caretaker for whom

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- 1 the public assistance is paid.
- 2 d. A demand for immediate payment of the support
- 3 debt.
- 4 e. (1) A statement that if the responsible person
- 5 desires to discuss the amount of support that the
- 6 responsible person should be required to pay, the
- 7 responsible person may, within ten days after being
- 8 served, contact the office of the child support
- 9 recovery unit which sent the notice and request a
- 10 negotiation conference.
- 11 (2) A statement that if a negotiation conference
- 12 is requested, then the responsible person shall have
- 13 ten days from the date set for the negotiation
- 14 conference or twenty days from the date of service
- 15 of the original notice, whichever is later, to send
- 16 a request for a hearing to the office of the child
- 17 support recovery unit which issued the notice.
- 18 (3) A statement that after the holding of the
- 19 negotiation conference, the director may issue a new
- 20 notice and finding of financial responsibility to
- 21 be sent to the responsible person by regular mail
- 22 addressed to the responsible person's last known
- 23 address, or if applicable, to the last known address
- 24 of the responsible person's attorney.
- 25 (4) A statement that if the director issues a
- 26 new notice and finding of financial responsibility,
- 27 then the responsible person shall have ten days from
- 28 the date of issuance of the new notice or twenty days

29 from the date of service of the original notice,  
30 whichever is later, to send a request for a hearing  
31 to the office of the child support recovery unit which  
32 issued the notice.

33 f. A statement that if the responsible person  
34 objects to all or any part of the notice or finding  
35 of financial responsibility and no negotiation  
36 conference is requested, then within twenty days of  
37 the date of service, the responsible person shall  
38 send to the office of the child support recovery unit  
39 which issued the notice a written response setting  
40 forth any objections and requesting a hearing.

41 g. A statement that if a timely written request  
42 for a hearing is received by the office of the child  
43 support recovery unit which issued the notice, the  
44 responsible person shall have the right to a hearing  
45 to be held in district court; and that if no timely  
46 written response is received, the director may enter  
47 an order in accordance with the notice and finding  
48 of financial responsibility.

49 h. A statement that, as soon as the order is  
50 entered, the property of the responsible person is

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1 subject to collection action, including but not limited  
2 to wage withholding, garnishment, attachment of a  
3 lien, and execution.

4 i. A statement that the responsible person shall  
5 notify the director of any change of address or  
6 employment.

7 j. A statement that if the responsible person  
8 has any questions, the responsible person should  
9 telephone or visit an office of the child support  
10 recovery unit or consult an attorney.

11 k. Such other information as the director finds  
12 appropriate.

13 2. The time limitations for requesting a hearing  
14 in subsection 1 may be extended by the director.

15 3. If a timely written response setting forth  
16 objections and requesting a hearing is received by  
17 the appropriate office of the child support recovery  
18 unit, a hearing shall be held in district court.

19 4. If timely written response and request for  
20 hearing is not received by the appropriate office  
21 of the child support recovery unit, the director may  
22 enter an order in accordance with the notice, and  
23 shall specify all of the following:

24 a. The amount of monthly support to be paid, with

25 directions as to the manner of payment.

26 b. The amount of the support debt accrued and  
27 accruing in favor of the department.

28 c. The name of the custodial parent or agency  
29 having custody of the dependent child and the name  
30 and birthdate of the dependent child for whom support  
31 is to be paid.

32 d. That the property of the responsible person  
33 is subject to collection action, including but not  
34 limited to wage withholding, garnishment, attachment  
35 of a lien, and execution.

36 5. The responsible person shall be sent a copy  
37 of the order by regular mail addressed to the  
38 responsible person's last known address, or if  
39 applicable, to the last known address of the  
40 responsible person's attorney. The order is final,  
41 and action by the director to enforce and collect  
42 upon the order, including arrearages, may be taken  
43 from the date of issuance of the order.

44 Sec. 4. NEW SECTION. 252C.4 CERTIFICATION OF  
45 ORDER TO DISTRICT COURT--HEARING--DEFAULT UPON FAILURE  
46 TO APPEAR.

47 1. If a timely written request for a hearing is  
48 received, the director shall certify the matter to  
49 the district court in the county in which the order  
50 has been filed, or if no such order has been filed,

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1 then to a district court in the county where the  
2 dependent child resides.

3 2. If the matter has not been heard previously  
4 by the district court, the certification shall include  
5 true copies of the notice and finding of financial  
6 responsibility or notice of the support debt accrued  
7 and accruing, the return of service, the written  
8 objections and request for hearing, and true copies  
9 of any administrative orders previously entered.

10 3. The court shall set the matter for hearing  
11 and notify the parties of the time and place of  
12 hearing.

13 4. The court shall consider the schedule of minimum  
14 support guidelines in section 252C.10 in establishing  
15 the monthly support payment and the amount of the  
16 support debt accrued and accruing.

17 5. If a party fails to appear at the hearing,  
18 upon a showing of proper notice to that party, the  
19 court may find that party in default and enter an  
20 appropriate order.



21 Sec. 5. **NEW SECTION. 252C.5 FILING AND DOCKETING**  
22 **OF FINANCIAL RESPONSIBILITY ORDER—ORDER EFFECTIVE**  
23 **AS DISTRICT COURT DECREE.** A true copy of any order  
24 entered by the director pursuant to this chapter,  
25 along with a true copy of the return of service, if  
26 applicable, may be filed in the office of the clerk  
27 of the district court in the county in which the  
28 dependent child resides. Upon filing, the clerk shall  
29 enter the order in the judgment docket, and the order  
30 shall have all the force, effect, and attributes of  
31 a docketed order or decree of the district court.

32 Sec. 6. **NEW SECTION. 252C.6 INTEREST ON SUPPORT**  
33 **DEBTS.** Interest accrues on support debts at the rate  
34 provided in section 535.3 for court judgments. The  
35 director may collect the accrued interest but is not  
36 required to maintain interest balance accounts. The  
37 department may waive payment of the interest if the  
38 waiver will facilitate the collection of the support  
39 debt.

40 Sec. 7. **NEW SECTION. 252C.7 EMPLOYERS—**  
41 **ASSIGNMENTS OF EARNINGS.** In addition to other remedies  
42 provided by law for the enforcement of a support  
43 obligation, the employer of a responsible person owing  
44 a support debt shall honor a duly executed assignment  
45 of current or future earnings presented by the director  
46 to the employer as a plan to satisfy or retire the  
47 support debt. The assignment is effective until  
48 released in writing by the director. The employer  
49 is entitled to receive from the debtor a fee of one  
50 dollar for each remittance under the assignment.

Page 6

1 Payment of moneys pursuant to the assignment of  
2 earnings is a full acquittance under a contract of  
3 employment. The director is released from liability  
4 for improper receipt of moneys under an assignment  
5 of earnings upon the return of the moneys.

6 Sec. 8. **NEW SECTION. 252C.8 PREVENTION OF**  
7 **TRANSFER OF ASSETS OR COMPLIANCE WITH ORDER.** If the  
8 director reasonably believes that the responsible  
9 person is not a resident of this state, is about to  
10 move from this state, or is concealing the responsible  
11 person's whereabouts, or that the responsible person  
12 has removed or is about to remove, secrete, waste,  
13 or otherwise dispose of property which could be made  
14 subject to collection procedures to satisfy the support  
15 debt, the director may petition the district court  
16 for a temporary restraining order barring the removal,

17 secretion, waste, or disposal. However, if the  
 18 responsible person furnishes a bond satisfactory to  
 19 the court, the temporary restraining order shall be  
 20 vacated.

21 **Sec. 9. NEW SECTION. 252C.9 COURT ORDER PREVAILS.**

22 If an order issued pursuant to this chapter conflicts  
 23 with an order of a court, to the extent of the conflict  
 24 the court order prevails.

25 **Sec. 10. NEW SECTION. 252C.10 SCHEDULE OF MINIMUM**  
 26 **SUPPORT GUIDELINES.**

27 1. As used in this section, "monthly net income"  
 28 means gross monthly income minus payroll taxes as  
 29 defined in section 85.61, subsection 10, mandatory  
 30 pension contributions, health insurance or health  
 31 benefit payments for dependents, and deductions not  
 32 to exceed twenty-five dollars per month for a  
 33 responsible person's health insurance, health benefit  
 34 payments, or medical expenses.

35 2. In ordering a responsible person to pay  
 36 reasonable and necessary child support, the director  
 37 shall set the monthly amount of the child support  
 38 by multiplying the responsible person's monthly net  
 39 income by the percentage indicated in the following  
 40 guidelines, unless the director makes express findings  
 41 of fact as to the reason for deviating from the  
 42 guidelines. However, the director may set the child  
 43 support above the amount in the guidelines without  
 44 making express findings of fact if the parties ex-  
 45 pressly agree to the amount of the child support.

46 Monthly Net	<u>Number of Dependent Children</u>						
47 Income of Re-	1	2	3	4	5	6	7 or
48 sponsible Person	<u>more</u>						
49 \$ 400 and below	Order based on the ability of the respon-						
50	sible person to provide support at these						

Page 7

1	income levels, or at higher levels, if the						
2	responsible person has the ability to earn						
3	more.						
4 \$ 401 - 500	14%	17%	20%	22%	24%	26%	28%
5 \$ 501 - 550	15%	18%	21%	24%	26%	28%	30%
6 \$ 551 - 600	16%	19%	22%	25%	28%	30%	32%
7 \$ 601 - 650	17%	21%	24%	27%	29%	32%	34%
8 \$ 651 - 700	18%	22%	25%	28%	31%	34%	36%
9 \$ 701 - 750	19%	23%	27%	30%	33%	36%	38%
10 \$ 751 - 800	20%	24%	28%	31%	35%	38%	40%
11 \$ 801 - 850	21%	25%	29%	33%	36%	40%	42%
12 \$ 851 - 900	22%	27%	31%	34%	38%	41%	44%
13 \$ 901 - 950	23%	28%	32%	36%	40%	43%	46%
14 \$ 951 - 1000	24%	29%	34%	38%	41%	45%	48%
15 \$1001 and over	25%	30%	35%	39%	43%	47%	50%

16 3. In applying the guidelines, the director shall  
17 consider the following criteria:  
18 (1) All earnings, income, and resources of the  
19 responsible parent, including real and personal  
20 property.  
21 (2) The basic living needs of the responsible  
22 person.  
23 (3) The financial needs of the dependent child  
24 or children to be supported.  
25 (4) The amount of public assistance for which  
26 the dependent child or children could be eligible.  
27 4. In applying the guidelines, the director may  
28 consider previous support or maintenance orders which  
29 the responsible person is currently paying."

TOM MANN, JR.

S-5572

1 Amend House File 2373 as passed by the House as  
2 follows:  
3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. Section 598.23, Code 1983, is amended  
6 to read as follows:  
7 598.23 CONTEMPT PROCEEDINGS—~~ALTERNATIVE~~  
8 ALTERNATIVES TO JAIL SENTENCE.  
9 1. ~~If any party a person~~ against whom ~~any a~~  
10 temporary order or final decree has been entered ~~shall~~  
11 ~~willfully disobey the same, or secrete his property,~~  
12 ~~he disobeys the order or decree, the person~~ may be  
13 cited and punished by the court for contempt and be  
14 committed to the county jail for a period of time  
15 not to exceed thirty days for each offense.  
16 2. The court may, as an alternative to punishment  
17 for contempt, make an order directing which, according  
18 to the subject matter of the order or decree involved,  
19 does the following:  
20 a. Directs the defaulting party to assign, trust  
21 income or a sufficient amount in salary or wages due,  
22 or to become due in the future, from an employer or  
23 successor employers, to the clerk of the court where  
24 the order or judgment was granted for the purpose  
25 of paying the sums in default as well as those to  
26 be made in the future. Where the assignment is of  
27 salary or wages due, the amount assigned shall not  
28 exceed the amount set forth in 15 U.S.C. a. 1673b  
29 (Supp. 1979) and the assignment order shall be binding  
30 upon the employer only for those amounts that represent  
31 child support and only upon receipt by the employer

32 of a copy of the order, signed by the employee. For  
 33 each payment deducted in compliance with such request,  
 34 the payor may deduct a sum not exceeding one dollar  
 35 as a reimbursement for costs. Compliance by a payor  
 36 with the court's order shall operate as a discharge  
 37 of his or her the employer's liability to the payee  
 38 as to the affected portion of the payee's wages, or  
 39 trust income. Any employer who dismisses an employee  
 40 due to the entry of an assignment order commits a  
 41 simple misdemeanor.

42 b. Modifying visitation to compensate for lost  
 43 visitation time or establishing joint custody for  
 44 the child or transferring custody.

45 Sec. 2. Section 598.24, Code 1983, is amended  
 46 by striking the section and inserting in lieu thereof  
 47 the following:

48 598.24 ENFORCEMENT OF DECREE. When an action  
 49 for a modification, order to show cause, or contempt  
 50 of a dissolution, annulment, or separate maintenance

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1 decree is brought on the grounds that a party to the  
 2 decree is in default or contempt of the decree, and  
 3 the court determines that the party is in default  
 4 or contempt of the decree, the costs of the proceeding,  
 5 including reasonable attorney's fees, may be taxed  
 6 against that party."

7 2. Title page, by striking lines 1 through 3,  
 8 and inserting in lieu thereof the following: "An  
 9 Act relating to actions to enforce the terms of a  
 10 dissolution, annulment, or separate maintenance decree  
 11 and providing a penalty."

JULIA B. GENTLEMAN  
 TOM MANN, JR.

S-5573

1 Amend House File 2486 as amended, passed and  
 2 reprinted by the House as follows:

3 1. By striking page 13, line 26 through page 14,  
 4 line 3.

RAY TAYLOR

S-5574

1 Amend Senate amendment S-5514 to House File  
 2 2415 as passed by the House as follows:

3 1. Page 1, line 14, by inserting after the

4 word "leader" the following: "and annually may  
5 collect an account maintenance fee of not more  
6 than fifteen dollars".  
7 2. Page 1, by striking line 19 and inserting  
8 in lieu thereof the following:  
9 "per month.  
10 5. Real estate which is the consumer's  
11 principal dwelling shall not be subject to  
12 foreclosure when the balance secured is \$2000  
13 or less."

CHARLES BRUNER

S-5575

1 Amend House File 2430, as passed by the House,  
2 as follows:  
3 1. Page 1, by inserting after line 16 the  
4 following:  
5 "Sec. 3. NEW SECTION. 237.13 FOSTER PARENT  
6 TRAINING. As a condition for initial licensure, each  
7 individual licensee shall complete twelve hours of  
8 foster parent training offered or approved by the  
9 department. The training shall include but not be  
10 limited to physical care, education, learning  
11 disabilities, referral to and receipt of necessary  
12 professional services, behavioral assessment and  
13 modification, self-assessment, self-living skills,  
14 and biological parent contact. An individual licensee  
15 may complete the training as part of an approved  
16 training program offered by a public or private agency  
17 with expertise in the provision of child foster care  
18 or in related subject areas.  
19 Sec. 4. The twelve-hour training requirement in  
20 section 3 of this Act applies to all individuals  
21 licensed to provide child foster care on or after  
22 the effective date of this Act."

RICHARD VANDE HOEF

S-5576

1 Amend House File 2394 as amended, passed, and re-  
2 printed by the House as follows:  
3 1. Page 1, lines 9 and 10, by striking the words  
4 "dietitian or nutritionist" and inserting in lieu  
5 thereof the words "or dietitian".  
6 2. Page 1, line 18, by striking the words  
7 "dietetics or nutrition" and inserting in lieu thereof  
8 the words "or dietetics".

- 9 3. Page 1, line 34, by striking the words "and  
10 nutritionists".
- 11 4. Page 2, line 4, by striking the words "or  
12 licensed nutritionist".
- 13 5. Page 2, line 9, by striking the words "or  
14 licensed nutritionist".
- 15 6. Page 2, line 11, by striking the words "or  
16 licensed nutritionists".
- 17 7. Page 2, lines 20 and 21, by striking the words  
18 "or "nutritionist". A licensed nutritionist may add  
19 after that person's name "nutritionist".
- 20 8. Page 2, line 25, by striking the words "or  
21 nutrition".
- 22 9. Page 2, line 27, by striking the words "or  
23 nutrition".
- 24 10. Page 2, line 28, by striking the words "or  
25 nutrition".
- 26 11. Page 2, line 34, by striking the words  
27 "nutritional and".
- 28 12. Page 2, line 35, by striking the words  
29 "nutritional and".
- 30 13. Page 3, line 2, by striking the words  
31 "nutritional and".
- 32 14. Page 3, by striking lines 5 through 12.
- 33 15. Page 3, line 35, by striking the words "or  
34 nutritionist".
- 35 16. Page 4, line 13, by striking the word  
36 "nutritional" and inserting in lieu thereof the word  
37 "dietetic".
- 38 17. Page 4, line 16, by striking the words "or  
39 licensed nutritionists".
- 40 18. Page 4, line 18, by striking the words "or  
41 licensed nutritionists".
- 42 19. Page 4, lines 20 and 21, by striking the words  
43 "or licensed nutritionists".
- 44 20. Page 5, by striking lines 8 through 15.
- 45 21. Title page, line 1, by striking the words  
46 "and nutritionists".
- 47 22. Renumber as necessary.

EDGAR H. HOLDEN

S-5577

- 1 Amend House File 2306 as passed by the House as  
2 follows:
- 3 1. Page 1, line 16, by striking the word "or"  
4 and inserting in lieu thereof the word "or".
- 5 2. Page 1, line 16, by inserting after the word  
6 "regulated," the words "or expanded".

7 3. Page 1, line 18, by inserting after the word  
 8 "license." the words "If further deer depopulation  
 9 is warranted in localized areas, the commission shall  
 10 consider additional hunting days and additional  
 11 licenses shall be issued for those areas."

C.W. BILL HUTCHINS

S-5578

1 Amend Senate File 2328 as follows:  
 2 1. Page 7, by inserting after line 30 the  
 3 following:  
 4 "Sec. 101. Section 99D.24, subsection 4, Code  
 5 Supplement 1983, is amended by adding the following  
 6 new lettered paragraphs:  
 7 NEW LETTERED PARAGRAPH. c. Trains racing dogs  
 8 in this state and uses live animals, other than the  
 9 dogs being trained, in the course of that training.  
 10 NEW LETTERED PARAGRAPH. d. Knowingly permits  
 11 a racing dog to race in the state if the dog was  
 12 trained with the use of live animals, other than the  
 13 dogs being trained, in the course of the training."  
 14 2. Title page, line 1, by inserting after the  
 15 word "wagering Act" the words ", providing penalties".

WILLIAM W. (Bill) DIELEMAN

S-5579

1 Amend Senate File 2328 as follows:

DIVISION S—5579A

2 1. Page 7, by inserting after line 30 the  
 3 following:  
 4 "Sec. 102. Section 99D.24, subsection 4, Code  
 5 Supplement 1983, is amended by adding the following  
 6 new lettered paragraph:  
 7 NEW LETTERED PARAGRAPH. e. A dog that is  
 8 registered to race at a racetrack licensed under this  
 9 chapter shall not be sold without the prior approval  
 10 of the commission."

DIVISION S—5579B

11 2. Page 7, by inserting after line 30 the  
 12 following:  
 13 "Sec. 103. Section 99D.24, subsection 4, Code  
 14 Supplement 1983, is amended by adding the following

15 new lettered paragraph:  
 16 NEW LETTERED PARAGRAPH. f. A dog that is registered  
 17 to race at a racetrack licensed under this chapter  
 18 shall not be destroyed without the prior approval  
 19 of the state veterinarian. The state veterinarian  
 20 shall report the names of all dogs authorized to be  
 21 destroyed to the commission."

WILLIAM W. (Bill) DIELEMAN

S-5580

1 Amend House File 2015 as amended, passed, and  
 2 reprinted by the House as follows:  
 3 1. Page 1, by inserting after line 9 the following:  
 4 "Sec. 102. NEW SECTION. 99B.9B LOCAL OPTION  
 5 BINGALOT OPERATION PERMITTED—PENALTIES.  
 6 1. As used in this section, "governing body" means  
 7 a city council of an incorporated city or a county  
 8 board of supervisors of a county.  
 9 2. The governing body of a city or county may  
 10 authorize by ordinance a bingalot operation in the  
 11 city or county. A bingalot operation shall only be  
 12 initiated after an election in the city or county  
 13 at which a majority of those voting on the question  
 14 favors implementation. If a bingalot operation is  
 15 implemented, the bingalot operation shall be limited  
 16 to the city limits of that city or the boundaries  
 17 of the county. The bingalot cards shall not be offered  
 18 for sale outside the city limits of the city or the  
 19 boundaries of the county.  
 20 3. Upon its own motion or upon receipt of a  
 21 petition signed by eligible electors of the city or  
 22 county equal in number to five percent of the persons  
 23 of the city or county who voted in the preceding state  
 24 general election requesting implementation of a  
 25 bingalot operation, the governing body, within sixty  
 26 days of its motion or receipt of the petition, shall  
 27 direct the county commissioner of elections to submit  
 28 the question of implementation of a bingalot operation  
 29 to the qualified electors of the city or county.  
 30 4. The county commissioner of elections shall  
 31 submit the question of implementation of a bingalot  
 32 operation at a state general election or at a special  
 33 election as requested by the board of supervisors  
 34 or city council. The election shall not be held  
 35 sooner than sixty days after publication of notice  
 36 of the ballot proposition. The ballot proposition  
 37 shall ask the question "Should  
 38 (name of city or county) conduct a bingalot operation?"



- 39 5. If a majority of those voting on the question  
40 of implementation of a bingalot operation favor  
41 implementation, the governing body shall conduct a  
42 bingalot operation subject to this chapter. The  
43 authority to conduct a bingalot operation shall extend  
44 for two years and may be continued for additional  
45 two-year periods by a majority vote of the governing  
46 body.
- 47 6. A city or county that implements a bingalot  
48 operation shall hire or designate an existing employee  
49 to be the director of the bingalot operation.
- 50 7. The governing body and the bingalot director

Page 2

- 1 shall employ personnel necessary to conduct a bingalot  
2 operation. All personnel shall be fingerprinted.
- 3 8. The governing body may require the bingalot  
4 director or employees to give a bond in amounts the  
5 governing body determines. Each bond when executed  
6 and approved shall be filed in the office of city  
7 or county clerk, whichever is applicable, and the  
8 cost shall come from the general fund of the city  
9 or county.
- 10 9. The bingalot operation shall be administered  
11 to produce the maximum amount of net revenues for  
12 the county consistent with the general welfare of  
13 the people.
- 14 10. The governing body may enter into contracts  
15 for the operation and promotion of the bingalot  
16 operation, including contracts with business  
17 organizations or individuals experienced in the design  
18 and operation of bingalot operations or similar  
19 operations in other states or counties.
- 20 11. The governing body shall enact an ordinance  
21 specifying the rules for the conduct of the bingalot  
22 operation. The ordinance rules shall include but  
23 not be limited to the following:
- 24 a. The types of bingalot games to be conducted.  
25 Each card in the game shall bear a consecutive serial  
26 number distinguishing it from each other card in the  
27 game. Each bingalot number or symbol shall be  
28 accompanied by a confirming caption consisting of  
29 a representation of a symbol or a description of the  
30 symbol in words.
- 31 b. The price of the cards in the bingalot, in-  
32 cluding but not limited to authorization of sales  
33 of cards at a discount for promotional purposes.
- 34 c. The number and size of the prizes on the winning  
35 cards, including but not limited to prizes of free

36 cards in bingalot games conducted and merchandise  
37 prizes. However, the bingalot director shall maintain  
38 and make available for public inspection at city hall  
39 or the county courthouse during regular business hours  
40 a detailed listing of the estimated number of prizes  
41 of each particular denomination that are expected  
42 to be awarded in any game that is on sale, and after  
43 the end of the claim period, shall maintain and make  
44 available a listing of the total number of cards sold  
45 in a game and the number of prizes of each denomination  
46 which were awarded.

47 d. The method of selecting the winning cards and  
48 the manner of payment of prizes to the holders of  
49 winning cards. The rules may provide for payment  
50 by the purchase of annuities in the case of prizes

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1 payable in installments. Persons working in connection  
2 with the bingalot operation shall examine claims and  
3 shall not pay a prize for altered, stolen, or  
4 counterfeit cards nor cards which fail to meet  
5 validation rules established for a bingalot game.  
6 A prize shall not be paid more than once. If it is  
7 determined that more than one person is entitled to  
8 a prize, the sole remedy of the claimants is to receive  
9 an equal share in the single prize. The rules may  
10 provide for payment of prizes up to twenty-five dollars  
11 directly by licensed agents.

12 e. Requirements for eligibility for participation  
13 in runoff drawings, including but not limited to  
14 requirements for submission of evidence of eligibility.

15 f. The locations at which cards may be sold.  
16 However, cards shall not be sold outside the boundaries  
17 of the city or county.

18 g. The method used for printing and selling cards.  
19 An elected official's name shall not be printed on  
20 the cards. The overall estimated odds of winning  
21 a prize in a given game shall be printed on each card.

22 h. The licensing of agents to sell cards. A  
23 person under the age of eighteen shall not be licensed  
24 as an agent.

25 i. The compensation paid to licensed sales agents  
26 including but not limited to a provision for variable  
27 compensation based on sales volume or incentive  
28 considerations.

29 j. The apportionment of the annual revenues  
30 accruing from the sale of bingalot cards and from  
31 other sources for the payment of prizes to the holders

32 of winning cards and for the following:

33 (1) The payment of costs incurred in the operation  
34 and administration of the bingalot operation, including  
35 the expenses of the bingalot operation and the cost  
36 resulting from contracts entered into for the  
37 consulting or operational services, or for promotional  
38 and advertising services.

39 (2) Independent audits which shall be performed  
40 annually, in addition to the audits required by section  
41 114, subsection 3.

42 (3) Incentive programs for bingalot sales agents  
43 and bingalot employees.

44 (4) Payment of compensation to agents necessary  
45 to provide adequate availability of cards or services  
46 to prospective buyers and for the convenience of the  
47 public.

48 (5) The purchase or lease of bingalot equipment,  
49 cards, and materials.

50 (6) The repayment of money budgeted to the bingalot

Page 4

1 operation.

2 (7) Transfers to the general fund of the city  
3 or county.

4 12. As nearly as is practicable, not less than  
5 forty-five percent of the annual revenue, computed  
6 on a year-round average basis for each type of bingalot  
7 game, accruing from the sale of bingalot cards shall  
8 be apportioned for payment of prizes to the holders  
9 of winning cards. However, the prizes shall not be  
10 paid out in a particular bingalot game in excess of  
11 the total revenue from sales of that game. After  
12 payment of prizes, the reasonable expenses of  
13 conducting the bingalot shall be paid. Revenue  
14 remaining after expenses are paid shall be deposited  
15 in the city or county general fund. Revenue divided  
16 shall not be less than thirty percent of the total  
17 revenues accruing from the sale of bingalot cards.

18 13. The bingalot director or the director's  
19 designee is authorized to conduct an inquiry,  
20 investigation, or hearing under this section. The  
21 bingalot director or the director's designee may  
22 administer oaths and take testimony under oath relative  
23 to the matter of inquiry or investigation. At a  
24 hearing ordered by the bingalot director, the director  
25 or the designee may subpoena witnesses and require  
26 the production of records, papers, and documents  
27 pertinent to the inquiry. A witness under subpoena

28 authorized by this section shall not be excused from  
29 testifying or from producing records, papers, or  
30 documents on the ground that the testimony or the  
31 production of evidence would tend to incriminate the  
32 witness, but the evidence produced shall not be used  
33 in a criminal proceeding against the witness. If  
34 a person disobeys process or, having appeared, refuses  
35 to answer a pertinent question put to the person by  
36 the bingalot director or an authorized designee or  
37 to produce a subpoenaed document, the bingalot director  
38 or the authorized designee may apply to the district  
39 court setting forth the disobedience to process or  
40 refusal to answer, and the court shall cite the person  
41 to appear before the court to answer the question  
42 or to produce the documents and, upon the person's  
43 refusal, shall commit the person to jail until the  
44 person testifies, but not for a longer period than  
45 sixty days. Notwithstanding the serving of a term  
46 of commitment by a witness, the bingalot director  
47 may proceed with the inquiry and examination as if  
48 the witness had not previously been called upon to  
49 testify.

50 14. a. The governing body shall license persons

Page 5

1 to sell bingalot cards to best serve public  
2 convenience. A licensee shall not engage in business  
3 exclusively to sell bingalot cards. Before issuing  
4 a license the governing body shall consider the  
5 financial responsibility and security of the applicant,  
6 the applicant's business or activity, the accessibility  
7 of the applicant's place of business or activity to  
8 the public, the sufficiency of existing licensees  
9 to serve the public convenience, and the volume of  
10 expected sales.

11 b. The governing body may require a bond from  
12 a licensee in an amount as provided by ordinance,  
13 and may purchase a blanket bond covering the activities  
14 of all licensees.

15 c. The board of supervisors may authorize  
16 compensation to licensees if the board finds that  
17 compensation is necessary to assure adequate  
18 availability of bingalot cards.

19 d. A licensee shall not sell a bingalot card  
20 outside the city limits of the city or the boundaries  
21 of the county which granted the license.

22 15. The governing body which issued the license  
23 may suspend or revoke the license of a licensee who

24 violates this section.

25 16. The following sales of bingalot cards are  
26 prohibited:

27 a. A card shall not be sold at a price greater  
28 than that fixed by the governing body and a sale shall  
29 only be made by a licensee. A person who violates  
30 this paragraph is guilty of a simple misdemeanor.

31 b. A card shall not be sold to a person under  
32 the age of eighteen. A card may be purchased for  
33 the purpose of making a gift by a person eighteen  
34 years of age or older to a person less than eighteen.  
35 A licensee who knowingly sells or offers to sell a  
36 bingalot card or share to a person under the age of  
37 eighteen is guilty of a simple misdemeanor. A prize  
38 won by a person under age eighteen who purchased a  
39 card in violation of this paragraph shall be forfeited.

40 c. A card shall not be purchased by and a prize  
41 shall not be paid to a bingalot employee or to a  
42 spouse, child, stepchild, brother-in-law, sister-in-  
43 law, stepbrother, stepsister, parent, parent-in-law,  
44 stepparent, brother, or sister of a bingalot employee  
45 residing in the principal residence of the employee.

46 d. A person who, with intent to defraud, falsely  
47 makes, alters, forges, utters, passes, or counterfeits  
48 a bingalot card is guilty of a class D felony.

49 e. A person shall not sell or attempt to sell  
50 a bingalot card outside the city limits of a city

Page 6

1 or the boundaries of a county which issued the person  
2 a license to sell bingalot cards. Violation of this  
3 paragraph is a class D felony.

4 17. The bingalot director shall award the  
5 designated prize to the card holder upon presentation  
6 of the winning card. Unclaimed prize money for the  
7 prize on a winning card or share shall be retained  
8 by the city or county for ninety days after the drawing  
9 in which the prize was won in the case of a drawing  
10 prize and for ninety days after the announced end  
11 of the game in the case of a prize determined in a  
12 manner other than by drawing. If a claim is not made  
13 for the money within the applicable period, the prize  
14 money shall be added to future prize pools and given  
15 to holders of winning cards in addition to amounts  
16 already allocated.

17 18. If the person entitled to a prize is under  
18 the age of eighteen, and the prize is more than one  
19 thousand dollars, the bingalot director shall direct

20 payment of the prize by transfer to the guardian of  
21 the minor of a check payable to the order of the  
22 guardian. If less than one thousand dollars, the  
23 bingalot director may direct payment of the prize  
24 to the adult member of the minor's family who is  
25 legally responsible for the care and custody of the  
26 minor. The bingalot director is discharged of all  
27 further liability upon payment of a prize to a minor  
28 pursuant to this subsection.

29 19. The right of a person to a prize drawn is  
30 not assignable, except that payment of a prize may  
31 be made to the estate of a deceased prize winner or  
32 to another person pursuant to an appropriate judicial  
33 order. The bingalot director is discharged of all  
34 further liability upon payment of a prize pursuant  
35 to this subsection.

36 20. The bingalot director may require agents to  
37 deposit, to the credit of the bingalot in institutions  
38 designated by the governing body, money received by  
39 agents from sale of cards, less the amount of  
40 compensation, if any, authorized and to file with  
41 the bingalot director reports of receipts and  
42 transactions in the sale of cards in the form and  
43 containing the information the bingalot director  
44 requires.

45 21. A bingalot fund shall be created by a city  
46 or county which conducts a bingalot operation. The  
47 fund shall consist of all revenues received from the  
48 sale of bingalot cards and all other moneys lawfully  
49 credited or transferred to the fund. Interest earnings  
50 of the fund shall be considered additional profits

Page 7

1 of a bingalot operation. The bingalot director shall  
2 certify quarterly that portion of the fund that is  
3 distributed pursuant to subsection 12.

4 22. The city or county auditor or a certified  
5 public accountant firm appointed by the city or county  
6 auditor shall conduct quarterly audits of all accounts  
7 and transactions of a bingalot operation and other  
8 special audits as a governing body may require. The  
9 auditor or a designee conducting an audit under this  
10 section shall have access and authority to examine  
11 any and all records of agents and licensees."

12 2. Page 1, by inserting after line 17 the  
13 following:

14 "Sec. 103. Section 99B.1, Code 1983, is amended  
15 by adding the following new subsection:

16 NEW SUBSECTION. 23. "Bingalot" means a game of  
17 chance played pursuant to section 99B.9B where a  
18 person purchases a bingalot card which is designed  
19 similar to a bingo card except the person must scratch  
20 off coverings concealing numbers to determine whether  
21 the person wins a prize."

22 3. Page 1, line 18, by striking the number and  
23 word "3 and" and inserting in lieu thereof the numbers  
24 and word "2, 3, and".

25 4. Page 1, by inserting after line 19 the follow-  
26 ing:

27 "2. "Game of chance" means a game whereby the  
28 result is determined by chance and the player in order  
29 to win aligns or uncovers objects or balls in a  
30 prescribed pattern or order or makes certain color  
31 patterns appear and specifically includes but is not  
32 limited to the game games defined as bingo and  
33 bingalot. Game of chance does not include a slot  
34 machine."

35 5. Page 6, by inserting after line 23 the  
36 following:

37 "Sec. 104. Section 99B.7, subsection 1, paragraph  
38 d, Code Supplement 1983, is amended to read as follows:

39 d g. Cash prizes shall not be awarded in games  
40 other than bingo and bingalot. The actual retail  
41 value of any merchandise prizes shall not exceed fifty  
42 dollars and merchandise prizes shall not be  
43 repurchased. However, one raffle may be conducted  
44 in a twelve-month period at which a merchandise prize  
45 having a value not greater than ten thousand dollars  
46 as determined by purchase price paid by the  
47 organization or donor may be awarded.

48 Sec. 105. Section 99B.7, subsection 1, paragraph  
49 i, Code Supplement 1983, is amended to read as follows:

50 i. ~~Concealed numbers or conversion~~ Conversion

Page 8

1 charts shall not be used to play any game and a game  
2 or raffle shall not be adapted with any control device  
3 to permit manipulation of the game by the operator  
4 in order to prevent a player from winning or to  
5 predetermine who the winner will be, and the object  
6 of the game must be attainable and possible to perform  
7 under the rules stated from the playing position of  
8 the player."

9 6. Page 9, by inserting after line 6 the following:

10 "Sec. 106. Section 537A.4, unnumbered paragraph  
11 2, Code Supplement 1983, is amended to read as follows:

12 This section does not apply to a contract for the  
 13 operation of or for the sale or rental of equipment  
 14 for games of skill or games of chance, if both the  
 15 contract and the games are in compliance with chapter  
 16 99B. This section does not apply to wagering under  
 17 the pari-mutuel method of wagering authorized by  
 18 chapter 99D. This chapter does not apply to the  
 19 purchase or redemption of a card in a city or county  
 20 bingalot operation held in compliance with chapter  
 21 99B."

WALLY E. HORN  
 WILLIAM D. PALMER

S-5581

1 Amend House File 2211 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 1, line 21, by inserting after the word  
 4 "physician" the words "as defined in section 135.1,  
 5 subsection 5, Code 1983,".

CHARLES P. MILLER  
 JOE BROWN  
 JAMES D. WELLS  
 C. JOSEPH COLEMAN  
 RAY TAYLOR  
 RICHARD VANDE HOEF  
 MILO COLTON  
 JAMES E. BRILES

S-5582

1 Amend House File 2110 as passed by the House as  
 2 follows:  
 3 1. By striking page 5, line 16 through page 6,  
 4 line 8.  
 5 2. Page 9, line 3, by striking the words "or of a  
 6 rule adopted under this chapter".  
 7 3. Page 9, lines 6 and 7, by striking the words  
 8 "or of a rule issued under this chapter".

JULIA B. GENTLEMAN

S-5583

1 Amend House File 2354 as passed by the House as  
 2 follows:  
 3 1. Page 1, line 11, by striking the word "and"  
 4 and inserting in lieu thereof the words "under bidding  
 5 and contracting requirements prescribed by the board



6 and procure”.

ARNE WALDSTEIN  
TOM MANN, JR.

HOUSE AMENDMENT TO SENATE FILE 163

S-5584

- 1 Amend Senate File 163 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by striking lines 18 through 21 and  
4 inserting in lieu thereof the following:  
5 “3. “Occupant” means a person, in privity with  
6 the owner, entitled to the use to the exclusion of  
7 others of the storage space at a self-service storage  
8 facility pursuant to privity with the owner.”  
9 2. Page 1, line 23, by inserting after the word  
10 “oral” the words “between the owner and occupant”.  
11 3. Page 1, line 31, by inserting after the word  
12 “occupant” the words “by certified mail”.  
13 4. Page 2, by striking lines 9 through 12 and  
14 inserting in lieu thereof the following: “chapter.  
15 The lien provided for in this section shall not have  
16 priority over a lien or security interest perfected  
17 prior to the time the personal property is placed  
18 within or upon the self-storage facility. The lien  
19 attaches as of the date the personal property is  
20 brought to the self-service storage facility.”  
21 5. Page 2, line 17, by inserting after the word  
22 “son” the words “with acceptance to be signed by the  
23 occupant”.  
24 6. Page 3, by striking lines 7 through 9 and  
25 inserting in lieu thereof the following:  
26 “2. A notice mailed by certified mail pursuant  
27 to subsection 1 is made and completed when the notice  
28 is enclosed in a sealed envelope with the proper  
29 postage on the envelope, addressed to the occupant  
30 or successor at the last known mailing address, and  
31 deposited in a mail receptacle provided by the United  
32 States postal service.”  
33 7. Page 4, line 12, by inserting after the word  
34 “section.” the following: “The purchaser shall apply  
35 for a new title to a vehicle by the procedures outlined  
36 in section 321.47. For all other property which has  
37 a written title, the purchaser shall follow the  
38 applicable procedures for the property for the transfer  
39 of title by operations of law.”  
40 8. Page 4, by striking lines 15 through 18 and  
41 inserting in lieu thereof the following: “hold the  
42 balance in a segregated escrow account for a period

43 of ninety days for delivery on demand to the occupant.  
 44 If the occupant does not claim the balance within  
 45 ninety days, the moneys shall be paid to the county  
 46 treasurer in the county where the facility is located.  
 47 The county treasurer shall hold the money for a period  
 48 of two years. If a claim is not made by the owner  
 49 for the funds, then the funds shall become the property  
 50 of the county. There shall be no further recourse

Page 2

1 by any person against the owner for an action pursuant  
 2 to this section."  
 3 9. Page 4, by inserting after line 23 the  
 4 following:  
 5 "Sec. 6. NEW SECTION. 578A.6 RESIDENCE. An  
 6 occupant shall not use a self-service storage facility  
 7 for residential purposes. A self-service storage  
 8 facility is not a warehouse as defined in chapter  
 9 554."

HOUSE AMENDMENT TO SENATE FILE 292

S-5585

1 Amend Senate File 292 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by striking lines 17 through 30.

HOUSE AMENDMENT TO SENATE FILE 414

S-5586

1 Amend Senate File 414 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. Section 154B.6, subsection 1, Code  
 6 1983, is amended to read as follows:  
 7 1. A licensed psychologist Except as provided  
 8 in this section, after July 1, 1985 a new applicant  
 9 for licensure as a psychologist shall possess a  
 10 doctoral degree in psychology or its equivalent from  
 11 an institution approved by the board and shall have  
 12 completed at least one year of supervised professional  
 13 experience under the supervision of a licensed  
 14 psychologist or prior to July 1, 1976 any person  
 15 holding a certificate as a psychologist from the board  
 16 of examiners of the Iowa psychological association;

17 following the granting of the doctoral degree, or  
18 predoctoral experience; as may be acceptable to the  
19 board; or shall possess a master's degree in psychology  
20 or its equivalent from an institution approved by  
21 the board and have completed at least five years of  
22 professional experience; at least two of which shall  
23, have been under the supervision of a licensed  
24 psychologist or prior to July 1, 1976 any person  
25 holding a certificate as a psychologist from the board  
26 of examiners of the Iowa psychological association;  
27 as may be acceptable to the board.

28 **Sec. 2. NEW SECTION. 154B.6A HEALTH SERVICE**  
29 **PROVIDER IN PSYCHOLOGY.** A certified health service  
30 provider in psychology means a person licensed to  
31 practice psychology who has a doctoral degree in  
32 psychology, or prior to July 1, 1984 was licensed  
33 at the doctoral level with a degree in psychology  
34 or its equivalent, or was prior to January 1, 1984  
35 licensed as a psychologist in this state and prior  
36 to January 1, 1985 receives a doctoral degree  
37 equivalent to a doctoral degree in psychology, and  
38 who has at least two years of clinical experience  
39 in a recognized health service setting or meets the  
40 standards of a national register of health service  
41 providers in psychology. A person certified as a  
42 health service provider in psychology shall be deemed  
43 qualified to diagnose or evaluate mental illness and  
44 nervous disorders, and to treat mental illnesses and  
45 nervous disorders, excluding those mental illnesses  
46 and nervous disorders which are established as  
47 primarily of biological etiology with the exception'  
48 of the treatment of the psychological and behavioral  
49 aspects of those mental illnesses and nervous  
50 disorders.

Page 2

1 **Sec. 3. Section 514.1, Code Supplement 1983, is**  
2 **amended to read as follows:**  
3 **514.1 INSURANCE LAWS EXCLUDED GENERALLY. Any**  
4 **Δ corporation hereafter organized under the provisions**  
5 **of chapter 504 or chapter 504A for the purpose of**  
6 **establishing, maintaining, and operating a nonprofit**  
7 **hospital service plan, whereby hospital service may**  
8 **be provided by the corporation or by a hospital with**  
9 **which it has a contract for service, to the public**  
10 **who become subscribers to this plan under a contract**  
11 **which entitles each subscriber to hospital service,**  
12 **or any Δ corporation organized for the purpose of**

13 establishing, maintaining, and operating a plan whereby  
 14 medical and surgical service may be provided at the  
 15 expense of this corporation, by duly licensed  
 16 physicians and surgeons, dentists, podiatrists,  
 17 osteopathic physicians, or osteopathic physicians  
 18 and surgeons, to subscribers under contract, entitling  
 19 each subscriber to medical and surgical service, as  
 20 provided in the contract or any corporation organized  
 21 for the purpose of establishing, maintaining, and  
 22 operating a nonprofit pharmaceutical service plan  
 23 or optometric service plan, whereby pharmaceutical  
 24 or optometric service may be provided by this  
 25 corporation or by a licensed pharmacy with which it  
 26 has a contract for service, to the public who become  
 27 subscribers to this plan under a contract which  
 28 entitles each subscriber to pharmaceutical or  
 29 optometric service, shall be governed by the provisions  
 30 of this chapter and ~~shall be~~ is exempt from all other  
 31 provisions of the insurance laws of this state, unless  
 32 specifically designated herein, not only in  
 33 governmental relations with the state but for every  
 34 other purpose, and additions hereafter enacted shall  
 35 not apply to these corporations unless they be  
 36 expressly designated therein. For the purposes of  
 37 this chapter, "subscriber" means an individual who  
 38 enters into a contract for ~~hospital services, medical~~  
 39 ~~or surgical services, dental services, or~~  
 40 ~~pharmaceutical or optometric~~ health care services  
 41 with a corporation subject to this chapter and includes  
 42 any person eligible for medical assistance or  
 43 additional medical assistance as defined under chapter  
 44 249A, with respect to whom the department of human  
 45 services has entered into a contract with any firm  
 46 operating under chapter 514. For purposes of this  
 47 chapter, "provider" ~~is as defined in section 514B.1~~  
 48 shall mean a person as defined in section 4.1,  
 49 subsection 13, which is licensed or otherwise  
 50 authorized in this state to furnish health care

Page 3

1 services. "Health care" shall mean that care necessary  
 2 for the purpose of preventing, alleviating, curing,  
 3 or healing human physical or mental illness, injury,  
 4 or disability.

5 Sec. 4. Section 514.5, Code Supplement 1983, is  
 6 amended by adding the following new unnumbered  
 7 paragraph:

8 **NEW UNNUMBERED PARAGRAPH.** A hospital service  
 9 corporation or medical service corporation organized

10 under this chapter may enter into contracts with  
 11 subscribers and providers to furnish health care  
 12 services not otherwise allocated by this section.

13 Sec. 5. Section 514.6, Code 1983, is amended to  
 14 read as follows:

15 514.6 RATES--APPROVAL BY COMMISSIONER. The rates  
 16 charged by any such corporation to the subscribers  
 17 for hospital ~~health care~~ service or for medical and  
 18 surgical service; or for pharmaceutical or optometric  
 19 service shall at all times be subject to the approval  
 20 of the commissioner of insurance.

21 Sec. 6. Section 514.7, unnumbered paragraph 1,  
 22 Code Supplement 1983, is amended to read as follows:

23 The contracts by any such corporation with the  
 24 subscribers for hospital ~~health care~~ service or for  
 25 medical and surgical service or for pharmaceutical  
 26 or optometric service shall at all times be subject  
 27 to the approval of the commissioner of insurance.  
 28 The commission shall require that participating  
 29 pharmacies be reimbursed by the pharmaceutical service  
 30 corporation at rates or prices equal to rates or  
 31 prices charged nonsubscribers, unless the commissioner  
 32 determines otherwise to prevent loss to subscribers.

33 Sec. 7. Section 514.8, Code 1983, is amended to  
 34 read as follows:

35 514.8 CONTRACTS WITH HOSPITALS PROVIDERS--APPROVAL.

36 The contracts by any such corporation with  
 37 participating hospitals for hospital service or with  
 38 participating physicians and surgeons, dentists,  
 39 podiatrists, osteopathic physicians, or osteopathic  
 40 physicians and surgeons for medical and surgical  
 41 service, or with participating pharmacies for  
 42 pharmaceutical service, or with participating  
 43 optometrists for optometric service, or with other  
 44 providers shall at all times be subject to the approval  
 45 of the commissioner of insurance.

46 Sec. 8. Section 514.13, Code 1983, is amended  
 47 to read as follows:

48 514.13 ARBITRATION OF DISPUTES. Any dispute  
 49 arising between a corporation organized under said  
 50 ~~this~~ chapter and any hospital with which such

Page 4

1 corporation has a contract for hospital service; or  
 2 any physician and surgeon, dentist, podiatrist,  
 3 osteopathic physician, or osteopathic physician and  
 4 surgeon with whom any such corporation has a contract  
 5 for medical and surgical service or any pharmacy or

6 optometrist with whom any such corporation has a  
 7 contract for pharmaceutical or optometric service;  
 8 as provided for herein; a provider may be submitted  
 9 to the commissioner of insurance for his a decision.  
 10 All decisions and findings of the commissioner of  
 11 insurance may be judicially reviewed in accordance  
 12 with the terms of the Iowa administrative procedure  
 13 Act chapter 17A."  
 14 2. Title page, by striking lines 1 and 2 and  
 15 inserting in lieu thereof the following: "An Act  
 16 relating to health service and health care providers  
 17 by providing for the licensing of a health service  
 18 provider in psychology and the ability of a nonprofit  
 19 medical service plan to contract with certain health  
 20 care providers."

## HOUSE AMENDMENT TO SENATE FILE 2059

S-5587

1 Amend Senate File 2059 as passed by the Senate,  
 2 as follows:  
 3 1. Page 1, line 11, by striking the word "public".

## HOUSE AMENDMENT TO SENATE FILE 2084

S-5588

1 Amend Senate File 2084 as passed by the Senate  
 2 as follows:  
 3 1. Page 1, by striking lines 7 and 8, and inserting  
 4 in lieu thereof the following:  
 5 "217A.52 DIAGNOSTIC CLINIC INMATE INTAKE AND  
 6 CLASSIFICATION CENTER. The director may provide  
 7 facilities and".  
 8 2. Page 1, line 9, by inserting after the word  
 9 "intake" the words "and classification".  
 10 3. Page 1, by inserting after line 24 the  
 11 following:  
 12 "Sec. 3. NEW SECTION. 217A.80 INSTITUTIONAL  
 13 RECEIPTS. All institutional receipts of the department  
 14 of corrections shall be deposited in the general fund  
 15 except for reimbursements for services provided to  
 16 another institution or state agency, rentals charged  
 17 to employees or other persons for room, apartment,  
 18 or housing, and charges for meals."  
 19 4. Page 2, line 15, by striking the word "penal"  
 20 and inserting in lieu thereof the words "penal  
 21 correctional".  
 22 5. Page 2, line 17, by striking the word "either"

23 and inserting in lieu thereof the words "either".

24 6. Page 2, line 28, by striking the word "female"

25 and inserting in lieu thereof the word "women's".

26 7. Page 3, by striking line 6, and inserting in

27 lieu thereof the following:

28 "245.8 MANNER OF COMMITTING ~~FEMALES~~ WOMEN. ~~Females~~  
29 Women committed".

30 8. Page 3, by striking line 9, and inserting in

31 lieu thereof the following: "and classification  
32 center--women's unit--Oakdale by a woman, or by a  
33 male".

34 9. Page 3, by striking lines 13 through 18, and

35 inserting in lieu thereof the following:

36 "245.9 COST OF COMMITMENT. The costs and expenses

37 allowed for taking ~~females~~ women to the Iowa

38 ~~correctional institution for women medical and~~

39 ~~classification center--women's unit--Oakdale~~ shall

40 be the same as those allowed by law ~~for taking girls~~

41 ~~to the training school~~ under section 331.655,

42 subsection 1, and shall be audited and paid ~~in like~~

43 ~~manner~~ by the counties from which they are sent."

44 10. By striking page 3, line 19 through page 4,

45 line 1 and inserting in lieu thereof the following:

46 "Sec. 10. Section 245.12, Code Supplement 1983,

47 is amended by striking the section and inserting in

48 lieu thereof the following:

49 245.12 TRANSFER OF MENTALLY ILL. The provisions

50 for the transfer of mentally ill persons under this

Page 2

1 chapter shall be the same as provided in sections

2 246.16 and 246.17."

3 11. Page 5, by inserting before line 8 the

4 following:

5 "Sec. 14. Section 246.17, Code 1983, is amended

6 to read as follows:

7 246.17 DISCHARGE OF MENTALLY ILL. When the state

8 director has reason to believe that a prisoner in

9 ~~the penitentiary or reformatory~~ a state correctional

10 institution, whose sentence has expired, is mentally

11 ill, ~~the director~~ shall cause examination to be

12 made of the prisoner by competent physicians who shall

13 certify to the state director whether the prisoner

14 is in good mental health or mentally ill. The state

15 director may make further investigation and if

16 satisfied that the prisoner is mentally ill, the state

17 director may cause the prisoner to be transferred

18 to one of the hospitals for the mentally ill, or may

19 order the prisoner to be confined in the Iowa security  
20 and medical facility and classification center."

21 12. Page 5, by striking line 32, and inserting  
22 in lieu thereof the following:

23 "4. Restitution as ordered by the court pursuant  
24 to chapter 910."

25 13. By striking page 7, line 11 through page 8,  
26 line 18, and inserting in lieu thereof the following:  
27 "Sec. 18. 1983 Iowa Acts, chapter 96, is amended  
28 by adding the following new section:

29 NEW SECTION. The department of corrections may  
30 enter into agreements, as provided for in chapter  
31 28E, with a district department of correctional  
32 services as necessary.

33 Sec. 19. 1983 Iowa Acts, chapter 205, section  
34 7, subsection 6, is amended to read as follows:

35 6. The following are range five positions: state  
36 comptroller, superintendent of public instruction,  
37 executive secretary of the state board of regents,  
38 director of the department of revenue, director of  
39 the Iowa development commission, commissioner of  
40 social human services or its successor agency, director  
41 of the department of corrections, chairperson and  
42 members of the Iowa state commerce commission, consumer  
43 advocate, and director of the department of  
44 transportation."

45 14. Page 8, by inserting after line 20, the  
46 following:

47 "Sec. 22. The department of corrections shall  
48 cause to be transferred all records, supplies,  
49 equipment and property, including automobiles, which  
50 are used in the operation of parole services and work

Page 3

1 release programs to the appropriate community-based  
2 corrections judicial district in accordance with  
3 section 217A.3, subsection 1.

4 15. Page 8, by striking lines 24 through 28.

5 16. Renumbering to conform to this amendment.

HOUSE AMENDMENT TO SENATE FILE 2091

S-5589

1 Amend Senate File 2091 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 11, by inserting after the word  
4 "the" the word "other".



- 5 2. Page 1, line 13, by inserting after the words  
6 "who is" the words "an inpatient, a resident, or".
- 7 3. Page 1, line 17, by inserting after the word  
8 "becoming" the words "an inpatient, a resident, or".
- 9 4. Page 2, by striking line 10, and inserting  
10 in lieu thereof the words "person attains the age  
11 of eighteen and acquires another legal settlement  
12 in the person's own right".
- 13 5. Page 2, by striking lines 11 through 18 and  
14 inserting in lieu thereof the following:  
15 "5. Any A person with settlement in this state  
16 who enlists in or is inducted into the military or  
17 naval becomes a member on active duty of an armed  
18 service of the United States shall retain such retains  
19 the settlement during the period of his military or  
20 naval service active duty. Any A person without  
21 settlement in this state who is serving in said  
22 military or naval a member on active duty of an armed  
23 service of the United States within the borders of  
24 this state shall does not acquire settlement during  
25 the period of such service active duty."
- 26 6. Page 2, line 27, by inserting after the word  
27 "institute" the words "or state hospital-school".
- 28 7. Page 2, line 28, by inserting after the word  
29 "institute" the words "or hospital-school".
- 30 8. Page 2, line 29, by inserting after the word  
31 "institute" the words "or hospital-school".
- 32 9. Page 2, line 32, by inserting after the word  
33 "institute" the words "or hospital-school".
- 34 10. Page 3, line 9, by inserting after the word  
35 "county" the words "of legal settlement".
- 36 11. Title page, line 3, by inserting after the  
37 word "institute" the words "or state hospital-school".

## HOUSE AMENDMENT TO SENATE FILE 2189

S-5590

- 1 Amend Senate File 2189 as passed by the Senate,  
2 as follows:  
3 1. Page 1, line 17, by striking the words ", as  
4 specified in section 194.6," and inserting in lieu  
5 thereof the words "as specified in section 194.6".

S-5591

- 1 Amend Senate File 2328 as follows:  
2 1. Page 3, line 7, by inserting after the word  
3 "racing," the words "However, members of the species

4 ~~felis catus of the family felidae shall not be per-~~  
5 ~~mitted to race."~~

JAMES V. GALLAGHER

S-5592

1 Amend Senate File 2328 as follows:

DIVISION S—5592A

2 1. Page 1, by striking lines 23 and 24 and  
3 inserting in lieu thereof the following: "Iowa housing  
4 finance authority or to the funds received by the  
5 state racing commission under section 99D-14."

DIVISION S—5592B

6 2. Page 3, by striking lines 13 through 16 and  
7 inserting in lieu thereof the following: "licensee.  
8 The commission shall not approve a license application  
9 if any part of the racetrack is to be constructed  
10 on prime farmland outside the city limits of an  
11 incorporated city. A license is not transferable  
12 or assignable. The".

DIVISION S—5592C

13 3. Page 3, by striking lines 27 through 31.

DIVISION S—5592D

14 4. Page 5, by striking lines 13 through 16.

DIVISION S—5592E

15 5. By striking page 5, line 30 through page 6,  
16 line 26.

DIVISION S—5592F

17 6. Page 7, line 31, by striking the figure  
18 "99D.28,".

DIVISION S—5592G

19 7. Page 7, line 31, by striking the word and  
20 figure "and 556.9A".

21 8. Renumber as necessary.

WILLIAM W. (Bill) DIELEMAN

S-5593

1 Amend House File 2015 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 6, line 18, by inserting after the word  
4 "hours:" the following: "However, a qualified  
5 organization, which is a senior citizens' center or  
6 a residents' council at a senior citizen housing  
7 project or a group home, may hold more than fourteen  
8 bingo occasions per month and more than three bingo  
9 occasions per week within the same structure or  
10 building, and bingo occasions conducted by such a  
11 qualified organization may last for longer than four  
12 consecutive hours, if the majority of the patrons  
13 of the qualified organization's bingo occasions also  
14 participate in other activities of the senior citizens'  
15 center or are residents of the housing project."

DON E. GETTINGS

S-5594

1 Amend House File 2470, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking page 1, line 4 through page 2,  
4 line 5, and inserting in lieu thereof the following:  
5 "A proprietor of a parcel of land of any size who  
6 divides the property into two parts, either of which  
7 are described by a metes and bounds description and  
8 are ten acres or less, shall have a survey made of  
9 the subdivision. The survey shall be prepared and  
10 recorded in accordance with sections 355.4, 355.7  
11 and 355.16. A proprietor of a parcel of land of any  
12 size who divides the property into three or more parts  
13 any of which are described by metes and bounds  
14 description and are ten acres or less, shall have  
15 a plat made of the subdivision. The plat shall be  
16 made by a registered land surveyor holding a  
17 certificate under chapter 114. The plat shall make  
18 reference to monuments of record or permanent control  
19 monuments and shall give bearing and distance from  
20 some corner of the plat to two corners of the  
21 congressional division of which it is a part. The  
22 plat shall accurately describe each part of the  
23 subdivision by giving its dimensions, length and  
24 breadth and shall number the parts by progressive  
25 number.  
26 A plat prepared pursuant to the requirements of  
27 this subsection is subject only to sections 409.3,  
28 409.30, 409.31, 409.32, 409.33, and 409.37, where

29 either of the following conditions exist:

30 1. No street, road, alley, or other public in-  
31 terest is being conveyed.  
32 2. The plat is for assessment and taxation pur-  
33 poses under section 441.65. Where either of the  
34 conditions exist, the plat shall be submitted to the  
35 governing city council which shall approve the plat  
36 by resolution and affix a certified copy of the  
37 resolution for recording with the plat.

38 A deed, contract, or other conveyance which is  
39 presented to the county recorder in violation of this  
40 subsection and is not being platted for assessment  
41 and taxation purposes under section 441.65, shall  
42 not be accepted for recording until the plat or survey  
43 has been recorded as required by this section."

44 2. Title page, by striking lines 1 through 3 and  
45 inserting in lieu thereof the following: "An Act  
46 relating to platting by providing for platting upon  
47 the subdivisions of a parcel of land and the vacating  
48 of certain public streets, alleys, and other public  
49 lands."

TOM MANN, JR.

S-5595

1 Amend the amendment S-5515 to House File 422 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 1, line 6, by inserting after the word  
4 "easements" the words "solely for public use and  
5 pursuant to procedures established in section 478.6".

CALVIN O. HULTMAN

S-5596

1 Amend House File 2471 as amended, passed and  
2 reprinted by the House, as follows:

DIVISION S—5596A

3 1. Page 3, line 18, by striking the word  
4 "limitatins" and inserting in lieu thereof the word  
5 "limitations".  
6 2. Page 4, line 7, by striking the figure "3"  
7 and inserting in lieu thereof the figure "4".  
8 3. Page 4, line 11, by striking the figure "4"  
9 and inserting in lieu thereof the figure "5".  
10 4. Page 10, line 5, by inserting after the word  
11 "director" the words "in cooperation with the state

12 department of health".

13 5. Page 10, line 19, by inserting after the word  
14 "director" the words ", in cooperation with the state  
15 department of health on matters relating to public  
16 health,".

DIVISION S—5596B

17 6. Page 14, by striking lines 15 and 16 and  
18 inserting in lieu thereof the following: "2, shall  
19 not begin to accrue until July 1, 1985. However,  
20 by October 15, 1984, January 15, 1985, April 15, 1985,  
21 and July 15, 1985, a person who would".

JAMES V. GALLAGHER  
CHARLES BRUNER  
JOE BROWN  
NORMAN G. RODGERS  
CALVIN O. HULTMAN  
MILO COLTON  
BASS VAN GILST  
DALE L. TIEDEN  
CHARLES P. MILLER

S-5597

1 Amend Senate amendment S-5552 to House File 2472  
2 as amended, passed and reprinted by the House as  
3 follows:  
4 1. Page 2, by striking lines 10 through 22 and  
5 inserting in lieu thereof the following:  
6 "Sec. 2. Section 123.47, Code 1983, is amended  
7 to read as follows:  
8 123.47 PERSONS UNDER LEGAL AGE. ~~No~~ A person shall  
9 ~~not~~ sell, give, or otherwise supply alcoholic liquor  
10 or beer to ~~any~~ a person knowing or having reasonable  
11 ~~cause to believe him to be~~ under legal age, and ~~no~~  
12 ~~a~~ person or persons under legal age shall ~~not~~  
13 individually or jointly ~~have or attempt to have~~  
14 alcoholic liquor or beer in ~~his or their~~ the person's  
15 possession or control; except in the case of liquor  
16 or beer given or dispensed to a person under legal  
17 age within a private home and ~~with the knowledge and~~  
18 ~~consent in the presence~~ of the parent or guardian  
19 for beverage or medicinal purposes or as administered  
20 to ~~him~~ the person by either a physician or dentist  
21 for medicinal purposes and except to the extent that  
22 a person under legal age may handle alcoholic beverages  
23 and beer during the regular course of ~~his or her~~  
24 employment by a liquor control licensee or beer

25 permittee under this chapter.

26 Sec. 3. Section 123.49, subsection 2, paragraph  
27 b, Code 1983, is amended to read as follows:

28 b. Sell or dispense any alcoholic beverage or  
29 beer on the premises covered by the license or permit,  
30 or permit the ~~its~~ consumption ~~thereon on the premises~~  
31 between the hours of two a.m. and six a.m. on any  
32 a weekday, and between the hours of two a.m. on Sunday  
33 and six a.m. on the following Monday, ~~or sell or~~  
34 ~~dispense beer for consumption off the licensed premises~~  
35 ~~between the hours of ten p.m. and six a.m. the next~~  
36 ~~morning on a weekday and between the hours of ten~~  
37 ~~p.m. on Saturday night and six a.m. the following~~  
38 ~~Monday,~~ however, a holder of a liquor control license  
39 or retail beer permit granted the privilege of selling  
40 alcoholic liquor or beer on Sunday may sell or dispense  
41 ~~such alcoholic~~ liquor or beer ~~for consumption on the~~  
42 ~~licensed premises~~ between the hours of noon and ten  
43 p.m. on Sunday, ~~and may sell or dispense beer for~~  
44 ~~consumption off the licensed premises between the~~  
45 ~~hours of ten a.m. and ten p.m."~~

JOHN W. JENSEN

S-5598

1 Amend the Committee on Commerce amendment S-5453  
2 to House File 2062 as amended, passed and reprinted  
3 by the House as follows:

4 1. Page 1, by striking lines 3 through 34 and  
5 inserting in lieu thereof the following:

6 "\_\_\_\_. Page 1, by striking lines 23 through 26  
7 and inserting in lieu thereof the following: "1 for  
8 ~~nonpayment of the customer's account if the customer~~  
9 ~~resides in the serviced residence, is a "head of~~  
10 ~~household" as defined by law, has applied and been~~  
11 ~~certified to the public utility to be eligible for~~  
12 ~~either the low income home energy assistance program~~  
13 ~~or the weatherization assistance program, and continues~~  
14 ~~to make timely monthly payments in November through~~  
15 ~~March which are equal to the resident's "level payment~~  
16 ~~amount" as defined by the Iowa state commerce~~  
17 ~~commission's rules. The commerce commission".~~

18 \_\_\_\_\_. By striking page 1, line 33 through page  
19 2, line 14, and inserting in lieu thereof the  
20 following: "service. The rules shall include  
21 ~~protection for certain residential customers from~~  
22 ~~disconnection of service from November 1 through April~~  
23 ~~1 in accordance with this subsection. Notwithstanding~~  
24 ~~subsection 1, a public utility shall not disconnect~~  
25 ~~service to a residential customer from November 1~~  
26 ~~through April 1 for nonpayment of a customer's account~~

- 27 if the customer resides in the serviced residence.  
 28 is a "head of household" as defined in section 422.4.  
 29 subsection 11, has applied and been certified to the  
 30 public utility to be eligible for either the low  
 31 income home energy assistance program or the  
 32 weatherization assistance program administered by  
 33 the energy policy council, and continues to make  
 34 payments in November through March which are equal  
 35 to the resident's level payment amount. "Level payment  
 36 amount" shall be defined by commission rules.  
 37 This subsection applies to regulated utilities,  
 38 to municipally-owned utilities, and to incorporated  
 39 villages which own their own distribution systems."  
 40 2. Renumber as necessary.

WILLIAM W. (Bill) DIELEMAN  
 JOHN W. JENSEN

S-5599

- 1 Amend Senate File 2328 as follows:  
 2 1. Page 7, line 31, by striking the figure  
 3 "99D.16," and inserting in lieu thereof the figure  
 4 and word "99D.16 and".

WILLIAM W. (Bill) DIELEMAN

S-5600

- 1 Amend Senate File 2328 as follows:  
 2 1. Page 7, line 31, by inserting after the figure  
 3 "99D.27," the word "and".

WILLIAM W. (Bill) DIELEMAN

S-5601

- 1 Amend House File 2211 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 1, by striking lines 30 and 31.

JULIA B. GENTLEMAN

S-5602

- 1 Amend House File 2392 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 1, line 10, by inserting after the word  
 4 "officers" the words "who are not seeking appointment  
 5 under chapter 400 of the Code. If an applicant is seeking  
 6 appointment for a position under chapter 400 of the Code

7 the applicant must meet the requirements for mental ability  
 8 established by the civil service commission pursuant  
 9 to section 400.8 of the Code".

JULIA B. GENTLEMAN

S-5603

1 Amend House File 2483, as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 96.3, subsection 4, in the  
 6 portion following the weekly benefit amount table  
 7 in unnumbered paragraph 1, Code Supplement 1983, is  
 8 amended to read as follows:  
 9 **PARAGRAPH DIVIDED.** The maximum weekly benefit  
 10 amount, if not a multiple of one dollar shall be  
 11 rounded to the lower multiple of one dollar. However,  
 12 until such time as sixty-five percent of the statewide  
 13 average weekly wage exceeds one hundred ninety dollars  
 14 if on any July 1 the trust fund has a negative balance  
 15 and advance moneys are owed to the federal government  
 16 for the payment of unemployment compensation benefits,  
 17 the maximum weekly benefit amounts shall not be  
 18 increased but shall be determined using the same  
 19 statewide average weekly wage computed on the basis  
 20 of wages reported for calendar year 1981 as used in  
 21 computing the maximum weekly benefit amounts for the  
 22 previous year. As used in this section "dependent"  
 23 means dependent as defined in section 422.12,  
 24 subsection 1, paragraph "c", as if the individual  
 25 claimant was a taxpayer, except that an individual  
 26 claimant's nonworking spouse shall be deemed to be  
 27 is a dependent under this section. "Nonworking spouse"  
 28 means a spouse who does not earn more than one hundred  
 29 twenty dollars in gross wages in one week."  
 30 2. By renumbering as necessary.

JOHN W. JENSEN

S-5604

1 Amend Senate amendment S-5552 to House File 2472  
 2 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 3, by inserting after line 9 the following:  
 5 "Sec. \_\_\_\_ . Section 321.190, subsection 2, Code  
 6 1983, is amended by adding the following new unnumbered



7 paragraphs:

8 **NEW UNNUMBERED PARAGRAPH.** Upon conviction of a  
9 minor for use of an altered nonoperator's  
10 identification card or a card not the minor's own  
11 while attempting to purchase or purchasing goods or  
12 services prohibited to a minor or in attempting to  
13 enter or entering premises prohibited to a minor,  
14 the minor's card or privilege to obtain a card shall  
15 be revoked for a period of five years. In the case  
16 in which the minor used a card not the minor's own  
17 for identification, there is a presumption that the  
18 card was obtained with the owner's permission, and  
19 upon conviction the owner's card shall be revoked  
20 for a period of five years. A person responsible  
21 for checking identification for legal age who suspects  
22 that a nonoperator's card presented for identification  
23 purposes does not belong to the person presenting  
24 it or suspects that it has been altered may hold the  
25 card and summon a peace officer to the scene. If  
26 the officer determines there is cause to believe that  
27 the card does not belong to the person presenting  
28 it or that the card has been altered, the officer  
29 shall issue a citation to the person presenting it  
30 and when applicable to the person to whom the card  
31 belongs and the officer shall confiscate the card  
32 pending action on the citation. /

33 **NEW UNNUMBERED PARAGRAPH.** If a person used a  
34 nonoperator's identification card for identification  
35 when making, uttering, drawing, delivering, or giving  
36 a check, share draft, draft, or written order, on  
37 a bank, credit union, person, or corporation when  
38 the person knew that the check, share draft, draft,  
39 or written order would not be paid when presented,  
40 the person's card shall be revoked for a period of  
41 five years upon a conviction.

42 Sec. \_\_\_\_ . Section 321.209, Code Supplement 1983,  
43 is amended by adding the following new subsections:

44 **NEW SUBSECTION. 9.** Theft by making, uttering,  
45 drawing, delivering, or giving a check, share draft,  
46 draft, or written order, on a bank, credit union,  
47 person, or corporation when the person knew that the  
48 check, share draft, draft, or written order would  
49 not be paid when presented and the person's motor  
50 vehicle license was used for identification.

Page 2

1 **NEW SUBSECTION. 10.** Possession of an altered  
2 motor vehicle license or a motor vehicle license not  
3 one's own when used by a minor in attempting to  
4 purchase or purchasing goods or services prohibited

5 to a minor or in attempting to enter or entering  
 6 premises prohibited to a minor.  
 7 **NEW SUBSECTION. 11.** Lending a motor vehicle  
 8 license to a minor when used by the minor in attempting  
 9 to purchase or purchasing goods or services prohibited  
 10 to a minor or in attempting to enter or entering  
 11 premises prohibited to a minor.  
 12 Sec. \_\_\_\_ . Section 321.216, Code 1983, is amended  
 13 by adding the following new unnumbered paragraph:  
 14 **NEW UNNUMBERED PARAGRAPH.** A person responsible  
 15 for checking identification for legal age who suspects  
 16 that a motor vehicle license presented for  
 17 identification purposes does not belong to the person  
 18 presenting it or suspects that it has been altered  
 19 may hold the motor vehicle license and summon a peace  
 20 officer to the scene. If the officer determines there  
 21 is cause to believe that the motor vehicle license  
 22 does not belong to the person presenting it or that  
 23 the motor vehicle license has been altered, the officer  
 24 shall issue a citation to the person presenting it  
 25 and when applicable to the person to whom the motor  
 26 vehicle license belongs and the officer shall  
 27 confiscate the motor vehicle license pending action  
 28 on the citation. In the case in which the minor used  
 29 a motor vehicle license not the minor's own for iden-  
 30 tification, there is a presumption that the motor  
 31 vehicle license was obtained with the owner's  
 32 permission."

CHARLES P. MILLER

S-5605

1 Amend House File 2015 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 8, line 30, by striking the word "~~three~~"  
 4 and inserting in lieu thereof the word "two".

JOE J. WELSH

S-5606

1 Amend Senate File 2328 as follows:  
 2 1. Page 1, line 28, by striking the words "dog  
 3 racing and" and inserting in lieu thereof the words  
 4 "dog racing and".  
 5 2. Page 1, by inserting after line 30 the  
 6 following:  
 7 "Sec. 101. Section 99D.3, Code Supplement 1983,  
 8 is amended to read as follows:

9 99D.3 SCOPE OF PROVISIONS. This chapter does  
10 not apply to horse-race or dog-race meetings unless  
11 the pari-mutuel system of wagering is used or intended  
12 to be used in connection with the horse-race or dog-  
13 race meetings. If the pari-mutuel system is used  
14 or intended to be used a person shall not conduct  
15 a race meeting without a license as provided by section  
16 99D.9.

17 Sec. 102. Section 99D.4, Code Supplement 1983,  
18 is amended to read as follows:

19 99D.4 PARI-MUTUEL WAGERING LEGALIZED. The system  
20 of wagering on the results of horse or dog races as  
21 provided by this chapter is legal, when conducted  
22 within the racetrack enclosure at a licensed horse-  
23 race or dog-race meeting."

24 3. Page 2, line 15, by striking the words "or  
25 dog" and inserting in lieu thereof the words "or dog".

26 4. Page 2, by inserting after line 33 the  
27 following:

28 "Sec. 103. Section 99D.8, Code Supplement 1983,  
29 is amended to read as follows:

30 99D.8 HORSE OR DOG RACING LICENSES--APPLICATIONS.

31 A qualified nonprofit corporation as defined in section  
32 99B.1, subsection 10, organized to promote those  
33 purposes enumerated in section 99B.7, subsection 3,  
34 paragraph "b", or a nonprofit corporation which  
35 conducts a livestock exposition for the promotion  
36 of the livestock, or horse- or dog breeding industries  
37 of the state, may apply to the commission for a license  
38 to conduct horse or dog racing. The application shall  
39 be filed with the secretary of the commission at least  
40 sixty days before the first day of the horse-race  
41 or dog-race meeting which the nonprofit corporation  
42 or association proposes to conduct, shall specify  
43 the day or days when and the exact location where  
44 it proposes to conduct racing, and shall be in a form  
45 and contain information as the commission prescribes."

46 5. Page 3, line 5, by striking the word "The"  
47 and inserting in lieu thereof the word "The".

48 6. Page 3, by striking lines 6 and 7 and inserting  
49 in lieu thereof the following: "commission may permit  
50 dog racing; horse racing of various types or both

Page 2

1 dog and horse racing. The commission shall".

2 7. Page 4, line 1, by striking the words "or dog"  
3 and inserting in lieu thereof the words "or dog".

4 8. Page 4, line 4, by striking the words "or dogs"

- 5 and inserting in lieu thereof the words "or dogs".
- 6 9. Page 4, by inserting after line 5 the following:
- 7 "Sec. 104. Section 99D.11, subsection 4, Code
- 8 Supplement 1983, is amended to read as follows:
- 9 4. The licensee shall issue to each person wagering
- 10 a certificate on which shall be shown the number of
- 11 the race, the amount wagered, and the number or name
- 12 of the horse or dog selected as first winner."
- 13 10. Page 4, line 9, by striking the words "or
- 14 dogs" and inserting in lieu thereof the words "or
- 15 dogs".
- 16 11. Page 4, line 12, by striking the words "or
- 17 dog" and inserting in lieu thereof the words "or dog".
- 18 12. Page 4, line 15, by striking the words "or
- 19 dogs".
- 20 13. Page 4, line 20, by striking the words "or
- 21 dogs".
- 22 14. Page 4, line 23, by striking the word "horse"
- 23 and inserting in lieu thereof the word "horse."
- 24 15. Page 4, by striking line 24.
- 25 16. By striking page 4, line 28 through page 5,
- 26 line 12 and inserting in lieu thereof the following:
- 27 "Sec. 105. Section 99D.12, Code Supplement 1983,
- 28 is amended by striking the section and inserting in
- 29 lieu thereof the following:
- 30 99D.12 BREAKAGE. A licensee shall deduct the
- 31 breakage from the pari-mutuel pool. The amount
- 32 prescribed in section 99D.22 shall be withheld and
- 33 distributed to the breeders of of Iowa-foaled horses
- 34 in the manner described in section 99D.22. The
- 35 remainder shall be retained by the licensee to
- 36 supplement purses for races won by Iowa-foaled horses
- 37 as provided in section 99D.22."
- 38 17. Page 5, by inserting before line 17 the
- 39 following:
- 40 "Sec. 106. Section 99D.14, subsection 3, Code
- 41 Supplement 1983, is amended to read as follows:
- 42 3. The licensee shall also pay to the commission
- 43 a licensee fee of two hundred dollars for each racing
- 44 day of each horse-race or dog race meeting for which
- 45 a license has been issued."
- 46 18. Page 5, line 27, by striking the words "dog
- 47 racing," and inserting in lieu thereof the words "dog
- 48 racing."
- 49 19. Page 7, line 15, by striking the words "OR
- 50 DOGS" and inserting in lieu thereof the words "OR

Page 3

- 1 DOGS".
- 2 20. Page 7, line 17, by striking the words "or

3 Iowa-whelped".

4 21. Page 7, line 18, by striking the word "dogs".

5 22. Page 7, line 19, by striking the words "or  
6 dogs" and inserting in lieu thereof the words "or  
7 dog".

8 23. Page 7, line 22, by striking the words "or  
9 Iowa-whelped" and inserting in lieu thereof the words  
10 "or Iowa-whelped".

11 24. Page 7, line 23, by striking the word "dog".

12 25. Page 7, line 23, by striking the words "and  
13 dog" and inserting in lieu thereof the words "and  
14 dog".

15 26. Page 7, line 24, by striking the word  
16 "industries" and inserting in lieu thereof the words  
17 "industries industry".

18 27. Page 7, line 28, by striking the words "and  
19 dog" and inserting in lieu thereof the words "and  
20 dog".

21 28. Page 7, by striking line 30 and inserting  
22 in lieu thereof the following: "foaled horse or Iowa-  
23 whelped dog."

24 29. Page 7, by inserting before line 31 the  
25 following:

26 "Sec. 107. Section 99D.23, subsection 2, Code  
27 Supplement 1983, is amended to read as follows:

28 2. The commission shall employ or contract with  
29 one or more veterinarians to extract or procure the  
30 saliva, urine, blood, or other excretions or body  
31 fluids of the horses or dogs for the chemical testing  
32 purposes of this section. A commission veterinarian  
33 shall be in attendance at every race meeting held  
34 in this state.

35 Sec. 108. Section 99D.25, Code Supplement 1983,  
36 is amended to read as follows:

37 99D.25 DRUGGING OR NUMBING OF HORSES OR DOGS  
38 FORBIDDEN—PENALTY.

39 1. As used in this section, unless the context  
40 otherwise requires:

41 a. "Drugging" means administering to a horse or  
42 dog any substance, foreign to the natural horse or  
43 dog prior to the start of a race.

44 b. "Numbing" means the applying of ice, dry ice,  
45 a cold pack, or a chemical or mechanical freezing  
46 device to the limbs of a horse or dog within ten hours  
47 before the start of a race, or a surgical or other  
48 procedure which was, at any time, performed in which  
49 the nerves of a horse or dog were severed, destroyed,  
50 or removed.

Page 4

- 1 c. "Entered" means that a horse or dog has been  
2 registered as a participant in a specified race, and  
3 not withdrawn prior to presentation of the horse or  
4 dog for inspection and testing.
- 5 2. The general assembly finds that the practice  
6 of drugging or numbing a horse or dog prior to a race:  
7 a. Corrupts the integrity of the sport of racing  
8 and promotes criminal fraud in the sport;  
9 b. Misleads the wagering public and those desiring  
10 to purchase a horse or dog as to the condition and  
11 ability of the horse or dog;  
12 c. Poses an unreasonable risk of serious injury  
13 or death to the rider of a horse and to the riders  
14 of other horses competing in the same race; and  
15 d. Is cruel and inhumane to the horse or dog so  
16 drugged or numbed.
- 17 3. The following conduct is prohibited:  
18 a. The entering of a horse or dog in a race by  
19 the trainer or owner of the horse or dog if the trainer  
20 or owner knows or if by the exercise of reasonable  
21 care the trainer or owner should know that the horse  
22 or dog is drugged or numbed;  
23 b. The drugging or numbing of a horse or dog with  
24 knowledge or with reason to believe that the horse  
25 or dog will compete in a race while so drugged or  
26 numbed. However, the commission may by rule establish  
27 permissible trace levels of substances foreign to  
28 the natural horse or dog that the commission determines  
29 to be innocuous;  
30 c. The willful failure by the operator of a racing  
31 facility to disqualify a horse or dog from competing  
32 in a race if the operator has been notified that the  
33 horse or dog is drugged or numbed, or was not properly  
34 made available for tests or inspections as required  
35 by the commission; and  
36 d. The willful failure by the operator of a racing  
37 facility to prohibit a horse or dog from racing if  
38 the operator has been notified that the horse or dog  
39 has been suspended from racing.
- 40 4. The owners of a horse or dog and their agents  
41 and employees shall permit a member of the commission  
42 or a person employed or appointed by the commission  
43 to make tests as the commission deems proper in order  
44 to determine whether a horse or dog has been improperly  
45 drugged. The findings of the commission that a horse  
46 or dog has been improperly drugged by a narcotic or  
47 other drug are prima facie evidence of the fact.

48 The results of the tests shall be kept on file by  
49 the commission for at least one year following the  
50 tests.

Page 5

1 A person who violates this section is guilty of  
2 a class "D" felony."  
3 30. Renumber as necessary.

JACK RIFE

S-5607

1 Amend Senate amendment S-5552 to House File 2472  
2 as amended, passed and reprinted by the House as  
3 follows:

DIVISION S—5607A

4 1. Page 2, line 8, by inserting after the word  
5 "vehicle" the words "not designed or intended to be  
6 occupied by the driver and".

DIVISION S—5607B

7 2. Page 2, by inserting after line 9 the following:  
8 "Sec. 2. Section 123.36, subsection 6, Code Supplement 1983,  
9 is amended to read as follows:  
10 6. Any club, hotel, motel, or commercial  
11 establishment holding a liquor control license for  
12 whom the sale of goods and services other than  
13 alcoholic liquor or beer constitutes fifty percent  
14 or more of the gross receipts from the licensed  
15 premises, subject to the provisions of section 123.49,  
16 subsection 2, paragraph "b", may sell and dispense  
17 alcoholic liquor to patrons on Sunday for consumption  
18 on the premises only, and beer for consumption on  
19 or off the premises between the hours of ~~noon ten~~  
20 ~~a.m.~~ and ~~ten p.m.~~ twelve midnight on Sunday. For  
21 the privilege of selling beer and alcoholic liquor  
22 on the premises on Sunday the liquor control license  
23 fee of the applicant shall be increased by twenty  
24 percent of the regular fee prescribed for the license  
25 pursuant to this section, and the privilege shall  
26 be noted on the liquor control license. The department  
27 shall prescribe the nature and the character of the  
28 evidence which shall be required of the applicant  
29 under this subsection."  
30 3. Page 2, by inserting after line 42 the  
31 following:

32 "Sec. 5. Section 123.134, subsection 5, Code 1983,  
33 is amended to read as follows:

34 5. Any club, hotel, motel, or commercial  
35 establishment holding a class "B" beer permit for  
36 whom the sale of goods and services other than beer  
37 constitutes fifty percent or more of the gross receipts  
38 from the licensed premises, subject to the provisions  
39 of section 123.49, subsection 2, paragraph "b", may  
40 sell and dispense beer to patrons on Sunday for  
41 consumption on the premises and for consumption of  
42 beer off the premises between the hours of noon 10  
43 a.m. and ~~ten p.m.~~ twelve midnight on Sunday. Any class  
44 "C" beer permittee may sell beer for consumption off  
45 the premises between the hours of noon ~~ten a.m.~~ and  
46 ~~ten p.m.~~ twelve midnight on Sunday. For the privilege  
47 of selling beer on Sunday the beer permit fees of  
48 the applicant shall be increased by twenty percent  
49 of the regular fees prescribed for the permit pursuant  
50 to this section and the privilege shall be noted on

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DIVISION S—5607B

- 1 the beer permit. The department shall prescribe the
- 2 nature and character of the evidence which shall be
- 3 required of the applicant under this subsection."
- 4 4. Page 3, line 26, by inserting after the word
- 5 "section" the figure and words "123.47 and section".
- 6 5. By renumbering as required by this amendment.

BOB CARR

S-5608

- 1 Amend House File 2306 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 18, by inserting after the word
- 4 "license." the words "The commission shall allow
- 5 additional deer licenses to be issued for an area when
- 6 damage from deer is five hundred dollars or more and
- 7 there is continuing damage from deer feeding on crops,
- 8 orchards or nursery stock. This provision is to apply
- 9 at times other than deer season. Licenses may be granted
- 10 to owners or to sports organizations. Meat from more than
- 11 one carcass shall be given to charitable organizations
- 12 or to a county home."

RAY TAYLOR



S-5609

- 1 Amend the amendment S-5577 to House File 2306 as
- 2 passed by the House as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "additional" the word "doe".

RAY TAYLOR

S-5610

- 1 Amend House File 2394 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 18 the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 147.2, Code 1983, is amended
- 6 to read as follows:
- 7 147.2 LICENSE REQUIRED. ~~No~~ A person shall not
- 8 engage in the practice of medicine and surgery,
- 9 podiatry, osteopathy, osteopathic medicine and surgery,
- 10 dentistry, chiropractic, physical therapy, nursing,
- 11 dentistry, dental hygiene, optometry, speech pathology,
- 12 audiology, occupational therapy, pharmacy, cosmetology,
- 13 barbering, or mortuary science, dietetics or nutrition
- 14 as defined in the following chapters of this title,
- 15 unless the person has obtained from the state
- 16 department of health a license for that purpose.
- 17 This chapter shall not prohibit a person from providing
- 18 nutritional advice concerning proper nutrition. For
- 19 purposes of this section, the terms "providing
- 20 nutritional advice" or "giving advice concerning
- 21 proper nutrition" means providing information as to
- 22 the use and sale of food and food materials including
- 23 dietary supplements."
- 24 2. Page 3, by striking lines 18 through 23 and
- 25 inserting in lieu thereof the words "respective
- 26 professions."
- 27 3. Page 4, by striking lines 15 through 21 and
- 28 inserting in lieu thereof the following:
- 29 "5. Individuals who do not hold themselves out
- 30 to be dietitians or nutritionists and who market or
- 31 distribute medically approved weight loss programs
- 32 and who may engage in explanation and education of
- 33 customers regarding the use of such products or
- 34 programs for normal nutritional needs."
- 35 4. Renumber as necessary.

CHARLES P. MILLER  
TOM SLATER  
BOB CARR  
C.W. BILL HUTCHINS  
TED ANDERSON

S-5611

1 Amend Senate File 2328 as follows:  
 2 1. Page 7, by inserting after line 30 the  
 3 following:  
 4 "Sec. 101. Section 419.1, subsection 2, paragraph  
 5 a. Code Supplement 1983, is amended to read as follows:  
 6 a. Land, buildings or improvements, whether or  
 7 not in existence at the time of issuance of the bonds  
 8 issued under this chapter, which are suitable for  
 9 the use of a voluntary nonprofit hospital, clinic  
 10 or health care facility as defined in section 135C.1,  
 11 subsection 4, or of one or more physicians for an  
 12 office building to be used exclusively by professional  
 13 health care providers, including appropriate ancillary  
 14 facilities, or of a private college or university,  
 15 or a state institution governed under chapter 262  
 16 whether for the establishment or maintenance of the  
 17 college or university, or of an industry or industries  
 18 for the manufacturing, processing or assembling of  
 19 agricultural or manufactured products, even though  
 20 the processed products may require further treatment  
 21 before delivery to the ultimate consumer, or of a  
 22 commercial enterprise engaged in storing, warehousing  
 23 or distributing products of agriculture, mining or  
 24 industry including but not limited to barge facilities  
 25 and riverfront improvements useful and convenient  
 26 for the handling and storage of goods and products,  
 27 or of a facility for the generation of electrical  
 28 energy through the use of a renewable energy source  
 29 including but not limited to hydroelectric and wind  
 30 generation facilities, or of a facility engaged in  
 31 research and development activities, or of a national,  
 32 regional or divisional headquarters facility of a  
 33 company that does multistate business, or of a museum,  
 34 library, or tourist information center, or of a  
 35 telephone company, or of a beginning businessperson  
 36 for any purpose, or of a commercial amusement or theme  
 37 park, or of a housing unit or complex for the elderly  
 38 or handicapped, or of a fair or exposition held in  
 39 the state, other than the Iowa state fair, which is  
 40 a member of the association of Iowa fairs, or of a  
 41 sports facility, or".

GEORGE R. KINLEY  
 JAMES V. GALLAGHER

S-5612

1 Amend House File 2306 as passed by the House as  
 2 follows:  
 3 1. Page 1, line 18, by inserting after the word

4 "license." the words "The commission shall allow  
 5 additional deer licenses to be issued for an area  
 6 when damage from deer is five hundred dollars or more  
 7 and there is continuing damage from deer feeding on  
 8 crops, orchards or nursery stock. This provision  
 9 is to apply at times other than the deer season.  
 10 Licenses may be granted to owners or to sports  
 11 organizations. Meat from more than one carcass shall  
 12 be given to charitable organizations or to a county  
 13 home."

RAY TAYLOR

S-5613

1 Amend House File 422 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, by inserting after line 19 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 28F.2, Code 1983, is amended  
 6 to read as follows:  
 7 28F.2 DEFINITIONS. The terms "public agency",  
 8 "state", and "private agency" shall have the meanings  
 9 prescribed by section 28E.2. The term "project" or  
 10 "projects" shall mean any works or facilities referred  
 11 to in section 28F.1 and shall include all property  
 12 real and personal, pertinent thereto or connected  
 13 with such project or projects, and the existing works  
 14 or facilities, if any, to which such project or  
 15 projects are an extension, addition, betterment or  
 16 improvement. "Electric power agency" means an entity  
 17 financing or acquiring electric power facilities  
 18 pursuant to this chapter or chapter 28E. An electric  
 19 power agency is subject to the provisions of sections  
 20 476.22 through 476.26."

RAY TAYLOR

S-5614

1 Amend House File 2487 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 5, by inserting after line 4 the following:  
 4 "Sec. 10. NEW SECTION. 668.10 GOVERNMENTAL  
 5 EXEMPTIONS. In any action brought pursuant to this  
 6 chapter, the state or a municipality shall not be  
 7 assigned a percentage of fault for any of the  
 8 following:  
 9 1. The failure to place, erect, or install a stop  
 10 sign, traffic control device, or other regulatory  
 11 sign as defined in the uniform manual for traffic

12 control devices adopted pursuant to section 321.252.  
 13 However, once a regulatory device has been placed,  
 14 erected or installed, the state or municipality may  
 15 be assigned a percentage of fault for its failure  
 16 to maintain the device.

17 2. The failure to remove natural or unnatural  
 18 accumulations of snow or ice or to place sand, salt,  
 19 or other abrasive material on a highway, road, or  
 20 street if the state or municipality establishes that  
 21 it has complied with its policy or level of service  
 22 for snow and ice removal or placing sand, salt or  
 23 other abrasive material on its highways, roads, or  
 24 streets.

25 3. For contribution or indemnity, unless the party  
 26 claiming contribution or indemnity has given the  
 27 municipality notice of this claim as provided in  
 28 section 613A.5."

29 2. By renumbering as necessary.

JOHN W. JENSEN

S-5615

1 Amend House File 2306 as passed by the House as  
 2 follows:

3 1. Page 1, line 7, by inserting after the word  
 4 "birds" the words "except wild doves".

JAMES V. GALLAGHER

S-5616

1 Amend House File 2247, as amended, passed and  
 2 reprinted by the House, as follows:

DIVISION S—5616A

3 1. Page 1, line 20, by inserting after the word  
 4 "program." the following: "The rules shall also  
 5 provide that a law enforcement officer, before  
 6 commencing law enforcement training the cost of which  
 7 is reimbursable under this subsection, shall agree  
 8 to reimburse the committee one third of the  
 9 reimbursement amount which is paid to the city or  
 10 county as determined under paragraph "a" if the officer  
 11 resigns from law enforcement service with that city  
 12 or county within four years after completion of the  
 13 training. The law enforcement academy shall assist  
 14 the committee in locating law enforcement officers  
 15 who owe reimbursement to the committee under this  
 16 subsection."

## DIVISION S—5616B

- 17 2. Page 2, by inserting after line 9 the following:  
18 "Sec. \_\_\_\_ . Section 80B.11, Code 1983, is amended  
19 by adding the following new subsection:  
20 **NEW SUBSECTION.** As a part of the training  
21 requirements adopted under subsection 2, a basic  
22 training course having reduced requirements for law  
23 enforcement officers employed by cities having a  
24 population of less than one thousand, which shall  
25 emphasize the training and skills generally associated  
26 with the needs of smaller cities. This subsection  
27 is repealed effective July 1, 1989."  
28 3. Amend the title, line 1, by inserting after  
29 the word "to" the words "law enforcement training  
30 and".

ARNE WALDSTEIN  
ALVIN V. MILLER  
JAMES D. WELLS

## S-5617

- 1 Amend the amendment S-5577 to House File 2306  
2 as passed by the House as follows:  
3 1. Page 1, line 10, by inserting after the words  
4 "and additional" the words "any sex deer".

RAY TAYLOR

## S-5618

- 1 Amend House File 422 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 20.3, subsection 1, Code 1983,  
6 is amended to read as follows:  
7 1. "Public employer" means the state of Iowa,  
8 its boards, commissions, agencies, departments, and  
9 its political subdivisions including school districts,  
10 entities financing electric power facilities under  
11 chapter 28F and other special purpose districts."

MILO COLTON

## S-5619

- 1 Amend House File 2279 as amended, passed and  
2 reprinted by the House as follows:

## DIVISION S—5619A

- 3 1. Page 1, line 34, by striking the words "and  
4 fingerprinted".

## DIVISION S—5619B

- 5 2. Page 2, by striking lines 14 through 16.

TOM MANN, JR.  
• JULIA B. GENTLEMAN

## S-5620

- 1 Amend House File 2306 as passed by the House as  
2 follows:  
3 1. Page 2, line 1, by inserting after the figure  
4 "110.24." the words "The commission shall allow  
5 additional deer licenses to be issued for an area  
6 when damage from deer is five hundred dollars or more  
7 and there is continuing damage from deer feeding on  
8 crops, orchards or nursery stock. This provision  
9 is to apply at times other than the deer season.  
10 Licenses may be granted to owners or to sports  
11 organizations. Meat from more than one carcass shall  
12 be given to charitable organizations."

RAY TAYLOR

## S-5621

- 1 Amend House File 422 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, by inserting after line 11 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 28F.1, unnumbered paragraph  
6 1, Code Supplement 1983, is amended to read as follows:  
7 This chapter provides a means for the joint  
8 financing by public agencies of works or facilities  
9 useful and necessary for the collection, treatment,  
10 purification, and disposal in a sanitary manner of  
11 liquid and solid waste, sewage, and industrial waste,  
12 also electric power facilities constructed within  
13 the state of Iowa except that hydroelectric power  
14 facilities may also be located in the waters and on  
15 the dams of or on land adjacent to either side of  
16 the Mississippi or Missouri river bordering the state  
17 of Iowa, water supply systems, swimming pools or golf  
18 courses. This chapter applies to the acquisition,

19 construction, reconstruction, ownership, operation,  
 20 repair, extension, or improvement of such works or  
 21 facilities, by a separate administrative or legal  
 22 entity created pursuant to chapter 28E. When the  
 23 legal entity created under this chapter is comprised  
 24 solely of cities, counties, and sanitary districts  
 25 established under chapter 358, or any combination  
 26 thereof or any combination of the foregoing with other  
 27 public agencies, the entity shall be both a corporation  
 28 and a political subdivision with the name under which  
 29 it was organized. The legal entity may sue and be  
 30 sued, contract, acquire and hold real and personal  
 31 property necessary for corporate purposes, adopt a  
 32 corporate seal and alter the seal at pleasure, and  
 33 execute all the powers conferred in this chapter."  
 34 2. By numbering and renumbering as necessary.

JAMES D. WELLS

S-5622

1 Amend House File 2302 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting after line 13 the  
 4 following:  
 5 "Sec. 3. Section 232.71, Code Supplement 1983,  
 6 is amended by adding the following new subsection  
 7 after subsection 4:  
 8 NEW SUBSECTION. Administrators of all public and  
 9 nonpublic schools subject to the authority of the  
 10 department of public instruction shall cooperate with  
 11 the investigators by providing confidential access  
 12 to the child named in the report, and to other children  
 13 alleged to have relevant information, for the purposes  
 14 of interviews. The investigators shall determine  
 15 who shall be present at the interviews. The school  
 16 administrators are under no duty to report the  
 17 investigation or interview to the child's parent or  
 18 guardian. The immunity granted by section 232.73  
 19 applies to such administrators and their school  
 20 districts.  
 21 "Sec. 4. Section 232.96, subsection 6, Code  
 22 Supplement 1983, is amended to read as follows:  
 23 6. A report, study, record, or other writing or  
 24 an audiotape or videotape recording made by the  
 25 department of human services, a juvenile court officer,  
 26 a peace officer or a hospital relating to a child  
 27 in a proceeding under this division ~~shall be~~ is  
 28 admissible notwithstanding any objection to hearsay  
 29 statements contained ~~therein~~ in it provided it is

30 relevant and material and provided its probative value  
 31 substantially outweighs the danger of unfair prejudice  
 32 to the child's parent, guardian, or custodian. The  
 33 circumstances of the making of the report, study,  
 34 record or other writing or an audiotape or videotape  
 35 recording, including the maker's lack of personal  
 36 knowledge, may be proved to affect its weight."  
 37 2. Title page, by striking lines 1 through 4 and  
 38 inserting in lieu thereof the following: "An Act  
 39 relating to the definition of child abuse,  
 40 investigations of child abuse and the admissibility  
 41 of certain tape recordings as evidence in child in  
 42 need of assistance cases."  
 48 4. By renumbering as necessary.

JULIA B. GENTLEMAN

S-5623

1 Amend House File 2471 as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 4, by inserting after line 6 the following:  
 4 "3A. There is no liability under this section  
 5 for a person otherwise liable if all of the following  
 6 conditions exist:  
 7 a. The liability arises during the transportation  
 8 of a hazardous substance.  
 9 b. The fact that the hazardous substance is a  
 10 hazardous substance has been misrepresented to the  
 11 person transporting the hazardous substance.  
 12 c. The person transporting the hazardous substance  
 13 does not know or have reason to know that the  
 14 misrepresentation has been made."

MILO COLTON

S-5624

1 Amend House File 2471 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 8, by inserting after line 16 the  
 4 following:  
 5 "e. A hazardous waste which due to its intrinsic  
 6 physical, chemical or biological composition degrades,  
 7 decomposes or changes physical characteristics so  
 8 as to be rendered or considered nonhazardous without  
 9 any form of external mechanical, physical or chemical  
 10 treatment being introduced. However, such change  
 11 to a nonhazardous nature must occur within twenty-  
 12 four hours of the generation of the hazardous waste



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13 before the exemption granted in this paragraph is  
14 applicable."

MILO COLTON

S-5625

1 Amend House File 2471 as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 17, by inserting after the word  
4 "submit" the words "within thirty days of the  
5 departments' request".

MILO COLTON

S-5627

1 Amend House File 2306 as passed by the House  
2 as follows:  
3 1. Page 1, line 1, by striking the words "sub-  
4 sections 1 and 2" and inserting in lieu thereof the  
5 words "subsection 2".  
6 2. Page 1, line 2, by striking the word "are"  
7 and inserting "is".  
8 3. Page 1, by striking lines 3 through 13.

JAMES V. GALLAGHER

S-5628

1 Amend the amendment S-5552 to House File 2472 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 1, by striking lines 32 through 34 and  
4 inserting in lieu thereof the words "the trans-  
5 portation. This section".  
6 2. Page 1, line 39, by inserting after the word  
7 "person" the words "driving a motor vehicle".  
8 3. Page 1, line 46, by inserting after the word  
9 "found" the words "during an authorized search".  
10 4. Page 2, line 4, by inserting after the word  
11 "highway" the words "if the inference is supported by  
12 corroborative evidence".

TOM SLATER

S-5629

1 Amend House File 2439 as passed by the House as  
2 follows:  
3 1. Page 2, line 11, by striking the words "social  
4 security number".

TOM MANN, JR.

S-5630

- 1 Amend House File 2439 as passed by the House as  
 2 follows:  
 3 1. Page 2, line 20, by striking the word "finger-  
 4 prints,".

MILO COLTON

S-5631

- 1 Amend House File 2465 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. Section 226.27, Code 1983, is amended  
 5 by striking the section and inserting in lieu thereof  
 6 the following:  
 7 226.27 PATIENT ACCUSED OR ACQUITTED OF CRIME OR  
 8 AWAITING JUDGMENT. If a patient was committed to  
 9 a state hospital for evaluation or treatment under  
 10 chapter 812 or the rules of criminal procedure, further  
 11 proceedings shall be had under chapter 812 or the  
 12 applicable rule when the evaluation has been completed  
 13 or the patient has regained mental capacity, as the  
 14 case may be.  
 15 Sec. 2. Section 229.1, subsection 1, Code  
 16 Supplement 1983, is amended to read as follows:  
 17 1. "Mental illness" means every type of mental  
 18 disease or mental disorder, except that it does not  
 19 refer to mental retardation as defined in section  
 20 222.2, subsection 5, or to insanity, diminished  
 21 responsibility, or mental incompetency as the terms  
 22 are defined and used in the Iowa criminal code or  
 23 in the rules of criminal procedure, Iowa court rules,  
 24 2d ed.  
 25 Sec. 3. Section 229.26, Code 1983, is amended  
 26 to read as follows:  
 27 229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY  
 28 HOSPITALIZATION. Sections 229.6 to ~~229.20~~ shall  
 29 ~~229.19~~ constitute the exclusive procedure for  
 30 involuntary hospitalization of persons by reason of  
 31 serious mental impairment in this state, except that  
 32 nothing in this chapter shall ~~negate~~ negates the  
 33 provisions of sections 245.12 and 246.16 relative  
 34 relating to transfer of mentally ill prisoners to  
 35 state hospitals for the mentally ill or applies to  
 36 commitments of persons under chapter 812 or the rules  
 37 of criminal procedure, Iowa court rules, 2d ed.  
 38 Sec. 4. Rule of criminal procedure 21, section  
 39 8, Iowa court rules, 2d ed., is amended by striking

40 the section and inserting in lieu thereof the  
41 following:  
42 8. ACQUITTAL ON GROUND OF INSANITY OR DIMINISHED  
43 RESPONSIBILITY; COMMITMENT; HEARING.  
44 a. JURY FINDING. If the defense is insanity or  
45 diminished responsibility, the jury must be instructed  
46 that, if it acquits the defendant on either of those  
47 grounds, it shall state that fact in its verdict.  
48 b. COMMITMENT FOR EVALUATION. Upon a verdict  
49 of not guilty by reason of insanity or diminished  
50 responsibility, the court shall immediately order

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1 the defendant committed to a state mental health  
2 institute or other appropriate facility for a complete  
3 psychiatric evaluation and shall set a date for a  
4 hearing to inquire into the defendant's present mental  
5 condition. The court shall prepare written findings  
6 which shall be delivered to the facility at the time  
7 the defendant is admitted fully informing the chief  
8 medical officer of the facility of the reason for  
9 the commitment. The chief medical officer shall  
10 report to the court within fifteen days of the  
11 admission of the defendant to the facility, stating  
12 the chief medical officer's diagnosis and opinion  
13 as to whether the defendant is in a mental state in  
14 which the defendant is dangerous to the public peace  
15 and safety or to the defendant's self. A copy of  
16 the report shall be provided promptly to the  
17 defendant's attorney by the court. An extension of  
18 time for the evaluation, not to exceed fifteen days,  
19 may be granted upon the chief medical officer's request  
20 after due consideration of any objections or comments  
21 the defendant may have.  
22 c. INDEPENDENT EXAMINATION. The defendant may  
23 have a separate examination conducted at the facility  
24 by a licensed physician of the defendant's choice  
25 and the report of the independent examiner shall be  
26 submitted to the court.  
27 d. RETURN FOR HEARING. Upon filing the report  
28 required by this rule or the filing of any subsequent  
29 report regarding the defendant's mental condition,  
30 the chief medical officer shall give notice to the  
31 sheriff and county attorney of the county from which  
32 the defendant was committed and the sheriff shall  
33 receive and hold the defendant for hearing. However,  
34 if the chief medical officer believes continued custody  
35 of the defendant at the facility is necessary to

36 ensure the public peace and safety or the defendant's  
 37 safety and states that finding in the report, the  
 38 court shall make arrangements for the hearing to be  
 39 conducted as soon as practicable at a suitable place  
 40 within the facility to which the defendant was  
 41 committed.

42 e. HEARING AND RELEASE OR RETENTION IN CUSTODY.

43 If, upon hearing, the defendant is found to be not  
 44 seriously impaired as defined in section 229.1,  
 45 subsection 2 and no longer dangerous to the defendant's  
 46 self or to the public peace and safety, the defendant  
 47 shall be discharged. If, however, the defendant is  
 48 found to be dangerous to the defendant's self or to  
 49 the public peace and safety, the court shall order  
 50 the defendant committed to a state mental health

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1 institute or to the Iowa security and medical facility  
 2 and retained in custody until it is demonstrated to  
 3 the court that the defendant is not seriously impaired  
 4 as defined in section 229.1, subsection 2 and is no  
 5 longer dangerous to the defendant's self or to the  
 6 public peace and safety. Periodic reports as set  
 7 forth in section 229.15, subsection 1, shall be made  
 8 to the court.

9 Sec. 5. Rule of criminal procedure 22, section  
 10 3, subsections b and c, Iowa court rules, 2d ed.,  
 11 are amended by striking the subsections and inserting  
 12 in lieu thereof the following:

13 b. WHAT MAY BE SHOWN FOR CAUSE. The defendant  
 14 may show for cause against the entry of judgment any  
 15 sufficient ground for a new trial or in arrest of  
 16 judgment.

17 c. INCOMPETENCY. If it reasonably appears to  
 18 the court that the defendant is suffering from a  
 19 mental disorder which prevents the defendant from  
 20 appreciating or understanding the nature of the  
 21 proceedings or effectively assisting defendant's  
 22 counsel, judgment shall not be immediately entered  
 23 and the defendant's mental competency shall be  
 24 determined according to the procedures described in  
 25 sections 812.3 through 812.5.

26 Sec. 6. Sections 226.28, 226.29, and 229.20, Code  
 27 1983, are repealed.

PATRICK J. DELUHERY

S-5632

1 Amend House File 2247 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. NEW SECTION. REIMBURSEMENT OF TRAINING  
5 COST. If a political subdivision of the state hires  
6 a law enforcement officer from another political  
7 subdivision of the state, the hiring political  
8 subdivision shall reimburse the former employer  
9 political subdivision for the necessary and actual  
10 expenses incurred by the former employer political  
11 subdivision in training the law enforcement officer.  
12 Necessary and actual expenses incurred by the former  
13 employer political subdivision means the salary paid  
14 to the officer while the officer was in attendance  
15 at the Iowa law enforcement academy and the cost of  
16 tuition, lodging, meals, and travel expenses paid  
17 by the former employer political subdivision for  
18 training the officer. Reimbursement shall be made  
19 by the hiring political subdivision as follows:  
20 1. If the law enforcement officer was employed  
21 for one year or less after training was completed,  
22 the hiring political subdivision shall reimburse the  
23 former employer political subdivision for ninety-five  
24 percent of the necessary and actual expenses incurred  
25 by the former employer political subdivision in  
26 training the officer. The former employer political  
27 subdivision shall provide verification of the necessary  
28 and actual expenses incurred.  
29 2. For each subsequent year, the law enforcement  
30 officer was employed by the former employer political  
31 subdivision the rate of reimbursement required shall  
32 be reduced by ten percent.  
33 3. Reimbursement is not required from the hiring  
34 political subdivision if the law enforcement officer  
35 was employed by the former employer political  
36 subdivision for four years or more following the law  
37 enforcement officer's completion of training at the  
38 Iowa law enforcement academy.  
39 Sec. 2. Section 80B.11, Code 1983, is amended  
40 by adding the following new subsection:  
41 NEW SUBSECTION. 6. Provide minimum basic training  
42 instruction to an applicant who is otherwise qualified  
43 for employment as a law enforcement officer and is  
44 recommended by a city. The cost of the training shall  
45 be paid by the applicant.  
46 Sec. 3. NEW SECTION. 362.11 EMPLOYMENT OF LAW  
47 ENFORCEMENT OFFICERS. A city may provide for the  
48 employment of law enforcement officers after the  
49 officers have completed a minimum basic law enforcement  
50 training course approved by the Iowa law enforcement

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- 1 academy council under chapter 80B."
- 2 2. Amend the title, by striking lines 1 and 2
- 3 and inserting in lieu thereof the following: "An
- 4 Act relating to the employment and training of law
- 5 enforcement officers and providing for the
- 6 reimbursement of training costs by cities."

MILO COLTON

S-5633

- 1 Amend House File 2217 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 8, by striking lines 1 through 15.

JULIA B. GENTLEMAN

S-5634

- 1 Amend House File 2217 as amended, passed,
- 2 and reprinted by the House as follows:
- 3 1. By striking page 2, line 32
- 4 through page 3, line 3, and inserting in lieu thereof
- 5 the following:
- 6 "3. Recommend standards for the acceptance
- 7 of degrees, credits, courses, and other evidences
- 8 of training and preparation from colleges and
- 9 universities and recommend standards for approval
- 10 of teacher education."
- 11 2. Page 5, line 18, by striking the words
- 12 "board administrators" and inserting in lieu thereof
- 13 the words "test is".

CHARLES BRUNER

S-5635

- 1 Amend House File 2392 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "career." the words "The costs of procuring, administering
- 5 and evaluating the psychological tests required under
- 6 this subsection shall be paid for by the applicant."

LEE W. HOLT  
ALVIN V. MILLER

S-5636

1 Amend House File 2439 as passed by the House, as  
2 follows:

- 3 1. Page 3, line 6, by striking the word  
4 "subsection" and inserting in lieu thereof the word  
5 "subsections".  
6 2. Page 3, by striking lines 18 through 25.  
7 3. Page 3, by inserting after line 32 the following  
8 new subsection:  
9 "NEW SUBSECTION. 6. A person commits a serious  
10 misdemeanor if the person has in the person's  
11 possession within the confines of a racetrack, stable,  
12 shed, building or grounds, or within the confines  
13 of a stable, shed, building or grounds where a horse  
14 or dog is kept which is eligible to race over a  
15 racetrack licensed under this chapter, an appliance  
16 other than the ordinary whip or spur which can be  
17 used for the purpose of stimulating or depressing  
18 a horse or dog or affecting its speed at any time."

TOM MANN, JR.  
DONALD V. DOYLE

S-5637

1 Amend House File 2392 as amended, passed and  
2 reprinted by the House as follows:

- 3 1. Page 1, line 14, by inserting after the word  
4 "career." the following: "The state, county or city  
5 shall not be liable for any claim based upon the  
6 testing of applicants pursuant to this subsection."

RICHARD VANDE HOEF

S-5638

1 Amend the amendment S-5552 to House File 2472 as  
2 amended, passed and reprinted by the House as follows:

- 3 1. Page 2, by striking lines 25 through 34.  
4 2. Page 3, by striking lines 19 through 25 and  
5 inserting in lieu thereof the following: "arrests,  
6 make commitments, and take bail. They also have  
7 jurisdiction of first offense violations of section  
8 ~~321.281~~ but only to the extent that they may approve  
9 trial informations, conduct arraignments, accept  
10 guilty pleas if the defendant is represented by legal  
11 counsel, sentence those pleading guilty and make  
12 appropriate orders authorized by section ~~321.283~~."

BOB CARR

S-5639

- 1 Amend Senate Amendment S-5552 to House File 2472  
 2 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 2, by striking lines 24 through 34 and  
 5 inserting in lieu thereof the words "by adding the  
 6 following new subsection:".  
 7 2. Page 3, by striking lines 19 through 25 and  
 8 inserting in lieu thereof the following: "arrests,  
 9 make commitments, and take bail. They also have  
 10 jurisdiction of first offense violations of section  
 11 821.281 but only to the extent that they may approve  
 12 trial informations, conduct arraignments, accept  
 13 guilty pleas if the defendant is represented by legal  
 14 counsel, sentence those pleading guilty and make  
 15 appropriate orders authorized by section 821.288."

BOB CARR

S-5640

- 1 Amend Senate Amendment S-5552 to House File 2472  
 2 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 3, by inserting after line 27 the  
 5 following:  
 6 "Sec. \_\_\_\_ . Sections 123.92, 123.93, 123.94, and  
 7 123.96 are repealed."

JAMES V. GALLAGHER

S-5641

- 1 Amend House File 2471 as amended, passed, and  
 2 reprinted by the House as follows:

DIVISION S-5641A

- 3 1. Page 1, line 13, by striking the words "at  
 4 any time".

DIVISION S-5641B

- 5 2. Page 7, line 34, by inserting after the word  
 6 "facility" the words "in Iowa".

DIVISION S-5641C

- 7 3. Page 8, by striking line 1 and inserting in  
 8 lieu thereof the words "or treated at a facility other



9 than a facility of the generator”.

## FORREST V. SCHWENGELS

S-5642

1 Amend House File 2306 as passed by the House as  
2 follows:  
3 1. Page 1, by striking lines 5 through 7 and  
4 inserting in lieu thereof the following: “employed  
5 and the instruments or equipment used in taking deer,  
6 raccoon, wild turkey, pheasant, quail, trout or rough  
7 fish, reptiles, and amphibians, if the investigation  
8 reveals”.

JAMES V. GALLAGHER

S-5643

1 Amend House File 2306 as passed by the House as  
2 follows:  
3 1. Page 1, line 7, by inserting after the word  
4 “birds” the words “except mourning doves”.

JAMES V. GALLAGHER

S-5644

1 Amend House File 2436 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 3, line 32, by inserting after the word  
4 “fee” the words “required to cover the cost of  
5 administering the program”.

ARTHUR A. SMALL, JR.

S-5645

1 Amend amendment S-5580 to House File 2015 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 8, by inserting after line 21 the  
4 following:  
5 “Sec. 107. ADVISORY MEASURE ON LOTTERY.  
6 1. The advisory measure described in subsection  
7 2 shall be placed on the ballot at the 1984 general  
8 election, published, and submitted to a vote of the  
9 entire people of the state in the same manner as  
10 provided for constitutional amendments under chapters  
11 6 and 49. The vote on the measure is advisory only  
12 and of no legal effect.

## AMENDMENTS FILED

- 13 2. The ballot for the advisory measure shall be  
 14 substantially in the following form:  
 15 "Should the state establish a public  
 16 lottery?"  
 17

Yes \_\_\_\_\_  
 No \_\_\_\_\_.

JAMES V. GALLAGHER

S-5646

- 1 Amend Senate File 2328 as follows:  
 2 1. Page 6, line 18, by striking the word "five"  
 3 and inserting in lieu thereof the word "three".

ARTHUR L. GRATIAS

HOUSE AMENDMENT TO SENATE FILE 347

S-5647

- 1 Amend Senate File 347 as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 14, by inserting after the period  
 4 the words "Each applicant applying for special  
 5 registration plates under this subsection may purchase  
 6 only one set of registration plates under this  
 7 subsection."

HOUSE AMENDMENT TO SENATE FILE 449

S-5648

- 1 Amend Senate File 449, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by striking line 11 and inserting in  
 4 lieu thereof the following:  
 5 "2. A peace officer engaged in the private security  
 6 business or the private investigation business with  
 7 the knowledge and consent of the chief executive  
 8 officer of the peace officer's law enforcement agency."  
 9 2. Page 3, by inserting after line 2 the following:  
 10 "\_\_\_\_\_ Is not a peace officer."  
 11 3. Page 4, by inserting after line 16 the  
 12 following:  
 13 "A county sheriff may issue temporary identification  
 14 cards valid for fourteen days to a person employing  
 15 individuals on a temporary basis for private security  
 16 business in the county. The fee for each card is  
 17 three dollars. The form of the temporary  
 18 identification cards shall be approved by the

19 commissioner.”

20 4. Page 4, line 27, by inserting after the word  
21 “business” the words “unless the badge has been  
22 prescribed or approved by the commissioner”.

23 5. By striking page 4, line 34, through page 5,  
24 line 13, and inserting in lieu thereof the following:

25 “Sec. \_\_\_\_ . NEW SECTION. 80A.11 LICENSEE'S BOND.”

26 6. Page 5, by striking lines 15 and 16 and  
27 inserting in lieu thereof the following: “with the  
28 department a surety bond in an amount determined by  
29 the number of employees of the applicant. If an  
30 applicant has from one to three employees, the bond  
31 shall be in the amount of ten thousand dollars. If  
32 an applicant has from four to thirty employees, the  
33 bond shall be in the amount of twenty-five thousand  
34 dollars. If an applicant has more than thirty  
35 employees, the bond shall be in the amount of fifty  
36 thousand dollars. The bond shall be issued by a  
37 surety company authorized to do business”.

38 7. By striking page 5, line 28 through page 6,  
39 line 2.

40 8. Page 6, by striking lines 6 through 10 and  
41 inserting in lieu thereof the words “that client.”

42 9. Page 7, by inserting after line 2 the following:

43 “Sec. \_\_\_\_ . NEW SECTION. 80A.14A CAMPUS WEAPON  
44 REQUIREMENTS. An individual employed by a college  
45 or university, or by a private security business  
46 holding a contract with a college or university, who  
47 performs private security duties on a college or  
48 university campus and who carries a weapon while  
49 performing these duties shall meet all of the following  
50 requirements:

Page 2

1 1. File with the sheriff of the county in which  
2 the campus is located evidence that the individual  
3 has successfully completed an approved firearms  
4 training program under section 724.9.

5 2. Possess a permit to carry weapons issued by  
6 the sheriff of the county in which the campus is  
7 located under sections 724.6 through 724.11.

8 3. File with the sheriff of the county in which  
9 the campus is located a sworn affidavit from the  
10 employer outlining the nature of the duties to be  
11 performed and justification of the need to go armed.”

12 10. By striking page 7, line 27 through page 8,  
13 line 15, and inserting in lieu thereof the following:

14 “724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS.

15 A person may be issued a permit to carry weapons when  
 16 the person's employment in a private investigation  
 17 business or private security business licensed under  
 18 chapter 80A, or a person's employment as a peace  
 19 officer, correctional officer, security guard, private  
 20 detective licensed under chapter 80A, bank messenger  
 21 or other person transporting property of a value  
 22 requiring security, or in police work, reasonably  
 23 justifies that person going armed. The permit shall  
 24 be on a form prescribed and published by the  
 25 commissioner of public safety, shall identify the  
 26 holder, and shall state the nature of the employment  
 27 requiring the holder to go armed. A permit so issued,  
 28 other than to a peace officer, shall authorize the  
 29 person to whom it is issued to go armed anywhere in  
 30 the state, only while engaged in the employment, and  
 31 while going to and from the place of the employment.  
 32 A permit issued to a certified peace officer shall  
 33 authorize that peace officer to go armed anywhere  
 34 in the state at all times. Permits shall expire  
 35 twelve months after the date when issued except that  
 36 permits issued to peace officers and correctional  
 37 officers are valid through the officer's period of  
 38 employment unless otherwise canceled. When the  
 39 employment is terminated, the holder of the permit  
 40 shall surrender it to the issuing officer for  
 41 cancellation."

42 11. Page 8, by inserting after line 17 the  
 43 following:

44 "Sec. \_\_\_\_ . This Act takes effect January 1  
 45 following its enactment."

46 12. By numbering and renumbering sections and  
 47 correcting internal references as necessary.

#### HOUSE AMENDMENT TO SENATE FILE 451

S-5649

1 Amend Senate File 451, as passed by the Senate,  
 2 as follows:

3 1. Page 1, by striking everything after the  
 4 enacting clause and inserting in lieu thereof the  
 5 following:

6 "Section 1. Section 147.103, Code 1983, is amended  
 7 to read as follows:

8 147.103 ~~INSPECTOR INVESTIGATORS~~. The medical  
 9 examiners may appoint an ~~inspector investigators~~,  
 10 who shall not be a ~~member~~ members of the examining  
 11 board, to administer and aid in the enforcement of

12 the provisions of the law relating to those licensed  
 13 to practice medicine and surgery, osteopathic medicine  
 14 and surgery, and osteopathy. The amount of  
 15 compensation for the ~~inspector~~ investigators shall  
 16 be determined pursuant to chapter 19A.  
 17 Investigators authorized by the board of medical  
 18 examiners have the powers and status of peace officers  
 19 when enforcing this chapter and chapters 147A, 148,  
 20 148C, 150, 150A, and 258A."

S-5650

- 1 Amend House File 2386 as amended and passed by
- 2 the House, as follows:

DIVISION S—5650A

- 3 1. Page 1, by inserting after line 30 the following
- 4 new subsection:
- 5 "NEW SUBSECTION. 8. "Transportation" means the
- 6 movement of individuals in a four or more wheeled
- 7 motorized vehicle designed to carry passengers,
- 8 including a car, van, or bus, between one geographic
- 9 point and another geographic point. "Transportation"
- 10 does not include emergency or incidental trans-
- 11 portation or transportation conducted by the department
- 12 of human services at its institutions."
- 13 2. Page 1, line 31, by inserting after the figure
- 14 "601J.2," the words and figure "unnumbered paragraph
- 15 1 and".
- 16 3. Page 1, by inserting after line 32 the
- 17 following:
- 18 "The department ~~may shall~~, at the request of a
- 19 state agency, political subdivision, or public transit
- 20 system or organization affected by this chapter,
- 21 provide to them the following technical transportation
- 22 assistance to the political subdivision:".
- 23 4. Page 2, by inserting after line 9 the following
- 24 new section:
- 25 "Sec. \_\_\_\_ . Section 601J.3, unnumbered paragraph
- 26 1, Code 1983, is amended to read as follows:
- 27 The department ~~may shall~~ at the request of a
- 28 political subdivision, or public and private providers
- 29 of transportation services affected by this chapter
- 30 assist such the providers in the development of a
- 31 fiscal and service plan which may be used by political
- 32 subdivisions them to co-ordinate and consolidate all
- 33 forms of urban and rural transportation services
- 34 except public school transportation, including but
- 35 not limited to, the following:".

36 5. Page 2, line 14, by striking the word  
37 "effecting" and inserting in lieu thereof the words  
38 "effecting affecting".

39 6. Page 3, line 10, by inserting after the word  
40 "subdivisions" the words "state agencies, and  
41 organizations affected by this chapter".

42 7. Page 3, line 25, by inserting after the period  
43 the words "The department shall receive comments from  
44 the department of human services, commission on aging,  
45 and the officers and agents of the other affected  
46 state and local government units relative to the  
47 department's analysis."

48 8. Page 3, line 26, by inserting after the word  
49 "to" the words "adopt rules to".

50 9. Page 3, line 26, by inserting after the word

Page 2

DIVISION S--5650A

1 "with" the words "and exceptions to".

2 10. Page 3, line 33, by striking the word "for"  
3 and inserting in lieu thereof the words "which meet  
4 the needs of".

5 11. Page 3, line 34, by striking the words "as  
6 well as" and inserting in lieu thereof the words "and  
7 insure services adequate to the needs of".

8 12. Page 4, line 16, by inserting after the word  
9 "department" the following: "except that services  
10 provided by or purchased by the department of human  
11 services, which include transportation, shall be  
12 subject to section 601J.5, subsection 3, paragraph  
13 c".

14 13. Page 4, line 20, by inserting after the period  
15 the following: "The department of human services,  
16 commission on aging, and the officers and agents of  
17 other state and local governmental units shall assist  
18 the department in carrying out section 601J.4,  
19 subsections 1 and 2, insofar as the functions of these  
20 respective officers and departments are concerned  
21 with the health, welfare and safety of any recipient  
22 of transportation services."

23 14. Page 5, line 11, by striking the words "Any  
24 agency or organization which".

25 15. Page 5, by striking lines 12 through 17.

26 16. Page 5, by inserting after line 28 the  
27 following:

28 "c. The department of human services shall not  
29 purchase services from any provider which has been  
30 denied a certificate of compliance with chapter 601J  
31 from the department.

32 d. The department shall establish an appeal process  
 33 under chapter 17A which allows those agencies or  
 34 organizations determined to not be in compliance with  
 35 this chapter an opportunity for a timely hearing  
 36 before the department.

37 e. The department shall, in accordance with chapter  
 38 17A, adopt and enforce rules setting minimum standards  
 39 for determination of compliance and certification.  
 40 The rules and standards required by this section shall  
 41 be formulated in consultation with all affected state  
 42 agencies, local government units with professional  
 43 and consumer groups affected, and shall be designed  
 44 to further the accomplishment of the purposes of this  
 45 chapter."

DIVISION S—5650B

46 17. Page 5, by inserting after line 28 the  
 47 following new section:

48 "Sec. \_\_\_\_ . Chapter 601J, Code 1983, is amended  
 49 by adding the following new section:

50 NEW SECTION. 601J.6 SCHOOL TRANSPORTATION

Page 3

DIVISION S—5650B

1 COORDINATION. Each school district shall submit a  
 2 report to the department not later than July 1, 1985  
 3 to identify those uses of the school transportation  
 4 system which are subject to section 601J.4. Not later  
 5 than March 1, 1986, the department shall submit a  
 6 report to the general assembly making its  
 7 recommendations for coordination of the public school  
 8 transportation system with the state transit plan.  
 9 School districts shall conform with section 601J.4  
 10 on or before July 1, 1987."

11 18. Renumber sections and correct internal  
 12 references as are necessary in accordance with this  
 13 amendment.

JOE J. WELSH

HOUSE AMENDMENT TO SENATE FILE 465

S-5651

1 Amend Senate File 465, as passed by the Senate,  
 2 as follows:

3 1. Page 1, line 20, by striking the words "of  
 4 social services".

- 5 2. Page 2, by striking lines 34 and 35 and  
 6 inserting in lieu thereof the following:  
 7 "Sec. 2. Sections 218.59, 218.60, 218.62, and  
 8 218.63, Code 1983, are repealed. Sections 218.58,  
 9 218.61, and 218.64, Code Supplement 1983, are  
 10 repealed."  
 11 3. Title page, line 3, by striking the word  
 12 "social" and inserting in lieu thereof the word  
 13 "human".

## HOUSE AMENDMENT TO SENATE FILE 511

S-5652

- 1 Amend Senate File 511 as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 4, by inserting after the word  
 4 "performing" the words "construction involving".  
 5 2. Page 1, line 13, by inserting after the word  
 6 "greater" the words "and if requested by the landowner,  
 7 tenant, or contractor".  
 8 3. Page 1, line 16, by inserting after the word  
 9 "service." the words "This section does not apply  
 10 to emergency construction involving earthwork, tiling,  
 11 or excavation located in a highway or street right-  
 12 of-way."

## HOUSE AMENDMENT TO SENATE FILE 2104

S-5653

- 1 Amend Senate File 2104 as passed by the Senate  
 2 as follows:  
 3 1. Page 1, by striking line 1 and inserting in  
 4 lieu thereof the following:  
 5 "Section 1. Section 96.11, subsection 7, paragraph  
 6 b, subparagraph (3), Code Supplement 1983, is amended  
 7 to read as follows:  
 8 (3) Information obtained from an employing unit  
 9 or individual in the course of administering this  
 10 chapter and initial determinations made by the  
 11 department's representative under section 96.6,  
 12 subsection 2 as to benefit rights of an individual  
 13 shall not be used in any action or proceeding except  
 14 in a contested case proceeding or judicial review  
 15 under the provisions of chapter 17A. However, the  
 16 department shall make information, which is obtained  
 17 from an employing unit or individual in the course  
 18 of administering this chapter and which relates to



19 the employment and wage history of the individual  
 20 available to a county attorney for the county  
 21 attorney's use in the performance of duties under  
 22 section 331.756, subsection 5. Information in the  
 23 department's possession that may affect a claim for  
 24 benefits or a change in an employer's rating account  
 25 shall be made available to the affected parties or  
 26 their legal representatives. ~~Such~~ The information  
 27 may be used by the affected parties in a proceeding  
 28 under this chapter to the extent necessary for the  
 29 proper presentation or defense of a claim.  
 30 Sec. 2. Section 331.756, subsection 5, Code  
 31 Supplement".

## HOUSE AMENDMENT TO SENATE FILE 2213

S-5654

1 Amend Senate File 2213 as passed by the Senate,  
 2 as follows:  
 3 1. Page 1, line 5, by striking the words "or minor  
 4 industrial waste water".  
 5 2. Page 2, line 11, by inserting after the word  
 6 "state." the words "The exemption of this paragraph  
 7 shall not apply to any industrial waste discharges."

## HOUSE AMENDMENT TO SENATE FILE 2233

S-5655

1 Amend Senate File 2233 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 3, line 11, by striking the words "may  
 4 provide" and inserting in lieu thereof the words  
 5 "shall provide either (a) that the succeeding bank  
 6 maintain one or more employees or agents at the office  
 7 of the relinquishing bank in order to facilitate the  
 8 continued servicing of the designated fiduciary  
 9 accounts, or (b)".  
 10 2. Page 3, line 16, by striking the word "However,"  
 11 and inserting in lieu thereof the words "If the  
 12 relinquishing bank is an agent under alternative (b)  
 13 above, then".

## HOUSE AMENDMENT TO SENATE FILE 2298

S-5656

1 Amend Senate File 2298, as passed by the Senate,  
 2 as follows:

- 3 1. Page 1, line 4, by striking the words "federal  
4 funds" and inserting in lieu thereof the words  
5 "estimated federal funds to be".
- 6 2. Page 1, line 4, by striking the word  
7 "department" and inserting in lieu thereof the word  
8 "department".
- 9 3. Page 1, by striking lines 5 and 6.
- 10 4. Page 1, by inserting after line 6 the following:  
11 "Sec. 2. Section 8.23, Code 1983, is amended to  
12 read as follows:  
13 8.23 ~~BIENNIAL~~ DEPARTMENTAL ESTIMATES. On, or  
14 before, September 1, next prior to each biennial  
15 legislative session in which departmental budgets  
16 will be considered, all departments and establishments  
17 of the government shall transmit to the state  
18 comptroller, hereinabove provided for, on blanks to  
19 be furnished by ~~him~~ the state comptroller, estimates  
20 of their expenditure requirements, including every  
21 proposed expenditure, for each fiscal year of the  
22 ensuing ~~biennium~~ budget period, classified so as to  
23 distinguish between expenditures estimated for (1)  
24 administration, operation and maintenance, and (2)  
25 the cost of each project involving the purchase of  
26 land or the making of a public improvement or capital  
27 outlay of a permanent character, including in their  
28 annual or biennial budgets all estimated federal funds  
29 to be received or allocated to the departments which  
30 funds are subject to appropriation to the departments  
31 by the general assembly, together with such supporting  
32 data and explanations as may be called for by the  
33 state comptroller; ~~hereinabove provided for~~. In case  
34 of the failure of any department or establishment  
35 to submit such estimates within the time above  
36 specified, the governor shall cause to be prepared  
37 such estimates for such department or establishment  
38 as in ~~his~~ the governor's opinion are reasonable and  
39 proper. The state comptroller shall furnish standard  
40 budget request forms to each department or agency  
41 of state government."
- 42 5. Title page, line 1, by inserting after the  
43 word "transportation" the words "and other state  
44 departments".
- 45 6. Title page, line 2, by inserting after the  
46 word "all" the word "estimated".

## HOUSE AMENDMENT TO SENATE FILE 2301

S-5657

- 1 Amend Senate File 2301 as passed by the Senate

2 as follows:

3 1. Page 1, by inserting before line 1, the

4 following:

5 "Section 1. **NEW SECTION. 572.33 REQUIREMENT**  
6 **OF NOTIFICATION.** Notwithstanding any provision to  
7 the contrary, a claim by a person furnishing only  
8 materials to a subcontractor who is furnishing only  
9 materials shall not be entitled to a lien under this  
10 chapter unless the person furnishing materials had  
11 notified the principal contractor within thirty days  
12 of the furnishing of the materials and the lien claim  
13 is supported by a certified statement that the  
14 principal contractor had been notified within thirty  
15 days after the materials were furnished. This  
16 requirement is in addition to all other requirements  
17 of this chapter."

18 2. By renumbering to conform to this amendment.

HOUSE AMENDMENT TO SENATE FILE 2311

S-5658

1 Amend Senate File 2311 as passed by the Senate

2 as follows:

3 1. Page 1, line 21, by inserting after the words

4 "as the" the word "lawful".

5 2. Page 1, line 22, by inserting after the word

6 "information." the following: "However, the  
7 legislative fiscal bureau shall not have access to  
8 tax return information except for individual income  
9 tax sample data as provided in section 422.72,  
10 subsection 1."

S-5659

1 Amend the amendment S-5596 to House File 2471 as

2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by striking lines 19 through 21 and

4 inserting in lieu thereof the words "not begin to accrue

5 until July 1, 1985."

CALVIN O. HULTMAN

S-5660

1 Amend Senate amendment S-5570 to House File 2110

2 as passed by the House as follows:

3 1. By striking page 1, line 3 through page 8,

4 line 29 and inserting in lieu thereof the following:

5 "1. Page 6, by inserting after line 8 the

6 following:

7 "Sec. 10. Chapter 136C, Code 1983, is amended

8 by adding the following new section:

9 NEW SECTION. 136C.15 QUALIFIED OPERATORS—DISPLAY  
10 OF CREDENTIALS.

11 1. A person, other than a licensed professional,  
12 shall not operate equipment or use materials for  
13 medical treatment or diagnostic purposes unless that  
14 person has completed a course of instruction approved  
15 by the department or has otherwise met the minimum  
16 training established by the department.

17 2. A person, other than a licensed professional,  
18 who operates equipment or uses materials for medical  
19 treatment or diagnostic purposes shall display the  
20 credentials which indicate that person's qualification  
21 to operate equipment or use materials in the immediate  
22 vicinity of the equipment or where the materials are  
23 stored. A person who owns or controls the equipment  
24 or materials is also responsible for the proper display  
25 of credentials of those who operate the equipment  
26 or use the materials and shall not employ a person  
27 to operate equipment or use materials for medical  
28 treatment or diagnostic purposes except as provided  
29 in this section."

30 2. Page 7, by inserting after line 2 the following:

31 "Licensed professional" means a person licensed  
32 or otherwise authorized by law to practice medicine,  
33 osteopathy, podiatry, chiropractic, dentistry, dental  
34 hygiene, or veterinary medicine."

EDGAR H. HOLDEN

S-5661

1 Amend amendment S-5552 to House File 2472 as  
2 amended, passed and reprinted by the House as follows:

DIVISION S—5661A

3 1. Page 1, by striking line 5 and inserting in  
4 lieu thereof the following:

5 "Section 1. Section 123.3, subsection 33, Code  
6 1983, is amended to read as follows:

7 33. "Legal Age" means nineteen twenty-one years  
8 of age or more or the age of a person born on or  
9 before June 30, 1965.

DIVISION S—5661B

10 Sec. 2. Section 123.28, Code 1983, is amended".

11 2. Page 2, by inserting after line 9 the following:

12 "Sec. 3. Section 123.47, Code 1983, is amended  
 13 to read as follows:  
 14 123.47 PERSONS UNDER LEGAL AGE. No A person shall  
 15 not sell, give, or otherwise supply alcoholic liquor  
 16 or beer to any a person knowing or having reasonable  
 17 cause to believe him to be under legal age, and no  
 18 a person or persons under legal age shall not  
 19 individually or jointly have or attempt to have  
 20 alcoholic liquor or beer in his or their the person's  
 21 possession or control; except in the case of liquor  
 22 or beer given or dispensed to a person under legal  
 23 age within a private home and with the knowledge and  
 24 consent in the presence of the parent or guardian  
 25 for beverage or medicinal purposes or as administered  
 26 to him the person by either a physician or dentist  
 27 for medicinal purposes and except to the extent that  
 28 a person under legal age may handle alcoholic beverages  
 29 and beer during the regular course of his or her  
 30 employment by a liquor control licensee or beer  
 31 permittee under this chapter."

## DIVISION S—5661C

32 3. Page 2, by striking lines 21 and 22 and  
 33 inserting in lieu thereof the following: "or beer  
 34 between the hours of noon and ten p.m. on Sunday."

\*JOHN W. JENSEN  
 WILLIAM W. (Bill) DIELEMAN

## S-5662

1 Amend House File 2100 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. Section 200.3, Code 1983, is amended  
 6 by adding the following new subsections:  
 7 NEW SUBSECTION. 20. "Anhydrous ammonia plant"  
 8 means a facility used for the manufacture or  
 9 distribution of the compound formed by the combination  
 10 of two gaseous elements, nitrogen and hydrogen, in  
 11 the proportion of one part nitrogen to three parts  
 12 hydrogen by volume.  
 13 NEW SUBSECTION. 21. "Established date of  
 14 operation" means the date on which an anhydrous ammonia  
 15 plant commenced operating. If the physical facilities  
 16 of the plant are subsequently expanded, the established  
 17 date of operation for each expansion is deemed to  
 18 be a separate and independent "established date of

19 operation" established as of the date of commencement  
 20 of the expanded operations. The commencement of  
 21 expanded operations does not divest the plant of a  
 22 previously established date of operation.

23 **NEW SUBSECTION. 22.** "Established date of  
 24 ownership" means the date of the recording of an  
 25 appropriate instrument of title establishing the  
 26 ownership of real estate.

27 **NEW SUBSECTION. 23.** "Rule" means a rule as defined  
 28 in section 17A.2 which materially affects the operation  
 29 of an anhydrous ammonia plant. The term includes  
 30 a rule which was in effect prior to July 1, 1984.

31 **NEW SUBSECTION. 24.** "Nuisance" means public or  
 32 private nuisance as defined by statute or by the  
 33 common law.

34 **NEW SUBSECTION. 25.** "Nuisance action or  
 35 proceeding" means an action, claim or proceeding  
 36 brought at law, in equity, or as an administrative  
 37 proceeding, which is based on nuisance.

38 **NEW SUBSECTION. 26.** "Owner" means the person  
 39 holding record title to real estate, and includes  
 40 both legal and equitable interest under recorded real  
 41 estate contracts.

42 **Sec. 2. NEW SECTION. 200.21 COMPLIANCE--A DEFENSE**  
 43 **TO NUISANCE ACTIONS.** In a nuisance action or  
 44 proceeding against an anhydrous ammonia plant brought  
 45 by or on behalf of the person whose established date  
 46 of ownership is subsequent to the established date  
 47 of operation of an anhydrous ammonia plant, proof  
 48 of compliance with applicable provisions of chapter  
 49 200 and applicable rules adopted pursuant to section  
 50 200.14 shall be an absolute defense to any nuisance

Page 2

1 action or proceeding."

HURLEY W. HALL

S-5663

1 Amend House File 2433 as amended, passed and  
 2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 5 the following:

4 Sec. 1000. Section 96.7, subsection 3, paragraph  
 5 d, unnumbered paragraph 6, Code Supplement 1983, is  
 6 amended to read as follows:

7 During any rate year in which a rate table in rate  
 8 tables three through nine is effective an employer  
 9 assigned a contribution rate under this lettered

10 paragraph is not required to contribute to the  
 11 unemployment compensation trust fund if the employer's  
 12 percentage of excess is seven point five percent or  
 13 greater for the rate year and the employer has not  
 14 been charged with benefit payments for any time within  
 15 the twenty-four calendar quarters immediately preceding  
 16 the rate computation date for the rate year. If an  
 17 employer is not required to contribute for a rate  
 18 year to the trust fund under this unnumbered paragraph  
 19 but would be required to contribute for the next rate  
 20 year under this lettered paragraph, the employer's  
 21 contribution rate for the next rate year is either  
 22 the employer's experience rate computed under this  
 23 lettered paragraph or one and eight-tenths percent,  
 24 whichever is less. For subsequent years, either the  
 25 employer is not required to contribute under this  
 26 unnumbered paragraph or the employer's contribution  
 27 rate is the employer's experience rate computed under  
 28 this lettered paragraph.

29 Sec. 1001. Section 96.7, subsection 3, paragraph  
 30 d, unnumbered paragraph 7, Code Supplement 1983, is  
 31 amended by striking the unnumbered paragraph."

32 2. Page 7, by inserting after line 26 the  
 33 following:

34 "\_\_\_\_. Sections 1000 and 1001 of this Act are  
 35 retroactive to April 1, 1984 and apply to contributions  
 36 for calendar quarters beginning on or after April  
 37 1, 1984."

38 3. By renumbering as necessary.

TED ANDERSON  
 CALVIN O. HULTMAN

S-5664

1 Amend the Committee amendment S-5513 to House File  
 2 2491 as amended, passed and reprinted by the House  
 3 as follows:

4 1. Page 1, by striking lines 5 through 32 and  
 5 inserting in lieu thereof the following:

6 "\_\_\_\_. By striking page 2, line 28 through page  
 7 3, line 27."

8 2. Page 1, by striking lines 35 through 43 and  
 9 inserting in lieu thereof the following:

10 "\_\_\_\_. Page 5, by striking lines 15 through 17.

11 \_\_\_\_\_. Title page, lines 6 and 7, by striking the  
 12 words "procedures establishing excess electric  
 13 generating capacity,"."

14 3. Renumber as necessary.

NORMAN G. RODGERS  
 DALE L. TIEDEN  
 HURLEY W. HALL

S-5665

- 1 Amend House File 2392 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 1, line 13, by striking the words "all  
4 applicants" and inserting in lieu thereof the words  
5 "an applicant".  
6 2. Page 1, line 14, by inserting after the word  
7 "career." the words "However, this battery of tests  
8 need only be given to applicants being considered  
9 in the final selection process for a law enforcement  
10 position."  
11 3. Page 1, by striking line 35, and inserting  
12 in lieu thereof the following: "characteristics and  
13 suitability of an applicant for the respective career.  
14 However, this battery of tests need only be given  
15 to applicants being considered in the final selection  
16 process for a position."

WILLIAM W. (Bill) DIELEMAN

S-5666

- 1 Amend House File 2217 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 3, line 20, by inserting after the word  
4 "administrator" the following: "who shall be re-  
5 sponsible to the state superintendent of public  
6 instruction".

JAMES V. GALLAGHER

S-5667

- 1 Amend House File 2217, as amended, passed and  
2 reprinted by the House as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. Section 257.10, subsection 11, Code  
6 1983, is amended to read as follows:  
7 11. Constitute the board of educational examiners  
8 for the certification of administrative, supervisory  
9 and instructional personnel for the public school  
10 systems of the state; The state board shall prescribe  
11 types and classes of certificates to be issued, the  
12 subjects and fields and positions which certificates  
13 cover and determine the requirements for certificates,  
14 endorsements, approvals, or other authorizations.  
15 The requirements for certification shall include  
16 performance criteria or examinations to be determined



17 by the state board. The performance criteria or  
 18 examinations shall measure communication skills,  
 19 general knowledge, professional education concepts,  
 20 teaching competencies, and knowledge in the teaching  
 21 fields of the applicant. The state board shall  
 22 establish standards for the approval of undergraduate  
 23 and graduate teacher education programs leading to  
 24 teacher certification and for the acceptance of  
 25 degrees, credits, courses, and other evidences of  
 26 training and preparation from institutions of higher  
 27 learning; junior colleges; or other training  
 28 institutions education, both public and private,  
 29 within or without the state. The state board shall  
 30 perform duties imposed upon the board of educational  
 31 examiners under chapter 260.

32 **Sec. 2. NEW SECTION. 260.24 ELEMENTARY-SECONDARY**  
 33 **ADVISORY COMMITTEE.** The board of educational examiners  
 34 shall appoint an eleven-member elementary-secondary  
 35 advisory committee consisting of the following:

- 36 1. Four members who possess certificates issued  
 37 under this chapter, three of whom are employed as  
 38 classroom teachers in school districts in this state  
 39 and one of whom is employed as a classroom teacher  
 40 in an approved nonpublic school in this state.
- 41 2. One member who is employed as a principal in  
 42 this state.
- 43 3. One member who is employed as a superintendent  
 44 in this state.
- 45 4. Three members of the faculty of a college of  
 46 education, one from each institution of higher  
 47 education under the state board of regents.
- 48 5. One member of the faculty of a college or  
 49 department of education of a private college or  
 50 university in this state.

Page 2

- 1 6. One member who is employed by an area education  
 2 agency.
- 3 Members shall be appointed to staggered four-year  
 4 terms. The advisory committee shall advise the board  
 5 of educational examiners concerning the requirements  
 6 for certification of elementary and secondary school  
 7 personnel including performance criteria or  
 8 examinations.
- 9 Committee members shall be reimbursed for actual  
 10 and necessary expenses incurred in the performance  
 11 of their duties. The expense money shall be paid  
 12 from funds appropriated to the department of public  
 13 instruction.

14 Sec. 3. **NEW SECTION.** 260.25 AREA SCHOOL ADVISORY  
 15 COMMITTEE. The board of educational examiners shall  
 16 appoint a five member area school advisory committee  
 17 consisting of the following:

18 1. Two members of the teaching faculty of an area  
 19 school.

20 2. Two members who are administrators at an area  
 21 school.

22 3. One member of the teaching faculty of an  
 23 industrial technology education department or program  
 24 at a university or college in this state.

25 Members shall be appointed to staggered four-year  
 26 terms. The advisory committee shall advise the board  
 27 of educational examiners concerning the requirements  
 28 for certification of area school personnel.

29 Committee members shall be reimbursed for actual  
 30 and necessary expenses in the performance of their  
 31 duties. The expense money shall be paid from funds  
 32 appropriated to the department of public instruction."

33 2. Title page, by striking lines 1 through 3 and  
 34 inserting in lieu thereof the words "An Act relating  
 35 to the duties of the state board of public instruction  
 36 as the board of educational examiners."

ARTHUR L. GRATIAS  
 WILLIAM W. (Bill) DIELEMAN  
 RAY TAYLOR  
 BASS VAN GILST  
 HURLEY W. HALL  
 JOHN W. JENSEN  
 EMIL J. HUSAK  
 THOMAS A. LIND

S-5668

1 Amend Senate Amendment S-5552 to House File 2472  
 2 as amended, passed, and reprinted by the House as  
 3 follows:

4 1. Page 2, by inserting after line 9 the following:

5 "Sec. 2. Section 123.36, subsection 6, Code Supplement 1983,  
 6 is amended to read as follows:

7 6. Any club, hotel, motel, or commercial  
 8 establishment holding a liquor control license for  
 9 whom the sale of goods and services other than  
 10 alcoholic liquor or beer constitutes fifty percent  
 11 or more of the gross receipts from the licensed  
 12 premises, subject to the provisions of section 123.49,  
 13 subsection 2, paragraph "b", may sell and dispense  
 14 alcoholic liquor and beer to patrons on Sunday for  
 15 consumption on the premises only between the hours

16 of ten a.m. and twelve midnight on Sunday, and beer  
17 for consumption ~~on or~~ off the premises between the  
18 hours of ~~noon ten a.m. and ten p.m.~~ twelve midnight  
19 on Sunday, except beer which has been refrigerated  
20 or otherwise chilled may not be sold or dispensed  
21 for consumption off the premises later than ten p.m.  
22 on Sunday. For the privilege of selling beer and  
23 alcoholic liquor on the premises on Sunday the liquor  
24 control license fee of the applicant shall be increased  
25 by twenty percent of the regular fee prescribed for  
26 the license pursuant to this section, and the privilege  
27 shall be noted on the liquor control license. The  
28 department shall prescribe the nature and the character  
29 of the evidence which shall be required of the  
30 applicant under this subsection."

31 2. Page 2, by striking lines 12 through 22 and  
32 inserting in lieu thereof the following:

33 "b. Sell or dispense any alcoholic beverage or  
34 beer on the premises covered by the license or permit,  
35 or permit ~~the its~~ consumption ~~thereon on the premises~~  
36 between the hours of two a.m. and six a.m. on ~~any~~  
37 a weekday, and between the hours of two a.m. on Sunday  
38 and six a.m. on the following Monday, or sell or  
39 dispense beer which has been refrigerated or otherwise  
40 chilled for consumption off the licensed premises  
41 between the hours of ten p.m. and six a.m. the next  
42 morning on a weekday and between the hours of ten  
43 p.m. on Saturday night and six a.m. the following  
44 Monday, however, a holder of a liquor control license  
45 or retail beer permit granted the privilege of selling  
46 alcoholic liquor or beer on Sunday may sell or dispense  
47 such alcoholic liquor or beer between the hours of  
48 noon ten a.m. and ten p.m. twelve midnight on Sunday,  
49 except beer which has been refrigerated or otherwise  
50 chilled may not be sold or dispensed for consumption

Page 2

1 off the licensed premises later than ten p.m. on  
2 Sunday."

3 3. Page 2, by inserting after line 42 the  
4 following:

5 "Sec. 5. Section 123.134, subsection 5, Code 1983,  
6 is amended to read as follows:

7 5. Any club, hotel, motel, or commercial  
8 establishment holding a class "B" beer permit for  
9 whom the sale of goods and services other than beer  
10 constitutes fifty percent or more of the gross receipts  
11 from the licensed premises, subject to the provisions

12 of section 123.49, subsection 2, paragraph "b", may  
 13 sell and dispense beer to patrons on Sunday for  
 14 consumption on ~~or off~~ the premises and for consumption  
 15 of beer off the premises between the hours of noon  
 16 and between the hours of ten a.m. and twelve midnight  
 17 on Sunday, except beer which has been refrigerated  
 18 or otherwise chilled may not be sold or dispensed  
 19 for consumption off the premises later than ten p.m.  
 20 on Sunday. Any class "C" beer permittee may sell  
 21 beer for consumption off the premises between the  
 22 hours of noon ~~ten a.m.~~ and ten p.m. ~~twelve midnight~~  
 23 on Sunday, except beer which has been refrigerated  
 24 or otherwise chilled may not be sold or dispensed  
 25 for consumption off the premises later than ten p.m.  
 26 on Sunday. For the privilege of selling beer on  
 27 Sunday the beer permit fees of the applicant shall  
 28 be increased by twenty percent of the regular fees  
 29 prescribed for the permit pursuant to this section  
 30 and the privilege shall be noted on the beer permit.  
 31 The department shall prescribe the nature and character  
 32 of the evidence which shall be required of the  
 33 applicant under this subsection."  
 34 4. By renumbering as required by this amendment.

EDGAR H. HOLDEN

S-5669

1 Amend House File 2217, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 1 and 2 and inserting  
 4 in lieu thereof the following:  
 5 "Section 1. Section 257.10, subsection 11, Code  
 6 1983, is amended to read as follows:  
 7 11. Constitute the board of educational examiners  
 8 for the certification of ~~administrative, supervisory~~  
 9 ~~and instructional personnel for school service~~  
 10 ~~professionals working in the public school systems~~  
 11 of the state; prescribe types and classes of  
 12 certificates to be issued, the subjects and fields  
 13 and positions which certificates cover and determine  
 14 the requirements for certificates, ~~endorsements,~~  
 15 ~~approvals, or other authorization; establish fees~~  
 16 ~~for the issuance and renewal of certificates; prescribe~~  
 17 ~~the terms of years and expiration dates of~~  
 18 ~~certificates; prescribe the requirements for renewal~~  
 19 ~~of certificates; enter into reciprocity agreements~~  
 20 ~~with other states and countries that have similar~~  
 21 ~~certification requirements; suspend or revoke a~~  
 22 ~~certificate for any cause that would have authorized~~

23 or required a refusal to grant a certificate; establish  
 24 standards for the acceptance of degrees, credits,  
 25 courses, and other evidences of training and  
 26 preparation of school service professionals from  
 27 institutions of higher learning; junior colleges,  
 28 or other training institutions education, both public  
 29 and private, within or without the state. The state  
 30 board shall perform duties imposed upon the board  
 31 of educational examiners under chapter 260.

32 "School service professional" means a speech  
 33 pathologist, audiologist, psychologist, physical  
 34 therapist, occupational therapist, social worker,  
 35 or a member of another profession that the board has  
 36 identified by rule under chapter 17A, the members  
 37 of which are not directly involved in teaching, but  
 38 are trained to assist students in learning or removing  
 39 obstacles to learning. A "school service professional"  
 40 is not a school administrator, supervisor, or teacher."

41 2. Page 2, line 29, by inserting after the word  
 42 "applicants" the words "for employment in positions  
 43 as administrators, supervisors, or teachers".

44 3. Page 2, line 34, by inserting after the word  
 45 "preparation" the words "of administrators,  
 46 supervisors, and teachers".

47 4. Page 3, line 30, by inserting after the word  
 48 "person" the following: "but not a school service  
 49 professional as defined in section 257.10, subsection  
 50 11".

ARTHUR A. SMALL, JR.

S-5670

1 Amend House File 2433 as amended, passed and  
 2 reprinted by the House as follows:

3 1. Page 6, line 8, by striking the word  
 4 "overpayments" and inserting in lieu thereof the word  
 5 "benefits".

TED ANDERSON

S-5671

1 Amend House File 2217 as amended, passed and  
 2 reprinted by the House, as follows:

3 1. Page 2, line 22, by striking the word "district"  
 4 and inserting in lieu thereof the word "corporation".

5 2. Page 6, line 11, by striking the word "district"  
 6 and inserting in lieu thereof the word "corporation".

7 3. Page 6, line 20, by striking the word "district"  
 8 and inserting in lieu thereof the word "corporation".

- 9 4. Page 6, by striking line 24 and inserting in  
 10 lieu thereof the following: "shall notify the chief  
 11 administrator of the school corporation, or".  
 12 5. Page 6, line 31, by striking the word "district"  
 13 and inserting in lieu thereof the word "corporation".  
 14 6. Page 6, line 33, by striking the word "district"  
 15 and inserting in lieu thereof the word "corporation".  
 16 7. Page 7, line 23, by striking the word "district"  
 17 and inserting in lieu thereof the words "corporation,  
 18 or authorities in charge of a nonpublic school,".  
 19 8. Page 8, line 3, by striking the word "districts"  
 20 and inserting in lieu thereof the word "corporations".  
 21 9. Page 8, line 6, by striking the word "district"  
 22 and inserting in lieu thereof the words "corporation,  
 23 or authorities in charge of a nonpublic school,".  
 24 10. Page 8, line 10, by inserting after the word  
 25 "directors" the words "or authorities".

WALLY E. HORN

S-5672

- 1 Amend amendment S-5484 to House File 2217 as  
 2 amended, passed and reprinted by the House, as follows:  
 3 1. Page 2, lines 9 and 10, by striking the words  
 4 "superintendent of the school district" and inserting  
 5 in lieu thereof the words "chief administrator of  
 6 the school corporation".

WALLY E. HORN

S-5673

- 1 Amend House File 2015 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 24 by inserting after the word  
 4 "machine." the following: "An advisory measure on  
 5 lottery shall be placed on the ballot at the 1984  
 6 general election, published, and submitted to a vote  
 7 of the entire people of the state in the same manner  
 8 as provided for constitutional amendments under  
 9 chapters 6 and 49. The vote on the measure is advisory  
 10 only and of no legal effect. The ballot for the  
 11 advisory measure shall be substantially in the  
 12 following form:  
 13 "Should the state establish a public  
 14 lottery?"  
 15

Yes \_\_\_\_\_  
 No \_\_\_\_\_

JAMES V. GALLAGHER

AMENDMENTS FILED

2227

S-5674

1 Amend House File 405 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 1, line 10, by inserting after the word  
4 "administration" the words "or is a graduate of an  
5 accredited junior college, community college, or two-  
6 year specialized college with a concentration in ac-  
7 counting and has had three years' continuous experience  
8 under the direct supervision of a certified public  
9 accountant holding a current permit to practice, which  
10 experience shall include a significant amount of ac-  
11 counting work involving third party reliance on fin-  
12 ancial statements".

FORREST V. SCHWENGELS  
JOHN E. SOORHOLTZ

S-5675

1 Amend House File 2015 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 2, line 20, by inserting after the word  
4 "approved." the words "When a bingo license has been  
5 issued by the department the licensee shall be not-  
6 ified by the department of the renewal date for the  
7 license ten days prior to that date."

CHARLES P. MILLER

S-5676

1 Amend House File 2491 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 2, by inserting after line 27 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 476.42, subsection 1, Code  
6 Supplement 1983, is amended by adding the following  
7 new paragraph:  
8 NEW PARAGRAPH. d. A facility producing electricity  
9 as a by-product."  
10 2. Title page, line 9, by inserting after the  
11 word "by" the following: "including a facility  
12 producing electricity as a by-product in the definition  
13 of an alternate energy production facility, by".  
14 3. Renumber sections as necessary.

JAMES V. GALLAGHER

S-5677

1 Amend House File 2392 as amended, passed and  
2 reprinted by the House as follows:

## DIVISION S—5677A

- 3 1. Page 1, line 13, by striking the words "all  
4 applicants" and inserting in lieu thereof the words  
5 "an applicant".
- 6 2. Page 1, line 14, by inserting after the word  
7 "career." the words "However, this battery of tests  
8 need only be given to applicants being considered  
9 in the final selection process for a law enforcement  
10 position. For original appointments to law enforcement  
11 officer positions under chapter 400 of the Code, the  
12 "final selection process" means the point in the  
13 examination process of section 400.8 of the Code which  
14 is just prior to the certification to the city council  
15 of the list of names of the persons who qualify with  
16 the highest standing pursuant to section 400.11 of  
17 the Code."

## DIVISION S—5677B

- 18 3. Page 1, by striking line 35, and inserting  
19 in lieu thereof the following: "characteristics and  
20 suitability of an applicant for the respective career.  
21 However, this battery of tests need only be given  
22 to applicants being considered in the final selection  
23 process for a position."

WILLIAM W. (Bill) DIELEMAN  
JULIA B. GENTLEMAN

## S-5678

- 1 Amend House File 2189 as passed by the House  
2 as follows:
- 3 1. Page 4, line 6, by striking the word "governor"  
4 and inserting in lieu thereof the word "governor."  
5 2. Page 4, by striking line 7.

JOHN W. JENSEN

## S-5679

- 1 Amend House File 2015 as amended, passed, and  
2 printed by the House as follows:
- 3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. NEW SECTION. 99E.1 LOCAL OPTION  
6 GAMBLING PERMITTED.  
7 1. As used in this chapter, "governing body" means  
8 a city council of an incorporated city or a county



9 board of supervisors of a county.

10 2. The governing body of a city or county may  
11 by ordinance authorize and regulate any form of  
12 gambling to be conducted within the city limits of  
13 the city or the boundary of the county. The governing  
14 body may approve whatever forms and types of gambling  
15 as the governing body deems appropriate and desirable.

16 3. Notwithstanding any other chapter or section,  
17 activities conducted in compliance with a city or  
18 county approved gambling activity shall not be illegal.  
19 However, the governing body may adopt an ordinance  
20 establishing prohibited activities and establishing  
21 penalties, including criminal penalties, for violations  
22 of the ordinance.

23 Sec. 2. NEW SECTION. 99A.10 LOCAL OPTION  
24 GAMBLING. Notwithstanding other provisions of this  
25 chapter, activities otherwise prohibited under this  
26 chapter are permissible if conducted in compliance  
27 with a local option gambling ordinance permitted under  
28 chapter 99E.

29 Sec. 3. Section 331.304, subsection 2, Code 1983,  
30 is amended by striking the subsection.

31 Sec. 4. Section 537A.4, Code Supplement 1983,  
32 is amended by adding the following new unnumbered  
33 paragraph:

34 NEW UNNUMBERED PARAGRAPH. This section shall not  
35 apply to a contract or game that is conducted in  
36 compliance with a local option gambling ordinance  
37 permitted under chapter 99E.

38 Sec. 5. Section 657.2, subsection 6, Code 1983,  
39 is amended to read as follows:

40 6. Houses of ill fame, kept for the purpose of  
41 prostitution and lewdness, gambling houses except  
42 those conducted in compliance with a local option  
43 gambling ordinance permitted under chapter 99E, or  
44 places resorted to by persons using controlled  
45 substances, as defined in section 204.101, subsection  
46 6, in violation of law, or houses where drunkenness,  
47 quarreling, fighting, or breaches of the peace are  
48 carried on or permitted to the disturbance of others.

49 Sec. 6. Section 725.15, Code 1983, is amended  
50 to read as follows:

Page 2

1 725.15 EXCEPTIONS FOR LEGAL GAMBLING. Sections  
2 725.5 to 725.10 and section 725.12 shall not apply  
3 to any game, activity or device when lawfully  
4 possessed, used, conducted or participated in pursuant

- 5 to chapter ~~99B~~ 99E.  
 6 7. Chapters 99B and 99D and section 725.14, Code  
 7 1983 and Code Supplement 1983 are repealed.”  
 8 2. Title page, by striking lines 1 and 2 and  
 9 inserting in lieu thereof the following: “An Act  
 10 relating to gambling by repealing chapters 99B and  
 11 99D and providing for local option gambling activities  
 12 and providing penalties.”

ARNE WALDSTEIN  
 C. JOSEPH COLEMAN

S-5680

- 1 Amend amendment S-5515 to House File 422 as amended,  
 2 passed and reprinted by the House as follows:  
 3 1. Page 1, by striking line 3.

EDGAR H. HOLDEN

S-5681

- 1 Amend House File 2478, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking line 32 and inserting in  
 4 lieu thereof the following: “lien to be collected  
 5 at the time of payment of the assessment from the  
 6 pavor and credited to the county general fund. The  
 7 lien has”.

ARNE WALDSTEIN  
 ALVIN V. MILLER

S-5682

- 1 Amend the amendment S-5484 to House File 2217 as  
 2 amended, passed, and reprinted by the House as follows:  
 3 1. Page 1, by striking lines 30 through 32 and  
 4 inserting in lieu thereof the words “be approved by the  
 5 board.”

ARNE WALDSTEIN

S-5683

- 1 Amend the amendment S-5667 to House File 2217 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 1, line 10, by inserting after the word  
 4 “shall” the words “by January 1, 1985.”  
 5 2. Page 1, line 16, by striking the word “or”  
 6 and inserting in lieu thereof the word “and”.

AMENDMENTS FILED

2231

- 7 3. Page 1, line 17, by striking the word "or"  
8 and inserting in lieu thereof the word "and".

ARTHUR A. SMALL, JR.  
JOE BROWN  
ARTHUR L. GRATIAS  
EMIL J. HUSAK

S-5684

- 1 Amend House File 2500 as follows:  
2 1. Page 1, line 17, by striking the word "fifty"  
3 and inserting in lieu thereof the word "forty".

CHARLES BRUNER  
BERL E. PRIEBE

S-5685

- 1 Amend the amendment S-5631 to House File 2465,  
2 as amended, passed and reprinted by the House, as  
3 follows:  
4 1. Page 1, by inserting after line 37 the  
5 following:  
6 "Sec. \_\_\_\_ . Rule of criminal procedure 1, section  
7 2, Iowa court rules, 2d ed., is amended by adding  
8 the following new subsection:  
9 NEW SUBSECTION. "Mentally ill", as used in these  
10 rules, describes the condition of a person who is  
11 suffering from a mental disease or disorder and who,  
12 by reason of that condition, lacks sufficient judgment  
13 to make responsible decisions regarding treatment  
14 and is reasonably likely to injure the person's self  
15 or others who may come into contact with the person  
16 if the person is allowed to remain at liberty without  
17 treatment."  
18 2. Page 2, by striking lines 13 through 17 and  
19 inserting in lieu thereof the following: "as to  
20 whether the defendant is mentally ill and dangerous  
21 to the defendant's self or to others. The court shall  
22 promptly forward a copy of the report to the  
23 defendant's attorney and to the attorney for the  
24 state. An extension of".  
25 3. By striking page 2, line 42 through page 3,  
26 line 8 and inserting in lieu thereof the following:  
27 "e. HEARING; RELEASE OR RETENTION IN CUSTODY.  
28 If, upon hearing, the court finds that the defendant  
29 is not mentally ill and no longer dangerous to the  
30 defendant's self or to the public peace and safety,  
31 the court shall order the defendant released. If,

32 however, the court finds that the defendant is mentally  
33 ill and dangerous to the defendant's self or to the  
34 public peace and safety, the court shall order the  
35 defendant committed to a state mental health institute  
36 or to the Iowa security and medical facility and  
37 retained in custody until the court finds that the  
38 defendant is no longer mentally ill and dangerous  
39 to the defendant's self or to the public peace and  
40 safety. The court shall give due consideration to  
41 the chief medical officer's findings and opinion along  
42 with any other relevant evidence that may be submitted.  
43 No more than thirty days after entry of an order  
44 for continued custody, and thereafter at intervals  
45 of not more than sixty days as long as the defendant  
46 is in custody, the chief medical officer of the  
47 facility to which the defendant is committed shall  
48 report to the court which entered the order. Each  
49 periodic report shall describe the defendant's  
50 condition and state the chief medical officer's

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1 prognosis if the defendant's condition has remained  
2 unchanged or has deteriorated. The court shall forward  
3 a copy of each report to the defendant's attorney  
4 and to the attorney for the state.  
5 If the chief medical officer reports at any time  
6 that the defendant is no longer mentally ill and is  
7 no longer dangerous to the defendant's self or to  
8 others, the court shall, upon hearing, order the  
9 release of the defendant unless the court finds that  
10 continued custody and treatment are necessary to  
11 protect the public peace and safety or the safety  
12 of the defendant's self or others in which case the  
13 court shall order the defendant committed to the Iowa  
14 security and medical facility for further evaluation,  
15 treatment, and custody."  
16 4. Renumber in accordance with this amendment.

PATRICK J. DELUHERY

S-5686

1 Amend House File 2487 as amended, passed and  
2 reprinted by the House as follows:  
3 1. By striking page 5, line 9 through page 6,  
4 line 3 and inserting in lieu thereof the following:  
5 "b. The abutting property owner may be required  
6 by ordinance to remove the natural accumulations of  
7 snow and ice from the sidewalks within a reasonable

8 length of time. A person traveling upon a sidewalk  
 9 assumes the risk of injury due to the natural  
 10 accumulations of snow and ice."

EDGAR H. HOLDEN  
 DON E. GETTINGS  
 MILO COLTON

S-5687

1 Amend House File 2339 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, line 9, by inserting after the word  
 4 "officers," the words "adjoining landowners and  
 5 tenants,".  
 6 2. Page 1, line 13, by inserting after the word  
 7 "authorization" the words "shall be issued a warning  
 8 upon the first occurrence and for each subsequent  
 9 occurrence shall be".  
 10 3. Page 1, line 14, by striking the words "Drivers  
 11 of vehicles who make un-".  
 12 4. Page 1, by striking lines 15 through 17.

JAMES V. GALLAGHER

S-5688

1 Amend House File 2247 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. Section 80B.11, Code 1983, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 6. Provide minimum basic training  
 8 instruction to an applicant who is otherwise qualified  
 9 for employment as a law enforcement officer and is  
 10 recommended by a city. The cost of the training shall  
 11 be paid by the applicant.  
 12 Sec. 2. NEW SECTION. 362.11 EMPLOYMENT OF LAW  
 13 ENFORCEMENT OFFICERS. A city may provide for the  
 14 employment of law enforcement officers after the  
 15 officers have completed a minimum basic law enforcement  
 16 training course approved by the Iowa law enforcement  
 17 academy council under chapter 80B."  
 18 2. Amend the title, by striking lines 1 and 2  
 19 and inserting in lieu thereof the following: "An  
 20 Act relating to the employment and training of law  
 21 enforcement officers by cities."

JOE J. WELSH

S-5689

1 Amend House File 2217 as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 1 and 2 and inserting  
4 in lieu thereof the following:

5 "Section 1. Section 257.10, subsection 11, Code  
6 1983, is amended to read as follows:

7 11. Constitute the board of ~~educational~~ examiners  
8 for the certification of ~~administrative, supervisory~~  
9 ~~and instructional~~ personnel for the public school  
10 systems of the state; prescribe types and classes  
11 of certificates to be issued, the subjects and fields  
12 and positions which certificates cover and determine  
13 the requirements for certificates ~~endorsements,~~  
14 ~~approvals, or other authorizations; establishing fees~~  
15 ~~for the issuance and renewal of certificates; prescribe~~  
16 ~~the terms of years and expiration dates of~~  
17 ~~certificates; prescribe the requirements for renewal~~  
18 ~~of certificates; enter into reciprocity agreements~~  
19 ~~with other states and countries that have similar~~  
20 ~~certification requirements; suspend or revoke a~~  
21 ~~certificate for any cause that would have authorized~~  
22 ~~or required a refusal to grant a certificate; establish~~  
23 standards for the acceptance of degrees, credits,  
24 courses, and other evidences of ~~training and~~  
25 preparation from institutions of higher ~~learning,~~  
26 junior colleges, or other training institutions  
27 ~~education,~~ both public and private, within or without  
28 the state. ~~The state board shall perform duties~~  
29 ~~imposed upon the board of educational examiners under~~  
30 ~~chapter 960.~~

31 For the purposes of this section and chapter 260  
32 "administrative personnel" means a supervisory employee  
33 under section 20.4 and includes persons possessing  
34 endorsements as superintendents and principals."

35 2. Page 1, line 24, by inserting after the word  
36 "administrator" the words "under this chapter".

37 3. Page 3, line 29, by inserting after the word  
38 "administrator" the words "but not a supervisory  
39 employee under section 20.4".

EMIL J. HUSAK

RAY TAYLOR

S-5690

1 Amend House File 2470, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 4 through page 2,

4 line 5, and inserting in lieu thereof the following:

5 "A proprietor of a parcel of land of any size who  
6 divides the property into two parts, either of which  
7 are described by a metes and bounds description and  
8 are ten acres or less, shall have a survey made of  
9 the subdivision. The survey shall be prepared and  
10 recorded in accordance with sections 355.4, 355.7  
11 and 355.16. A proprietor of a parcel of land of any  
12 size who divides the property into three or more parts  
13 any of which are described by metes and bounds  
14 description and are ten acres or less, shall have  
15 a plat made of the subdivision. The plat shall be  
16 made by a registered land surveyor holding a  
17 certificate under chapter 114. The plat shall make  
18 reference to monuments of record or permanent control  
19 monuments and shall give bearing and distance from  
20 some corner of the plat to two corners of the  
21 congressional division of which it is a part. The  
22 plat shall accurately describe each part of the  
23 subdivision by giving its dimensions, length and  
24 breadth and shall number the parts by progressive  
25 number.

26 A plat prepared pursuant to the requirements of  
27 this subsection is subject only to sections 409.3,  
28 409.14, 409.15, 409.16, 409.30, 409.31, 409.32, 409.33,  
29 and 409.37, and is exempt from the other provisions  
30 of this chapter where either of the following  
31 conditions exist:

32 1. No street, road, alley, or other public in-  
33 terest is being conveyed.

34 2. The plat is for assessment and taxation pur-  
35 poses under section 441.65.

36 A deed, contract, or other conveyance which is  
37 presented to the county recorder in violation of this  
38 subsection and is not being platted for assessment  
39 and taxation purposes under section 441.65, shall  
40 not be accepted for recording until the plat or survey  
41 has been recorded as required by this section."

42 2. Page 2, by striking lines 6 through 22.

TOM MANN, JR.

S-5691

1 Amend the amendment S-5685 to House File 2465 as  
2 amended, passed and reprinted by the House as follows:

3 1. Page 1, line 30, by striking the words "or to  
4 the public peace and safety".

5 2. Page 1, lines 33 and 34, by striking the words  
6 "or to the public peace and safety".

- 7 3. Page 1, lines 39 and 40, by striking the words  
 8 "or to the public peace and safety".  
 9 4. Page 2, line 11, by striking the words "the  
 10 public peace and safety or".

TOM MANN, JR.

S-5692

- 1 Amend House File 2354 as passed by the House as  
 2 follows:  
 3 1. Page 1, by striking lines 3 through 12 and  
 4 inserting in lieu thereof the following:  
 5 2. Cause plans and specifications to be made and  
 6 adopted for all hospital buildings and equipment,  
 7 and advertise for bids, as required by law for other  
 8 county buildings, before making any a contract for  
 9 the construction of any such a building or the purchase  
 10 of such equipment.

JAMES V. GALLAGHER

S-5693

- 1 Amend House File 2354 as passed by the House as  
 2 follows:  
 3 1. By striking the enacting clause.

JAMES V. GALLAGHER

S-5694

- 1 Amend House File 2392 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 2, by inserting after line 1 the following:  
 4 "Sec. 5. Section 384.15, Code 1983, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. Promulgate rules for the  
 7 reimbursement of training costs to a city or county  
 8 in procuring, administering, and evaluating  
 9 psychological tests to determine the suitability of  
 10 an applicant for a city or county law enforcement  
 11 position."  
 12 2. Page 2, line 2, by inserting after the figure  
 13 "1985" the following: "and shall be applicable to  
 14 those persons tested under section 4 of this Act on  
 15 or after that effective date. However, this Act shall  
 16 be applicable to applicants for city or county law  
 17 enforcement positions only after funding is available



18 to the city or county for the testing pursuant to  
19 section 911.2."

ALVIN V. MILLER  
LEE W. HOLT

HOUSE AMENDMENT TO SENATE FILE 176

S-5695

1 Amend Senate File 176 as follows:  
2 1. Page 1, by inserting after line 16 the  
3 following:  
4 "Sec. 2. EFFECTIVE DATE.  
5 1. Section 1 of this Act takes effect July 1,  
6 of the year when the allocation of appropriated funds  
7 under the allocation formula specified in section  
8 1 of this Act at least equals the amount received  
9 by each regional board of trustees for the fiscal  
10 year beginning July 1, 1983.  
11 2. Section 2 of this Act takes effect July 1,  
12 1984."

HOUSE AMENDMENT TO SENATE FILE 517

S-5696

1 Amend Senate File 517 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by striking lines 15 through 28 and  
4 inserting in lieu thereof the following:  
5 "Sec. 2. NEW SECTION. COMPLAINT OF MISSING PERSON.  
6 1. A person may file a complaint of a missing  
7 person with a law enforcement agency having  
8 jurisdiction. The complaint shall include, but is  
9 not limited to, the following information:  
10 a. The name of the complainant.  
11 b. The relationship of the complainant to the  
12 missing person.  
13 c. The name, age, address, and all identifying  
14 characteristics of the missing person.  
15 d. The length of time the person has been missing.  
16 e. All other information deemed relevant by either  
17 the complainant or the law enforcement agency.  
18 2. A report of the complaint of missing person  
19 shall be given to all law enforcement personnel  
20 currently on active duty for that agency through  
21 internal means and over the law enforcement  
22 administration network immediately upon its being  
23 filed.

24 Sec. 3. **NEW SECTION. REPORT ON MISSING PERSON.**

25 1. A law enforcement agency in which a complaint  
 26 of a missing person has been filed shall prepare,  
 27 as soon as practicable, a report on a missing person.  
 28 That report shall include, but is not limited to,  
 29 the following:

30 a. All information contained in the complaint  
 31 on a missing person.

32 b. All information or evidence gathered by a  
 33 preliminary investigation, if one was made.

34 c. A statement, by the law enforcement officer  
 35 in charge, setting forth that officer's assessment  
 36 of the case based upon all evidence and information  
 37 received.

38 d. An explanation of the next steps to be taken  
 39 by the law enforcement agency filing the report.

40 Sec. 4. **NEW SECTION. DISSEMINATION OF REPORT.**

41 Upon completion of the report, a copy of the report  
 42 shall be forwarded to:

43 1. All law enforcement agencies having jurisdiction  
 44 of the location in which the missing person lives  
 45 or was last seen.

46 2. All law enforcement agencies considered to  
 47 be potentially involved by the law enforcement agency  
 48 filing the report.

49 3. All law enforcement agencies which the  
 50 complainant requests the report to be sent to, if

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1 the request is reasonable in light of the information  
 2 contained in the report.

3 4. Any law enforcement agency requesting a copy  
 4 of the missing person report."

5 2. Renumber as necessary.

HOUSE AMENDMENT TO SENATE FILE 2098

S-5697

1 Amend Senate File 2098 as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 85.59, Code Supplement 1983,  
 6 is amended by adding the following new unnumbered  
 7 paragraph:

8 **NEW UNNUMBERED PARAGRAPH.** For purposes of this  
 9 section, the term "inmate" excludes a person who is  
 10 performing unpaid community service under section

11 907.13 or a work assignment of value or to the public  
12 under chapter 232.

13 Sec. 2. NEW SECTION. 232.13 LIABILITY FOR PUBLIC  
14 WORK ASSIGNMENTS. The state of Iowa is liable,  
15 according to and under chapter 25A, for a tortious  
16 act committed by a child given a work assignment of  
17 value to the state or the public under this chapter.

18 Sec. 3. Section 907.13, Code 1983, is amended  
19 by adding the following new subsections:

20 NEW SUBSECTION. 5. The state of Iowa is  
21 exclusively liable, according to and under chapter  
22 25A, for a tortious act committed by a defendant while  
23 performing unpaid community service.

24 NEW SUBSECTION. 6. The state of Iowa is  
25 exclusively liable for and shall pay any compensation  
26 becoming due any person under section 85.59."

27 2. Title page by striking lines 1 and 2 and  
28 inserting in lieu thereof the following: "An Act  
29 relating to unpaid community service by specifying  
30 that the state assumes liability for injuries to  
31 offenders performing unpaid community service and  
32 for the torts committed by offenders performing unpaid  
33 community service."

#### HOUSE AMENDMENT TO SENATE FILE 2101

S-5698

1 Amend Senate File 2101 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 25 through 29, and  
4 inserting in lieu thereof the following:

5 "3. Notwithstanding section 242.13, a child  
6 committed to the training school subsequent to the  
7 child attaining the age of seventeen years and six  
8 months and prior to the child's eighteenth birthday  
9 may be held at the school beyond the child's eighteenth  
10 birthday pursuant to subsection 2 provided that the  
11 training school makes application to and receives  
12 permission from the committing court. This extension  
13 shall be for the purpose of completion by the child  
14 of a course of instruction established for the child  
15 pursuant to section 242.4 and cannot extend for more  
16 than one year beyond the date of disposition."

#### HOUSE AMENDMENT TO SENATE FILE 2159

S-5699

1 Amend Senate File 2159 as passed by the Senate,  
2 as follows:

- 3 1. Page 1, line 3, by striking the word "fourteen"  
 4 and inserting in lieu thereof the word "sixteen".  
 5 2. Page 1, line 6, by inserting after the word  
 6 and figure "7 p.m.," the following: "not exceeding  
 7 twelve hours in any month."  
 8 3. Page 1, line 6, by striking the word and figure  
 9 "7 p.m." and inserting in lieu thereof the word and  
 10 figure "10 p.m."

## HOUSE AMENDMENT TO SENATE FILE 2212

S-5700

- 1 Amend Senate File 2212 as passed by the Senate,  
 2 as follows:  
 3 1. Page 1, line 13, by striking the word "gross"  
 4 and inserting in lieu thereof the word "base".

## HOUSE AMENDMENT TO SENATE FILE 2220

S-5701

- 1 Amend Senate File 2220 as amended, passed and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 30, by inserting after the word  
 4 "bonds" the following: "prime eligible bankers  
 5 acceptances, commercial paper rated within the two  
 6 highest classifications of prime as established by  
 7 at least one of the standard rating services approved  
 8 by the superintendent of banking pursuant to chapter  
 9 17A, perfected repurchase agreements."  
 10 2. Page 1, by inserting after line 35 the  
 11 following: "The total investment in commercial paper  
 12 of any one corporation is limited to an amount not  
 13 more than twenty percent of the total stockholders'  
 14 equity of that corporation."  
 15 3. Page 4, by striking lines 19 through 26 and  
 16 inserting in lieu thereof the following:  
 17 "Sec. 9. Section 453.5, Code 1983, is amended  
 18 to read as follows:  
 19 453.5 REFUSAL OF DEPOSITS --PROCEDURE. If the  
 20 duty approved banks depositories will not accept the  
 21 deposits under the conditions prescribed or authorized  
 22 in this chapter, the funds may be deposited, on the  
 23 same or better terms as were offered to the  
 24 depositories, in any one or more approved bank or  
 25 banks depositories conveniently located within the  
 26 state.  
 27 If a governmental unit makes in writing to all

28 qualified; approved depositories a bona fide proffer  
29 to deposit public funds either in a savings account,  
30 or in a time certificate of deposit; and the proffer  
31 is not then accepted; then and only then may the  
32 governmental unit invest the funds so declined; on  
33 the same or better terms as were offered to the  
34 depositories; in bonds or other evidences of  
35 indebtedness issued, assumed, or guaranteed by the  
36 United States of America or by any agency or  
37 instrumentality thereof. However, public funds that  
38 will not be deposited or invested for a term of at  
39 least fifteen days may be invested, without prior  
40 offer to an approved depository, in notes,  
41 certificates, bonds, or other direct obligations of  
42 the United States or any of its agencies.

43 In addition to the investments herein authorized,  
44 the The treasurer of state may invest in any of the  
45 investments authorized for the Iowa public employees'  
46 retirement system in section 97B.7, subsection 2,  
47 paragraph "b" except that investment in common stocks  
48 shall not be permitted. This section does not affect  
49 the investment of funds as provided in sections 459.9  
50 and 459.10."

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1 4. Page 8, by striking lines 16 through 33 and  
2 inserting in lieu thereof the following:  
3 "The governing council or board ~~who~~ which by law  
4 ~~are~~ is authorized to direct the depositing of funds  
5 ~~shall be authorized to~~ may direct the treasurer or  
6 other designated financial officer to invest any fund  
7 not an active fund needed for current use and which  
8 is being accumulated as a sinking fund for a definite  
9 purpose, the interest on which is used for the same  
10 purpose, in savings accounts in banks, in the  
11 certificates or warrants provided by section 454.19;  
12 or make time deposits of such funds as provided in  
13 this chapter and receive time certificates of deposit  
14 therefor, or in bonds or other evidences of  
15 indebtedness issued, assumed, or guaranteed by the  
16 United States of America, or by any agency or  
17 instrumentality thereof, or in local certificates  
18 or warrants issued by any municipality or school  
19 district within the county, or in municipal or school  
20 district bonds which constitute a general liability,  
21 and the treasurer or other officer when so directed  
22 shall so invest such fund in investments authorized  
23 in section 452.10."

- 24 5. Page 8, by inserting after line 33 the  
 25 following:  
 26 "Sec. \_\_\_\_ . Section 453.10, Code 1983, is amended  
 27 to read as follows:  
 28 453.10 INVESTMENT OF FUNDS CREATED BY ELECTION.  
 29 The governing council or board, who by law have control  
 30 of any fund created by direct vote of the people,  
 31 may invest any portion thereof of the fund not  
 32 currently needed, in bonds or other evidences of  
 33 indebtedness issued, assumed, or guaranteed by the  
 34 United States of America; or by any agency or  
 35 instrumentality thereof; or make time deposits of  
 36 such funds and receive time certificates of deposit  
 37 therefor; or in savings accounts investments authorized  
 38 in section 452.10. The treasurer of state may invest  
 39 in any of the investments authorized for the Iowa  
 40 public employees' retirement system in section 97B.7,  
 41 subsection 2, paragraph "b" except that investment  
 42 in common stocks shall not be permitted. Interest  
 43 or earnings on such funds shall be credited as provided  
 44 in section 453.7, subsection 2."  
 45 6. Page 9, by inserting after line 12 the  
 46 following:  
 47 "Sec. \_\_\_\_ . Section 453.14, unnumbered paragraph  
 48 1, Code 1983, is amended to read as follows:  
 49 The board of directors of a school corporation  
 50 may invest any portion of the proceeds of bonds issued

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- 1 and not currently needed in United States government  
 2 bonds or make time deposits as provided in this chapter  
 3 section 452.10."  
 4 7. Page 10, line 31, by inserting after the words  
 5 "shall be deposited" the words "pursuant to a bailment  
 6 agreement".  
 7 8. Page 11, line 7, by inserting after the word  
 8 "Iowa" the words "pursuant to a bailment agreement".  
 9 9. Page 15, line 12, by inserting after the word  
 10 "repealed." the words "However, if pledging to secure  
 11 the deposit of public funds has not been properly  
 12 completed by July 1, 1984, then chapter 454 is not  
 13 repealed until July 1, 1985."  
 14 10. Amend the title, line 3, by inserting after  
 15 the word "funds," the words "providing for the  
 16 investment of idle public funds."  
 17 11. Renumbering sections to conform to this  
 18 amendment.

## HOUSE AMENDMENT TO SENATE FILE 2228

S-5702

- 1 Amend Senate File 2228, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 9, by striking the word "for"  
4 and inserting in lieu thereof the words ", including  
5 but not limited to,".
- 6 2. Page 1, line 12, by inserting before the word  
7 "structure" the word "factory-built".
- 8 3. Page 1, by striking lines 13 through 16, and  
9 inserting in lieu thereof the following: "which is  
10 manufactured or constructed under the authority of  
11 42 U.S.C. sec. 5403 and is to be used as a place for  
12 human habitation, but which is not constructed or  
13 equipped with a permanent hitch or other device  
14 allowing it to be moved other than for the purpose  
15 of moving to a permanent site, and which does not  
16 have permanently attached to its body or frame any  
17 wheels or axles. A mobile home as defined in section".
- 18 4. Page 1, line 19, by inserting after the word  
19 "dwelling." the following: "This section shall not  
20 be construed as abrogating a recorded restrictive  
21 covenant."
- 22 5. Page 1, line 28, by striking the word "for"  
23 and inserting in lieu thereof the words ", including  
24 but not limited to,".
- 25 6. Page 1, line 31, by inserting before the word  
26 "structure" the word "factory-built".
- 27 7. Page 1, by striking lines 32 through 35 and  
28 inserting in lieu thereof the following: "which is  
29 manufactured or constructed under the authority of  
30 42 U.S.C. sec. 5403 and is to be used as a place for  
31 human habitation, but which is not constructed or  
32 equipped with a permanent hitch or other device  
33 allowing it to be moved other than for the purpose  
34 of moving to a permanent site, and which does not  
35 have permanently attached to its body or frame any  
36 wheels or axles. A mobile home as defined in section".
- 37 8. Page 2, line 3, by inserting after the word  
38 "dwelling." the following: "This section shall not  
39 be construed as abrogating a recorded restrictive  
40 covenant."

## HOUSE AMENDMENT TO SENATE FILE 2248

S-5703

- 1 Amend Senate File 2248 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 13 the  
4 following:

5 "Sec. 101. **NEW SECTION. 455D.3A APPLICABILITY**  
6 **TO AGRICULTURAL ACTIVITIES.**

7 1. Except for 455D.8, this chapter does not apply  
8 to a person engaged in farming, a commercial applicator  
9 as defined in section 206.2, subsection 12, a certified  
10 applicator as defined in section 206.2, subsection  
11 17, a certified private applicator as defined in  
12 section 206.2, subsection 18, a certified commercial  
13 applicator as defined in section 206.2, subsection  
14 19, a pesticide dealer as defined in section 206.2,  
15 subsection 24, or to activities which are covered  
16 under the Federal Insecticide, Fungicide, and  
17 Rodenticide Act, 7 U.S.C. sec. 135 et seq.; provided,  
18 however, that such persons shall comply with the  
19 requirements of the Federal Insecticide, Fungicide,  
20 and Rodenticide Act, 40 C.F.R. sec. 170, and chapter  
21 206 where applicable to such persons. As used in  
22 this section, "farming" means the cultivation of land  
23 for the production of agricultural crops, the raising  
24 of poultry, the production of eggs, production of  
25 milk, the production of fruit or other horticultural  
26 crops, grazing or the production of livestock,  
27 spraying, or harvesting. The department of agriculture  
28 shall cooperate with the bureau in an investigation  
29 of an agricultural employee's complaint filed pursuant  
30 to section 455D.8.

31 2. Notwithstanding subsection 1 a pesticide dealer,  
32 a commercial applicator, or a certified applicator  
33 who retails or stores a pesticide as defined in section  
34 206.2, subsection 1, shall comply with sections 455D.14  
35 and 455D.15 for those hazardous chemicals stored or  
36 available for sale.

37 2. Page 2, line 15, by striking the word "This"  
38 and inserting in lieu thereof the following: "Except  
39 for section 455D.8, this".

40 3. Page 2, by striking lines 18 through 24 and  
41 inserting in lieu thereof the following:

42 "Sec. 5. **NEW SECTION. 455D.5 LIABILITY OF STATE**  
43 **OR POLITICAL SUBDIVISION.** The state or any of its  
44 political subdivisions is not liable for damages in  
45 any claim pursuant to chapter 25A or chapter 613A  
46 based upon an act or omission of an employee of the  
47 state or political subdivision when the employee  
48 exercised due care in the execution of this chapter  
49 or a rule adopted under this chapter. Any duty created  
50 in this chapter is a duty to the public generally



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1 and not to any person or group of persons.”

2 4. Page 4, line 11, by inserting after the word  
3 “pay.” the following: “Notwithstanding section  
4 455D.3A, this section applies to an employee of a  
5 person otherwise exempt from this chapter.”

6 5. Page 4, by striking line 19 and inserting in  
7 lieu thereof the following: “chemicals. The training  
8 shall be available for review and approval upon  
9 inspection by the bureau and shall”.

10 6. Page 4, line 26, by striking the word “This”  
11 and inserting in lieu thereof the following: “Except  
12 for section 455D.8, this”.

13 7. Page 5, by striking lines 4 through 7.

14 8. Page 6, by striking lines 5 through 13, and  
15 inserting in lieu thereof the following:

16 “c. The employer has notified the bureau in writing  
17 that certain information should not be accessible  
18 to the public for the reasons that the information  
19 is not relevant to public health and safety or that  
20 release of the information is proven to cause damage  
21 to the employer. After giving the employer notice  
22 and an opportunity to be heard, the bureau may release  
23 the information if it determines that the impact on  
24 public health and safety outweighs the damage that  
25 release of the information would cause the employer.  
26 The bureau may limit its release of information to  
27 areas relevant to public health and safety and may  
28 restrict the release of information which will cause  
29 damage to the employer.”

30 9. Page 6, by striking lines 16 through 29 and  
31 inserting in lieu thereof the following:

32 “Sec. 14. **NEW SECTION. 455D.14 SIGNS IDENTIFYING**  
33 **HAZARDOUS CHEMICALS.** If a building or structure has  
34 a floor space of five thousand square feet or less,  
35 an employer shall post signs on the outside of the  
36 building or structure identifying the type of each  
37 hazardous chemical contained in the building or  
38 structure. If the building has more than five thousand  
39 square feet, the employer shall post a sign at the  
40 place within the building where each hazardous chemical  
41 is permanently stored to identify the type of hazardous  
42 chemical. If the hazardous chemical or a portion  
43 of the hazardous chemical is moved within the building,  
44 the employer shall also move the sign or post an  
45 additional sign at the location where the hazardous  
46 chemical is moved. All letters and figures on signs  
47 required by this section shall be at least three  
48 inches in height. However, upon the written

49 application of an employer, the bureau may permit  
50 less stringent sign posting requirements. The signs

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1 shall comply with the national fire protection  
2 association's standard system for the identification  
3 of fire hazards of materials, based upon NFPA 704-  
4 1980. The bureau shall adopt rules exempting employers  
5 from the requirements of this section when a building  
6 or structure or a portion of a building or structure  
7 does not contain significant amounts of a hazardous  
8 chemical."  
9 10. Renumber as necessary.

HOUSE AMENDMENT TO SENATE FILE 2261

S-5704

1 Amend Senate File 2261 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, line 15, by striking the words "and  
4 savings investments."  
5 2. Page 8, by striking lines 2 through 5.

HOUSE AMENDMENT TO SENATE FILE 2277

S-5705

1 Amend Senate File 2277 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by striking lines 15 and 16 and  
4 inserting in lieu thereof the following: "nomination  
5 by a petition of at least fifty subscribers. The  
6 board shall also establish procedures to permit  
7 nomination of provider directors by petition of at  
8 least fifty participating providers. A member of  
9 the board of directors".  
10 2. Page 1, by striking lines 21 through 23 and  
11 inserting in lieu thereof the following: "commissioner  
12 of insurance shall also permit nomination of subscriber  
13 directors by a petition of at least fifty subscribers  
14 or providers, and nomination of provider directors  
15 by a petition of at least fifty participating  
16 providers. These petitions shall be considered only  
17 by the independent nominating committee. The  
18 independent subscriber nominating committee".  
19 3. Title page, line 1, by inserting after the  
20 word "subscriber" the words "and provider".

## HOUSE AMENDMENT TO SENATE FILE 2294

S-5706

1 Amend Senate File 2294 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 2 through 7 and  
4 inserting in lieu thereof the following: "the  
5 following new unnumbered paragraphs:  
6 **NEW UNNUMBERED PARAGRAPH.** The term "government  
7 body" means this state, or any county, city, township,  
8 school corporation, political subdivision, tax  
9 supported district or other entity of this state,  
10 or any branch, department, board, bureau, commission,  
11 council, committee, official or officer, of any of  
12 the foregoing or any employee delegated the  
13 responsibility for implementing the requirements of  
14 this chapter.

15 **NEW UNNUMBERED PARAGRAPH.** The term "lawful  
16 custodian" means the government body currently in  
17 physical possession of the public record. The  
18 custodian of a public record in the physical possession  
19 of persons outside a government body is the government  
20 body owning that record. Each government body shall  
21 delegate to particular officials or employees of that  
22 government body the responsibility for implementing  
23 the requirements of this chapter and shall publicly  
24 announce the particular officials or employees to  
25 whom responsibility for implementing the requirements  
26 of this chapter has been delegated. "Lawful custodian"  
27 does not mean an automated data processing unit of  
28 a public body if the data processing unit holds the  
29 records solely as the agent of another public body,  
30 nor does it mean a unit which holds the records of  
31 other public bodies solely for storage."

32 2. Page 2, by striking line 15 and inserting in  
33 lieu thereof the words "such information:".

## HOUSE AMENDMENT TO SENATE FILE 2310

S-5707

1 Amend Senate File 2310 as passed by the Senate,  
2 as follows:

3 1. Page 2, by striking lines 9 through 14 and  
4 inserting in lieu thereof the words "on forms provided  
5 by the board."

S-5708

1 Amend House File 2465 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:  
4 "Section 1. Section 226.27, Code 1983, is amended  
5 by striking the section and inserting in lieu thereof  
6 the following:

7 226.27 PATIENT ACCUSED OR ACQUITTED OF CRIME OR  
8 AWAITING JUDGMENT. If a patient was committed to  
9 a state hospital for evaluation or treatment under  
10 chapter 812 or the rules of criminal procedure, further  
11 proceedings shall be had under chapter 812 or the  
12 applicable rule when the evaluation has been completed  
13 or the patient has regained mental capacity, as the  
14 case may be.

15 Sec. 2. Section 229.1, subsection 1, Code  
16 Supplement 1983, is amended to read as follows:

17 1. "Mental illness" means every type of mental  
18 disease or mental disorder, except that it does not  
19 refer to mental retardation as defined in section  
20 222.2, subsection 5, or to insanity, diminished  
21 responsibility, or mental incompetency as the terms  
22 are defined and used in the Iowa criminal code or  
23 in the rules of criminal procedure, Iowa court rules,  
24 2d ed.

25 Sec. 3. Section 229.26, Code 1983, is amended  
26 to read as follows:

27 229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY  
28 HOSPITALIZATION. Sections 229.6 to ~~229.20~~ shall  
29 ~~229.19~~ constitute the exclusive procedure for  
30 involuntary hospitalization of persons by reason of  
31 serious mental impairment in this state, except that  
32 nothing in this chapter shall ~~negate~~ ~~negates~~ the  
33 provisions of sections 245.12 and 246.16 ~~relative~~  
34 relating to transfer of mentally ill prisoners to  
35 state hospitals for the mentally ill or applies to  
36 commitments of persons under chapter 812 or the rules  
37 of criminal procedure, Iowa court rules, 2d ed.

38 Sec. 4. Rule of criminal procedure 1, section  
39 2, Iowa court rules, 2d ed., is amended by adding  
40 the following new subsection:

41 **NEW SUBSECTION.** "Mentally ill", as used in these  
42 rules, describes the condition of a person who is  
43 suffering from a mental disease or disorder and who,  
44 by reason of that condition, lacks sufficient judgment  
45 to make responsible decisions regarding treatment  
46 and is reasonably likely to injure the person's self  
47 or others who may come into contact with the person

48 if the person is allowed to remain at liberty without  
49 treatment.  
50 Sec. 5. Rule of criminal procedure 21, section

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1 8. Iowa court rules, 2d ed., is amended by striking  
2 the section and inserting in lieu thereof the  
3 following:  
4 8. ACQUITTAL ON GROUND OF INSANITY OR DIMINISHED  
5 RESPONSIBILITY; COMMITMENT; HEARING.  
6 a. JURY FINDING. If the defense is insanity or  
7 diminished responsibility, the jury must be instructed  
8 that, if it acquits the defendant on either of those  
9 grounds, it shall state that fact in its verdict.  
10 b. COMMITMENT FOR EVALUATION. Upon a verdict  
11 of not guilty by reason of insanity or diminished  
12 responsibility, the court shall immediately order  
13 the defendant committed to a state mental health  
14 institute or other appropriate facility for a complete  
15 psychiatric evaluation and shall set a date for a  
16 hearing to inquire into the defendant's present mental  
17 condition. The court shall prepare written findings  
18 which shall be delivered to the facility at the time  
19 the defendant is admitted fully informing the chief  
20 medical officer of the facility of the reason for  
21 the commitment. The chief medical officer shall  
22 report to the court within fifteen days of the  
23 admission of the defendant to the facility, stating  
24 the chief medical officer's diagnosis and opinion  
25 as to whether the defendant is mentally ill and  
26 dangerous to the defendant's self or to others. The  
27 court shall promptly forward a copy of the report  
28 to the defendant's attorney and to the attorney for  
29 the state. An extension of time for the evaluation,  
30 not to exceed fifteen days, may be granted upon the  
31 chief medical officer's request after due consideration  
32 of any objections or comments the defendant may have.  
33 c. INDEPENDENT EXAMINATION. The defendant may  
34 have a separate examination conducted at the facility  
35 by a licensed physician of the defendant's choice  
36 and the report of the independent examiner shall be  
37 submitted to the court.  
38 d. RETURN FOR HEARING. Upon filing the report  
39 required by this rule or the filing of any subsequent  
40 report regarding the defendant's mental condition,  
41 the chief medical officer shall give notice to the  
42 sheriff and county attorney of the county from which  
43 the defendant was committed and the sheriff shall

44 receive and hold the defendant for hearing. However,  
45 if the chief medical officer believes continued custody  
46 of the defendant at the facility is necessary to  
47 ensure the defendant's safety or the safety of others  
48 and states that finding in the report, the court shall  
49 make arrangements for the hearing to be conducted  
50 as soon as practicable at a suitable place within

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1 the facility to which the defendant was committed.  
2 e. HEARING; RELEASE OR RETENTION IN CUSTODY.  
3 If, upon hearing, the court finds that the defendant  
4 is not mentally ill and no longer dangerous to the  
5 defendant's self or to others, the court shall order  
6 the defendant released. If, however, the court finds  
7 that the defendant is mentally ill and dangerous to  
8 the defendant's self or to others, the court shall  
9 order the defendant committed to a state mental health  
10 institute or to the Iowa security and medical facility  
11 and retained in custody until the court finds that  
12 the defendant is no longer mentally ill and dangerous  
13 to the defendant's self or to others. The court shall  
14 give due consideration to the chief medical officer's  
15 findings and opinion along with any other relevant  
16 evidence that may be submitted.

17 No more than thirty days after entry of an order  
18 for continued custody, and thereafter at intervals  
19 of not more than sixty days as long as the defendant  
20 is in custody, the chief medical officer of the  
21 facility to which the defendant is committed shall  
22 report to the court which entered the order. Each  
23 periodic report shall describe the defendant's  
24 condition and state the chief medical officer's  
25 prognosis if the defendant's condition has remained  
26 unchanged or has deteriorated. The court shall forward  
27 a copy of each report to the defendant's attorney  
28 and to the attorney for the state.

29 If the chief medical officer reports at any time  
30 that the defendant is no longer mentally ill and is  
31 no longer dangerous to the defendant's self or to  
32 others, the court shall, upon hearing, order the  
33 release of the defendant unless the court finds that  
34 continued custody and treatment are necessary to  
35 protect the safety of the defendant's self or others  
36 in which case the court shall order the defendant  
37 committed to the Iowa security and medical facility  
38 for further evaluation, treatment, and custody.

39 Sec. 6. Rule of criminal procedure 22, section

40 3, subsections b and c, Iowa court rules, 2d ed.,  
 41 are amended by striking the subsections and inserting  
 42 in lieu thereof the following:  
 43 b. WHAT MAY BE SHOWN FOR CAUSE. The defendant  
 44 may show for cause against the entry of judgment any  
 45 sufficient ground for a new trial or in arrest of  
 46 judgment.  
 47 c. INCOMPETENCY. If it reasonably appears to  
 48 the court that the defendant is suffering from a  
 49 mental disorder which prevents the defendant from  
 50 appreciating or understanding the nature of the

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1 proceedings or effectively assisting defendant's  
 2 counsel, judgment shall not be immediately entered  
 3 and the defendant's mental competency shall be  
 4 determined according to the procedures described in  
 5 sections 812.3 through 812.5.  
 6 Sec. 7. Sections 226.28, 226.29, and 229.20, Code  
 7 1983, are repealed."

PATRICK J. DELUHERY  
 TOM MANN, JR.

S-5709

1 Amend Senate File 2299 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. Section 257.25, subsection 9,  
 5 unnumbered paragraph 1, Code 1983, is amended to read  
 6 as follows:  
 7 To facilitate the implementation and economical  
 8 operation of the educational program defined in  
 9 subsections 4 and 2 through 6, each school offering  
 10 any of grades seven through twelve, except a school  
 11 which offers grades one through eight as an elementary  
 12 school, shall have:  
 13 Sec. 2. Section 257.25, subsection 9, paragraph  
 14 b, Code 1983, is amended by striking the paragraph.  
 15 Sec. 3. Section 257.25, Code 1983, is amended  
 16 by adding the following new subsection:  
 17 **NEW SUBSECTION. 9A.** To facilitate the  
 18 implementation and economical operation of the  
 19 educational program defined in subsections 4 and 6,  
 20 each school offering any of grades seven through  
 21 twelve, except a school that offers grades one through  
 22 eight as an elementary school shall have a qualified  
 23 school guidance counselor who shall meet the  
 24 certification and approval standards prescribed by

25 the department of public instruction. The guidance  
 26 counselor may be employed on a part-time or full-time  
 27 basis, or may devote only part time to counseling  
 28 services, according to the needs of the school and  
 29 the availability of guidance personnel, as determined  
 30 by the local board. The state board shall recommend  
 31 standards based upon the number of students in  
 32 attendance and other appropriate factors. Other  
 33 members of the noninstructional professional staff,  
 34 including but not limited to physicians, dentists,  
 35 nurses, school psychologists, speech therapists and  
 36 other specialists, may also be employed or shared  
 37 by one or more schools. The guidance counselor shall  
 38 meet the certification and approval standards of the  
 39 department of public instruction and noninstructional  
 40 staff members shall meet the professional practice  
 41 requirements of this state relating to their special  
 42 services.

43 Sec. 4. Section 275.1, unnumbered paragraph 1,  
 44 Code Supplement 1983, is amended to read as follows:

45 It is declared to be the policy of the state to  
 46 encourage economical and efficient school districts  
 47 which will ensure an equal educational opportunity  
 48 to all children of the state. All areas of the state  
 49 shall be in school districts maintaining kindergarten  
 50 and twelve grades. If ~~any~~ a school district ceases

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1 to maintain kindergarten and twelve grades except  
 2 as otherwise provided in sections 280.15, 257.28,  
 3 and 282.7, subsection 1, it shall reorganize within  
 4 six months or the state board shall attach the school  
 5 district not maintaining kindergarten and twelve  
 6 grades to one or more adjacent districts. Voluntary  
 7 reorganizations under this chapter shall be commenced  
 8 only if the affected school districts are contiguous  
 9 to one another. A reorganized district shall meet  
 10 the requirements of section 275.3.

11 Sec. 5. Section 279.34, Code Supplement 1983,  
 12 is amended by striking the section and inserting in  
 13 lieu thereof the following:

14 **279.34 PUBLICATION OF FINANCIAL STATEMENT AND**  
 15 **WARRANTS.** In each school district, the board shall  
 16 publish by one insertion in at least one newspaper,  
 17 if there is a newspaper published in the district,  
 18 the following statements verified by affidavit of  
 19 the secretary of the board:

20 1. Quarterly a summary of the proceedings of the



21 board pertaining to financial matters or expenses  
22 to the district for the previous quarter, including  
23 the list of all warrants issued by the board, the  
24 names of the persons, firms or corporations receiving  
25 same, the amount thereof and the reason therefor;  
26 except warrants issued to persons regularly employed  
27 by the school district for services regularly performed  
28 by them.

29 2. During the second week of August of each year  
30 a summarized statement of the board showing the  
31 receipts and disbursements of all funds for the  
32 preceding school year and a statement listing persons  
33 regularly employed by the school district for services  
34 regularly performed by them with the total compensation  
35 of wages and benefits received in the preceding school  
36 year by each employee, including but not limited to,  
37 contributions by the school district to the Iowa  
38 public employees retirement system, for insurance,  
39 annuities, housing, motor vehicles, fuel, and club  
40 and organization memberships or dues.

41 3. The fee for publication of the statements  
42 required by this section shall not exceed three-fifths  
43 of the legal publication fee provided by statute for  
44 the publication of legal notices.

45 Sec. 6. Section 279.42, Code 1983, is amended  
46 to read as follows:

47 279.42 GIFTS TO SCHOOLS. The board of directors  
48 of any school district which receives funds through  
49 gifts, devises and bequests may utilize the same them,  
50 unless limited by the terms of the grant, in the

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1 general, extracurricular activity, or schoolhouse  
2 fund expenditures.

3 Sec. 7. NEW SECTION. 279.43 EXTRACURRICULAR  
4 ACTIVITIES. Costs of extracurricular activities that  
5 are extensions of the educational program of a school  
6 district, except for the costs of interscholastic  
7 athletic activities and cheerleading activities, may  
8 be paid from the general fund of the school district.

9 Sec. 8. NEW SECTION. 279A.1 EXTRACURRICULAR  
10 ACTIVITIES. For the school year beginning July 1,  
11 1985, and succeeding school years, a school district  
12 shall not expend general fund revenues for the costs  
13 to the district for interscholastic athletic activities  
14 and cheerleading activities. The costs of these  
15 activities include compensation for coaches and  
16 sponsors; and the costs of officials, judges, and

17 other personnel; protective gear; uniforms; supplies  
 18 and equipment; and transportation to and from practices  
 19 and events, including fuel, driver, insurance,  
 20 depreciation of the bus, and a pro rata portion of  
 21 maintenance costs. The board of directors of a school  
 22 district shall not charge students a fee for  
 23 participation in an interscholastic athletic activity  
 24 or cheerleading activity.

25 The costs of interscholastic athletic activities  
 26 and cheerleading activities shall be paid from the  
 27 extracurricular activity fund created in section  
 28 291.13A.

29 **Sec. 9. NEW SECTION. 279A.2 APPROVAL OF LEVY**  
 30 **AND SURTAX.** For the school year beginning July 1,  
 31 1985, and each succeeding school year, the board of  
 32 a school district may by a majority vote of the board  
 33 vote to raise money for the extracurricular activity  
 34 fund as provided in this section. The board shall  
 35 determine the amount needed for the extracurricular  
 36 activity fund based upon the costs of interscholastic  
 37 athletic activities and cheerleading activities for  
 38 the previous school year and upon other revenues in  
 39 the fund and shall set a date for a public hearing  
 40 on the issue. The date and location of the public  
 41 hearing shall be published in a newspaper in general  
 42 circulation in the district not less than fourteen  
 43 days before the date set for the hearing. Following  
 44 the public hearing, a majority of the board may approve  
 45 raising an amount for the extracurricular activity  
 46 fund.

47 The amount shall be raised by a combination of  
 48 an extracurricular activity property tax and an  
 49 extracurricular activity income surtax imposed in  
 50 the proportion of a property tax of twenty-seven cents

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1 per thousand dollars of assessed valuation of taxable  
 2 property in the district for each five percent of  
 3 income surtax.

4 **Sec. 10. NEW SECTION. 279A.3 EXTRACURRICULAR**  
 5 **ACTIVITY AMOUNT.** The board shall certify to the state  
 6 comptroller the extracurricular activity amount to  
 7 be raised, and the state comptroller shall establish  
 8 the amount of extracurricular activity property tax  
 9 to be levied and the amount of the extracurricular  
 10 activity income surtax to be imposed for the school  
 11 year. The state comptroller shall determine these  
 12 amounts based upon the most recent figures available

13 for the district's valuation of taxable property and  
14 individual state income tax paid, and shall certify  
15 to the district's county auditor the amount of  
16 extracurricular activity property tax, and to the  
17 director of revenue the amount of extracurricular  
18 activity income surtax to be imposed. Moneys collected  
19 from the extracurricular activity property tax and  
20 extracurricular activity income surtax shall be  
21 deposited in the extracurricular activity fund.

22 **Sec. 11. NEW SECTION. 279A.4 INCOME SURTAX.**

23 The extracurricular activity income surtax shall be  
24 imposed on the state individual income tax for the  
25 calendar year during which the school's budget year  
26 begins, or for a taxpayer's fiscal year ending during  
27 the second half of that calendar year or the first  
28 half of the succeeding calendar year, and shall be  
29 imposed on all individuals residing in the school  
30 district on the last day of the applicable tax year.

31 As used in this section, "state individual income  
32 tax" means the tax computed under section 422.5, less  
33 the deductions allowed in section 422.12, and "budget  
34 year" means budget year as defined in section 442.6.

35 **Sec. 12. NEW SECTION. 279A.5 STATUTES APPLICABLE.**

36 Sections 442.16 through 442.20 apply to the  
37 extracurricular activity income surtax.

38 **Sec. 13.** Section 280.15, Code 1983, is amended  
39 to read as follows:

40 **280.15 JOINT EMPLOYMENT AND SHARING. ~~Any two~~**

41 **Two** or more public school districts may jointly employ  
42 and share the services of any school personnel, or  
43 acquire and share the use of classrooms, laboratories,  
44 equipment and facilities. Classes made available  
45 to students in the manner provided in this section  
46 shall be considered as complying with the requirements  
47 of section 275.1 relating to the maintenance of  
48 kindergarten and twelve grades by a school district.

49 **Sec. 14.** Section 282.7, subsection 1, Code  
50 Supplement 1983, is amended to read as follows:

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1 1. The board of directors of a school district  
2 by record action may discontinue any or all of grades  
3 seven through twelve and negotiate an agreement for  
4 attendance of the pupils enrolled in those grades  
5 in the schools of one or more contiguous school  
6 districts having approved school systems. If the  
7 board designates more than one contiguous district  
8 for attendance of its pupils, the board shall draw

9 boundary lines within the school district for  
 10 determining the school districts of attendance of  
 11 the pupils. The portion of a district so designated  
 12 shall be contiguous to the approved school district  
 13 designated for attendance. Only entire grades may  
 14 be discontinued under this subsection and if a grade  
 15 is discontinued, all higher grades in that district  
 16 shall also be discontinued. A school district that  
 17 has discontinued one or more grades under this  
 18 subsection has complied with the requirements of  
 19 section 275.1 relating to the maintenance of  
 20 kindergarten and twelve grades. A pupil who graduates  
 21 from another school district under this subsection  
 22 shall receive a diploma from the receiving district.  
 23 Tuition shall be paid by the resident district as  
 24 provided in section 282.24, subsection 2. The  
 25 agreement shall provide for tuition, transportation,  
 26 and authority and liability of the affected boards.  
 27 Sec. 15. Section 291.13, Code 1983, is amended  
 28 to read as follows:

29 **291.13 GENERAL AND SCHOOLHOUSE FUNDS.** The money  
 30 collected by a tax authorized by the electors or the  
 31 proceeds of the sale of bonds authorized by law or  
 32 the proceeds of a tax estimated and certified by the  
 33 board for the purpose of paying interest and principal  
 34 on lawful bonded indebtedness or for the purchase  
 35 of sites as authorized by law, shall be called the  
 36 schoolhouse fund and, except when authorized by the  
 37 electors, may be used only for the purpose for which  
 38 originally authorized or certified. The money  
 39 collected for interscholastic athletic activities  
 40 and cheerleading activities shall be called the  
 41 extracurricular activity fund. All other moneys  
 42 received for any other purpose shall be called the  
 43 general fund. The treasurer shall keep a separate  
 44 account with each fund, paying no order that fails  
 45 to state the fund upon which it is drawn and the  
 46 specific use to which it is to be applied.

47 **Sec. 16. NEW SECTION. 291.13A EXTRACURRICULAR**  
 48 **ACTIVITY FUND.** The extracurricular activity fund  
 49 is created for the purposes listed in section 279A.1.  
 50 The extracurricular activity fund shall contain moneys

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1 collected pursuant to chapter 279A, moneys received  
 2 as the costs of admission to interscholastic athletic  
 3 activities, money collected by students and by school  
 4 organizations and associations as a result of

5 fundraising activities, and gifts and donations to  
6 the school district for interscholastic athletic  
7 activities and cheerleading. Moneys deposited in  
8 the extracurricular activity fund are not subject  
9 to chapter 442.

10 Sec. 17. Section 291.15, Code 1983, is amended  
11 to read as follows:

12 291.15 ANNUAL REPORT. ~~He~~ The treasurer shall  
13 make an annual report to the board at its regular  
14 July meeting, which shall show the amount of the  
15 general fund, ~~the extracurricular activity fund,~~ and  
16 the schoolhouse fund held over, received, paid out,  
17 and on hand, the several funds to be separately stated,  
18 and ~~he~~ the treasurer shall immediately file a copy  
19 of this report with the superintendent of public  
20 instruction and a copy with the county treasurer.

21 Sec. 18. Section 442.4, subsection 1, Code  
22 Supplement 1983, is amended by adding the following  
23 new unnumbered paragraph after unnumbered paragraph  
24 2:

25 NEW UNNUMBERED PARAGRAPH. For the budget year  
26 beginning July 1, 1985 and each subsequent budget  
27 year, resident pupils enrolled in kindergarten and  
28 pupils eligible to enroll in kindergarten who are  
29 enrolled in public school for the year preceding  
30 kindergarten are included in basic enrollment on a  
31 full-time equivalent basis as of the second Friday  
32 of September in the base year.

33 Sec. 19. Section 442.4, Code Supplement 1983,  
34 is amended by adding the following new subsection:

35 NEW SUBSECTION. 5A. For the school year commencing  
36 July 1, 1985 and succeeding school years, each full-  
37 time equivalent resident pupil enrolled in a school  
38 district on the second Friday of September in the  
39 base year in kindergarten, first, second, or third  
40 grade that is enrolled in a classroom that has eighteen  
41 or fewer pupils with one certificated teacher, or  
42 twenty-seven or fewer pupils with one certificated  
43 teacher and at least one salaried teacher aide,  
44 assigned to it shall have an additional weight added  
45 to the school district's adjusted enrollment for the  
46 budget year. The additional weight for each pupil  
47 who qualifies under this subsection is one-tenth of  
48 one.

49 For the purpose of this section, a pupil enrolled  
50 in kindergarten includes a pupil eligible to enroll

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1 in kindergarten who is enrolled in public school for  
2 the year preceding kindergarten.

3 Funds received by a school district under this  
4 subsection shall be expended for the educational  
5 program of the school district.

6 Sec. 20. Section 442.4, subsection 6, unnumbered  
7 paragraph 1, Code Supplement 1983, is amended to read  
8 as follows:

9 For the school year beginning July 1, ~~1980~~ 1985,  
10 and each subsequent school year, weighted enrollment  
11 is the budget enrollment as modified by application  
12 of the special education weighting plan in section  
13 ~~281.9, and the supplementary weighting plan in section~~  
14 ~~442.39, and the elementary weighting plan in section~~  
15 19 of this Act, in this chapter.

16 Sec. 21. Section 442.7, subsection 1, Code  
17 Supplement 1983, is amended by striking the subsection  
18 and inserting in lieu thereof the following:

19 1. For the budget school year beginning July 1,  
20 1986 and subsequent school years, a state percent  
21 of growth for the budget year shall be computed by  
22 the state comptroller prior to September 15 in the  
23 base year and forwarded to the superintendent of  
24 public instruction. The state percent of growth shall  
25 be an average of the difference in the receipts of  
26 state general fund revenues computed or estimated  
27 as follows:

28 a. The percentage of change between the revenues  
29 received during the second year preceding the base  
30 year and the revenues received during the year  
31 preceding the base year.

32 b. The percentage of change between the revenues  
33 received during the year preceding the base year and  
34 the revenues received during the base year.

35 Sec. 22. Section 442.7, subsection 4, Code  
36 Supplement 1983, is amended by striking the subsection  
37 and inserting in lieu thereof the following:

38 4. Each year prior to September 15 the state  
39 comptroller shall recompute the state percent of  
40 growth for the base year using adjusted estimates  
41 and the actual figures available. The difference  
42 between the recomputed state percent of growth for  
43 the base year and the original computation shall be  
44 added to or subtracted from the state percent of  
45 growth for the budget year, as applicable.

46 Sec. 23. Section 442.9, subsection 1, paragraph  
47 a, Code Supplement 1983, is amended to read as follows:

48 a. As used in this chapter, "district cost per  
49 pupil" for the school year beginning July 1, 1975,  
50 and subsequent school years means district cost per

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1 pupil in weighted enrollment. The district cost per  
2 pupil for the budget year is equal to the district  
3 cost per pupil for the base year plus the allowable  
4 growth. However, district cost per pupil does not  
5 include additional allowable growth added for programs  
6 for gifted and talented children, and for programs  
7 for returning dropouts, and for programs for elementary  
8 school media centers, under this chapter or for school  
9 districts that have a negative balance of funds raised  
10 for special education instruction programs under  
11 section 442.13, subsection 14, paragraph "b", and  
12 does not include additional allowable growth  
13 established by the school budget review committee  
14 for a single school year only.

15 Sec. 24. NEW SECTION. 442.26A PENALTY. Annually,  
16 the state comptroller shall determine for each school  
17 district the amount of state aid that the district  
18 receives under this chapter and shall divide that  
19 amount by one hundred eighty to determine a state  
20 aid amount per day.

21 The state comptroller shall reduce the amount of  
22 the next following state aid payment by the state  
23 aid amount per day for each day that a report required  
24 by law or by rule adopted by the state board of public  
25 instruction or the state comptroller has not been  
26 received by the appropriate state official. The  
27 department of public instruction shall notify the  
28 state comptroller concerning the names of the school  
29 districts and the number of days the reports are  
30 delinquent.

31 Sec. 25. Section 442.39, subsection 4, Code  
32 Supplement 1983, is amended to read as follows:  
33 4. For the school year beginning July 1, 1988  
34 1985 and succeeding school years, a school district  
35 receiving additional funds under subsection 2 for  
36 its pupils at the ninth grade level and above that  
37 are enrolled in sequential mathematics courses at  
38 the advanced algebra level and above; chemistry;  
39 advanced chemistry; physics or advanced physics  
40 courses; or foreign language courses at the second  
41 year level and above shall have an additional weighting  
42 of one regular pupil added to its total.

43 Sec. 26. NEW SECTION. 442.58 TRANSPORTATION  
44 ASSISTANCE AMOUNT.

45 1. For the budget year beginning July 1, 1985,  
46 and each succeeding school year, the board of a school  
47 district may by a majority of the board vote to raise  
48 additional money beyond the amount authorized under  
49 sections 442.1 through 442.13 for school transportation  
50 costs for public school pupils provided under chapter

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1 285.

2 2. The transportation assistance amount for a  
3 school district shall not exceed the public school  
4 transportation costs in that district for the base  
5 year or one hundred fifty dollars multiplied by the  
6 average number of public school pupils transported  
7 by that district during the base year, whichever is  
8 less.

9 The board shall determine the transportation  
10 assistance amount needed within the limits of this  
11 section and shall set a date for a public hearing  
12 on the issue. The date and location of the public  
13 hearing shall be published in a newspaper in general  
14 circulation in the district not less than fourteen  
15 days before the date set for the hearing.

16 If a majority of the board approves raising the  
17 transportation assistance amount, the board shall  
18 include the approved amount in its certified bud-  
19 get for the budget year.

20 The public school transportation costs in the  
21 district for the base year shall be determined on  
22 the basis of the actual costs for the portion of the  
23 year they are known and by estimating the costs for  
24 the remainder of the year.

25 3. The transportation assistance amount shall  
26 be raised within the limits of this section by a  
27 combination of a transportation property tax and a  
28 school district transportation income surtax imposed  
29 in the proportion of a property tax of twenty-seven  
30 cents per thousand dollars of assessed valuation of  
31 taxable property in the district for each five percent  
32 of income surtax.

33 Sec. 27. NEW SECTION. 442.59 COMPUTATION OF  
34 TRANSPORTATION ASSISTANCE AMOUNT. The board shall  
35 certify to the state comptroller the transportation  
36 assistance amount to be raised, and the state  
37 comptroller shall establish the amount of trans-  
38 portation property tax to be levied and the amount  
39 of the school district transportation income surtax  
40 to be imposed for each school year for which the



41 transportation assistance amount is authorized. The  
42 state comptroller shall determine these amounts based  
43 upon the most recent figures available for the  
44 district's valuation of taxable property, individual  
45 state income tax paid, and the average number of  
46 pupils transported in the district during the base  
47 year, and shall certify to the district's county  
48 auditor the amount of transportation property tax,  
49 and to the director of revenue the amount of school  
50 district transportation income surtax to be imposed.

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1     Sec. 28. NEW SECTION. 442.60 SCHOOL DISTRICT  
2 TRANSPORTATION INCOME SURTAX. The school district  
3 transportation income surtax shall be imposed on the  
4 state individual income tax for the calendar year  
5 during which the school's budget year begins, or for  
6 a taxpayer's fiscal year ending during the second  
7 half of that calendar year or the first half of the  
8 succeeding calendar year, and shall be imposed on  
9 all individuals residing in the school district on  
10 the last day of the applicable tax year. As used  
11 in this section, "state individual income tax" means  
12 the tax computed under section 422.5, less the  
13 deductions allowed in section 422.12.

14     Sec. 29. NEW SECTION. 442.62 IMPLEMENTATION  
15 OF SURTAX. Sections 442.16 through 442.20 apply to  
16 the school district transportation income surtax.

17     Sec. 30. NEW SECTION. 442.63 ARBITRATOR'S  
18 DECISION. An arbitrator appointed pursuant to chapter  
19 20 shall not require that a school district raise  
20 a transportation assistance amount.

21     Sec. 31. NEW SECTION. 442.66 MEDIA CENTER COSTS.  
22 For the school year beginning July 1, 1985 and each  
23 succeeding school year, the board of directors of  
24 a school district may submit an application to the  
25 department of public instruction to use additional  
26 allowable growth for the costs of media centers for  
27 elementary schools in order to meet the requirements  
28 of section 257.25, subsection 9 in the elementary  
29 schools. The board shall submit detailed program  
30 plans and budget costs to the department not later  
31 than November 1 of the base year. The department  
32 shall review the program plans and shall, prior to  
33 January 15, either grant approval for the program  
34 or return the request for approval with comments of  
35 the department. An unapproved request may be  
36 resubmitted with modifications not later than February

37 1. Not later than February 15, the department shall  
38 notify the state comptroller and the school budget  
39 review committee of the names of the school districts  
40 using additional allowable growth and the approved  
41 budget for each program listed separately. The state  
42 comptroller shall establish a modified allowable  
43 growth for each district having an approved program.  
44 Sec. 32. SCHOOL IMPROVEMENT PROJECTS. For the  
45 school year beginning July 1, 1985, the board of a  
46 school district may by a majority vote of the board  
47 vote to request approval from the department of public  
48 instruction to raise money for a school improvement  
49 project.  
50 The amount of money raised in a district for a

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1 school improvement project shall not exceed an amount  
2 equal to two percent multiplied by the district cost  
3 of the district. School improvement project shall  
4 be developed in a school district under section 280.12.  
5 Prior to the vote, the board of directors shall conduct  
6 an educational needs assessment of the school district.  
7 The various activities included in the proposal for  
8 a school improvement project shall be determined by  
9 the board in consultation with a steering committee  
10 appointed by the board that includes representatives  
11 of school personnel and the communities in the school  
12 district.

13 The board of directors shall hold a public hearing  
14 on the school improvement project prior to its  
15 submission to the department of public instruction.  
16 The date and location of the public hearing shall  
17 be published in a newspaper in general circulation  
18 in the district not less than fourteen days before  
19 the date set for the hearing. Following the hearing,  
20 the board may vote to submit the plans for the project  
21 to the department of public instruction.

22 Sec. 33. PLANS. Plans for a school improvement  
23 project shall be submitted to the department not later  
24 than December 1, 1984 and they shall include all of  
25 the following:

- 26 1. Verification that the procedures outlined for  
27 the board of directors in section 32 of this Act have  
28 been met.
- 29 2. Statements of expectations in each area of  
30 the curriculum with appropriate curriculum development  
31 activities.
- 32 3. Statements of expectations for improvement

33 of instruction with appropriate staff development  
34 activities.

35 4. Stated criteria for program and personnel  
36 appraisal and provision for a continuing record of  
37 progress.

38 Sec. 34. APPROVAL BY DEPARTMENT. The department  
39 of public instruction shall review the plans for  
40 compliance and the requirements of section 33 of this  
41 Act, and not later than March 1, 1985, shall inform  
42 the boards of directors of districts for which the  
43 department has approved projects.

44 Sec. 35. FUNDING. The amount of funding approved  
45 for a school improvement project shall be raised by  
46 a combination of a property tax and an income surtax  
47 imposed in the proportion of a property tax of twenty-  
48 seven cents per thousand dollars of assessed valuation  
49 of taxable property in the district for each five  
50 percent of income surtax.

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1 The board shall certify to the state comptroller  
2 the amount to be raised, and the state comptroller  
3 shall establish the amount of property tax to be  
4 levied and the amount of the income surtax to be  
5 imposed for the school year beginning July 1, 1985.  
6 The state comptroller shall determine these amounts  
7 based upon the most recent figures available for the  
8 district's valuation of taxable property and individual  
9 state income tax paid, and shall certify to the  
10 district's county auditor the amount of property tax,  
11 and to the director of revenue the amount of income  
12 surtax to be imposed. Moneys collected from the  
13 property tax and income surtax are miscellaneous  
14 income. However, a separate accounting of the funds  
15 raised for the school improvement project shall be  
16 maintained and these funds shall only be expended  
17 for expenses incurred in funding the school improvement  
18 project.

19 Sec. 36. INCOME SURTAX. The income surtax shall  
20 be imposed on the state individual income tax for  
21 the calendar year during which the school's budget  
22 year begins, or for a taxpayer's fiscal year ending  
23 during the second half of that calendar year or the  
24 first half of the succeeding calendar year, and shall  
25 be imposed on all individuals residing in the school  
26 district on the last day of the applicable tax year.  
27 As used in this section, "state individual income  
28 tax" means the tax computed under section 422.5, less

29 the deductions allowed in section 422.12, and "budget  
30 year" means budget year as defined in section 442.6.

31 Sections 442.16 through 442.20 apply to the income  
32 surtax for school improvement projects.

33 Sec. 37. In addition to the requirements of section  
34 281.9, the school budget review committee shall  
35 establish the weighting plan for the school year  
36 beginning July 1, 1985 based upon the average costs  
37 of providing instruction for children requiring special  
38 education in the categories of the weighting plan  
39 established in section 281.9 and based upon the state  
40 cost per pupil and the district costs per pupil for  
41 the school year beginning July 1, 1985 calculated  
42 pursuant to sections 442.8 and 442.9. Notwithstanding  
43 section 281.9, subsection 4, the school budget review  
44 committee may increase or decrease the weighting  
45 assigned to each category of children requiring special  
46 education by more than two-tenths of the weighting  
47 assigned to pupils in a regular curriculum.

48 Sec. 38. NEW SECTION. 276.1 TITLE. This chapter  
49 may be cited as the "Community Education Act".

50 Sec. 39. NEW SECTION. 276.1A PURPOSE. It is

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1 the purpose of this chapter to provide educational,  
2 recreational, cultural, and other community services  
3 and programs through the establishment of the concept  
4 of community education with the community school  
5 serving as the center for such activity. In co-  
6 operation with other community agencies and groups,  
7 it is the purpose of the community education Act to  
8 mobilize community resources to solve identified  
9 community concerns and to promote a more efficient  
10 and expanded use of existing school buildings and  
11 equipment, to provide leadership in working with other  
12 entities, to mobilize the human and financial resources  
13 of a community, and to provide a wide range of  
14 opportunities for all socioeconomic, ethnic, and age  
15 groups. A related purpose of this chapter is to  
16 develop a sense of community in which the citizenry  
17 cooperates with the school and community agencies  
18 and groups to resolve their school and community  
19 concerns and to recognize that the schools belong  
20 to the people, and that as the entity located in every  
21 neighborhood, the schools are available for use by  
22 the community day and night, year-round or any time  
23 when the programming will not interfere with the  
24 elementary and secondary program.

25 Sec. 40. NEW SECTION. 276.2 DEFINITIONS. As  
26 used in this chapter, unless the context otherwise  
27 requires:

28 1. "Community education" means a life-long  
29 education process concerning itself with every facet  
30 that affects the well-being of all citizens within  
31 a given community. It extends the role of the school  
32 from one of teaching children through an elementary  
33 and secondary program to one of providing for citizen  
34 participation in identifying the wants, needs, and  
35 concerns of the neighborhood community and co-  
36 ordinating all educational, recreational, and cultural  
37 opportunities within the community with community  
38 education being the catalyst for providing for citizen  
39 participation in the development and implementation  
40 of programs toward the goal of improving the entire  
41 community.

42 Community education energizes people to strive  
43 for the achievement of determined goals and stimulates  
44 capable persons to assume leadership responsibilities.  
45 It welcomes and works with all groups, it draws no  
46 lines. It is the one institution in the entire  
47 community that has the opportunity to reach all people  
48 and groups and to gain their cooperation.

49 2. "Community advisory council" means a  
50 representative group of citizens from the community

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1 which shall provide support and guidance in the  
2 planning, selection, development, implementation,  
3 operation, and evaluation of a community education  
4 program.

5 3. "Community education coordinator" or  
6 "coordinator" means a person who has received  
7 specialized training to promote, organize, and direct  
8 a community education program.

9 4. "Community education director" or "director"  
10 means a person who has received extensive specialized  
11 training to promote, organize, and direct a community  
12 education program.

13 5. "Program" means the process or the overall  
14 procedure for implementing this chapter.

15 6. "Department" means the department of public  
16 instruction.

17 7. "Community school" means any elementary or  
18 secondary school.

19 8. "Community" means the area located within the  
20 boundaries of the local school district.

21 9. "State consultant" means the state community  
22 education consultant.

23 10. "State advisory council" means the council  
24 established by section 276.6.

25 11. "Board" means the local board of directors  
26 of school districts.

27 Sec. 41. NEW SECTION. STATE CONSULTANT. State  
28 consultant of community education shall serve district  
29 and local advisory councils in accordance with rules  
30 promulgated by the superintendent of public  
31 instruction.

32 Sec. 42. NEW SECTION. LOCAL DIRECTOR. The local  
33 community education director shall:

34 1. Serve as staff person to district-wide and  
35 local advisory councils.

36 2. Promote, publicize, and interpret the community  
37 education programs to the schools and community.

38 3. Facilitate community needs and resources after  
39 adequate assessment.

40 4. Seek ideas, promote people involvement in the  
41 process, and open lines of communication and  
42 coordination.

43 5. Stimulate planning to meet needs.

44 6. Schedule community-use hours available in  
45 school-plant facilities and related equipment and  
46 coordinate such use with building principals or  
47 designated representatives.

48 7. Prepare the community education budget in  
49 concert and with approval of the district-wide advisory  
50 council, and administer the budget after final approval

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1 by the board of directors.

2 Sec. 43. NEW SECTION. STATE ADVISORY COUNCIL.

3 1. The state advisory council is established  
4 consisting of nine members appointed by the state  
5 board of public instruction for three-year terms.  
6 The purpose of the community school advisory council  
7 is to promote educational, recreational, cultural  
8 and other community services through the maximum use  
9 of school facilities. The state council shall consist  
10 of members who are broadly representative of the  
11 educational, recreational, cultural, and social  
12 entities of the state. Members shall be appointed  
13 from various geographic locations throughout the state  
14 and shall represent various socioeconomic, ethnic,  
15 and age groups. Terms of office shall commence on  
16 July 1 of the year in which the appointment is made

17 and shall continue until a successor is appointed  
18 and qualifies. However, for the initial council,  
19 three members shall be appointed for three-year terms,  
20 three members for two-year terms, and three members  
21 for one-year terms. Vacancies occurring on the state  
22 council shall be filled for the unexpired term in  
23 the same manner as the original appointment.

24 2. The members of the state council shall serve  
25 without compensation, but shall be reimbursed for  
26 actual expenses and travel incurred while the member  
27 is on official business of the state council.

28 3. The members of the council shall meet annually  
29 as soon after July 1 as possible to organize at a  
30 time and place designated by the state consultant.  
31 Thereafter, meetings may be called by the chairperson  
32 or a majority of members. The state council shall  
33 elect a chairperson and such other officers as it  
34 deems necessary. The state consultant shall serve  
35 as secretary for the state council.

36 **Sec. 44. NEW SECTION. DUTIES OF STATE COUNCIL.**

37 The state council shall:

38 1. Establish and maintain close cooperation and  
39 understanding among the various groups throughout  
40 the state affected by community education programs.

41 2. Provide a forum for the discussion, development,  
42 and recommendation of public policy alternatives for  
43 community education programs.

44 3. Serve as a clearinghouse for information on  
45 matters relating to community education programs and  
46 similar programs throughout the United States.

47 4. Serve as a clearinghouse for resource persons,  
48 associations, and groups of all kinds, coordinating  
49 assistance to school districts which have specific  
50 needs.

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1 5. Provide an annual report to the state board  
2 of public instruction.

3 6. Perform other functions necessary to insure  
4 the orderly and coordinated development of community  
5 school programs in the state.

6 **Sec. 45. NEW SECTION. ESTABLISHMENT OF PROGRAM.**

7 1. The board of directors of a local school  
8 district may establish a community education program  
9 for schools in the district and provide for the general  
10 supervision of the program. Financial support for  
11 the program shall be provided from funds raised  
12 pursuant to section 276.8 and from any private funds  
13 and any federal funds made available for the purpose  
14 of implementing this chapter. The program which  
15 recognizes that the schools belong to the people and

16 which shall be centered in the schools may include  
 17 but shall not be limited to the use of the school  
 18 facilities day and night, year round including weekends  
 19 and regular school vacation periods for educational,  
 20 recreational, cultural, and other community services  
 21 and programs for all age, ethnic, and socioeconomic  
 22 groups residing in the community.

23 2. If a community education program is established,  
 24 the board shall appoint a community education director  
 25 who shall have professional training in the field  
 26 of community education, recreation, or comparable  
 27 experience.

28 3. Upon establishment of a community education  
 29 program, the board shall provide for the selection  
 30 of an advisory council which shall be responsible  
 31 to the board and shall cooperate with and assist the  
 32 board and the local community education director.  
 33 The board shall also provide for the selection of  
 34 local advisory councils.

35 4. The board shall receive an annual report and  
 36 budget recommendation from the advisory council and  
 37 may request supplementary reports as needed.

38 5. The school districts may cooperate with merged  
 39 area schools, institutions under the control of the  
 40 state board of regents, and area education agencies  
 41 in providing community education programs.

42 6. The board may use opportunities available under  
 43 any public law for community education.

44 7. The board may approve cooperation and pooling  
 45 of funds with other school districts.

46 Sec. 46. NEW SECTION. 276.3 MINIMUM ELEMENTS  
 47 OF COMMUNITY EDUCATION PROGRAM. Each community  
 48 education program receiving assistance pursuant to  
 49 this chapter shall include all of the following:

50 1. Provision for the direct and substantial

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1 involvement of a public elementary or secondary school  
 2 in a school district in the administration and  
 3 operation of the program.

4 2. Service to an identified community which is  
 5 at least coextensive with the school attendance area  
 6 for the regular instructional program of the school  
 7 involved in the administration and operation of the  
 8 program, except where special circumstances warrant  
 9 the identification of a smaller community.

10 3. Services which are sufficiently concentrated  
 11 and comprehensive in a specific public facility.



12 including, but not limited to, any of the following:

13 a. A public elementary or secondary school.

14 b. A merged area school.

15 c. A community recreation or park center.

16 The services may be limited to one or several areas,  
17 including but not limited to, recreation or adult  
18 education. The services shall be provided for the  
19 number of hours required by the department. Satellite  
20 or mobile facilities connected with a community center  
21 may be used by the center for the provision of a  
22 portion of program activities and services and may  
23 include nonpublic facilities in the community which  
24 are made available for use by the public.

25 4. Extension of the program activities and services  
26 offered by and uses made of the public facility in  
27 terms of the services provided, the target population  
28 served, and the hours of service provided.

29 5. Inclusion of systematic and effective procedures  
30 for identifying and documenting on a continuing basis,  
31 the needs, interests, and concerns of the community  
32 served with respect to community education activities  
33 and services, and for responding to the needs,  
34 interests, and concerns.

35 6. Provision for the identification and utilization  
36 to the fullest extent possible of educational,  
37 cultural, recreational, and other existing and planned  
38 resources located outside of the school, including  
39 but not limited to services of volunteers, to enhance  
40 the size and quality of the program. The program  
41 shall be designed to encourage and utilize cooperative  
42 agreements and other arrangements among public and  
43 private agencies to make maximum use of existing  
44 talents and resources and to avoid the duplication  
45 of services.

46 7. Service to all age groups in the community,  
47 including preschool children, children and youths  
48 in schools, out-of-school youths, adults, and senior  
49 citizens, as well as groups within the community with  
50 special needs for community education services and

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1 activities, such as persons of limited English-speaking  
2 ability, mentally or physically handicapped or other  
3 health-impaired persons, or other special target  
4 groups not adequately served by existing programs  
5 within the community.

6 8. Provision for the active and continuous  
7 involvement, on an advisory basis, of institutions,  
8 groups, and individuals in the community including,

9 but not limited to, merged area schools, social,  
 10 recreational, and health organizations, and individuals  
 11 broadly representative of the community served, in  
 12 the planning and implementation of the program,  
 13 including but not limited to involvement in the  
 14 assessment of community needs and resources and in  
 15 the evaluation of the program.

16 Sec. 47. NEW SECTION. 276.4 ELIGIBLE APPLICANTS.

17 The following may apply to the department for  
 18 assistance for a community education program:

- 19 1. Local school boards.
- 20 2. Merged area boards of directors.
- 21 3. Area education agency boards of directors.
- 22 4. Park and recreation boards, commissions, or  
 23 governmental units that are able to serve the purposes  
 24 of this chapter.

25 Sec. 48. NEW SECTION. 276.5 ASSISTANCE.

26 1. The department shall review applications and  
 27 approve the applicants which meet the requirements  
 28 pursuant to section 276.3. The department may approve  
 29 eighty percent of the estimated cost to establish  
 30 a new community education program, not to exceed  
 31 twenty thousand dollars for one year, and fifty percent  
 32 of the estimated cost to expand, improve, or operate  
 33 a community education program, not to exceed ten  
 34 thousand dollars for one year. The applicants shall  
 35 pay from sources which are not from the federal or  
 36 state governments the remaining cost of implementing  
 37 the program.

38 2. The organizations or agencies specified in  
 39 section 276.4 during any fiscal year may apply to  
 40 the department under rules adopted by the department  
 41 under chapter 17A. The application shall include:

42 a. As many local organizations serving the target  
 43 population be given the opportunity to participate  
 44 in determining programs to be offered. This shall  
 45 include the opportunity for each organization to  
 46 review and comment prior to the submission of the  
 47 grant application.

48 b. The proposed plans for a minimum of at least  
 49 one local citizen's advisory council in the community  
 50 to implement the intent of community education.

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1 c. A description of each community education  
 2 program for which assistance is sought in sufficient  
 3 detail to show compliance with elements of the program  
 4 pursuant to section 276.3.

5 d. The evaluation design related to the program

6 goals and objectives.

7 e. The assurance that not more than ten percent  
8 of the total project allocations shall be used for  
9 direct client services.

10 f. Staff patterns for the program.

11 g. Documentation of all cooperative agreements  
12 between all cosponsors and participating agencies  
13 or organizations.

14 h. Assurance that funding from this chapter is  
15 received within a local school district through only  
16 one application regardless of the number of cosponsors  
17 of the program.

18 Sec. 49. NEW SECTION. 276.6 DEPARTMENT DUTIES.

19 The department of public instruction shall:

20 1. Obtain direct input from statewide organizations  
21 interested in community education development.

22 2. Reimburse each applicant operating a community  
23 education program under this chapter for no more than  
24 three years.

25 3. Distribute appropriate funding in a manner  
26 assuring a statewide geographic balance.

27 4. Establish priorities for funding the programs  
28 which demonstrate jointly planned and developed  
29 objectives under the terms of a cooperative agreement  
30 or program between any public school district, merged  
31 area school, area education agency, park and recreation  
32 department, or other similar public agency having  
33 jurisdiction within the boundaries of the agency.

34 5. Approve no more than one program in each local  
35 public school district area.

36 Sec. 50. NEW SECTION. 276.7 LEADERSHIP PROGRAMS.

37 The department shall make grants to public institutions  
38 of higher education and merged area schools for the  
39 development and establishment of programs for  
40 leadership in community education. A grant shall  
41 not exceed twenty-five thousand dollars each year  
42 and shall be used for effective training of community  
43 education directors, coordinators, advisory council  
44 members, and other personnel involved in community  
45 education.

46 An institution of higher education or merged area  
47 school application for a grant shall contain the  
48 following as part of the plan:

49 1. Provision of programs for the training of  
50 educators and other persons in the planning and

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1 operating of community education programs.

2 2. Provision of programs for the training of

3 persons to provide technical assistance to local  
4 communities.

5 3. Methods of training local advisory council  
6 personnel.

7 4. Demonstrating local capacity building in the  
8 areas of need assessment, interagency cooperation,  
9 funding, and evaluation.

10 5. Provision of evaluation information to the  
11 department regarding the cost effectiveness of the  
12 training programs.

13 6. Assurance and documentation that state funds  
14 will be used for community education project training  
15 only.

16 Sec. 51. NEW SECTION. 276.8 COMMUNITY EDUCATION

17 FUNDING. The school board of the affected school  
18 district may approve a tax of not to exceed thirteen  
19 and one-half cents per thousand dollars of assessed  
20 valuation for community education programs in the  
21 community after receiving funding from the department  
22 of public instruction. The tax may be used to match  
23 any state grants awarded pursuant to section 276.5.  
24 The property tax authorized in this section shall  
25 not be levied if the school district is levying a  
26 property tax under section 300.4.

27 Sec. 52. NEW SECTION. USE OF SPECIAL TAX LEVY.

28 If the voters of a school district have approved the  
29 levying of a tax pursuant to section 300.2 prior to  
30 July 7, 1978, moneys collected pursuant to the voted  
31 tax levy after said date may be used for community  
32 education programs.

33 Sec. 53. Chapter 276, Code 1983, is repealed.

34 Sec. 54. Section 279.36, Code 1983, is repealed.

35 Sec. 55. There is appropriated from the general  
36 fund of the state to the department of public  
37 instruction for the fiscal year beginning July 1,  
38 1985 and ending June 30, 1986 the following amounts,  
39 or so much thereof as is necessary, to be used for  
40 the purposes designated:

	1985-1986
	<u>Fiscal Year</u>
41	
42	
43 1. Planning, establishing, and .	
44 operating community education programs .....	\$ 150,000
45 2. Training of community educa-	
46 tion directors, coordinators, advi-	
47 sory council members, and other per-	
48 sonnel pursuant to section 276.7 .....	\$ 75,000

49 Sec. 56. The department of public instruction  
50 shall include in its secretary's annual reports

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1 required for the school year beginning July 1, 1984  
2 questions relating to the costs of interscholastic  
3 athletic activities and cheerleading activities.  
4 Sec. 57. For the school year beginning July 1,  
5 1985, the board of directors of a school district  
6 may loan moneys from its unexpended cash balance in  
7 its general fund to the extracurricular activity fund  
8 in an amount not exceeding the amount that will be  
9 received by the school district from the imposition  
10 of the extracurricular activity income surtax for  
11 the calendar year beginning January 1, 1984 or for  
12 a tax year ending in the last half of 1984 or the  
13 first half of 1985. The board of directors shall  
14 repay to the general fund the amount borrowed not  
15 later than February 5, 1986.

16 Sec. 58. Notwithstanding section 442.7, subsection  
17 4, for the budget year beginning July 1, 1985, the  
18 difference between the recomputed state percent of  
19 growth for the base year and the original computation  
20 for the base year is two and nine-tenths percent and  
21 that percent shall be added to the state percent of  
22 growth for the budget year.

23 Sec. 59. Sections 4, 5, 13, 14, 24, 32 through  
24 34, 54, and 56 of this Act and this section take  
25 effect July 1, 1984. Sections 9 through 12, 18 through  
26 20, 23, 25 through 31, 35 through 37, 57, and 58 of  
27 this Act take effect July 1, 1984 for computations  
28 required for the state school foundation program for  
29 the budget year beginning July 1, 1985. Sections  
30 1 through 3, 6 through 8, 15 through 17, 38 through  
31 53, and 55 of this Act take effect July 1, 1985.  
32 Sections 21 and 22 of this Act take effect July 1,  
33 1985 for computations required for the state school  
34 foundation program for the budget year beginning  
35 July 1, 1986. "Budget year" means budget year as  
36 defined in section 442.6."

JOE BROWN

S-5710

1 Amend House File 2068 as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, by inserting after line 13 the follow-  
4 ing:

5 "Sec. \_\_\_\_ . Section 476.5, Code 1983, is amended  
6 to read as follows:

7 476.5 ADHERENCE TO SCHEDULES--DISCOUNTS.

8 1. No A public utility subject to rate regulation

9 shall not directly or indirectly charge a greater  
 10 or less compensation for its services than that  
 11 prescribed in its tariffs, and ~~no~~ such public utility  
 12 shall not make or grant any unreasonable preferences  
 13 or advantages as to rates or services to any person  
 14 or subject any person to any unreasonable prejudice  
 15 or disadvantage.

16 2. Nothing in this section shall be construed  
 17 to prohibit any public utility furnishing  
 18 communications services from providing any service  
 19 rendered by it without charge or at reduced rate to  
 20 any of its active or retired officers, directors,  
 21 or employees, or such officers, directors or employees  
 22 of other public utilities furnishing communications  
 23 services. Provided, however, ~~said~~ the service is  
 24 for personal use, and not for engaging in a business  
 25 for profit.

26 3. Notwithstanding subsection 1, the commission  
 27 may approve electric and natural gas rates, charges  
 28 and schedules which provide incentives to industrial  
 29 and commercial customers if the commission finds all  
 30 of the following:

31 a. In the past year the utility has had excess  
 32 electric generating capacity or pipeline capacity.

33 b. There is a reasonable need for new employ-  
 34 ment opportunities.

35 c. The incentive rate, charge or schedule is  
 36 reasonably designed to attract new business or expand  
 37 existing production and employment.

38 d. Other customers of the utility will not  
 39 experience an increase in their rates as a result  
 40 of the incentives.

41 Any such incentive rates, charges or schedules  
 42 approved shall phase out within five years after their  
 43 implementation."

44 2. Title page, lines 4 and 5, by inserting after  
 45 the word "stockholders" the words "and allowing for  
 46 incentive rates".

EDGAR H. HOLDEN

S-5711

1 Amend Senate File 2331 as follows:

2 1. Page 1, line 4, by inserting after the  
 3 word "energy" the word "conservation".

4 2. Page 2, line 7, by inserting after the  
 5 word "possess" the words ", including without  
 6 limiting the generality of the foregoing the  
 7 statutory authority included under chapter 262

8 or any other existing statute.”  
9 3. Title page, line 2, by inserting after  
10 the word “energy” the word “conservation”.

CHARLES BRUNER

S-5712

1 Amend the House amendment, S-5652, to Senate File  
2 511 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by inserting after line 12 the  
5 following:  
6 “4. Page 1, by inserting after line 16 the  
7 following:  
8 “Sec. \_\_\_\_ . NEW SECTION. 479.48 DEPTH MAINTENANCE.  
9 1. An owner or tenant of agricultural land, as  
10 defined in section 479.47, crossed by a pipeline may  
11 require the pipeline company to measure the depth  
12 of pipeline on that property unless the pipeline  
13 company can produce a record of the depths made within  
14 the previous three years, The pipeline company shall  
15 determine the depth without charge to the owner or  
16 tenant. If the depth of the pipeline is found to  
17 be insufficient to prevent its being struck by tillage  
18 equipment or otherwise interfering with farming  
19 practices, the pipeline company shall provide  
20 additional cover over the pipeline, compensate the  
21 owner or tenant for any special precautions or loss  
22 of productivity resulting from the shallow depth of  
23 the pipeline, or provide other remedy as may be  
24 mutually agreed upon by the pipeline company and the  
25 owner or tenant. If the pipeline company and owner  
26 or tenant are unable to agree upon a remedy, they  
27 may agree to submit the matter to arbitration under  
28 chapter 679A. The procedures of sections 479.41 and  
29 479.46 shall also apply to a resolution of damages  
30 caused by the shallow depth of the pipeline. This  
31 subsection does not apply to earthwork, tiling or  
32 excavation activities subject to section 479.47.  
33 2. The fact that an owner or tenant of agricultural  
34 land did not request a measurement of depth of a  
35 pipeline shall not constitute negligence by the owner  
36 or tenant.  
37 3. The Iowa state commerce commission shall  
38 establish by rule a notification form to be  
39 periodically published by pipeline companies in the  
40 official newspapers as determined under chapter 349  
41 in counties crossed by the pipeline informing owners  
42 and tenants of their rights under this section and  
43 section 479.47.”.

JOHN W. JENSEN

S-5713

- 1 Amend the House amendment, S-5652, to Senate File 511
- 2 as amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by inserting after line 4 the following:
- 4 "\_\_\_\_. Page 1, line 5, by inserting after the word
- 5 "line," the words "or pipeline."
- 6 2. Page 1, line 12, by inserting after the word
- 7 "of-way." the words "A company or corporation proposing
- 8 a new buried electric line or pipeline shall give notice
- 9 to affected landowners at least six months prior to
- 10 construction."

JAMES V. GALLAGHER

S-5714

- 1 Amend the amendment S-5637 to House File 2392 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by inserting before line 3 the
- 4 following:
- 5 "1. Page 1, line 13, by striking the words "all
- 6 applicants" and inserting in lieu thereof the words
- 7 "an applicant"."
- 8 2. Page 1, by inserting after line 6 the following:
- 9 "2. Page 1, by inserting after line 14 the words
- 10 "However, this battery of tests need only be given
- 11 to applicants being considered in the final selection
- 12 process for a law enforcement position. For original
- 13 appointments to law enforcement officer positions
- 14 under chapter 400 of the Code, the "final selection
- 15 process" means the point in the examination process
- 16 of section 400.8 of the Code which is just prior to
- 17 the certification to the city council of the list
- 18 of names of the persons who qualify with the highest
- 19 standing pursuant to section 400.11 of the Code."

WILLIAM W. (Bill) DIELEMAN  
JULIA B. GENTLEMAN

S-5715

- 1 Amend House File 2180 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. By striking page 2, line 14 through page 3, line 8.

RICHARD F. DRAKE  
JOHN N. NYSTROM



S-5716

- 1 Amend the House amendment S-5655 to Senate File  
2 2233 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by inserting after line 13 the following:  
5 "3. Page 3, line 34, by inserting after the word  
6 "accounts." the words "The succeeding bank shall relin-  
7 quish real estate brokerage activities."

JAMES V. GALLAGHER

S-5717

- 1 Amend House File 2100 as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 4, by striking lines 3 through 33 and  
4 inserting in lieu thereof the following:  
5 "Sec. 4. NEW SECTION. 172E.4 COMPLIANCE WITH  
6 ZONING AND LOCAL ORDINANCES.  
7 1. A person who operates an anhydrous ammonia  
8 plant shall comply with applicable zoning requirements.  
9 A person complies with this section as a matter of  
10 law if no applicable zoning requirement exists.  
11 2. In addition a city council or county board  
12 of supervisors may adopt and enforce an ordinance  
13 relating to the activities of an anhydrous ammonia  
14 plant to the extent necessary to protect human health  
15 and safety."

JAMES V. GALLAGHER

S-5718

- 1 Amend the amendment S-5570 to House File 2110 as  
2 passed by the House as follows:  
3 1. Page 2, line 40, by inserting after the word  
4 "may" the word "also".  
5 2. Page 3, line 10, by inserting after the word  
6 "to" the word "licensed".  
7 3. Page 6, by inserting after line 3 the following:  
8 "6. The board shall issue a license as a limited  
9 radiographer to any person who meets the requirements  
10 of chapter 42 of the Iowa administrative code for  
11 "limited diagnostic radiographer" on or before the  
12 effective date of this Act.  
13 7. The board shall issue a license as a  
14 radiographer to any person who meets the requirements  
15 of chapter 42 of the Iowa administrative code for  
16 "general diagnostic radiographer" on or before the

17 effective date of this Act.  
 18 8. The board shall issue a conditional license  
 19 to any person who meets the requirements of chapter  
 20 42 of the Iowa administrative code for "conditional  
 21 diagnostic radiographer (hardship)" on or before the  
 22 effective date of this Act."

HURLEY W. HALL  
 MERLIN D. HULSE

S-5719

1 Amend House amendment S-5701 to Senate File 2220  
 2 as amended, passed and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 3, by inserting after line 3 the following:  
 5 "\_\_\_\_. Page 9, line 25, by inserting after the  
 6 word "insurance" the following: ", and before the  
 7 investment of public funds in investments authorized  
 8 in section 452.10 which are not obligations of or  
 9 guaranteed by the United States government or any  
 10 of its agencies or which exceed the amount insured  
 11 by federal deposit insurance or federal savings and  
 12 loan insurance".  
 13 \_\_\_\_ . Page 9, line 26, by inserting after the word  
 14 "deposit" the words "or investment".  
 15 2. Renumber as necessary.

GEORGE R. KINLEY  
 EDGAR H. HOLDEN

S-5720

1 Amend the Hall amendment, S-5662, to House File  
 2 2100 as amended, passed and reprinted by the House  
 3 as follows:  
 4 1. Page 2, line 1, by inserting after the word  
 5 "proceeding." the words "However, a city council or  
 6 county board of supervisors may adopt and enforce  
 7 an ordinance relating to the activities of an anhydrous  
 8 ammonia plant to the extent necessary to protect human  
 9 health and safety."

JAMES V. GALLAGHER

S-5721

1 Amend House File 2100 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 2, line 35, by striking the word "an"  
 4 and inserting in lieu thereof the word "a".  
 5 2. Page 3, line 1, by striking the word "absolute".

JAMES V. GALLAGHER

S-5722

- 1 Amend the amendment S-5662 to House File 2100 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 50, by striking the words "an
- 4 absolute defense to any" and inserting in lieu thereof
- 5 the words "a defense to a".

JAMES V. GALLAGHER

## HOUSE AMENDMENT TO SENATE FILE 2247

S-5723

- 1 Amend Senate File 2247 as passed by the Senate
- 2 as follows:
- 3 1. Page 4, by inserting after line 20, the
- 4 following:
- 5 "Sec. 15. NEW SECTION. 716A.15 CHAPTER NOT
- 6 EXCLUSIVE. This chapter does not preclude the
- 7 applicability of any other provision of the law of
- 8 this state which is not inconsistent with this chapter
- 9 and which applies or may apply to an act or transaction
- 10 in violation of this chapter.
- 11 Sec. 16. NEW SECTION. 716A.16 PRINTOUTS
- 12 ADMISSIBLE AS EVIDENCE. In a prosecution under this
- 13 chapter, computer printouts shall be admitted as
- 14 evidence of any computer software, program, or data
- 15 contained in or taken from a computer, notwithstanding
- 16 an applicable rule of evidence to the contrary."

## HOUSE AMENDMENT TO SENATE FILE 2235

S-5724

- 1 Amend Senate File 2235 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 and figure "section 321.209" the words and figure
- 5 "or chapter 321B".
- 6 2. Page 1, by striking lines 26 through 28.

## HOUSE AMENDMENT TO SENATE FILE 2183

S-5725

- 1 Amend Senate File 2183 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 9, the
- 4 following:

5 "Sec. 2. Section 709.3, subsection 1, Code 1983,  
 6 is amended to read as follows:  
 7 1. During the commission of sexual abuse the  
 8 person displays in a threatening manner a ~~deadly~~  
 9 dangerous weapon, or uses or threatens to use force  
 10 creating a substantial risk of death or serious injury  
 11 to any person."

## HOUSE AMENDMENT TO SENATE FILE 2182

S-5726

1 Amend Senate File 2182 as passed by the Senate  
 2 as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. Section 633.211, subsection 1, Code  
 6 1983, is amended to read as follows:  
 7 1. ~~One-third One-half~~ in value of all the legal  
 8 or equitable estates in real property possessed by  
 9 the decedent at any time during the marriage, which  
 10 have not been sold on execution or other judicial  
 11 sale, and to which the surviving spouse has ~~made no~~  
 12 ~~relinquishment of not relinquished his the spouse's~~  
 13 ~~right. However, the spouse may petition the court~~  
 14 to receive less than one-half, but not less than one-  
 15 third, of the value of the estates identified in this  
 16 subsection.  
 17 Sec. 2. Section 633.211, subsection 3, Code 1983,  
 18 is amended to read as follows:  
 19 3. ~~One-third One-half~~ of all other personal  
 20 property of the decedent which is not necessary for  
 21 the payment of debts and charges. ~~However, the spouse~~  
 22 may petition the court to receive less than one-half,  
 23 but not less than one-third, of the property identified  
 24 in this subsection.  
 25 Sec. 3. Section 633.212, subsection 3, Code 1983,  
 26 is amended to read as follows:  
 27 3. ~~One-half of all All~~ other real and personal  
 28 property of the decedent which is not necessary for  
 29 the payment of debts and charges.  
 30 Sec. 4. Section 633.212, subsections 4 and 5,  
 31 Code 1983, are amended by striking the subsections."

## HOUSE AMENDMENT TO SENATE FILE 2035

S-5727

1 Amend Senate File 2035 as amended, passed and  
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, lines 9 and 10, by striking the words  
4 "to an aggravated misdemeanor or a felony".  
5 2. Page 1, line 27, by striking the word "i,  
6 require" and inserting in lieu thereof the words "and  
7 with the approval of the defendant, waive".

## HOUSE AMENDMENT TO SENATE FILE 309

S-5728

- 1 Amend Senate File 309, as passed by the Senate,  
2 as follows:  
3 1. Page 1, line 6, by inserting after the period  
4 the following: "This subsection shall not apply to  
5 persons whose driving privileges have been denied,  
6 suspended or revoked under chapters 321, 321A or  
7 321B."

## HOUSE AMENDMENT TO SENATE FILE 253

S-5729

- 1 Amend Senate File 253 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 2, line 18, by striking the figure and  
4 word "6. The" and inserting in lieu thereof the words  
5 "A person may be disqualified if the".  
6 2. Page 2, line 20, by striking the figure "609.2"  
7 and inserting in lieu thereof the figure "609.1".  
8 3. Page 3, line 19, by inserting after the word  
9 "to" the words "at least".  
10 4. Page 3, by inserting after line 29 the  
11 following:  
12 "Sec. 7. Section 609.1, Code 1983, is amended  
13 by adding the following new unnumbered paragraph:  
14 NEW UNNUMBERED PARAGRAPH. The jury commission  
15 may convene at the courthouse to prepare an additional  
16 list or lists as the commission deems necessary at  
17 the time and date determined by a majority of the  
18 commissioners.  
19 Sec. 8. Section 609.5, Code 1983, is amended to  
20 read as follows:  
21 609.5 ADDITIONAL INFORMATION PROVIDED. For the  
22 purpose of aiding the appointive commission in drawing  
23 the jury lists, officials of the state and its  
24 political subdivisions shall furnish the appointive  
25 commission with copies of the The commission shall  
26 use all of the following lists in preparing a jury  
27 list:

- 28 1. A current list of registered voters; lists,  
 29 2. A list of persons holding motor vehicle  
 30 operators' licenses; or such,  
 31 3. Lists of public utility customers.  
 32 In addition to the lists required to be used in  
 33 preparing a jury list the commission may use other  
 34 comprehensive lists of persons residing in the county  
 35 as, the commission may request identifies. State and  
 36 local government officials shall furnish the commission  
 37 with copies of lists required by law or as the com-  
 38 mission requests. The clerk of the district court  
 39 shall also deliver to the commission a list of all  
 40 persons who have served as grand or petit jurors since  
 41 January 1 of the preceding year. Lists of public  
 42 utility customers are limited to publicly available  
 43 telephone directories."  
 44 5. Renumbering as necessary.

## HOUSE AMENDMENT TO SENATE FILE 2257

S-5730

- 1 Amend Senate File 2257 as passed by the Senate  
 2 as follows:  
 3 1. Page 1, line 8, by inserting after the word  
 4 "provides." the following: "Own" and "ownership"  
 5 in the case of transmission facilities, including  
 6 substations and associated facilities, does not include  
 7 those which are located in states which are not  
 8 contiguous to Iowa."

## HOUSE AMENDMENT TO SENATE FILE 2262

S-5731

- 1 Amend Senate File 2262 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 30, by inserting after the word  
 4 "complications." the following: "Such programs shall  
 5 meet standards developed by the state department of  
 6 health in consultation with American diabetes  
 7 association, Iowa affiliate, for certification of  
 8 outpatient diabetes education programs."  
 9 2. Page 2, line 2, by striking the words "and  
 10 individual".  
 11 3. Page 2, line 6, by striking the words "or  
 12 individual".  
 13 4. Page 2, lines 7 and 8, by striking the words  
 14 "and individual".

- 15 5. Page 2, line 9, by striking the words "and  
16 individual".
- 17 6. Page 2, line 28, by inserting after the word  
18 "complications." the following: "Such programs shall  
19 meet standards developed by the state department of  
20 health in consultation with American diabetes  
21 association, Iowa affiliate, for certification of  
22 outpatient diabetes education programs."
- 23 7. By striking page 2, line 31 through page 3,  
24 line 21.
- 25 8. Page 4, line 18, by inserting after the word  
26 "complications." the following: "Such programs shall  
27 meet standards developed by the state department of  
28 health in consultation with American diabetes  
29 association, Iowa affiliate, for certification of  
30 outpatient diabetes education programs."
- 31 9. Renumbering as necessary.

## HOUSE AMENDMENT TO SENATE FILE 2269

S-5732

- 1 Amend Senate File 2269 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 356.29, Code 1983, is amended  
6 to read as follows:
- 7 356.29 WAGES OR SALARY COLLECTED BY SHERIFF.  
8 If a prisoner is employed for wages or salary the  
9 sheriff may collect the same or require the prisoner  
10 to turn over his wages or salary in full when received,  
11 and the sheriff shall deposit the same in a trust  
12 checking account and shall keep a ledger showing the  
13 status of the account of each prisoner. Such wages  
14 or salary are not subject to garnishment during the  
15 prisoner's term and shall be disbursed only as provided  
16 in these sections 356.26 through 356.35."
- 17 2. Page 1, line 4, by inserting after the word  
18 "employed" the words "and released pursuant to section  
19 356.26".
- 20 3. Page 1, line 21, by inserting after the word  
21 "prisoner" the words ", after deductions required  
22 by law".

## HOUSE AMENDMENT TO SENATE FILE 2270

S-5733

- 1 Amend Senate File 2270 as amended, passed and  
2 reprinted by the Senate as follows:

- 3 1. Page 2, line 8, by striking the word "Trial"  
4 and inserting in lieu thereof the word "Trail".

## HOUSE AMENDMENT TO SENATE FILE 2291

S-5734

- 1 Amend Senate File 2291 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 \_\_\_\_ . Section 537.2202, subsection 3,  
6 Code 1983, is amended to read as follows:  
7 3. If the billing cycle is monthly, the charge  
8 may not exceed an amount equal to one and one-half  
9 percent of that part of the maximum amount pursuant  
10 to subsection 2 which is five hundred dollars or less  
11 and one and one-fourth percent of that part of the  
12 maximum amount which is more than five hundred dollars.  
13 If the billing cycle is not monthly, the maximum  
14 charge for the billing cycle shall bear the same  
15 relation to the applicable monthly maximum charge  
16 as the number of days in the billing cycle bears to  
17 three hundred sixty-five divided by twelve. A billing  
18 cycle is monthly if the closing date of the cycle  
19 is the same date each month or does not vary by more  
20 than four days from the regular date."  
21 2. Page 1, line 2, by striking the word  
22 "subsections" and inserting in lieu thereof the word  
23 "subsection".  
24 3. Page 1, by striking lines 10 through 17 and  
25 inserting in lieu thereof the following: "the card  
26 issuer."

## HOUSE AMENDMENT TO SENATE FILE 2293

S-5735

- 1 Amend Senate File 2293 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by inserting after line 21 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 232.2, subsection 5, Code  
6 Supplement 1983, is amended by adding the following  
7 new lettered paragraph:  
8 NEW LETTERED PARAGRAPH. m. Who is in need of  
9 treatment to cure or alleviate chemical dependency.  
10 Sec. \_\_\_\_ . Section 232.37, subsection 2, Code 1983,  
11 is amended to read as follows:



12 2. Notice of the pendency of the case shall be  
 13 served upon the known ~~parent parents, guardian~~  
 14 ~~guardians~~ or legal ~~custodian custodians~~ of a child  
 15 if ~~this person is these persons~~ are not summoned to  
 16 appear as provided in subsection 1. Notice shall also  
 17 be served upon the child and upon the child's guardian  
 18 ad litem, if any. The notice shall attach a copy  
 19 of the petition and shall give notification of the  
 20 right to counsel provided for in section 232.11."

21 Sec. \_\_\_\_ . Section 232.69, subsection 1, unnumbered  
 22 paragraph 1, Code Supplement 1983, is amended to read  
 23 as follows:

24 The following classes of persons shall make a  
 25 report; within 24 hours and as provided in section  
 26 232.70, of cases of child abuse.

27 Sec. \_\_\_\_ . Section 232.69, subsection 1, paragraph  
 28 a, Code Supplement 1983, is amended to read as follows:

29 a. Every health practitioner who examines, attends,  
 30 or treats a child and who reasonably believes the  
 31 child has been abused or who has knowledge that a  
 32 child has been abused. If, however, the health  
 33 practitioner examines, attends, or treats the child  
 34 as a member of the staff of a hospital or similar  
 35 institution, the examining health practitioner shall  
 36 immediately notify and give complete information to  
 37 the person in charge of the institution or the health  
 38 practitioner's designated agent and the person in  
 39 charge of the institution or designated agent shall  
 40 make the report."

41 2. Page 2, by inserting before line 1 the  
 42 following:

43 "Sec. \_\_\_\_ . Section 232.69, subsection 1, paragraph  
 44 b, Code Supplement 1983, is amended to read as follows:

45 b. Every self-employed social worker, every social  
 46 worker under the jurisdiction of the department of  
 47 human services, any social worker employed by a public  
 48 or private agency or institution, public or private  
 49 health care facility as defined in section 135C.1, .  
 50 certified psychologist, certificated school employee,

Page 2

1 employee or operator of a licensed day care facility,  
 2 child care center or registered group day care home  
 3 or registered family day care home, member of the  
 4 staff of a mental health center, or peace officer,  
 5 who, in the course of employment, examines, attends,  
 6 counsels or treats a child and reasonably believes  
 7 a child has suffered abuse or who has knowledge that

8 ~~a child has been abused. Whenever such~~ If a person  
 9 is required to report under this section as a member  
 10 of the staff of a public or private institution,  
 11 agency or facility, that person shall immediately  
 12 notify the person in charge of ~~such the~~ institution,  
 13 agency or facility, or that person's designated agent,  
 14 and the person in charge of the institution, agency,  
 15 or facility, or the designated agent shall make the  
 16 report.

17 Sec. 100. Section 232.69, Code Supplement 1983,  
 18 is amended by adding the following new subsection:

19 **NEW SUBSECTION. 3.** A person required to make  
 20 a report under subsection 1 shall complete two hours  
 21 of training relating to the identification and  
 22 reporting of child abuse within thirty days of initial  
 23 employment or self-employment involving the  
 24 examination, attending, counseling, or treatment of  
 25 children. If the person's professional training  
 26 included child abuse identification and reporting  
 27 training, the two-hour training requirement is waived.  
 28 The person shall complete at least two hours of  
 29 additional child abuse identification and reporting  
 30 training every five years. If the person is an  
 31 employee of a hospital or similar institution, or  
 32 of a public or private institution, agency, or  
 33 facility, the employer shall be responsible for  
 34 providing the child abuse identification and reporting  
 35 training. If the person is self-employed, the person  
 36 shall be responsible for obtaining the child abuse  
 37 identification and reporting training. The person  
 38 may complete the initial or additional training as  
 39 part of a continuing education program required under  
 40 chapter 258A or may complete the training as part  
 41 of a training program offered by the department of  
 42 human services, the department of public instruction,  
 43 an area education agency, a school district, the Iowa  
 44 law enforcement academy, an institution of higher  
 45 education, or a similar public agency.

46 Sec. \_\_\_\_ . Section 232.71, subsection 4, Code  
 47 Supplement 1983, is amended to read as follows:

48 4. The department of human services may request  
 49 information from any person believed to have knowledge  
 50 of a child abuse case. The county attorney, and any

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1 law enforcement or social services agency in the  
 2 state, and any mandatory reporter shall co-operate  
 3 and assist in the investigation upon the request of

4 the department of human services. The county attorney  
5 and appropriate law enforcement agencies shall also  
6 take any other lawful action which may be necessary  
7 or advisable for the protection of the child.

8 Sec. \_\_\_\_ . Section 232.71, subsections 9 and 13,  
9 Code Supplement 1983, are amended to read as follows:

10 9. If, upon completion of the investigation, the  
11 department of human services determines that the best  
12 interests of the child require juvenile court action,  
13 the department shall take the appropriate action to  
14 initiate such action under this chapter. The county  
15 attorney shall assist the county department of human  
16 services in the preparation of the necessary papers  
17 to initiate such action and shall appear and represent  
18 the department at all juvenile court proceedings.

19 13. If a fourth report is received from the same  
20 person who made three earlier ~~unsubstantiated~~ unfounded  
21 reports which identified the same child as the abused  
22 child and the same person responsible for the child  
23 as the alleged abuser, the department may determine  
24 that the report is ~~spurious~~, again unfounded; due  
25 to the report's spurious or frivolous nature and may  
26 in its discretion terminate its investigation.

27 Sec. \_\_\_\_ . Section 232.78, subsections 1 and 2,  
28 Code 1983, are amended to read as follows:

29 1. The juvenile court may enter an ex parte order  
30 directing a peace officer to remove a child from his  
31 or her the child's home or a child day care facility  
32 before or after the filing of a petition under this  
33 chapter provided all of the following apply:

34 a. The parent, guardian, ~~or~~ legal custodian, or  
35 employee of the child day care facility is absent,  
36 or though present, was asked and refused to consent  
37 to the removal of the child and was informed of an  
38 intent to apply for an order under this section; ~~and,~~

39 b. It appears that the child's immediate removal  
40 is necessary to avoid imminent danger to the child's  
41 life or health; ~~and,~~

42 c. There is not enough time to file a petition  
43 and hold a hearing under section 232.95.

44 2. The order shall specify the facility to which  
45 the child is to be brought. Except for good cause  
46 shown or unless the child is sooner returned to the  
47 place where he or she the child was residing or  
48 permitted to return to the child day care facility,  
49 a petition shall be filed under this chapter within  
50 three days of the issuance of the order.

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1 Sec. \_\_\_\_ . Section 232.79, subsection 1, Code

2 Supplement 1983, is amended to read as follows:

3 1. A peace officer may remove a child from his  
4 or her the child's home or a child day care facility  
5 or a physician treating a child may keep the child  
6 in custody without a court order as required under  
7 section 232.78 and without the consent of a parent,  
8 guardian, or custodian provided that both of the  
9 following apply:

10 a. The child is in such circumstance or condition  
11 that his or her the child's continued presence in  
12 the residence or the child day care facility or in  
13 the care or custody of the parent, guardian, or  
14 custodian presents an imminent danger to the child's  
15 life or health; and,

16 b. There is not enough time to apply for an order  
17 under section 232.78.

18 Sec. \_\_\_\_ . Section 232.91, Code 1983, is amended  
19 to read as follows:

20 232.91 PRESENCE OF PARENTS AND GUARDIAN AD LITEM

21 AT HEARINGS. Any hearings or proceedings under this  
22 division subsequent to the filing of a petition shall  
23 not take place without the presence of the child's  
24 parent, guardian, or custodian, or guardian ad litem  
25 in accordance with and subject to the provisions of  
26 section 232.38. A parent without custody may petition  
27 the court to be made a party to proceedings under  
28 this division.

29 Sec. \_\_\_\_ . NEW SECTION. 232.94A Juvenile court  
30 records, social records, and the material required  
31 to be recorded pursuant to section 232.94 shall be  
32 maintained and shall be a part of each hearing relating  
33 to the child so long as and whenever the child is  
34 a child in need of assistance."

35 3. Page 2, by inserting after line 9 the following:

36 "Sec. \_\_\_\_ . Section 232.96, subsection 6, Code  
37 Supplement 1983, is amended to read as follows:

38 6. A report, study, record, or other writing or  
39 an audiotape or videotape recording made by the  
40 department of human services, a juvenile court officer,  
41 a peace officer or, a guardian ad litem, a hospital  
42 health practitioner, or a mental health professional  
43 or qualified school guidance counselor as referred  
44 to in section 622.10, relating to a child in a  
45 proceeding under this division shall be is admissible  
46 notwithstanding any objection to hearsay statements  
47 contained therein in it provided it is relevant and  
48 material and provided its probative value substantially  
49 outweighs the danger of unfair prejudice to the child's  
50 parent, guardian, or custodian. The circumstances

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1 of the making of the report, study, record or other  
2 writing or an audiotape or videotape recording,  
3 including the maker's lack of personal knowledge,  
4 may be proved to affect its weight.

5 Sec. \_\_\_\_ . Section 232.97, subsections 1 and 3,  
6 Code Supplement 1983, are amended to read as follows:

7 1. The court shall not make ~~any a~~ disposition  
8 of the petition until a social report has been  
9 submitted to and considered by the court. The court  
10 may direct either the juvenile court officer, ~~or the~~  
11 department of human services or any other agency  
12 licensed by the state to conduct a social investigation  
13 and to prepare a social report which may include any  
14 evidence provided by an individual providing foster  
15 care for the child. A report prepared shall include  
16 any founded reports of child abuse.

17 3. The social report shall not be disclosed except  
18 as provided in this section and except as otherwise  
19 provided in this chapter. Prior to the hearing at  
20 which the disposition is determined, the court shall  
21 permit counsel for the child, ~~and~~ counsel for the  
22 child's parent, guardian or custodian, and the guardian  
23 ad litem to inspect any social report to be considered  
24 by the court. The court may in its discretion order  
25 ~~such~~ counsel not to disclose parts of the report to  
26 the child, or to the parent, guardian or custodian  
27 if disclosure would seriously harm the treatment or  
28 rehabilitation of the child or would violate a promise  
29 of confidentiality given to a source of information.

30 Sec. \_\_\_\_ . Section 232.98, subsection 1, unnumbered  
31 paragraph 5, Code 1983, is amended to read as follows:

32 The child's parent, guardian, or custodian shall  
33 be included in counseling sessions offered during  
34 the child's stay in a hospital, facility, or  
35 institution when feasible, and when in the best  
36 interests of the child and the child's parent,  
37 guardian, or custodian. If separate counseling  
38 sessions are conducted for the child and the child's  
39 parent, guardian, or custodian, a joint counseling  
40 session shall be offered prior to the release of the  
41 child from the hospital, facility, or institution.  
42 The court shall require that notice be provided to  
43 the child's guardian ad litem of the counseling  
44 sessions and of the participants and results of the  
45 sessions."

46 4. Page 2, line 32, by inserting after the word  
 47 "possible." the words "When the child is not returned  
 48 to the child's home and if the child has been  
 49 previously placed in a licensed foster care facility,  
 50 the department or agency shall consider placing the

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1 child in the same licensed foster care facility."  
 2 5. Page 3, line 11, by striking the word "should"  
 3 and inserting in lieu thereof the words "should shall".  
 4 6. Page 3, line 16, by striking the word "should"  
 5 and inserting in lieu thereof the words "should shall".  
 6 7. Page 3, line 20, by inserting after the word  
 7 "services." the words "When the child is not returned  
 8 to the child's home and if the child has been  
 9 previously placed in a licensed foster care facility,  
 10 the department or agency responsible for the placement  
 11 of the child shall consider placing the child in the  
 12 same licensed foster care facility."

13 8. Page 3, by inserting after line 20 the  
 14 following:  
 15 "Sec. \_\_\_\_ . Section 232.116, subsection 4,  
 16 paragraphs b and d, Code 1983, are amended to read  
 17 as follows:

18 b. The custody of the child has been transferred  
 19 from ~~his or her~~ the child's parents for placement  
 20 pursuant to section 232.102 and ~~such~~ the placement  
 21 has lasted for a period of at least six consecutive  
 22 months, but less than twelve consecutive months; and  
 23 d. There is clear and convincing evidence that  
 24 the parents have not maintained contact with the child  
 25 during the previous six consecutive months and have  
 26 made no reasonable efforts to resume care of the child  
 27 despite being given the opportunity to do so.

28 Sec. \_\_\_\_ . Section 232.116, subsection 5, paragraph  
 29 b, Code 1983, is amended to read as follows:

30 b. The custody of the child has been transferred  
 31 from ~~his or her~~ the child's parents for placement  
 32 pursuant to section 232.102 for at least twelve of  
 33 the last eighteen months; and".

34 9. Page 3, by inserting after line 31 the  
 35 following:

36 "Sec. \_\_\_\_ . Section 234.11, Code 1983, is amended  
 37 to read as follows:

38 **234.11 DUTIES OF THE COUNTY BOARD-FOOD STAMP**  
 39 **PROGRAM.** The county board ~~shall be vested with the~~  
 40 ~~authority to~~ may direct emergency relief with only  
 41 ~~such~~ the powers and duties as are prescribed in the

42 laws relating thereto and shall determine the  
43 allocation of funds to child day care centers  
44 facilities pursuant to sections 237A.14 to 237A.18.  
45 Child day care provider associations and individual  
46 providers of child day care may apply for the funds.  
47 The board shall act in an advisory capacity on programs  
48 within the jurisdiction of the department of human  
49 services. The board shall review policies and  
50 procedures of the local departments of human services

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1 and make recommendations for changes to insure that  
2 effective services are provided in their respective  
3 communities. The county board may also make  
4 recommendations for new programs which it is believed  
5 would meet needs in the community. The state  
6 department shall establish a procedure to insure that  
7 county board recommendations receive appropriate  
8 review at the level of policy determination.

9 Sec. \_\_\_\_ . Section 235A.17, Code 1983, is amended  
10 by adding the following new subsection:

11 NEW SUBSECTION. 5. The department of human  
12 services shall notify orally the mandatory reporter  
13 in an individual child abuse case of the results of  
14 the case investigation and of the confidentiality  
15 provisions of section 235A.15 and 235A.21. Within  
16 forty-eight hours of the making of the oral  
17 notification, the department shall transmit a written  
18 notice to the mandatory reporter of the results and  
19 confidentiality provisions. A copy of the written  
20 notice shall be transmitted to the registry and shall  
21 be maintained by the registry as provided in section  
22 235A.18.

23 Sec. \_\_\_\_ . Section 235A.18, subsection 2, Code  
24 Supplement 1983, is amended to read as follows:

25 2. Child abuse information may shall be expunged  
26 where the probative value of the information is so  
27 doubtful as to outweigh its validity one year after  
28 the receipt of the initial report of such abuse if  
29 the information cannot be determined by a preponderance  
30 of the evidence to be founded or unfounded. Child  
31 abuse information shall be expunged if ~~it~~ the  
32 information is determined to be unfounded as a result  
33 of any of the following:

34 a. The investigation of a report of suspected  
35 child abuse by the department.

36 b. A successful appeal as provided in section  
37 235A.19.

38 c. A court adjudication.

39 Sec. \_\_\_\_ . NEW SECTION. FOSTER CARE INFORMATION.

40 The department of human services shall provide services  
41 and information to licensed foster care facilities  
42 to assist the facilities in the transition to the  
43 provision of child foster care to a child. The  
44 information may include a synopsis of previous  
45 placements of the child and the initial grounds for  
46 an adjudication of the child as a child in need of  
47 assistance.

48 Sec. 200. NEW SECTION. FOSTER PARENT TRAINING.

49 As a condition for initial licensure, each individual  
50 licensee shall complete twelve hours of foster parent

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1 training offered or approved by the department. The  
2 training shall include but not be limited to physical  
3 care, education, learning disabilities, referral to  
4 and receipt of necessary professional services,  
5 behavioral assessment and modification, self-  
6 assessment, self-living skills, and biological parent  
7 contact. An individual licensee may complete the  
8 training as part of an approved training program  
9 offered by a public or private agency with expertise  
10 in the provision of child foster care or in related  
11 subject areas.

12 Sec. \_\_\_\_ . NEW SECTION. 237.23 LEGISLATIVE STUDY.

13 The legislative fiscal bureau shall conduct a study  
14 of each of the following:

15 1. The foster care review boards pursuant to  
16 section 237.16 and 237.19. The study shall:  
17 a. Determine if the state and local foster care  
18 review boards are accomplishing the duties of sections  
19 237.18 and 237.20 respectively and if the two local  
20 boards are meeting the objectives determined by the  
21 state board.

22 b. Compare the actions and results relating to  
23 foster care in the two judicial districts with local  
24 foster care review boards to the actions and results  
25 in two similar judicial districts without local foster  
26 care review boards.

27 The legislative fiscal bureau shall not begin the  
28 study before May 1, 1987 and shall submit a report  
29 of its finding to the second session of the Seventy-  
30 second General Assembly not later than January 15,  
31 1988.

32 2. The current child welfare system in Iowa.  
33 The study shall:



- 34 a. Assess the state's current system and the cost  
35 and practice pattern of the system.
- 36 b. Make a comparison of the system to similar  
37 systems in other states.
- 38 c. Research and identification of innovative  
39 systems and practices which could be implemented in  
40 the state's system.
- 41 d. Identify areas which improvement is needed.
- 42 e. Recommend adjustments to the system for areas  
43 identified in paragraph "d".
- 44 The legislative fiscal bureau shall submit a report  
45 of its findings to the second session of the Seventy-  
46 first General Assembly not later than January 15,  
47 1986."
- 48 10. Page 8, line 3, by inserting after the word  
49 "process" the words "for those children reviewed by  
50 local boards".

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- 1 11. Page 11, by inserting after line 18 the  
2 following:  
3 "Sec. \_\_\_\_ . Section 237A.1, subsection 7, Code  
4 Supplement 1983, is amended by adding the following  
5 new lettered paragraphs:  
6 NEW LETTERED PARAGRAPH d. Care to children from  
7 only one family.  
8 NEW LETTERED PARAGRAPH e. Care to no more than  
9 six children for less than ninety days in any twelve-  
10 month period.
- 11 Sec. \_\_\_\_ . Section 237A.1, subsection 9, paragraph  
12 a, Code Supplement 1983, is amended by striking the  
13 paragraph and inserting in lieu thereof the following:  
14 a. "Family day care home" means a person providing  
15 child day care for two to six children at any one  
16 time, or for two to six children at any one time and  
17 no more than two additional children who each receive  
18 care for no more than thirty hours per week.
- 19 Sec. \_\_\_\_ . Section 237A.3, subsection 1, Code 1983,  
20 is amended to read as follows:  
21 1. A person who operates or establishes a family  
22 day care home ~~may~~ shall apply to the department for  
23 registration under this chapter. The department shall  
24 issue a certificate of registration upon receipt of  
25 a statement from the family day care home that the  
26 home complies with rules adopted by the department.  
27 The registration certificate shall be posted in a  
28 conspicuous place in the family day care home, shall  
29 state the name of the registrant, the number of

30 individuals who may be received for care at any one  
 31 time and the address of the home, and shall include  
 32 a check list of registration compliances. No greater  
 33 number of children than is authorized by the  
 34 certificate shall be kept in the family day care home  
 35 at any one time. The registration process ~~may for~~  
 36 a family day care home shall be repeated on an annual  
 37 basis. A facility which is not a family day care  
 38 home by reason of the definition of child day care  
 39 in section 237A.1, subsection 7 ~~or the definition~~  
 40 of a family day care home in section 237A.1, subsection  
 41 9, but which provides care, supervision or guidance  
 42 to a child may be issued a certificate of registration  
 43 under this chapter ~~if the facility complies with rules~~  
 44 adopted by the department.

45 Sec. \_\_\_\_ . Section 237A.3, Code 1983, is amended  
 46 by adding the following new subsection:

47 NEW SUBSECTION. 4. The parent or guardian of  
 48 a child being provided care at a family day care home  
 49 for no more than thirty hours per week, pursuant to  
 50 section 237A.1, subsection 9, paragraph a, shall

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1 provide verification to the registrant that the child  
 2 attends not more than thirty hours per week.  
 3 Sec. \_\_\_\_ . Section 237A.4, Code 1983, is amended  
 4 to read as follows:  
 5 237A.4 INSPECTION AND EVALUATION. The local  
 6 boards of health shall make ~~periodic at least annual~~  
 7 inspections of licensed centers to insure compliance  
 8 with licensing requirements ~~provided in this chapter.~~  
 9 ~~In those instances where no~~ If a local board of health  
 10 exists then does not exist the director may shall  
 11 make periodic at least annual inspections of licensed  
 12 centers as necessary to ~~carry out the provisions of~~  
 13 implement this chapter. The director may inspect  
 14 records maintained by a licensed center and may inquire  
 15 into matters concerning these centers and the persons  
 16 in charge. The director shall require that the center  
 17 be inspected by the state fire marshal or a designee  
 18 for compliance with rules relating to fire safety  
 19 before a license is granted or renewed. The director  
 20 or a designee ~~may shall~~ periodically visit registered  
 21 family day care homes and group day care homes for  
 22 the purpose of evaluation of an inquiry into matters  
 23 concerning compliance with rules promulgated under  
 24 section 237A.12. Evaluation of family day care homes  
 25 and group day care homes under this section may include

26 consultative services provided pursuant to section  
27 237A.6.

28 Sec. \_\_\_\_\_. Section 237A.13, unnumbered paragraph  
29 1, Code Supplement 1983, is amended to read as follows:

30 Funds appropriated to the department to assist  
31 child day care centers facilities shall be apportioned  
32 among the counties as follows:

33 Sec. \_\_\_\_\_. Section 237A.13, Code Supplement 1983,  
34 is amended by adding the following new subsection:

35 **NEW SUBSECTION. 5.** Child day care provider  
36 associations and individual providers of child day  
37 care may apply for the funds.

38 Sec. \_\_\_\_\_. Section 237A.14, Code 1983, is amended  
39 to read as follows:

40 237A.14 ALLOCATION BY THE COUNTY. The county  
41 board shall determine how the funds received by that  
42 county under this chapter shall be allocated among  
43 existing or planned child day care centers facilities  
44 in the county on the basis of the following factors  
45 as applied to each child day care center facility  
46 considered for financial assistance under this chapter:

47 1. The demonstrated need for child care services  
48 in the community served by the center facility.

49 2. The proportion of low-income families among  
50 all families served by the center facility.

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1 3. The demonstrated need of the center facility  
2 for additional equipment, and improvement, enlargement  
3 or relocation of the center's facility's physical  
4 facilities designed to bring the center facility into  
5 compliance with local health, fire and zoning laws.

6 4. The manner in which the center facility derives  
7 its support, other than funds made available to it  
8 under this chapter, and in particular the extent to  
9 which it is supported from sources other than tuition  
10 or fees paid by the parents or guardians of the  
11 children served by the center facility.

12 5. Child day care provider associations and  
13 individual providers of child day care may apply for  
14 the funds.

15 Sec. \_\_\_\_\_. Section 237A.15, subsections 1 and 2,  
16 Code 1983, are amended to read as follows:

17 1. Prescribe forms for use by licensed centers  
18 or registered facilities in applying to their  
19 respective county boards for funds appropriated by  
20 the general assembly.

21 2. Establish a procedure by which a licensed

22 center or registered facility aggrieved by a decision  
 23 of a county board under section 237A.17 may appeal  
 24 the decision to the commissioner or ~~his the~~  
 25 commissioner's designee, however, the judgment of  
 26 the county board on the merits of ~~any an~~ application  
 27 shall not be overturned in the absence of a  
 28 determination that the county board has misinterpreted  
 29 any of the provisions of this chapter, has acted  
 30 arbitrarily or capriciously, or both.

31 Sec. \_\_\_\_ . Section 237A.16, Code 1983, is amended  
 32 to read as follows:

33 237A.16 USE OF FUNDS. A child day care center  
 34 facility may use funds received pursuant to this  
 35 chapter only for the following purposes:

- 36 1. To acquire or improve physical facilities to  
 37 house the center facility.
- 38 2. To acquire recreational or educational equipment  
 39 or supplies.
- 40 3. To purchase assistance to child day care centers  
 41 facilities for program development and staff  
 42 development in meeting standards for child day care  
 43 centers facilities established under this chapter.

44 Sec. \_\_\_\_ . Section 237A.17, Code 1983, is amended  
 45 to read as follows:

46 237A.17 DISTRIBUTION. The county board shall  
 47 consider all applications which are submitted by child  
 48 day care centers facilities in the county for funds  
 49 allocated to the county under this chapter, and shall  
 50 determine the distribution of the funds. Each child

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1 day care center facility submitting an application  
 2 shall indicate the amount of money requested and the  
 3 intended use of the money. The county board may  
 4 establish a deadline for submission of applications,  
 5 which shall not be earlier than thirty days after  
 6 it is notified by the department of the amount  
 7 initially allocated to the county pursuant to section  
 8 237A.13.

9 Sec. \_\_\_\_ . Section 237A.18, Code 1983, is amended  
 10 to read as follows:

11 237A.18 RESTRICTIONS ON FUNDING. Funds shall  
 12 be distributed only to licensed centers or registered  
 13 facilities which serve primarily low-income families  
 14 and which do not prohibit admission of children on  
 15 the basis of race, creed, religion, sex, or national  
 16 origin or child day care provider associations.

17 Sec. \_\_\_\_ . Section 237A.19, unnumbered paragraph

18 2. Code 1983, is amended to read as follows:

19 A person who establishes, conducts, manages, or  
20 operates a group day care home or family day care  
21 home without registering under this chapter is guilty  
22 of a simple misdemeanor. Each day of continuing  
23 violation after conviction, or notice from the  
24 department by certified mail of the violation, is  
25 a separate offense. A single charge alleging  
26 continuing violation may be made in lieu of filing  
27 charges for each day of violation.

28 Sec. \_\_\_\_ . Section 237A.19, Code 1983, is amended  
29 by adding the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. A person who establishes,  
31 conducts, manages, or operates a family day care home  
32 without verification from a parent or guardian of  
33 a child who attends the home for no more than thirty  
34 hours per week as required under section 237A.3,  
35 subsection 4, is guilty of a simple misdemeanor.

36 Sec. \_\_\_\_ . Section 237A.20, Code Supplement 1983,  
37 is amended to read as follows:

38 237A.20 INJUNCTION. A person who establishes,  
39 conducts, manages, or operates a center without a  
40 license or a group day care home or family day care  
41 home without a certificate of registration may be  
42 restrained by temporary or permanent injunction.  
43 The action may be instituted by the state, a political  
44 subdivision of the state, or an interested person.

45 Sec. \_\_\_\_ . NEW SECTION. 237A.23 LICENSING FEE.

46 A person who applies for a license, renewal of a  
47 license, a certificate of registration or a renewal  
48 of a certificate to operate a child day care facility  
49 shall submit a fee with the application to defray  
50 the costs of the inspection or visit. A local board

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1 of health shall receive the fee from the department  
2 when an inspection or visit is made by the board  
3 pursuant to section 237A.4. Otherwise the fees  
4 collected shall be deposited in the general fund of  
5 the state.

6 The annual fee shall be as follows:

7	1. Family day care home .....	\$12.00
8	2. Group day care home .....	\$22.00
9	3. Child care center .....	\$40.00

10 Sec. \_\_\_\_ . NEW SECTION. 237A.24 IMPLEMENTATION.

11 Notwithstanding section 237A.3, a family day care  
12 home which provides child day care for five or six  
13 children shall be registered by June 30, 1985, a

14 family day care home which provides child day care  
 15 for three or four children shall be registered by  
 16 June 30, 1986, and a family day care home which  
 17 provides child day care for two children shall be  
 18 registered by June 30, 1987."

19 12. Page 12, by inserting after line 8 the  
 20 following:

21 "Sec. \_\_\_\_ . Until July 1, 1986, the standards  
 22 adopted by the department of human services for a  
 23 registered family day care home shall be the same  
 24 standards adopted by the department for a registered  
 25 family day care home on July 1, 1984 unless mandated  
 26 by the general assembly.

27 Sec. \_\_\_\_ . The initial two-hour training requirement  
 28 in section 100 of this Act applies to all mandatory  
 29 reporters whose employment or self-employment involves  
 30 the examination, attending, counseling, or treatment  
 31 of children performed on or after the effective date  
 32 of this Act. However, the initial training may be  
 33 completed within one year of the effective date of  
 34 this Act.

35 Sec. \_\_\_\_ . The twelve-hour training requirement  
 36 in section 200 of this Act applies to all individuals  
 37 licensed to provide child foster care on or after  
 38 the effective date of this Act."

39 13. Title page, line 1, by inserting after the  
 40 word "Act" the words "relating to child protection  
 41 by".

42 14. Title page, by striking line 5 and inserting  
 43 in lieu thereof the following: "dispositional order,  
 44 amending Iowa's child abuse, delinquency, and child-  
 45 in-need-of-assistance laws, by requiring family or  
 46 group day care providers to report child abuse,  
 47 requiring child abuse identification and reporting  
 48 training for mandatory reporters of child abuse,  
 49 requiring foster parent training, permitting a peace  
 50 officer to remove a child from a child day care

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1 facility under certain circumstances, permitting child  
 2 care financial assistance funds to go to group day  
 3 care homes, family day care homes, provider  
 4 associations and individual providers, amending the  
 5 definition of a family day care home, requiring  
 6 registration of family day care homes but maintaining  
 7 current standards for two years, requiring periodic  
 8 inspections or visits to group and family day care  
 9 homes, expanding injunctive authority to family day  
 10 care homes, and establishing fees and penalties."

11 15. By renumbering as necessary.

## HOUSE AMENDMENT TO SENATE FILE 2317

S-5736

- 1 Amend Senate File 2317 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking line 23 and inserting in
- 4 lieu thereof the following: "in this state may be
- 5 granted up to a five percent preference over".

S-5737

- 1 Amend Senate File 2328 as follows:
- 2 1. Page 1, by striking lines 1 through 4.

JULIA B. GENTLEMAN

S-5738

- 1 Amend House File 2487 as amended, passed and
- 2 reprinted by the House as follows:

## DIVISION S—5738A

- 3 1. Page 1, line 18, by inserting after the word
- 4 "property" the words "unless the claimant bears a
- 5 greater percentage of fault than the combined
- 6 percentage of fault attributed to the defendants,
- 7 third-party defendants and persons who have been
- 8 released pursuant to section 668.7".

## DIVISION S—5738B

- 9 2. Page 1, line 22, by striking the word
- 10 "defendants," and inserting in lieu thereof the words
- 11 "defendants and".
- 12 3. Page 1, by striking line 24, and inserting
- 13 in lieu thereof the words "the court,".
- 14 4. Page 1, line 31, by inserting after the words
- 15 "third-party defendant," the word "and".
- 16 5. Page 1, lines 32 through 34, by striking the
- 17 words ", and person who is determined to have been
- 18 at fault but who is not a party to the action".

## DIVISION S—5738C

- 19 6. Page 1, line 35, by striking the words "party,
- 20 but" and inserting in lieu thereof the word "party."

21 7. Page 2, by striking lines 1 and 2.

22 8. Page 2, by striking lines 10 through 13, and  
23 inserting in lieu thereof the following:

24 "5. If the claim is tried to a jury, the court  
25 shall not give instructions or permit evidence or  
26 argument with respect to the effects of the answers  
27 to be returned to the interrogatories submitted under  
28 this section."

29 9. Page 2, by striking lines 26 through 31, and  
30 inserting in lieu thereof the following:

31 "Sec. 4. NEW SECTION. 668.4 JOINT AND SEVERAL  
32 LIABILITY. The common-law doctrine of joint and  
33 several liability shall not apply to a defendant who  
34 is found to bear less than twenty percent of the total  
35 fault allocated to all parties or who is found to  
36 bear less fault than the claimant. This section shall  
37 apply only to cases brought under this chapter based  
38 upon negligence."

39 10. Page 3, line 4, by striking the words and  
40 figures "subsections 4 and 5" and inserting in lieu  
41 thereof the word and figure "subsection 4".

42 11. Page 3, by striking lines 5 and 6.

43 12. Page 3, line 33, by striking the word and  
44 figures "subsections 4 and 5" and inserting in lieu  
45 thereof the word and figure "subsection 4".

#### DIVISION S—5738D

46 13. By striking page 3, line 34, through page  
47 4, line 2, and inserting in lieu thereof the following:

48 "Sec. 8. NEW SECTION. 668.8 TOLLING OF STATUTE.  
49 The filing of a petition under this chapter tolls  
50 the statute of limitations for the commencement of

Page 2

#### DIVISION S—5738D

1 an action against all parties, whether or not initially  
2 named, who may be assessed any percentage of fault  
3 under this chapter."

#### DIVISION S—5738E

4 14. By striking page 4, line 3, through page 5,  
5 line 4, and inserting in lieu thereof the following:

6 "Sec. 9. NEW SECTION. 668.9 INSURANCE PRACTICE.

7 1. A settlement offer by an insurance company  
8 containing an assigned percentage of fault to a



- 9 claimant must be made in writing to the claimant.  
 10 2. If a court determines that the percentage of  
 11 fault chargeable to a claimant, as determined by the  
 12 court, is less than the percentage assigned by an  
 13 insurance company under subsection 1 by more than  
 14 ten percent of the total percentage of fault, the  
 15 finding shall raise a presumption of bad faith  
 16 negotiation on the part of the insurance company.  
 17 3. A claimant shall have the right to petition  
 18 the court for a judgment against an insurer for bad  
 19 faith negotiation under this section."

## DIVISION S—5738F

- 20 15. By striking page 5, line 5, through page 6,  
 21 line 8.

## DIVISION S—5738G

- 22 16. Page 6, by inserting after line 16 the  
 23 following:  
 24 "Sec. 14. The commissioner of insurance shall  
 25 study and report to the legislative council and the  
 26 senate committee on judiciary and the house committee  
 27 on judiciary and law enforcement by January 15, 1985,  
 28 on the issue of insurance practices developed in  
 29 response to the adoption of comparative fault in the  
 30 state of Iowa. The report shall include proposals  
 31 for legislative action and an explanation of the steps  
 32 taken by the department of insurance to alleviate  
 33 problems in insurance practice under comparative  
 34 fault."

## DIVISION S—5738H

- 35 17. Page 6, line 17, by striking the words "causes  
 36 which accrue" and inserting in lieu thereof the words  
 37 "cases tried".  
 38 18. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
 DONALD V. DOYLE, Chair

## S-5739

- 1 Amend House File 2392 as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 14, by inserting after the word  
 4 "career." the following: "The state or a county or  
 5 city shall not be liable for any claim based upon

6 or arising out of the interpretation of the  
 7 psychological tests given to applicants pursuant to  
 8 this subsection. Any duty created by this subsection  
 9 is a duty to the public generally, and not to any  
 10 specific individual or group of individuals."

RICHARD VANDE HOEF

S-5740

1 Amend House File 2437 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 7, by striking lines 8 through 13 and  
 4 inserting in lieu thereof the following:  
 5 "d. Employed by or assigned to a hospital as a  
 6 member of an authorized ambulance service or rescue  
 7 squad for prehospital care to perform nonlifesaving  
 8 procedures designated in a written job description  
 9 for which those individuals have been trained after  
 10 observation of a patient by and under the supervision  
 11 of the physician or registered nurse and where the  
 12 patient can be immediately abandoned without risk  
 13 to the patient."

TOM SLATER

S-5741

1 Amend House amendment S-5705 to Senate File 2277  
 2 as amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, line 17, by inserting after the word  
 5 "committee" the words "during the duration of the  
 6 committee. Following the discontinuance of the  
 7 committee, the petition process shall be continued  
 8 and the board of directors of the corporation shall  
 9 consider the petitions".

BERL E. PRIEBE  
 DALE L. TIEDEN

S-5742

1 Amend the House amendment S-5734 to Senate File  
 2 2291 as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by striking lines 5 through 20 and  
 5 inserting in lieu thereof the following:  
 6 "Section \_\_\_\_ . Section 537.2202, Code 1983, is  
 7 amended to read as follows:  
 8 537.2202-FINANCE CHARGE FOR CONSUMER CREDIT SALES

## 9 PURSUANT TO OPEN END CREDIT.

10 1. With respect to a consumer credit sale made  
11 pursuant to open end credit, a creditor may contract  
12 for and receive a any finance charge not exceeding  
13 that permitted in this section as agreed to by the  
14 parties.

15 2. For each billing cycle, a charge may be made  
16 which is a percentage of an amount not exceeding the  
17 greatest of the following:

18 a. The average daily balance of the open end  
19 account in the billing cycle for which the charge  
20 is made, which is the sum of the amount unpaid each  
21 day during that cycle, divided by the number of days  
22 in that cycle. The amount unpaid on a day is  
23 determined by adding to the balance, if any, unpaid  
24 as of the beginning of that day all purchases and  
25 other debits and deducting all payments and other  
26 credits made or received as of that day.

27 b. The balance of the open end account at the  
28 beginning of the first day of the billing cycle, after  
29 deducting all payments and credits made in the cycle  
30 except credits attributable to purchases charged to  
31 the account during the cycle.

32 c. The median amount within a specified range  
33 including the balance of the open end account not  
34 exceeding that permitted by paragraph "a" or "b".  
35 A charge may be made pursuant to this paragraph only  
36 if the creditor, subject to classifications and  
37 differentiations he may reasonably establish, makes  
38 the same charge on all balances within the specified  
39 range and if the percentage when applied to the median  
40 amount within the range does not produce a charge  
41 exceeding the charge resulting from applying that  
42 percentage to the lowest amount within the range by  
43 more than eight percent of the charge on the median  
44 amount.

45 3. If the billing cycle is monthly, the charge  
46 may not exceed an amount equal to one and one-half  
47 percent of that part of the maximum amount pursuant  
48 to subsection 2 which is five hundred dollars or less  
49 and one and one-fourth percent of that part of the  
50 maximum amount which is more than five hundred dollars.

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1 If the billing cycle is not monthly, the maximum  
2 charge for the billing cycle shall bear the same  
3 relation to the applicable monthly maximum charge  
4 as the number of days in the billing cycle bears to

5 three hundred sixty-five divided by twelve. A billing  
 6 cycle is monthly if the closing date of the cycle  
 7 is the same date each month or does not vary by more  
 8 than four days from the regular date.  
 9 4 3. If the charge determined pursuant to  
 10 subsection 3 this section is less than fifty cents,  
 11 a charge may be made which does not exceed fifty cents  
 12 if the billing cycle is monthly or longer, or the  
 13 pro rata part of fifty cents which bears the same  
 14 relation to fifty cents as the number of days in the  
 15 billing cycle bears to three hundred sixty-five divided  
 16 by twelve if the billing cycle is shorter than  
 17 monthly."

EMIL J. HUSAK  
 JACK RIFE

S-5743

1 Amend House amendment S-5586 to Senate File 414  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. By striking page 1, line 1, through page 4,  
 5 line 20, and inserting in lieu thereof the following:  
 6 "Amend Senate File 414 as amended, passed, and  
 7 reprinted by the Senate, as follows:

8 1. By striking everything after the enacting  
 9 clause and inserting in lieu thereof the following:

10 "Section 1. Section 154B.6, subsection 1, Code  
 11 1983, is amended to read as follows:

12 1. A licensed psychologist Except as provided  
 13 in this section, after July 1, 1985 a new applicant  
 14 for licensure as a psychologist shall possess a  
 15 doctoral degree in psychology or its equivalent from  
 16 an institution approved by the board and shall have  
 17 completed at least one year of supervised professional  
 18 experience under the supervision of a licensed  
 19 psychologist or prior to July 1, 1976 any person  
 20 holding a certificate as a psychologist from the board  
 21 of examiners of the Iowa psychological association;  
 22 following the granting of the doctoral degree, or  
 23 predoctoral experience, as may be acceptable to the  
 24 board; or shall possess a master's degree in psychology  
 25 or its equivalent from an institution approved by  
 26 the board and have completed at least five years of  
 27 professional experience, at least two of which shall  
 28 have been under the supervision of a licensed  
 29 psychologist or prior to July 1, 1976 any person  
 30 holding a certificate as a psychologist from the board  
 31 of examiners of the Iowa psychological association;

32 as may be acceptable to the board.

33 Sec. 2. NEW SECTION. 154B.6A HEALTH SERVICE  
 34 PROVIDER IN PSYCHOLOGY. A certified health service  
 35 provider in psychology means a person licensed to  
 36 practice psychology who has a doctoral degree in  
 37 psychology, or prior to July 1, 1984 was licensed  
 38 at the doctoral level with a degree in psychology  
 39 or its equivalent, or was prior to January 1, 1984  
 40 licensed as a psychologist in this state and prior  
 41 to January 1, 1985 receives a doctoral degree  
 42 equivalent to a doctoral degree in psychology, and  
 43 who has at least two years of clinical experience  
 44 in a recognized health service setting or meets the  
 45 standards of a national register of health service  
 46 providers in psychology. A person certified as a  
 47 health service provider in psychology shall be deemed  
 48 qualified to diagnose or evaluate mental illness and  
 49 nervous disorders, and to treat mental illnesses and  
 50 nervous disorders, excluding those mental illnesses

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1 and nervous disorders which are established as  
 2 primarily of biological etiology with the exception  
 3 of the treatment of the psychological and behavioral  
 4 aspects of those mental illnesses and nervous  
 5 disorders.

6 Sec. 3. Section 514.1, Code Supplement 1983, is  
 7 amended to read as follows:

8 514.1 INSURANCE LAWS EXCLUDED GENERALLY. ~~Any~~  
 9 A corporation hereafter organized under the provisions  
 10 of chapter 504 or chapter 504A for the purpose of  
 11 establishing, maintaining, and operating a nonprofit  
 12 hospital service plan, whereby hospital service may  
 13 be provided by the corporation or by a hospital with  
 14 which it has a contract for service, to the public  
 15 who become subscribers to this plan under a contract  
 16 which entitles each subscriber to hospital service,  
 17 or ~~any~~ a corporation organized for the purpose of  
 18 establishing, maintaining, and operating a plan whereby  
 19 medical and surgical service may be provided at the  
 20 expense of this corporation, by duly licensed  
 21 ~~chiropractors~~, physicians and surgeons, dentists,  
 22 podiatrists, osteopathic physicians, or osteopathic  
 23 physicians and surgeons, to subscribers under contract,  
 24 entitling each subscriber to medical and surgical  
 25 service, as provided in the contract or any corporation  
 26 organized for the purpose of establishing, maintaining,  
 27 and operating a nonprofit pharmaceutical service plan

28 or optometric service plan, whereby pharmaceutical  
 29 or optometric service may be provided by this  
 30 corporation or by a licensed pharmacy with which it  
 31 has a contract for service, to the public who become  
 32 subscribers to this plan under a contract which  
 33 entitles each subscriber to pharmaceutical or  
 34 optometric service, shall be governed by the provisions  
 35 of this chapter and shall be is exempt from all other  
 36 provisions of the insurance laws of this state, unless  
 37 specifically designated herein, not only in  
 38 governmental relations with the state but for every  
 39 other purpose, and additions hereafter enacted shall  
 40 not apply to these corporations unless they be  
 41 expressly designated therein. For the purposes of  
 42 this chapter, "subscriber" means an individual who  
 43 enters into a contract for hospital services, medical  
 44 or surgical services, dental services, or  
 45 pharmaceutical or optometric health care services  
 46 with a corporation subject to this chapter and includes  
 47 any person eligible for medical assistance or  
 48 additional medical assistance as defined under chapter  
 49 249A, with respect to whom the department of human  
 50 services has entered into a contract with any firm

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1 operating under chapter 514. For purposes of this  
 2 chapter, "provider" is as defined in section 514B-1  
 3 shall mean a person as defined in section 4.1.  
 4 subsection 13, which is licensed or otherwise  
 5 authorized in this state to furnish health care  
 6 services. "Health care services" shall mean services  
 7 included in the furnishing to any individual of medical  
 8 or dental care, or hospitalization, or incident to  
 9 the furnishing of such care or hospitalization as  
 10 well as the furnishing to any person of all other  
 11 services for the purpose of preventing, alleviating,  
 12 curing, or healing human physical or mental illness,  
 13 injury, or disability. Health care services shall  
 14 also include services which a person might reasonably  
 15 require in order to be maintained in good health,  
 16 including as a minimum, emergency care, inpatient  
 17 hospital and physician care, and outpatient medical  
 18 services rendered within or outside of a hospital.  
 19 Sec. 4. Section 514.5, unnumbered paragraph 2,  
 20 Code Supplement 1983, is amended to read as follows:  
 21 Any A medical service corporation organized under  
 22 the provisions of this chapter may enter into contracts  
 23 with subscribers to furnish medical and surgical

24 service through physicians and surgeons, dentists,  
 25 podiatrists, osteopathic physicians, or osteopathic  
 26 physicians and surgeons, and chiropractors.

27 Sec. 5. Section 514.5, Code Supplement 1983, is  
 28 amended by adding the following new unnumbered  
 29 paragraph:

30 NEW UNNUMBERED PARAGRAPH. A hospital service  
 31 corporation or medical service corporation organized  
 32 under this chapter may enter into contracts with  
 33 subscribers and providers to furnish health care  
 34 services not otherwise allocated by this section.

35 Sec. 6. Section 514.6, Code 1983, is amended to  
 36 read as follows:

37 514.6 RATES-APPROVAL BY COMMISSIONER. The rates  
 38 charged by any such corporation to the subscribers  
 39 for hospital health care service or for medical and  
 40 surgical service, or for pharmaceutical or optometric  
 41 service shall at all times be subject to the approval  
 42 of the commissioner of insurance.

43 Sec. 7. Section 514.7, unnumbered paragraph 1,  
 44 Code Supplement 1983, is amended to read as follows:

45 The contracts by any such corporation with the  
 46 subscribers for hospital health care service or for  
 47 medical and surgical service or for pharmaceutical  
 48 or optometric service shall at all times be subject  
 49 to the approval of the commissioner of insurance.  
 50 The commission shall require that participating

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1 pharmacies be reimbursed by the pharmaceutical service  
 2 corporation at rates or prices equal to rates or  
 3 prices charged nonsubscribers, unless the commissioner  
 4 determines otherwise to prevent loss to subscribers.

5 Sec. 8. Section 514.8, Code 1983, is amended to  
 6 read as follows:

7 514.8 CONTRACTS WITH HOSPITALS PROVIDERS-APPROVAL.

8 The contracts by any such corporation with  
 9 participating hospitals for hospital service or with  
 10 participating physicians and surgeons, dentists,  
 11 podiatrists, osteopathic physicians, or osteopathic  
 12 physicians and surgeons for medical and surgical  
 13 service, or with participating pharmacies for  
 14 pharmaceutical service, or with participating  
 15 optometrists for optometric service, or with other  
 16 providers shall at all times be subject to the approval  
 17 of the commissioner of insurance.

18 Sec. 9. Section 514.13, Code 1983, is amended  
 19 to read as follows:

20 514.13 ARBITRATION OF DISPUTES. Any dispute

21 arising between a corporation organized under said  
 22 this chapter and any hospital with which such  
 23 corporation has a contract for hospital service, or  
 24 any physician and surgeon, dentist, podiatrist,  
 25 osteopathic physician, or osteopathic physician and  
 26 surgeon with whom any such corporation has a contract  
 27 for medical and surgical service or any pharmacy or  
 28 optometrist with whom any such corporation has a  
 29 contract for pharmaceutical or optometric service,  
 30 as provided for herein, a provider may be submitted  
 31 to the commissioner of insurance for his a decision.  
 32 All decisions and findings of the commissioner of  
 33 insurance may be judicially reviewed in accordance  
 34 with the terms of the Iowa administrative procedure  
 35 Act chapter 17A.

36 Sec. 10. NEW SECTION. 514.20 PROHIBITION-UNFAIR  
 37 DISCRIMINATION IN PAYMENT OR REIMBURSEMENT TO  
 PROVIDERS

38 OF HEALTH CARE SERVICE. A corporation organized under  
 39 this chapter, or a policy issued to an individual  
 40 or group in accordance with this chapter and which  
 41 provides for reimbursement or payment for a health  
 42 care service or treatment of a condition provided  
 43 within the lawful scope of practice of a physician  
 44 as defined in section 135.1, shall not discriminate  
 45 against a physician by denying payment or reimbursement  
 46 when the health care service or treatment of the  
 47 condition is provided by a physician acting within  
 48 the lawful scope of the physician's license. Language  
 49 in a policy or a payment or reimbursement practice  
 50 which discriminates against a method of lawful practice

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1 or a physician as defined in section 135.1 is void.  
 2 Policy language shall not indirectly exclude payment  
 3 for a lawful practice or treatment of a condition  
 4 if payment can not be denied directly."  
 5 2. Title page, by striking lines 1 and 2 and  
 6 inserting in lieu thereof the following: "An Act  
 7 relating to health service and health care providers  
 8 by providing for the licensing of a health service  
 9 provider in psychology and the ability of a nonprofit  
 10 medical service plan to contract with certain health  
 11 care providers."

DONALD V. DOYLE  
 TOM MANN, JR.  
 JAMES V. GALLAGHER  
 CHARLES P. MILLER



S-5744

- 1 Amend the amendment S-5690 to House File 2470 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by striking lines 5 through 11 and in-
- 4 serting in lieu thereof the following:
- 5 "A proprietor of a parcel of land of any".

JAMES V. GALLAGHER

S-5745

- 1 Amend the House amendment S-5728 to Senate File
- 2 309 as passed by the Senate as follows:
- 3 1. Page 1, line 7, by inserting after the period
- 4 the words "This subsection shall not be construed
- 5 to permit any person under fourteen years of age to
- 6 operate a farm tractor or implement of husbandry on
- 7 a street or highway."

DALE L. TIEDEN  
RICHARD F. DRAKE

S-5746

- 1 Amend Senate File 2331 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "council" the words "after review by the communications
- 4 review committee of the communications project".

JAMES V. GALLAGHER

S-5747

- 1 Amend Senate File 2327 as follows:
- 2 1. Page 1, line 3, by striking the words and
- 3 figures "January 1, 1978 and July 1, 1984" and
- 4 inserting in lieu thereof the words and figures "June
- 5 1, 1982 and June 1, 1984".
- 6 2. Page 1, line 10, by striking the words and
- 7 figures "January 1, 1978 and July 1, 1984" and
- 8 inserting in lieu thereof the words and figures "June
- 9 1, 1982 and June 1, 1984".
- 10 3. Page 1, line 14, by striking the word and
- 11 figures "January 1, 1978" and inserting in lieu thereof
- 12 the word and figures "June 1, 1982".
- 13 4. Title page, line 2, by striking the words and
- 14 figures "January 1, 1978 and July 1, 1984" and
- 15 inserting in lieu thereof the words and figures "June
- 16 1, 1982 and June 1, 1984".

PATRICK J. DELUHERY  
TED ANDERSON

S-5748

- 1 Amend the House amendment S-5735 to Senate File  
2 2293 as amended, passed and reprinted by the Senate  
3 as follows:
- 4 1. By striking page 9, line 3 through page 10,  
5 line 2.
  - 6 2. By striking page 12, line 17 through page 13,  
7 line 26.
  - 8 3. Page 13, line 45, by inserting after the word  
9 "requiring" the word "registered".
  - 10 4. Page 14, line 3, by inserting before the word  
11 "family" the word "registered".
  - 12 5. Page 14, by striking lines 4 through 7 and  
13 inserting in lieu thereof the following: "associations  
14 and individual providers, requiring periodic".
  - 15 6. Page 14, line 8, by inserting after the word  
16 "and" the word "registered".
  - 17 7. Page 14, by striking lines 9 and 10 and  
18 inserting in lieu thereof the words "homes, and  
19 establishing penalties."
  - 20 8. By renumbering as necessary.

JAMES V. GALLAGHER

S-5749

- 1 Amend the House amendment S-5656 to Senate File  
2 2298 as follows:
- 3 1. Page 1, by striking lines 11 through 41 and  
4 inserting in lieu thereof the following:  
5 "Sec. 2. Section 8.22, subsection 2, lettered  
6 paragraph e, Code 1983, is amended to read as follows:  
7 e. A statement of federal funds received in the  
8 form of block or categorical grants which were not  
9 included in the governor's budget for the previous  
10 fiscal biennium and a statement of anticipated block  
11 grants and categorical grants. The budget shall  
12 indicate how the federal funds will be used and the  
13 programs to which they will be allocated. The amount  
14 of state funds required to implement the programs  
15 to which the federal funds will apply shall also be  
16 indicated. The departments shall provide information  
17 to the comptroller on the anticipated federal block  
18 grants and categorical grants to be received on or  
19 before November 1 of each year. The comptroller shall  
20 use this information to develop an annual update of  
21 the statement of federal funds received which shall  
22 be provided by the general assembly."

CHARLES BRUNER

S-5750

- 1 Amend House File 2437 as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 7, by striking lines 8 through 13 and  
4 inserting in lieu thereof the following:  
5 "d. Employed by or assigned to a hospital as a  
6 member of an authorized ambulance service or rescue  
7 squad for prehospital care to perform nonlifesaving  
8 procedures for which those individuals have been  
9 trained and are designated in a written job  
10 description. Such procedures may be performed after  
11 the patient is observed by and when the advanced EMT  
12 or paramedic is under the supervision of the physician  
13 or registered nurse and where the procedure may be  
14 immediately abandoned without risk to the patient."

JULIA B. GENTLEMAN  
JACK W. HESTER  
TOM SLATER

S-5751

- 1 Amend Senate File 2328 as follows:  
2 1. Page 7, by striking line 15 and inserting in  
3 lieu thereof the following:  
4 "99D.22 NATIVE HORSES OR DOGS.  
5 1. A licensee shall hold at".  
6 2. Page 7, line 18, by inserting after the word  
7 "commission," the following: "The commission shall  
8 use the standards set in subsection 2 in defining  
9 Iowa-foaled thoroughbred horses."  
10 3. Page 7, by inserting after line 30 the  
11 following:  
12 "Sec. \_\_\_\_ . Section 99D.22, Code Supplement 1983,  
13 is amended by adding the following new subsection:  
14 NEW SUBSECTION. 2. For the purposes of this  
15 chapter, the following shall be considered in  
16 determining if a horse is an Iowa-foaled thoroughbred  
17 horse:  
18 a. All thoroughbred horses foaled in Iowa prior  
19 to January 1, 1985, which are registered by the jockey  
20 club as Iowa foaled shall be considered to be Iowa  
21 foaled.  
22 b. After January 1, 1985, eligibility for brood  
23 mare residence shall be achieved by meeting at least  
24 one of the following rules:  
25 (1) Thirty days residency until the foal is  
26 inspected, if in foal to a registered Iowa stallion.

27 (2) Thirty days residency until the foal is  
28 inspected for brood mares which are bred back to  
29 registered Iowa stallions.

30 (3) Continuous residency from December 31 until  
31 the foal is inspected if the mare was bred by other  
32 than an Iowa registered stallion and which is not  
33 bred back to an Iowa registered stallion.

34 c. To be eligible for registration as an Iowa  
35 thoroughbred stallion, the following requirements  
36 shall be met:

37 (1) A full-year stallion residency, January 1  
38 through December 31 for the year of registration.  
39 However, horses going to stud for their first season  
40 shall be eligible upon registration with residency  
41 to continue through December 31.

42 (2) At last fifty-one percent of an Iowa registered  
43 stallion shall be owned by bona fide Iowa residents.

44 d. State residency shall not be required for  
45 owners of brood mares."

46 4. Renumber as necessary.

NORMAN G. RODGERS

S-5752

1 Amend amendment S-5728 to Senate File 309 as passed  
2 by the Senate as follows:

3 1. Page 1, by inserting after line 7 the following:

4 "2. Page 1, by inserting after line 6 the  
5 following:

6 "Sec. 2. Section 321.281, Code 1983, is amended  
7 by adding the following new subsection:

8 **NEW SUBSECTION.** A person whose license to operate  
9 a motor vehicle is revoked under this section who  
10 wishes to operate a farm tractor or implement of  
11 husbandry in the course of the person's occupation  
12 or employment to or from the home farm buildings to  
13 farmland for the exclusive purpose of conducting farm  
14 operations shall be issued a temporary restricted  
15 driving permit by the department for that purpose.

16 Sec. 3. Chapter 321B, Code 1983, is amended by  
17 adding the following new section:

18 **NEW SECTION.** A person whose license to operate  
19 a motor vehicle is revoked under this section who  
20 wishes to operate a farm tractor or implement of  
21 husbandry in the course of the person's occupation  
22 or employment to or from the home farm buildings to  
23 farmland for the exclusive purpose of conducting farm  
24 operations shall be issued a temporary restricted  
25 driving permit by the department for that purpose."

C. JOSEPH COLEMAN  
BERL E. PRIEBE

S-5753

1 Amend Senate amendment S-5738 to House File 2487  
2 as amended, passed and reprinted by the House as  
3 follows:  
4 1. Page 2, by striking lines 6 through 19, and  
5 inserting in lieu thereof the following:  
6 "Sec. 9. NEW SECTION. 668.9 INSURANCE PRACTICE.  
7 It shall be an unfair trade practice, as defined in  
8 chapter 507B, if an insurer assigns a percentage of  
9 fault to a claimant, for the purpose of reducing a  
10 settlement, when there exists no reasonable evidence  
11 upon which the assigned percentage of fault could  
12 be based. The prohibitions and sanctions of chapter  
13 507B shall apply to violations of this section."

JULIA B. GENTLEMAN

S-5754

1 Amend House amendent S-5703 to Senate File  
2 2248, as amended, passed and reprinted by the  
3 Senate, as follows:  
4 1. Page 1, line 7, by inserting after the  
5 words "for 455D.8," the words "or as otherwise  
6 provided for in this section".  
7 2. Page 1, line 31, by striking the words  
8 "Notwithstanding subsection 1 a" and inserting  
9 in lieu thereof the word "A".  
10 3. Page 1, by inserting after line 36 the  
11 following new subsection:  
12 "3. For hazardous chemicals not covered under  
13 the Federal Insecticide, Fungicide and Rodenticide  
14 Act, 7 U.S.C. sec. 121 et seq., a person engaged  
15 in farming, a commercial applicator as defined in  
16 section 206.2, subsection 12, a certified applicator  
17 as defined in section 206.2, subsection 17, a  
18 certified private applicator as defined in  
19 section 206.2, subsection 18, a certified commercial  
20 applicator as defined in section 206.2, subsection  
21 19, and a pesticide dealer as defined in section  
22 206.2, subsection 24, are responsible to their  
23 employees for the following:  
24 a. Making information available regarding  
25 hazardous chemicals to which the employee may be  
26 exposed, to the extent the information is available  
27 to the employer, and  
28 b. Providing reasonable instruction in the  
29 handling of hazardous chemicals that the employee  
30 is expected to handle, in order to protect the

31 employee from harmful exposure."

CHARLES BRUNER

S-5755

- 1 Amend the amendment S-5524 to Senate File 2328 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and insert-
- 4 ing in lieu thereof the following:
- 5 "1. Page 3, line 19, by striking the word and let-
- 6 ter "paragraph a" and inserting in lieu thereof the
- 7 words and letters "paragraphs a and b".
- 8 2. Page 2, line 20, by striking the word "is"
- 9 and inserting in lieu thereof the word "are"."

NORMAN G. RODGERS

HOUSE AMENDMENT TO SENATE FILE 400

S-5756

- 1 Amend Senate File 400 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "salary" the following: "within the range".

HOUSE AMENDMENT TO SENATE FILE 2122

S-5757

- 1 Amend Senate File 2122, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 3 the following:
- 4 "NEW UNNUMBERED PARAGRAPH. A county library
- 5 district may be terminated upon a majority vote of
- 6 the electors of the unincorporated area of the county
- 7 and the cities included in the county library district.
- 8 The election shall be held upon motion of the board
- 9 of supervisors and simultaneously with a general
- 10 election."
- 11 2. Page 2, by inserting after line 15 the
- 12 following:
- 13 "NEW UNNUMBERED PARAGRAPH. An election for
- 14 withdrawal from or termination of a county library
- 15 district shall not be held more than once each four
- 16 years."

HOUSE AMENDMENT TO SENATE FILE 2237

S-5758

- 1 Amend Senate File 2237 as passed by the Senate

2 as follows:

- 3 1. Page 1, line 4, by striking the word "odd"  
 4 and inserting in lieu thereof the word "even".  
 5 2. Page 2, line 18, by striking the figure "1984"  
 6 and inserting in lieu thereof the figure "1986".  
 7 3. Page 2, line 33, by striking the figure "1984"  
 8 and inserting in lieu thereof the figure "1986".

HOUSE AMENDMENT TO SENATE FILE 2238

S-5759

1 Amend Senate File 2238 as amended, passed and  
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 33 the  
 4 following:

5 "Sec. 3. Chapter 79, Code 1983, is amended by  
 6 adding the following new section:

7 **NEW SECTION. REPRISALS PROHIBITED.** A person shall  
 8 not discharge an employee from or take or fail to  
 9 take action regarding an employee's appointment or  
 10 proposed appointment to, promotion or proposed  
 11 promotion to, or any advantage in, a position in a  
 12 state employment system administered by, or subject  
 13 to approval of, a state agency as a reprisal for a  
 14 disclosure of information by that employee to a member  
 15 of the general assembly, the legislative service  
 16 bureau, the legislative fiscal bureau or the respective  
 17 caucus staffs of the general assembly, or a disclosure  
 18 of information which the employee reasonably believes  
 19 evidences a violation of law or rule, mismanagement,  
 20 a gross abuse of funds, an abuse of authority, or  
 21 a substantial and specific danger to public health  
 22 or safety. This subsection does not apply if the  
 23 disclosure of that information is prohibited by  
 24 statute."

25 2. Page 9, by inserting after line 12 the  
 26 following:

27 "Sec. . Section 321.135, Code 1983, is amended  
 28 to read as follows:

29 321.135 WHEN FEES DELINQUENT. Such delinquencies  
 30 ~~shall~~ Delinquencies begin and ~~penalty~~ penalties accrue  
 31 the first of the month following the purchase of a  
 32 new vehicle, and the first of the month following  
 33 the date ~~cars~~ are a vehicle is brought into the state,  
 34 except as herein otherwise provided."

35 3. Renumbering sections as necessary.

HOUSE AMENDMENT TO SENATE FILE 2272

S-5760

1 Amend Senate File 2272 as passed by the Senate

2 as follows:

- 3 1. Page 1, line 5, by inserting after the word  
 4 "circumstances" the words "which was not contemplated  
 5 at the time the order was issued or the time of the  
 6 most recent hearing on the order".  
 7 2. Page 1, line 9, by striking the word "shall".  
 8 and inserting in lieu thereof the word "may".

HOUSE AMENDMENT TO SENATE FILE 2273

S-5761

- 1 Amend Senate File 2273 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 2, lines 27 and 28, by striking the words  
 4 ". notwithstanding Article II of the compact".

S-5762

- 1 Amend Senate amendment S-5738 to House File 2487  
 2 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 31 through 38 and  
 5 inserting in lieu thereof the following:  
 6 "Sec. 4. NEW SECTION. 668.4 JOINT AND SEVERAL  
 7 LIABILITY. The common-law doctrine of joint and  
 8 several liability shall apply only to defendants who  
 9 are found to bear more than fifty percent of the total  
 10 fault allocated to all parties. This section shall  
 11 apply only to cases brought under this chapter based  
 12 upon negligence."

WILLIAM W. (Bill) DIELEMAN

HOUSE AMENDMENT TO SENATE JOINT RESOLUTION 9

S-5763

- 1 Amend Senate Joint Resolution 9 as follows:  
 2 1. Page 1, by striking lines 8 and 9 and inserting  
 3 in lieu thereof the words "its passage unless a  
 4 different effective date is stated in an".  
 5 2. Page 1, by striking lines 12 through 19 and  
 6 inserting in lieu thereof the following: "after  
 7 adjournment of the special session unless a different  
 8 effective date is stated in an act of the general  
 9 assembly. The general assembly may establish by law  
 10 a procedure for giving notice of the contents of acts  
 11 of immediate importance which become law."



HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 540

S-5764

- 1 Amend amendment H-5912 to House File 540 as amended,
- 2 passed and reprinted by the House, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "remove" the words "unwanted or".

S-5766

- 1 Amend House File 598 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "or" the words "other identification number or an
- 5 owner's".

RAY TAYLOR

S-5767

- 1 Amend the House amendment S-5701 to Senate File
- 2 2220 as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 3, by inserting after line 3 the following:
- 5 "\_\_\_\_\_ Page 9, line 25, by inserting after the
- 6 word "insurance" the following: ", and before the
- 7 investment of public funds in investments authorized
- 8 in section 452.10 which either are not obligations
- 9 of or guaranteed by the United States government of
- 10 any of its agencies, are in excess of the amount
- 11 insured by federal deposit insurance or federal savings
- 12 and loan insurance, or are investments by the treasurer
- 13 of state specifically authorized by section 452.10
- 14 to be made as additional investments under section
- 15 97B.7, subsection 2, paragraph "b",".
- 16 \_\_\_\_\_ Page 9, line 26, by inserting after the word
- 17 "deposit" the words "or investment"."
- 18 2. Renumber as necessary.

EDGAR H. HOLDEN  
GEORGE R. KINLEY

S-5768

- 1 Amend Senate File 2325 as follows:
- 2 1. Page 1, by striking lines 10 through 14.
- 3 2. Title, lines 4 and 5, by striking the words
- 4 "and making the Act retroactive".

WILLIAM D. PALMER

S-5769

- 1 Amend Senate File 2327 as follows:
- 2 1. Page 1, lines 2 and 3 by striking the words
- 3 "and related products,".
- 4 2. Page 1, line 11 by striking the words "and
- 5 related products".
- 6 3. Title, line 3 by striking the words "and
- 7 related products".

JAMES V. GALLAGHER

S-5770

- 1 Amend House File 2331 as passed by the House as
- 2 follows:
- 3 1. Page 1, by inserting after line 9 the following:
- 4 "Sec. 2. This Act is retroactive to April 1984.
- 5 Sec. 3. This Act, being deemed of immediate import-
- 6 ance, takes effect from and after its publication in the
- 7 Tama News-Herald, a newspaper published in Tama, Iowa,
- 8 and in the Charles City Press, a newspaper published in
- 9 Charles City, Iowa."
- 10 2. Title, line 4, by inserting after the word "pur-
- 11 poses" the words "and making the Act retroactive".

BASS VAN GILST

S-5771

- 1 Amend Senate File 2325 as follows:
- 2 1. Page 1, line 7, by striking the word "April"
- 3 and inserting in lieu thereof the word "July".

ARTHUR L. GRATIAS

S-5772

- 1 Amend House File 2487 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 6, by inserting after line 8 the following:
- 4 "Sec. 11. Section 613A.12, Code Supplement 1983,
- 5 is amended to read as follows:
- 6 613A.12 OFFICERS AND EMPLOYEES -PERSONAL
- 7 LIABILITY. All officers and employees of
- 8 municipalities are not personally liable for any claim
- 9 which is exempted under section 613A.4, except a claim
- 10 for punitive damages, and actions permitted under
- 11 section 85.20. An officer or employee of a
- 12 municipality is not liable for punitive damages as
- 13 a result of acts in the performance of a law

14 ~~enforcement or emergency duty their duties~~, unless  
 15 actual malice or willful, wanton and reckless  
 16 misconduct is proven."  
 17 2. By renumbering as necessary.

NORMAN G. RODGERS  
 JOHN N. NYSTROM  
 JAMES E. BRILES  
 ALVIN V. MILLER  
 CALVIN O. HULTMAN  
 CHARLES P. MILLER  
 LEE W. HOLT  
 JAMES D. WELLS

S-5773

1 Amend Senate amendment S-5738 to House File 2487  
 2 as amended, passed and reprinted by the House as  
 3 follows:

4 1. Page 2, by striking lines 20 and 21 and  
 5 inserting in lieu thereof the following:

6 "Sec. 10. Section 364.12, subsection 2, paragraph  
 7 b, Code 1983, as amended by House File 359, enacted  
 8 by the Seventieth General Assembly, 1984 Session,  
 9 is amended by striking the paragraph and inserting  
 10 in lieu thereof the following:

11 b. The abutting property owner may be required  
 12 by ordinance to remove the natural accumulations of  
 13 snow and ice from the sidewalks within a reasonable  
 14 length of time. A person traveling upon a sidewalk  
 15 assumes the risk of injury due to the natural  
 16 accumulations of snow and ice, and may claim damages  
 17 only if all of the following conditions are proven:

18 (1) The natural accumulation of snow and ice was  
 19 not known by the claimant to be a dangerous condition.

20 (2) The natural accumulation of snow or ice was  
 21 known to the defendant.

22 (3) The defendant failed to take reasonable  
 23 measures to remove the natural accumulation of snow  
 24 or ice within a reasonable time after the condition  
 25 became known to the defendant.

26 A person seeking relief under this paragraph has  
 27 the burden of proving the existence of all required  
 28 conditions of liability. All legal or equitable  
 29 defenses are available to the defendant in an action  
 30 brought pursuant to this paragraph. If damages are  
 31 to be claimed under this paragraph, the claimant has  
 32 the burden of proving the amount of the damages.  
 33 To authorize recovery of more than a nominal amount,  
 34 facts must exist and be shown by the evidence which

35 afford a reasonable basis for measuring the amount  
 36 of actual damages, and the amount of actual damages  
 37 shall not be determined by speculation, conjecture  
 38 or surmise.

39 The city's general duty under this subsection does  
 40 not include a duty to remove natural accumulations  
 41 of snow or ice on the sidewalks. However, when the  
 42 city is the abutting property owner, it has the  
 43 specific duty of the abutting property owner set forth  
 44 in this paragraph."

45 2. By renumbering as necessary.

EDGAR H. HOLDEN  
 MILO COLTON  
 DON E. GETTINGS

S-5774

1 Amend Senate amendment S-5738 to House File 2487  
 2 as amended, passed and reprinted by the House as  
 3 follows:

4 1. Page 2, by striking lines 20 and 21 and  
 5 inserting in lieu thereof the following:

6 "Sec. 10. Section 364.12, subsection 2, paragraph  
 7 b, Code 1983, as amended by House File 359, enacted  
 8 by the Seventieth General Assembly, 1984 Session,  
 9 is amended by striking the paragraph and inserting  
 10 in lieu thereof the following:

11 b. The abutting property owner may be required  
 12 by ordinance to remove the natural accumulations of  
 13 snow and ice from the sidewalks within a reasonable  
 14 length of time. A person traveling upon a sidewalk  
 15 assumes the risk of injury due to the natural  
 16 accumulations of snow and ice.

17 If damages are to be claimed under this paragraph,  
 18 the claimant has the burden of proving the amount  
 19 of the damages. To authorize recovery of more than  
 20 a nominal amount, facts must exist and be shown by  
 21 the evidence which afford a reasonable basis for  
 22 measuring the amount of the claimant's actual damages,  
 23 and the amount of actual damages shall not be  
 24 determined by speculation, conjecture or surmise.

25 The city's general duty under this subsection does  
 26 not include a duty to remove natural accumulations  
 27 of snow or ice on the sidewalks. However, when the  
 28 city is the abutting property owner, it has the  
 29 specific duty of the abutting property owner set forth  
 30 in this paragraph."

31 2. By renumbering as necessary.

EDGAR H. HOLDEN  
 MILO COLTON  
 DON E. GETTINGS

S-5775

- 1 Amend Senate amendment S-5738 to House File 2487
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 2, by striking lines 20 and 21.
- 5 2. By renumbering as necessary.

EDGAR H. HOLDEN  
MILO COLTON  
DON E. GETTINGS

## HOUSE AMENDMENT TO SENATE FILE 2188

S-5776

- 1 Amend Senate File 2188 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "Section 1. Section 321.52, subsection 3, Code
- 6 1983, is amended to read as follows:
- 7 3. When a vehicle for which a certificate of title
- 8 is issued is junked or dismantled by the owner, the
- 9 owner shall detach the registration plates and
- 10 surrender the plates to the county treasurer, unless
- 11 the plates are properly assigned to another vehicle.
- 12 The owner shall also surrender the registration receipt
- 13 and certificate of title to the county treasurer.
- 14 Upon surrendering the certificate of title, the county
- 15 treasurer shall issue to such person, without fee,
- 16 a junking certificate, which shall authorize the
- 17 holder to possess, transport or transfer ownership
- 18 of the junked vehicle by endorsement of the junking
- 19 certificate. ★ The county treasurer shall hold the
- 20 surrendered certificate of title, registration receipt
- 21 and, if applicable, the registration plates for a
- 22 period of fourteen days following the issuance of
- 23 a junking certificate under this subsection. Within
- 24 the fourteen-day period the person who was issued
- 25 the junking certificate and to whom the vehicle was
- 26 titled or assigned may surrender to the county
- 27 treasurer the junking certificate, and upon the
- 28 person's payment of appropriate fees and taxes and
- 29 payment of any credit for registration fees received
- 30 by the person for the vehicle under section 321.46,
- 31 subsection 3, the county treasurer shall issue to
- 32 the person a restricted certificate of title for the
- 33 vehicle. After the expiration of the fourteen-day
- 34 period, a certificate of title shall not again be

35 issued for the junked vehicle for which a junking  
 36 certificate is issued. The county treasurer shall  
 37 cancel the record of the vehicle and forward the  
 38 certificate of title to the department."

39 2. Title page, line 3, by inserting after the  
 40 word "resale" the following: "and allowing a county  
 41 treasurer to issue, under certain circumstances, a  
 42 restricted certificate of title to a person who was  
 43 issued a junking certificate".

44 3. Renumber as necessary.

HOUSE AMENDMENT TO SENATE FILE 2268

S-5777

1 Amend Senate File 2268 as passed by the Senate  
 2 as follows:

3 1. Page 3, by inserting after line 19 the .  
 4 following:

5 "Sec. 6. NEW SECTION. 252C.6 COURT CERTIFICATION.  
 6 Upon application, the court may certify unpaid alimony  
 7 payments for the support of a spouse or former spouse  
 8 and direct execution, levy, and garnishment as  
 9 authorized by law."

10 2. Page 3, line 20, by striking the words and  
 11 figure "Sec. 6. This" and inserting in lieu thereof  
 12 the words and figures "Sec. 7. Sections 1 through  
 13 6 of this".

14 3. Page 3, by inserting after line 22 the  
 15 following:

16 "Sec. 8. NEW SECTION. 630.8A HEARING TO DETERMINE  
 17 JUDGMENT DEBTOR'S INCOME. At any time after the  
 18 rendition of judgment the court, upon application  
 19 of the judgment creditor or the judgment debtor and  
 20 upon notice to the adverse party as the court shall  
 21 direct, shall conduct a hearing to determine the  
 22 reasonably expected annual earnings of the judgment  
 23 debtor for the current calendar year and the applicable  
 24 limitation upon garnishment as provided in section  
 25 642.21. The court shall also consider in the interest  
 26 of justice whether a greater amount than provided  
 27 in section 642.21 shall be exempt from garnishment.  
 28 In making the determination the court shall consider  
 29 the age, number and circumstances of the dependents  
 30 of the debtor, existing federal poverty level  
 31 guidelines, the debtor's maintenance and support  
 32 needs, the debtor's other financial obligations and  
 33 any other relevant information. An order reducing  
 34 the garnishment may be modified or vacated upon the

35 application of a party to the court, notice to the  
36 adverse party, and a showing at a hearing of changed  
37 circumstances. An additional filing fee shall not  
38 be assessed for proceedings under this section.

39 Sec. 9. Section 642.5, Code 1983, is amended by  
40 adding the following new subsection:

41 NEW SUBSECTION. 4. Do you compensate the defendant  
42 in this suit for any personal services whether  
43 denominated as wages, salary, commission, bonus or  
44 otherwise, including periodic payments pursuant to  
45 a pension or retirement program? If so, state the  
46 amount of the compensation reasonably anticipated  
47 to be paid defendant during the calendar year.

48 Sec. 10. Section 642.14, Code 1983, is amended  
49 by adding the following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. The notice required

Page 2

1 by this section shall contain the full text of section  
2 630.3A.

3 Sec. 11. Section 642.21, subsection 1, Code 1983,  
4 is amended to read as follows:

5 1. The disposable earnings of an individual shall  
6 be are exempt from garnishment to the extent provided  
7 by the federal Consumer Credit Protection Act, Title  
8 III, 15 U.S.C. secs. 1671-1677. The term "Consumer  
9 Protection Act" means the Act of Congress approved  
10 May 20, 1968, 82 Stat. 163, officially cited as the  
11 "Consumer Credit Protection Act, Title III." The  
12 maximum amount of an employee's earnings which may  
13 be garnished during any one calendar year is two  
14 hundred fifty dollars for each judgment creditor,  
15 except as provided in section 627.12 or when those  
16 earnings are reasonably expected to be in excess of  
17 twelve thousand dollars for that calendar year as  
18 determined from the answers taken by the sheriff or  
19 by the court pursuant to section 642.5, subsection  
20 4. When the employee's earnings are reasonably  
21 expected to be more than twelve thousand dollars the  
22 maximum amount of those earnings which may be garnished  
23 during a calendar year for each creditor is as follows:  
24 a. Employees with expected earnings of twelve  
25 thousand dollars or more, but less than sixteen  
26 thousand dollars, not more than four hundred dollars  
27 may be garnished.  
28 b. Employees with expected earnings of sixteen  
29 thousand dollars or more, but less than twenty-four  
30 thousand dollars, not more than eight hundred dollars

31 may be garnished.

32 c. Employees with expected earnings of twenty-  
 33 four thousand dollars or more, but less than thirty-  
 34 five thousand dollars, not more than one thousand  
 35 five hundred dollars may be garnished.

36 d. Employees with expected earnings of thirty-  
 37 five thousand dollars or more, but less than fifty  
 38 thousand dollars, not more than two thousand dollars  
 39 may be garnished.

40 e. Employees with expected earnings of fifty  
 41 thousand dollars or more, not more than ten percent  
 42 of an employee's expected earnings.

43 Sec. 12. NEW SECTION. 642.22 VALIDITY OF  
 44 GARNISHMENT NOTICE. A notice of garnishment served  
 45 upon a garnishee is effective without serving another  
 46 notice until the earliest of the following:

47 1. The annual maximum permitted to be garnished  
 48 under section 642.21 has been withheld.

49 2. The writ of execution expires.

50 3. The judgment is satisfied.

Page 3

1 4. The garnishee is served with a notice that  
 2 the garnishment shall cease."

3 4. Title page, line 1, by inserting after the  
 4 word "Act" the words "relating to collection of court  
 5 ordered payments by".

6 5. Title page, line 3, by inserting after the  
 7 word "penalty" the words ", and providing for the  
 8 collection of unpaid alimony, and providing for limits  
 9 to garnishment, and providing for the validity of  
 10 garnishment notices."

HOUSE AMENDMENT TO SENATE FILE 2082

S-5778

1 Amend Senate File 2082 as passed by the Senate,  
 2 as follows:

3 1. Page 1, by striking lines 25 through 28, and  
 4 inserting in lieu thereof the following: "and the  
 5 following information of all other disciplinary  
 6 reports:

7 (1) The name of the subject of the investigation.

8 (2) The alleged infraction involved.

9 (3) The finding of fact and the penalty, if any,  
 10 imposed as a result of the infraction."



11 2. Page 2, by striking lines 10 and 11, and  
12 inserting in lieu thereof the following:  
13 "j. Information from disciplinary reports and  
14 investigations other than that identified in subsection  
15 1, paragraph 1."

16 3. Page 3, line 28, by inserting after the word  
17 "to" the words "the board of parole and to".

18 4. Page 3, line 30, by inserting after the word  
19 "and" the words "the board and".

20 5. Page 3, line 33, by inserting after the word  
21 "to" the words "the board of parole and to".

22 6. Page 5, by inserting after line 26 the  
23 following:

24 "Sec. 3. Section 217A.32, Code Supplement 1983,  
25 is amended to read as follows:

26 217A.32 RECORDS OF INMATES. The director shall  
27 keep the following record of every person committed  
28 to any of the department's institutions: Name,  
29 residence, sex, age, place of birth, occupation, civil  
30 condition, date of entrance or commitment, date of  
31 discharge, whether a discharge is final, condition  
32 of the person when discharged, the name of the  
33 institutions from which and to which the person has  
34 been transferred, and if the person is dead, the date  
35 and cause of death. The director may permit the state  
36 libraries and the Iowa state historical department's  
37 division of historical museum and archives to copy  
38 or reproduce by any photographic, photostatic,  
39 microfilm, microcard, or other process which accurately  
40 reproduces in a durable medium and to destroy in the  
41 manner described by law the records of inmates required  
42 by this section.

43 Sec. 4. Section 217A.33, Code Supplement 1983,  
44 is repealed."

45 7. By renumbering and relettering to conform to  
46 this amendment.

S-5779

1 Amend the Judiciary Committee amendment, S-5738,  
2 to House File 2487 as amended, passed and reprinted  
3 by the House as follows:

4 1. Page 2, by inserting after line 19 the  
5 following:

6 "Sec. 10. NEW SECTION. 668.10 GOVERNMENTAL  
7 EXEMPTIONS. In any action brought pursuant to this  
8 chapter, the state or a municipality shall not be  
9 assigned a percentage of fault for any of the  
10 following:

- 11 1. The failure to place, erect, or install a stop  
 12 sign, traffic control device, or other regulatory  
 13 sign as defined in the uniform manual for traffic  
 14 control devices adopted pursuant to section 321.252.  
 15 However, once a regulatory device has been placed,  
 16 erected or installed, the state or municipality may  
 17 be assigned a percentage of fault for its failure  
 18 to maintain the device.
- 19 2. The failure to remove natural or unnatural  
 20 accumulations of snow or ice or to place sand, salt,  
 21 or other abrasive material on a highway, road, or  
 22 street if the state or municipality establishes that  
 23 it has complied with its policy or level of service  
 24 for snow and ice removal or placing sand, salt or  
 25 other abrasive material on its highways, roads, or  
 26 streets.
- 27 3. For contribution or indemnity, unless the party  
 28 claiming contribution or indemnity has given the  
 29 municipality notice of this claim as provided in  
 30 section 613A.5.”
- 31 2. By renumbering as necessary.

JOHN W. JENSEN

S-5780

- 1 Amend Senate amendment S-5738 to House File 2487  
 2 as amended, passed and reprinted by the House as  
 3 follows:
- 4 1. Page 1, by striking lines 31 through 38 and  
 5 inserting in lieu thereof the following:
- 6 “Sec. 4. NEW SECTION. 668.4 JOINT AND SEVERAL  
 7 LIABILITY. The common-law doctrine of joint and  
 8 several liability shall apply only to defendants who  
 9 are found to bear more than fifty percent of the total  
 10 fault allocated to all parties.”

WILLIAM W. (Bill) DIELEMAN

S-5781

- 1 Amend Senate amendment S-5738 to House File 2487  
 2 as amended, passed and reprinted by the House as  
 3 follows:
- 4 1. Page 2, by striking lines 35 through 37.  
 5 2. By renumbering as necessary.

TOM MANN, JR.  
 C. JOSEPH COLEMAN

S-5782

- 1 Amend Senate amendment S-5738 to House File 2487
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 29 through 38 and
- 5 inserting in lieu thereof the following:
- 6 "9. Page 2, by striking lines 26 through 31."

TOM MANN, JR.  
C. JOSEPH COLEMAN

S-5783

- 1 Amend Senate amendment S-5738 to House File 2487
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 8.
- 5 2. By renumbering as necessary.

TOM MANN, JR.  
C. JOSEPH COLEMAN

S-5784

- 1 Amend Senate amendment S-5738 to House File 2487
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 19 through 45 and
- 5 inserting in lieu thereof the following:
- 6 "6. Page 2, by inserting after line 13 the
- 7 following:
- 8 "6. If a claim is tried to a jury, the court shall
- 9 not give instructions or permit evidence or argument
- 10 with respect to the effects of the answers to be
- 11 returned to the interrogatories submitted under this
- 12 section."
- 13 7. Page 3, by striking lines 5 and 6."
- 14 2. By renumbering as necessary.

RICHARD F. DRAKE  
DON E. GETTINGS  
JULIA B. GENTLEMAN  
EDGAR H. HOLDEN  
WILLIAM D. PALMER

S-5785

- 1 Amend Senate amendment S-5738 to House File 2487
- 2 as amended, passed and reprinted by the House as
- 3 follows:

4 1. Page 2, by striking line 21, and inserting  
5 in lieu thereof the following: "line 8, and inserting  
6 in lieu thereof the following:

7 "Sec. 10. Section 25A.14, subsection 9, Code  
8 Supplement 1983, is amended to read as follows:

9 9. Any claim based upon or arising out of a claim  
10 of negligent design or specification, negligent  
11 adoption of design or specification, or negligent  
12 construction or reconstruction of a public improvement  
13 as defined in section 384.37, subsection 1, or other  
14 public facility that was constructed or reconstructed  
15 in accordance with a generally recognized engineering  
16 or safety standard, criteria, or design theory in  
17 existence at the time of the construction or  
18 reconstruction. A claim under this chapter shall  
19 not be allowed for failure to upgrade, improve, or  
20 alter any aspect of an existing public improvement  
21 or other public facility to new, changed, or altered  
22 design standards. This subsection shall not apply  
23 to claims based upon gross negligence. This subsection  
24 takes effect July 1, ~~1984~~ 1985 and applies to all  
25 cases tried or retried on or after July 1, ~~1984~~ 1985.

26 Sec. 11. Section 613A.4, subsection 8, unnumbered  
27 paragraph 1, Code Supplement 1983, is amended to read  
28 as follows:

29 8. Any claim based upon or arising out of a claim  
30 of negligent design or specification, negligent  
31 adoption of design or specification, or negligent  
32 construction or reconstruction of a public improvement  
33 as defined in section 384.37, subsection 1, or other  
34 public facility that was constructed or reconstructed  
35 in accordance with a generally recognized engineering  
36 or safety standard, criteria, or design theory in  
37 existence at the time of the construction or  
38 reconstruction. A claim under this chapter shall  
39 not be allowed for failure to upgrade, improve, or  
40 alter any aspect of an existing public improvement  
41 or other public facility to new, changed, or altered  
42 design standards. This subsection shall not apply  
43 to claims based upon gross negligence. This subsection  
44 takes effect July 1, ~~1984~~ 1985 and applies to all  
45 cases tried or retried on or after July 1, ~~1984~~ 1985."

46 2. By renumbering as necessary.

TOM MANN, JR.

HOUSE AMENDMENT TO SENATE FILE 2165

S-5786

1 Amend Senate File 2165 as follows:

2 1. By striking all after the enacting clause and  
3 inserting in lieu thereof the following:

4 "Section 1. The purpose of this Act is for the  
5 governor, the general assembly, and the judicial  
6 department to evaluate measures to make state  
7 government more efficient through the examination  
8 of supervisory span control.

9 Sec. 2. Studies shall be initiated to examine  
10 the existing full-time equivalent positions devoted  
11 to supervision of employees in state government.  
12 The studies shall enumerate existing supervisory  
13 efficiency ratios and include a narrative analysis  
14 on meeting the goal of establishing a span of control  
15 ratio of one to seven. The analysis of individual  
16 units of state government must take into account  
17 different levels of responsibility, complexity,  
18 proximity, and other factors affecting the ability  
19 to manage in order to effectively improve the  
20 efficiency of management. Recommended ratios providing  
21 more supervisors than one to seven shall be accompanied  
22 by documentation detailing why a span of control ratio  
23 of one to seven would interfere with adequate  
24 performance of the affected unit's governmental  
25 responsibilities.

26 Each study shall include a plan for achieving the  
27 recommended span of control ratio in not more than  
28 two phases. The first phase shall be capable of  
29 implementation no later than July 1, 1985 and the  
30 remaining phase, if any, shall be capable of  
31 implementation not later than July 1, 1986. The  
32 studies will be completed and submitted to the general  
33 assembly by October 15, 1984.

34 Sec. 3. The governor shall perform the study  
35 provided in section 2 of this Act for all state  
36 agencies in the executive branch with the exception  
37 of the institutions under the jurisdiction of the  
38 board of regents.

39 Sec. 4. The board of regents shall perform the  
40 study provided in section 2 of this Act for all  
41 institutions under its jurisdiction and shall submit  
42 that study to the governor no later than September  
43 15, 1984. Full-time teaching and research positions  
44 are exempt from the study described under section  
45 2 of this Act.

46 Sec. 5. The legislative council shall perform  
47 the study provided in section 2 of this Act for all  
48 legislative employees.

49 Sec. 6. The supreme court shall perform the study  
50 provided in section 2 of this Act for all court

Page 2

1 employees under its jurisdiction.

2 Sec. 7. The studies shall provide that no protected  
3 class person will be laid off from a position or  
4 reduced in rank or grade where it can be shown that  
5 the persons in those protected classes are  
6 underrepresented in the job classes affected by the  
7 reduction.

8 Sec. 8. The studies shall be provided to the  
9 governor, legislative council and the appropriate  
10 appropriations subcommittees. Upon receiving the  
11 reduction proposals, the governor, the legislative  
12 council, and the appropriate subcommittees of the  
13 committees on appropriations, shall also review the  
14 reductions and additions in employment made by the  
15 state agencies within the prior five years."

S-5787

1 Amend Senate amendment S-5738 to House File 2487  
2 as amended, passed and reprinted by the House as  
3 follows:

- 4 1. Page 1, by striking lines 3 through 8.
- 5 2. Page 1, by striking lines 29 through 38, and  
6 inserting in lieu thereof the following:
- 7 "9. Page 2, by striking lines 26 through 31."
- 8 3. By renumbering as necessary.

TOM MANN, JR.

S-5788

1 Amend Senate amendment S-5738 to House File 2487  
2 as amended, passed and reprinted by the House as  
3 follows:

- 4 1. Page 1, by striking lines 24 through 28 and  
5 inserting in lieu thereof the following:
- 6 "5. If the claim is tried to a jury, the court  
7 shall give instructions and permit evidence and  
8 argument with respect to the effects of the answers  
9 to be returned to the interrogatories submitted under  
10 this section.
- 11 6. In an action brought under this chapter and  
12 tried to a jury, the court shall not discharge the  
13 jury until the court has determined that the verdict  
14 or verdicts are consistent with the total damages  
15 and percentages of fault, and if inconsistencies exist  
16 the court shall do all of the following:

- 17 1. Inform the jury of the inconsistencies.  
18 2. Order the jury to resume deliberations to  
19 correct the inconsistencies.  
20 3. Instruct the jury that it is at liberty to  
21 change any portion or portions of the verdicts to  
22 correct the inconsistencies."

ARTHUR A. SMALL, JR.

S-5789

- 1 Amend Senate amendment S-5738 to House File 2487  
2 as amended, passed and reprinted by the House as  
3 follows:  
4 1. Page 2, by striking lines 20 and 21, and  
5 inserting in lieu thereof the following:  
6 "15. By striking page 5, line 5, through page  
7 6, line 8, and inserting in lieu thereof the following:  
8 "Sec. 10. Section 364.12, subsection 2, paragraph  
9 b, Code 1983, as amended by House File 359, section  
10 1, 1984 Session, is amended by striking the paragraph  
11 and inserting in lieu thereof the following:  
12 b. The abutting property owner is responsible  
13 for the removal of the natural accumulations of snow  
14 and ice from the sidewalks. A person traveling upon  
15 a sidewalk assumes the risk of injury due to the  
16 natural accumulations of snow and ice and may recover  
17 damages only if all of the following conditions are  
18 proven:  
19 (1) The dangerous condition of the sidewalk, due  
20 to the natural accumulation of snow and ice, was known  
21 to the abutting property owner.  
22 (2) The abutting property owner failed to take  
23 reasonable measures to remedy the dangerous condition  
24 within a reasonable time after the condition became  
25 known.  
26 (3) The failure of the abutting property owner  
27 to take action to remedy the condition made injury  
28 to the traveling public probable rather than merely  
29 possible.  
30 A person seeking relief under this paragraph has  
31 the burden of proving the existence of all required  
32 conditions of liability. All legal or equitable  
33 defenses are available in an action brought pursuant  
34 to this paragraph. If damages are to be awarded under  
35 this paragraph, the claimant has the burden of proving  
36 the amount of the damages. To authorize recovery  
37 of more than a nominal amount, facts must exist and  
38 be shown by the evidence which afford a reasonable  
39 basis for measuring the amount of the claimant's  
40 actual damages, and the amount of actual damages shall

41 not be determined by speculation, conjecture or  
 42 surmise.  
 43 The city's general duty under this subsection does  
 44 not include a duty to remove natural accumulations  
 45 of snow or ice on the sidewalks. However, when the  
 46 city is the abutting property owner, it has the  
 47 specific duty of the abutting property owner set forth  
 48 in this paragraph."

EDGAR H. HOLDEN

S-5790

1 Amend House File 2487 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 3, line 6, by striking the words "indem-  
 4 nity or".

TOM MANN, JR.  
 C. JOSEPH COLEMAN

S-5791

1 Amend Senate File 2334 as follows:  
 2 1. Page 14, by striking lines 13 through 27.  
 3 2. By renumbering as necessary.

EMIL J. HUSAK

S-5792

1 Amend House File 224 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. Section 331.427, subsection 2,  
 6 paragraph k, Code Supplement 1983, is amended by  
 7 striking the paragraph.  
 8 Sec. 2. Chapter 352, Code 1983, is repealed."

EMIL J. HUSAK  
 JOHN W. JENSEN  
 C.W. BILL HUTCHINS

S-5793

1 Amend the amendment S-5738 to House File 2487 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 2, line 37, by striking the word "tried"  
 4 and inserting in lieu thereof the words "filed or  
 5 commenced".

DONALD V. DOYLE



S-5794

1 Amend Senate File 2333 as follows:

2 1. Page 8, by inserting after line 12, the  
3 following:

4 "The department may use up to twenty thousand  
5 dollars of the gifts available to the commissioner  
6 of human services pursuant to section 218.96 and other  
7 resources available to the department for use at the  
8 Iowa veteran's home to begin the planning and design  
9 of a veteran's home annex on the Clarinda treatment  
10 complex."

BOB CARR  
CALVIN O. HULTMAN

S-5795

1 Amend amendment S-5512 to House File 224 as amended,  
2 passed and reprinted by the House as follows:

3 1. By striking lines 5 through 7 and inserting  
4 in lieu thereof the following: "Act repealing the  
5 domestic animal fund."

EMIL J. HUSAK  
JOHN W. JENSEN  
C.W. BILL HUTCHINS

S-5796

1 Amend House amendment S-5760 to Senate File 2272  
2 as passed by the Senate as follows:

3 1. Page 1, by striking lines 7 and 8.

WALLY E. HORN

S-5797

1 Amend Senate amendment S-5788 to House File 2487  
2 as amended, passed, and reprinted by the House as  
3 follows:

4 1. Page 1, by striking lines 22 through 24, and  
5 inserting in lieu thereof the following:

6 "8. Page 2, by inserting after line 13, the  
7 following:

8 "6. If a claim is tried to a jury, the court".

9 2. By renumbering as necessary.

RICHARD F. DRAKE  
WILLIAM D. PALMER  
EDGAR H. HOLDEN  
DON E. GETTINGS

## S-5798

- 1 Amend Senate amendment S-5738 to House File 2487  
 2 as amended, passed, and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 19 through 21.  
 5 2. Page 1, by striking lines 29 through 41.  
 6 3. Page 1, by striking lines 43 through 45.  
 7 4. By renumbering as necessary.

RICHARD F. DRAKE  
 WILLIAM D. PALMER  
 EDGAR H. HOLDEN  
 DON E. GETTINGS

## S-5799

- 1 Amend Senate amendment S-5738 to House File 2487  
 2 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 22 through 28, and  
 5 inserting in lieu thereof the following:  
 6 "8. Page 2, by inserting after line 13, the  
 7 following:  
 8 "6. If the claim is tried to a jury, the court  
 9 shall give instructions and permit evidence and  
 10 argument with respect to the effects of the answers  
 11 to be returned to the interrogatories submitted under  
 12 this section.  
 13 7. In an action brought under this chapter and  
 14 tried to a jury, the court shall not discharge the  
 15 jury until the court has determined that the verdict  
 16 or verdicts are consistent with the total damages  
 17 and percentages of fault, and if inconsistencies exist  
 18 the court shall do all of the following:  
 19 1. Inform the jury of the inconsistencies.  
 20 2. Order the jury to resume deliberations to  
 21 correct the inconsistencies.  
 22 3. Instruct the jury that it is at liberty to  
 23 change any portion or portions of the verdicts to  
 24 correct the inconsistencies.""

ARTHUR A. SMALL, JR.

## S-5800

- 1 Amend Senate File 2333 as follows:  
 2 1. Page 4, by inserting after line 21 the  
 3 following:  
 4 "The department shall use funds appropriated by

5 this subsection to provide psychological testing of  
6 its correctional officer applicants."

7 2. Page 4, by striking lines 30 through 33, and  
8 inserting in lieu thereof the following:

9 "The department may use three thousand dollars  
10 of the gifts accepted by the department pursuant to  
11 section 217A.75 and other resources available to match  
12 funds provided by the state library and central Iowa  
13 regional library to establish a project at the Iowa  
14 correctional institution for women."

15 3. Page 5, line 11, by inserting after the word  
16 "effective." the following: "The validation study  
17 shall determine if the classification instruments  
18 accomplish the following objectives:

19 a. Accurate prediction, without regard to  
20 extraneous factors such as religion, gender, or race,  
21 of the risk of inmate violence, escape from the  
22 institution, and disciplinary problems.

23 b. Appropriate placement of inmates in the least  
24 restrictive institutional environment according to  
25 their security and custody requirements.

26 c. A suitable match in placement decisions between  
27 the security and custody requirements and assessed  
28 service needs of inmates and the available security  
29 and custody arrangements and services in the  
30 institutions.

31 The department shall establish an agreement with  
32 persons independent of the department for the  
33 development of the study design and methodology and  
34 for the analysis for the data."

BOB CARR

S-5801

1 Amend the amendment S-5667 to House File 2217,  
2 as amended, passed, and reprinted by the House, as  
3 follows:

4 1. By striking page 1, line 3 through page 2,  
5 line 36, and inserting in lieu thereof the following:

6 "1. By striking everything after the enacting  
7 clause and inserting in lieu thereof the following:

8 "Section 1. Section 257.10, subsection 11, Code  
9 1983, is amended to read as follows:

10 11. Constitute the board of educational examiners  
11 for the certification of administrative, supervisory  
12 and instructional personnel for chief administrators  
13 of school corporations and school service professionals  
14 working in the public school systems of the state;  
15 prescribe types and classes of certificates to be

16 issued, the subjects and fields and positions which  
 17 certificates cover and determine the requirements  
 18 for certificates, endorsements, approvals, or other  
 19 authorization; establish fees for the issuance and  
 20 renewal of certificates; prescribe the terms of years  
 21 and expiration dates of certificates; prescribe the  
 22 requirements for renewal of certificates; enter into  
 23 reciprocity agreements with other states and countries  
 24 that have similar certification requirements; suspend  
 25 or revoke a certificate for any cause that would have  
 26 authorized or required a refusal to grant a  
 27 certificate; establish standards for the acceptance  
 28 of degrees, credits, courses, and other evidences  
 29 of training and preparation of chief administrators  
 30 and school service professionals from institutions  
 31 of higher learning, junior colleges, or other training  
 32 institutions education, both public and private,  
 33 within or without the state. The state board shall  
 34 perform duties imposed upon the board of educational  
 35 examiners under chapter 260:

36 "School service professional" means a speech  
 37 pathologist, audiologist, psychologist, physical  
 38 therapist, occupational therapist, social worker,  
 39 or a member of another profession that the board has  
 40 identified by rule under chapter 17A, the members  
 41 of which are not directly involved in teaching, but  
 42 are trained to assist students in learning or removing  
 43 obstacles to learning. A "school service professional"  
 44 is not a school administrator, supervisor, or teacher.

45 Sec. 2. Section 257.18, Code Supplement 1983, is amended by  
 46 adding the following new subsection:

47 NEW SUBSECTION. 4A. Act as the executive officer  
 48 of the board of educational examiners pursuant to  
 49 chapter 260.

50 Sec. 3. Section 260.1, Code 1983, is amended by

Page 2

1 striking the section and inserting in lieu thereof  
 2 the following:

3 260.1 STATE BOARD. There is established the state  
 4 board of educational examiners consisting of nine  
 5 members appointed by the governor, subject to senate  
 6 confirmation. Associations interested in education  
 7 may recommend the names of potential board members  
 8 to the governor, but the governor is not bound by  
 9 the recommendations.

10 As used in this chapter, "board" means the state  
 11 board of educational examiners, unless otherwise  
 12 required by the context. The members shall include

13 the following:

14 1. Four members who possess professional  
15 certificates to teach issued under this chapter or  
16 who possess professional or permanent professional  
17 certificates issued by the board of educational  
18 examiners prior to the effective date of this Act.

19 2. One member who possesses endorsement as a  
20 school principal.

21 3. One member of the teaching faculty of the  
22 education college or department of a college or  
23 university that has an approved teacher education  
24 program.

25 4. Three members who do not hold certificates  
26 issued under this chapter or professional or permanent  
27 professional certificates issued by the board of  
28 educational examiners prior to the effective date  
29 of this Act and who represent the general public.

30 Not more than five members of the board shall be  
31 members of the same political party.

32 Each teacher and principal on the board shall be  
33 employed as a teacher or principal and shall have  
34 been so employed for a period of three years just  
35 preceding the member's appointment, the last two of  
36 which shall be in this state.

37 Sec. 4. Section 260.3, Code 1983, is amended to  
38 read as follows:

39 260.3 PERSONNEL. The ~~state superintendent~~  
40 ~~executive administrator~~ shall, with the approval of  
41 the ~~state~~ board, direct the work of such personnel  
42 as may be necessary to carry out the ~~provisions of~~  
43 this chapter.

44 Sec. 5. NEW SECTION. 260.4 TERM--COMPENSATION.

45 The members of the board shall serve four-year terms  
46 that commence and end as provided in section 69.19.

47 A vacancy in the membership of the board shall be  
48 filled by appointment of the governor, subject to  
49 senate confirmation.

50 A member of the board shall receive forty dollars

Page 3

1 per day from funds appropriated to the board for each  
2 day the member is actually engaged in the discharge  
3 of duties except that members of the board who are  
4 employed on a full-time basis by a public employer  
5 shall not receive the per diem payment if they are  
6 receiving compensation for that day from their  
7 employer. The member shall also receive necessary  
8 and actual travel and expenses from funds appropriated

9 to the board.

10 The board of directors of a school corporation  
11 or authorities in charge of a college or university  
12 shall allow members appointed to the board to serve  
13 as members of the board and shall not discriminate  
14 against the member in employment.

15 Sec. 6. Section 260.5, Code 1983, is amended to  
16 read as follows:

17 260.5 DEFINITION OF FIELDS. For the purposes  
18 of this Act the elementary school field ~~shall be~~  
19 ~~construed to include~~ includes the kindergarten and  
20 grades one to eight, inclusive; the secondary school  
21 field ~~shall be construed to include~~ includes the  
22 junior high school, the senior high school and the  
23 four-year high school; and the administrative and  
24 supervisory field ~~shall be construed to include~~  
25 includes all administrative and supervisory positions  
26 in the public schools, ~~except the chief administrator~~  
27 of a school corporation.

28 Sec. 7. NEW SECTION. 260.5A DUTIES. The board  
29 shall:

30 1. Issue professional, temporary, and substitute  
31 certificates and other certificates deemed necessary  
32 by the board to qualified applicants.

33 2. Provide endorsements and approvals for the  
34 subjects and fields and positions which certificates  
35 cover.

36 3. Establish standards for the acceptance of  
37 degrees, credits, courses, and other evidences of  
38 training and preparation from colleges and universities  
39 in this state and out of this state and provide for  
40 approval of teacher education programs at colleges  
41 and universities in this state. The standards for  
42 approval may include the adoption of national standards  
43 for teacher education programs.

44 4. Prescribe requirements for renewal of  
45 certificates.

46 5. Approve examinations required under this chapter  
47 and other examinations deemed necessary by the board.

48 6. Establish standards for the certification and  
49 renewal of certification of administrators except  
50 the chief administrator, supervisors, and teachers

Page 4

1 employed at the merged area schools.

2 7. Be authorized to prescribe requirements for  
3 a professional evaluation.

4 8. Provide for the issuance of the appropriate  
5 certificates to applicants who are certificated in

6 other states and enter into reciprocity agreements  
7 with other states that have similar requirements.

8 9. Establish fees for the issuance and renewal  
9 of certificates, for changes in approvals and  
10 endorsements, and for required examinations and the  
11 costs of sustaining the board.

12 10. Develop criteria of professional practices  
13 under section 261.31.

14 11. Employ an executive administrator, who shall  
15 be responsible to the superintendent of public  
16 instruction, and other personnel as may be neces-  
17 sary to carry out its duties.

18 12. Receive federal funds on behalf of the state  
19 for purposes related to its duties.

20 13. Adopt rules, pursuant to chapter 17A, to  
21 implement its duties under this chapter.

22 Sec. 8. Section 260.6, Code 1983, is amended to  
23 read as follows:

24 260.6 CERTIFICATES REQUIRED. ~~The board of~~  
25 ~~educational examiners shall issue certificates pursuant~~  
26 ~~to section 257.10, subsection 11.~~ A person employed  
27 as an administrator except for the chief administrator  
28 of a school corporation, supervisor, school service  
29 person but not a school service professional as defined  
30 in section 257.10, subsection 11, or teacher in the  
31 public schools shall hold a certificate with  
32 appropriate endorsement and approvals valid for the  
33 type of position in which the person is employed.

34 Sec. 9. Section 260.7, Code 1983, is amended to  
35 read as follows:

36 260.7 CERTIFICATE VALIDITY. A certificate is  
37 valid for the subject matter fields or administrative,  
38 supervisory, or school service activities covered  
39 under this chapter for which an express statement  
40 of approval or an endorsement is given by the issuing  
41 authority.

42 Sec. 10. NEW SECTION. 260.8 EXAMINATIONS. The  
43 board shall consult with state associations and state  
44 agencies interested in education in this state in  
45 adopting the examinations required in this chapter.

46 The board may consult with officials from other states  
47 that administer similar examinations for teachers.

48 The board may contract with an institution of  
49 higher education or an educational testing service  
50 to develop, score, and provide appropriate analyses

Page 5

1 of the examinations.

2 Sec. 11. NEW SECTION. 260.8A BASIC SKILLS

3 ASSESSMENT EXAMINATION. An applicant for a

4 professional certificate shall present evidence to  
5 the board that the applicant has successfully completed  
6 the basic skills assessment examination adopted by  
7 the board demonstrating competency in basic skills  
8 required for teaching. The basic skills examination  
9 shall first be administered during the fiscal year  
10 beginning July 1, 1985 and is required for professional  
11 certificates issued on or after October 1, 1987.

12 The examination shall be administered by the board  
13 at least one time per year and may be given initially  
14 to students during their sophomore year.

15 The examination shall test all of the following:

16 1. The ability to write in a logical and concise  
17 style with appropriate grammar and sentence structure.

18 2. The ability to read, comprehend, and interpret  
19 professional and other written material.

20 3. The ability to comprehend and work with  
21 fundamental mathematical concepts.

22 An applicant for a professional certificate who  
23 is from another state but otherwise meets the  
24 requirements of this state shall take the examination  
25 as prescribed by the board.

26 Sec. 12. Section 260.9, Code Supplement 1983,  
27 is amended by striking the section and inserting in  
28 lieu thereof the following:

29 **NEW SECTION. 260.9 PROFESSIONAL AND SUBJECT**  
30 **MATTER PROFICIENCY EXAMINATIONS.** An applicant for  
31 a professional certificate shall present evidence  
32 to the board that the applicant has successfully  
33 completed a professional and subject matter proficiency  
34 examination for the appropriate endorsement and  
35 approval areas. The examination shall test knowledge  
36 of subject matter and education philosophy and  
37 concepts.

38 The board may administer as many examinations per  
39 year as are necessary, but shall administer the  
40 examination for each subject matter proficiency at  
41 least one time per year. The scope of the examinations  
42 and the methods of procedure shall be prescribed by  
43 the board.

44 The board may withdraw approval of the teacher  
45 education program at an institution of higher education  
46 in this state if, for each of three consecutive years,  
47 more than fifty percent of its students taking the  
48 examination before graduation receive failing scores.

49 The examination shall first be administered during  
50 the fiscal year beginning July 1, 1986 and is required



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1 for professional certificates issued on or after  
2 October 1, 1987. The examination may be given to  
3 students during their senior year in college.

4 An applicant for a professional certificate who  
5 is from another state, but otherwise meets the  
6 requirements of this section, shall take the  
7 examination as prescribed by the board.

8 **Sec. 13. NEW SECTION. 260.9A EXAMINATION**  
9 **PROCEDURE.** An examination may be conducted by  
10 representatives of the board. The identity of the  
11 person taking the examination shall be concealed until  
12 after the examination has been graded. An applicant  
13 who has failed the examination once shall be allowed  
14 to take the examination at the next scheduled time.  
15 Thereafter, the applicant shall be allowed to take  
16 the examination at the discretion of the board. An  
17 applicant who has failed the examination may request  
18 in writing information from the board concerning the  
19 applicant's examination grade and questions which  
20 the applicant failed to answer correctly, except that  
21 if the board administers a uniform, standardized  
22 examination, the board shall only be required to  
23 provide the examination grade and other information  
24 concerning the applicant's examination results that  
25 are available to the board.

26 **Sec. 14.** Section 260.10, Code 1983, is amended  
27 by striking the section and inserting in lieu thereof  
28 the following:

29 **260.10 PROFESSIONAL CERTIFICATE.** Effective October  
30 1, 1987, a professional certificate shall be issued  
31 by the board to an individual possessing a  
32 baccalaureate degree, who has completed the teacher  
33 education program provided at a college or university  
34 in this state that has been approved by the board,  
35 or who has completed a teacher education program at  
36 a college or university outside this state for which  
37 the board has approved the program, and has passed  
38 the basic skills assessment examination and the  
39 professional and subject matter proficiency  
40 examination. The term of a professional certificate  
41 is five years from the date of its issuance, and the  
42 board shall prescribe the conditions for its renewal.  
43 The conditions for renewal shall include the completion  
44 of continuing education requirements.

45 Effective October 1, 1987, a professional  
46 certificate shall be issued by the board to an

47 applicant who is the holder of an expired professional  
48 certificate and who has completed the continuing  
49 education requirements established by the board for  
50 renewal of a professional certificate.

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1 Sec. 15. NEW SECTION. 260.13 INTERNSHIP. The  
2 board shall adopt rules requiring that boards of  
3 directors of school corporations provide for internship  
4 programs for teachers who are in their first year  
5 of teaching. The rules shall provide that the board  
6 of directors of a school corporation assign teaching  
7 and extracurricular responsibilities to a first-year  
8 teacher that reflect the needs of these teachers for  
9 additional time for professional growth and  
10 development. The board of directors shall provide  
11 for staff development and other assistance deemed  
12 appropriate by the board of directors or authorities  
13 for first-year teachers. The board of directors may  
14 request staff development assistance from the area  
15 education agency.

16 Sec. 16. Section 260.15, Code 1983, is amended  
17 to read as follows:

18 260.15 APPLICATIONS—DISBURSEMENT OF FEES.

19 Applications for the issuance or renewal of all  
20 teachers' certificates shall be made to the  
21 superintendent of public instruction executive  
22 administrator of the board. Fees for the issuance  
23 or renewal of certificates paid under this chapter  
24 shall be paid to the superintendent of public  
25 instruction executive administrator of the board who  
26 shall deposit each fee received from these sources  
27 with the treasurer of state and credit the fee to  
28 the general fund of the state. If an application  
29 for the issuance or renewal of a certificate is not  
30 approved, the superintendent of public instruction  
31 shall remit the fee to the applicant by a state  
32 comptroller's warrant issued on the general fund of  
33 the state upon certification of the superintendent  
34 of public instruction that the fee has not been earned  
35 executive administrator of the board shall refund  
36 a fee paid by an unsuccessful applicant. The  
37 superintendent executive administrator shall keep  
38 an accurate and detailed account of money received.

39 Sec. 17. NEW SECTION. 260.18 TEMPORARY  
40 CERTIFICATE. The board shall prescribe requirements  
41 for issuance of a temporary certificate. A temporary  
42 certificate is valid for one year and may be issued  
43 for an emergency or unusual situation.

44 Before a temporary certificate can be issued for  
 45 a teacher to be employed by the board of directors  
 46 of a school district, the board of directors shall  
 47 contact the department of job service to review the  
 48 certificated teacher registry.  
 49 Sec. 18. NEW SECTION. 260.20 APPROVAL AREAS.  
 50 Effective October 1, 1987, if a teacher possessing

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1 a professional certificate changes or adds approval  
 2 areas to the certificate, the teacher is required  
 3 to pass the subject matter portion of the professional  
 4 and subject matter proficiency examination for the  
 5 added approval area within one year after the change  
 6 or addition.

7 Sec. 19. Section 260.21, Code 1983, is amended  
 8 to read as follows:

9 260.21 VALIDITY AND EXPIRATION OF CERTIFICATES.

10 A certificate is valid throughout the state after  
 11 issuance by the board. An original or renewed  
 12 certificate shall expire on June 30 of the year in  
 13 which it expires, and the expiration date shall be  
 14 determined by counting each fraction of a year during  
 15 the term of the certificate following the date of  
 16 issuance as one year. A certificate issued by the  
 17 board prior to January 1, 1980 is valid until June  
 18 30 of the year in which the certificate expires.  
 19 Certificates issued prior to January 1, 1980, may  
 20 be renewed in a manner prescribed by the board.

21 Sec. 20. NEW SECTION. 260.24 CERTIFICATED TEACHER  
 22 REGISTRY. The board shall send to the department  
 23 of job service a list of certificated teachers in  
 24 this state that are interested in employment as a  
 25 teacher together with the teachers' endorsements and  
 26 approval areas. The department of job service shall  
 27 maintain a certificated teacher registry.

28 Sec. 21. NEW SECTION. 260.25 DISCLOSURE OF  
 29 CONFIDENTIAL INFORMATION. A member of the board shall  
 30 not disclose information relating to the following:

- 31 1. Information relating to the contents of the  
 32 examinations.
- 33 2. Information relating to the examination results  
 34 other than final score except for information about  
 35 the results of an examination which is given to the  
 36 person who took the examination.

37 A member of the board who willfully communicates  
 38 or seeks to communicate this information, and a person  
 39 who willfully obtains this information, is guilty

40 of a simple misdemeanor.

41 Sec. 22. Section 260.28, Code 1983, is amended  
42 to read as follows:

43 260.28 EXPENDITURES. ~~All expenditures~~ Expenditures  
44 authorized to be made by the board of educational  
45 examiners shall be certified by the ~~superintendent~~  
46 ~~of public instruction executive administrator of the~~  
47 ~~board~~ to the state comptroller, and if found correct,  
48 ~~he the state comptroller~~ shall approve the same ~~them~~  
49 and draw warrants therefor upon the treasurer of state  
50 from the funds appropriated for that purpose.

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1 Sec. 23. NEW SECTION. 260.31 CRITERIA OF  
2 PROFESSIONAL PRACTICES. The board shall develop  
3 criteria of professional practices including, but  
4 not limited to, such areas as:

- 5 1. Contractual obligations.
- 6 2. Competent performance of all members of the  
7 teaching profession.
- 8 3. Ethical practice toward other members of the  
9 profession, parents, students, and the community.

10 However, membership or nonmembership in a teachers'  
11 organization is not a criterion of an individual's  
12 professional standing. A violation, as determined  
13 by the board following a hearing, of any of the  
14 criteria so adopted is unprofessional practice and  
15 a legal basis for the suspension or revocation of  
16 a certificate by the board.

17 After a hearing, the board, in administering its  
18 responsibilities under this section, shall exonerate,  
19 warn or reprimand the member of the profession or  
20 may suspend or revoke a certificate under section  
21 260.23.

22 Sec. 24. NEW SECTION. 260.32 APPOINTMENT OF  
23 HEARING OFFICERS. The board shall maintain a list  
24 of qualified persons to serve as hearing officers  
25 who are experienced in the educational system of this  
26 state when a hearing is requested under section 279.24.  
27 When requested under section 279.24, the board shall  
28 submit a list of five qualified hearing officers to  
29 the parties. The hearing shall be held pursuant to  
30 chapter 17A relating to contested cases. The full  
31 costs of the hearing shall be shared equally by the  
32 parties. A person who is employed as a teacher or  
33 administrator by a school district is not eligible  
34 to serve as a hearing officer.

35 Sec. 25. NEW SECTION. 260.33 PRIOR CERTIFICATE

36 HOLDERS. A valid professional, preprofessional, or  
37 substitute teacher's certificate issued by the board  
38 of educational examiners prior to the effective date  
39 of this Act is valid until its expiration date.

40 Individuals holding a permanent professional  
41 certificate on the effective date of this Act need  
42 not be issued a certificate under this chapter.

43 The board shall issue a professional certificate  
44 under this chapter to an individual holding a valid  
45 certificate from another state who submits evidence  
46 to the board that the individual has passed the basic  
47 skills assessment examination and the professional  
48 and subject matter proficiency examination for the  
49 appropriate endorsement and approval areas.

50 Individuals who hold life certificates or pre-

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1 professional certificates converted from a term  
2 certificate, based upon less than a baccalaureate  
3 degree, that expire on or after September 30, 1987,  
4 may be issued a certificate pursuant to standards  
5 prescribed by the board.

6 Sec. 26. NEW SECTION. 260.34 ADMINISTRATIVE  
7 PROCEDURES. For the purposes of chapter 17A, the  
8 board is the final administrative authority for issuing  
9 certificates and for appeals relating to the initial  
10 issuing of a license or its renewal and for revocation,  
11 suspension, or other disciplinary action taken by  
12 the board.

13 Sec. 27. Section 273.3, subsection 12, Code  
14 Supplement 1983, is amended to read as follows:

15 12. Employ personnel to carry out the functions  
16 of the area education agency which shall include the  
17 employment of an administrator who shall possess a  
18 certificate issued under section 260.9 by the state  
19 board of public instruction. The administrator shall  
20 be employed pursuant to section 279.20 and sections  
21 279.23, 279.24 and 279.25. The salary for an area  
22 education agency administrator shall be established  
23 by the board based upon the previous experience and  
24 education of the administrator. The provisions of  
25 section Section 279.13 shall apply applies to the  
26 area education agency board and to all teachers  
27 employed by the area education agency. The provisions  
28 of sections Sections 279.23, 279.24 and 279.25 shall  
29 apply to the area education board and to all  
30 administrators employed by the area education agency.

31 Sec. 28. Chapter 272A, Code 1983, is repealed.

32 Sec. 29. Sections 260.11, 260.12, and 260.14,  
33 Code 1983, are repealed.

34 Sec. 30. Personnel, assets, liabilities, contracts,  
35 equipment, unexpended balance of appropriations or  
36 other funds employed, held by, or available to a state  
37 agency or department for carrying out the functions  
38 assigned to the board pursuant to this chapter, except  
39 funds which revert to the general fund of the state,  
40 are transferred to the board on July 1, 1984.

41 Sec. 31. Notwithstanding section 260.1, the  
42 governor shall appoint initial members of the board  
43 of educational examiners to staggered terms. The  
44 term of one teacher and one member representing the  
45 general public shall end the year following  
46 appointment; one teacher and the faculty member shall  
47 end two years after appointment; one teacher and one  
48 member representing the general public shall end three  
49 years after appointment; and the term of one teacher,  
50 the principal, and one member representing the general

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1 public shall end four years following appointment.  
2 The governor shall appoint initial members in the  
3 same manner as vacancies, subject to section 2.32.

4 Sec. 32. This Act takes effect July 1, 1984.  
5 Rules promulgated by the department of public  
6 instruction under chapter 17A that relate to  
7 certification and program approval that are not  
8 contrary to this Act shall remain in force until  
9 changed by the board."

WALLY E. HORN

S-5802

1 Amend-House File 2508 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 3, line 12, by striking the words and  
4 figures "May 1 to October 1" and inserting in lieu  
5 thereof the words and figures "April 1 to November  
6 1".

DONALD V. DOYLE

S-5803

1 Amend the amendment S-5800 to Senate File 2333 as  
2 follows:  
3 1. Page 1, line 34, by striking the words "analysis

4 for" and inserting in lieu thereof the words "analysis  
5 of".

BOB CARR

S-5804

1 Amend Senate amendment S-5738 to House File 2487  
2 as amended, passed and reprinted by the House as  
3 follows:

4 1. Page 2, by inserting after line 21 the  
5 following:

6 "\_\_\_\_. Page 6, by inserting before line 9 the  
7 following:

8 "Sec. 10. Section 25A.14, subsection 9, Code  
9 Supplement 1983, is amended to read as follows:

10 9. Any claim based upon or arising out of a claim  
11 of negligent design or specification, negligent  
12 adoption of design or specification, or negligent  
13 construction or reconstruction of a public improvement  
14 as defined in section 384.37, subsection 1, or other  
15 public facility that was constructed or reconstructed  
16 in accordance with a generally recognized engineering  
17 or safety standard, criteria, or design theory in  
18 existence at the time of the construction or  
19 reconstruction. A claim under this chapter shall  
20 not be allowed for failure to upgrade, improve, or  
21 alter any aspect of an existing public improvement  
22 or other public facility to new, changed, or altered  
23 design standards. This subsection shall not apply  
24 to claims based upon gross negligence. This subsection  
25 takes effect July 1, ~~1984~~ 1985 and applies to all  
26 cases tried or retried on or after July 1, ~~1984~~ 1985.

27 Sec. 11. Section 613A.4, subsection 8, unnumbered  
28 paragraph 1, Code Supplement 1983, is amended to read  
29 as follows:

30 8. Any claim based upon or arising out of a claim  
31 of negligent design or specification, negligent  
32 adoption of design or specification, or negligent  
33 construction or reconstruction of a public improvement  
34 as defined in section 384.37, subsection 1, or other  
35 public facility that was constructed or reconstructed  
36 in accordance with a generally recognized engineering  
37 or safety standard, criteria, or design theory in  
38 existence at the time of the construction or  
39 reconstruction. A claim under this chapter shall  
40 not be allowed for failure to upgrade, improve, or  
41 alter any aspect of an existing public improvement  
42 or other public facility to new, changed, or altered  
43 design standards. This subsection shall not apply

44 to claims based upon gross negligence. This subsection  
 45 takes effect July 1, 1984 ~~1985~~ and applies to all  
 46 cases tried or retried on or after July 1, 1984 ~~1985~~.  
 47 2. By renumbering as necessary.

TOM MANN, JR.

S-5805

1 Amend the amendment S-5735 to Senate File 2293 as  
 2 amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 8, by striking lines 12 through 47.

LOWELL L. JUNKINS  
 CALVIN O. HULTMAN

S-5806

1 Amend Senate amendment S-5738 to House File 2487  
 2 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 2, by inserting after line 21, the  
 5 following:  
 6 "16. By striking page 5, line 5, through page  
 7 6, line 8."  
 8 2. By renumbering as necessary.

DONALD V. DOYLE

S-5807

1 Amend Senate amendment S-5738 to House File 2487  
 2 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 2, by striking lines 5 through 19 and  
 5 inserting in lieu thereof the following: "line 4,  
 6 and inserting in lieu thereof the following:  
 7 "Sec. 9. NEW SECTION. 668.9 INSURANCE PRACTICE.  
 8 1. It shall be an unfair trade practice, as defined  
 9 in chapter 507B, if an insurer assigns a percentage  
 10 of fault to a claimant, for the purpose of reducing  
 11 a settlement, when there exists no reasonable evidence  
 12 upon which the assigned percentage of fault could  
 13 be based. The prohibitions and sanctions of chapter  
 14 507B shall apply to violations of this section.  
 15 2. Any insurer found by the insurance commissioner  
 16 to have violated the provisions of subsection 1 must  
 17 notify all policy holders of the insurer of the  
 18 determined violation and shall notify all agents  
 19 representing that insurer that the agent must notify



20 all potential policy holders of the violation.””

ARTHUR A. SMALL, JR.

S-5808

- 1 Amend Senate File 2334 as follows:
- 2 1. Page 1, line 20, by striking the figure
- 3 “816,480” and inserting in lieu thereof the figure
- 4 “900,000”.
- 5 2. Page 14, line 14, by striking the figure
- 6 “216,367” and inserting in lieu thereof the figure
- 7 “300,000”.

JAMES V. GALLAGHER

S-5809

- 1 Amend Senate File 2331 as follows:
- 2 1. Page 2, by striking lines 10 through 13.

JAMES V. GALLAGHER

S-5810

- 1 Amend House amendment S-5735 to Senate File
- 2 2293 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, line 9, by inserting after the
- 5 word “dependency” the words “and whose parent,
- 6 guardian, or custodian is unwilling or unable to
- 7 provide such treatment”.

CHARLES BRUNER  
JULIA B. GENTLEMAN

S-5811

- 1 Amend the House amendment S-5735 to Senate File 2293
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 7, by striking lines 9 through 22.

JULIA B. GENTLEMAN

S-5812

- 1 Amend the House amendment S-5759 to Senate File
- 2 2238 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 24.

DONALD V. DOYLE

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 523

S-5813

- 1 Amend the House amendment S-5759 to Senate File  
2 2238 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by striking lines 3 through 24.  
5 Amend the Senate amendment H-5106 to House File  
6 523 as amended, passed and reprinted by the House  
7 as follows:  
8 1. Page 1, line 4, by striking the figure "400.00"  
9 and inserting in lieu thereof the figure "450.00".

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 2172

S-5814

- 1 Amend amendment H-5907 to House File 2172 as  
2 amended, passed and reprinted by the House as follows:  
3 1. Page 1, by striking lines 3 through 6 and  
4 inserting in lieu thereof the following:  
5 "1. Page 1, by striking lines 16 and 17 and  
6 inserting in lieu thereof the following: "of ~~two~~  
7 twenty thousand dollars."

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2389

S-5815

- 1 Amend the Senate amendment, H-5923, to House File  
2 2389, as passed by the House, as follows:  
3 1. Page 1, by striking lines 5 through 50 and  
4 inserting in lieu thereof the following:  
5 "Section 1. Section 362.5, subsection 4, Code  
6 1983, is amended to read as follows:  
7 4. Contracts made by a city of ~~less than ten~~  
8 ~~thousand population~~, upon competitive bid in writing,  
9 publicly invited and opened.  
10 Sec. 2. Section 362.5, Code 1983, is amended by  
11 adding the following new subsection:  
12 NEW SUBSECTION. 11. Contracts not otherwise  
13 permitted by this section, for the purchase of goods  
14 or services by a city having a population of less  
15 than ten thousand, which benefit a city officer or  
16 employee, if the purchases benefiting that officer

- 17 or employee do not exceed a cumulative total purchase  
18 price of one thousand dollars in a fiscal year."

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2439

S-5816

- 1 Amend amendment H-6006 to House File 2439 as  
2 amended, and passed by the House as follows:  
3 1. Page 1, by striking lines 3 through 8.  
4 2. Page 1, by striking lines 26 through 28.  
5 3. By renumbering as necessary.

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2440

S-5817

- 1 Amend the Senate amendment H-5966 to House File  
2 2440 as passed by the House as follows:  
3 1. Page 1, by striking lines 11 through 15 and  
4 inserting in lieu thereof the following: "of the  
5 facility."  
6 2. By inserting after line 15 the following:  
7 "2. By striking page 4, line 32 through page 5,  
8 line 1 and inserting in lieu thereof the following:  
9 "219.9 COUNTY OF SETTLEMENT UPON DISCHARGE. A  
10 member of the home does not acquire legal settlement  
11 in the county in which the home is located unless  
12 the member is voluntarily or involuntarily discharged  
13 from the home, continuously resides in the county  
14 for a period of one year subsequent to the discharge,  
15 and during that year is not readmitted to the home  
16 or does not receive any services from the home.""

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2471

S-5818

- 1 Amend the Senate amendment H-5983 to House File  
2 2471 as amended, passed and reprinted by the House  
3 as follows:  
4 1. Page 1, by inserting after line 24, the  
5 following:  
6 "\_\_\_\_\_ Page 7, line 34, by striking the word  
7 "facility." and inserting in lieu thereof the  
8 following: "facility in Iowa.""

- 9 2. Page 1, by inserting after line 36 the  
 10 following:  
 11 " \_\_\_\_ . Page 8, by striking lines 18 and 19 and  
 12 inserting in lieu thereof the following: "department  
 13 on an annual basis. Fees are due on April 15 for  
 14 the previous calendar year."  
 15 3. Page 1, line 44, by striking the word and  
 16 figure "and 16" and inserting in lieu thereof the  
 17 word and figure "through 22".

## HOUSE AMENDMENT TO SENATE FILE 2306

S-5819

- 1 Amend Senate File 2306 as passed by the Senate  
 2 as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 68A.1, Code 1983, is amended  
 6 to read as follows:  
 7 68A.1 PUBLIC RECORDS DEFINED. Wherever used in  
 8 this chapter, "public records" includes all records,  
 9 ~~and documents, tape, or other information, stored~~  
 10 ~~or preserved in any medium,~~ of or belonging to this  
 11 state or any county, city, township, school  
 12 corporation, political subdivision, or tax-supported  
 13 district in this state, or any branch, department,  
 14 board, bureau, commission, council, or committee of  
 15 any of the foregoing."

S-5820

- 1 Amend House amendment S-5735 to Senate File 2293  
 2 as amended, passed and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, by striking lines 26 through 40 and  
 5 inserting in lieu thereof the following: "232.70,  
 6 of cases of child abuse."  
 7 2. Page 2, by striking lines 7 and 8 and inserting  
 8 in lieu thereof the following: "a child has suffered  
 9 abuse. Whenever such ~~if~~ a person".  
 10 3. Page 2, by striking lines 17 through 45.  
 11 4. By striking page 4, line 36 through page 5,  
 12 line 5 and inserting in lieu thereof the following:  
 13 "'Sec. \_\_\_\_ . Section 232.97, subsections 1 and  
 14 3,".  
 15 5. Page 7, by striking lines 39 through 47.  
 16 6. Page 8, by striking lines 11 through 47 and  
 17 inserting in lieu thereof the following: "subject

18 areas.”

19 7. Page 8, by inserting before line 48 the  
20 following:

21 “ \_\_\_\_ . Page 5, line 4, by inserting after the word  
22 “governor” the words “and shall not be located within  
23 a current department or agency of the state”.

24 8. Page 8, by inserting after line 50 the  
25 following:

26 “ \_\_\_\_ . Page 10, line 19, by inserting after the  
27 word “records” the words “of or provided to a local  
28 board or the state board”.

29 \_\_\_\_ . Page 11, by striking line 2 and inserting  
30 in lieu thereof the following: “Members of the state  
31 and local boards and employees of the department who  
32 disclose information or records of the board or  
33 department, other than”.

34 9. By striking page 9, line 3 through page 10,  
35 line 28 and inserting in lieu thereof the following:

36 “Sec. \_\_\_\_ . Section 237A.13, unnumbered paragraph”.

37 10. Page 10, by striking lines 35 through 37 and  
38 inserting in lieu thereof the following:

39 **“NEW SUBSECTION. 5. Organizations and agencies**  
40 **which serve day care facilities and any licensed or**  
41 **registered facilities may apply for the funds.”**

42 11. Page 11, by striking lines 12 through 14 and  
43 inserting in lieu thereof the following:

44 **“5. Organizations and agencies which serve day**  
45 **care facilities and any licensed or registered**  
46 **facilities may apply for the funds.”**

47 12. Page 11, by striking lines 33 and 34 and  
48 inserting in lieu thereof the following:

49 **“237A.16 USE OF FUNDS. A child care center**  
50 **Organizations and agencies which serve day care**

Page 2

1 **facilities and licensed or registered facilities may**  
2 **use funds received pursuant to this”.**

3 13. Page 11, line 37, by inserting after the word  
4 “facility” the words **“, organization, or agency”.**

5 14. Page 11, line 41, by inserting after the word  
6 “facilities” the words **“, organizations, or agencies”.**

7 15. Page 11, line 48, by inserting after the word  
8 “facilities” the words **“, organizations, or agencies”.**

9 16. Page 12, line 1, by inserting after the word  
10 “facility” the words **“, organization, or agency”.**

11 17. Page 12, by striking line 16 and inserting  
12 in lieu thereof the following: **“origin or to**  
13 **organizations and agencies which serve day care**

14 facilities.”

15 18. By striking page 12, line 17 through page  
16 13, line 35 and inserting in lieu thereof the  
17 following:

18 “12. Page 12, by inserting after line 8 the  
19 following:

20 “Sec. \_\_\_\_ . The twelve-hour training requirement”.

21 19. Page 13, line 45, by inserting after the word  
22 “requiring” the word “registered”.

23 20. Page 13, by striking lines 47 and 48.

24 21. Page 14, by striking lines 2 through 10 and  
25 inserting in lieu thereof the words “care financial  
26 assistance funds to go to licensed and registered  
27 child day care facilities and organizations and  
28 agencies which serve day care facilities, and  
29 establishing penalties.”

30 22. By renumbering as necessary.

CHARLES BRUNER  
RICHARD VANDE HOEF  
TOM MANN, JR.  
JULIA B. GENTLEMAN  
BERL E. PRIEBE  
JAMES V. GALLAGHER

S-5821

1 Amend the House amendment S-5735 to Senate File  
2 2293 as amended, passed and reprinted by the Senate  
3 as follows:

4 1. Page 6, line 44, by inserting after the word  
5 “facilities” the words “, organizations, and agencies”.

6 2. Page 6, by striking lines 45 and 46 and  
7 inserting in lieu thereof the following: “Organizations  
8 and agencies which serve day care facilities and any  
9 licensed or registered facilities may apply for the  
10 funds.”

CHARLES BRUNER

S-5822

1 Amend Senate File 2333 as follows:

2 1. Page 10, by striking lines 13 through 26 and  
3 inserting in lieu thereof the following: “respective  
4 daily charges to patients. The commissioner of human  
5 services shall seek to maintain reasonably uniform  
6 daily charges at the four mental health institutes.  
7 The department of human services shall report, to  
8 the general assembly by January 15, 1985, significant

9 facts regarding population demand and trends and their  
 10 relationship to the per diem charges of the four  
 11 mental health institutes in comparison to probable  
 12 impact on the institutions if there had been an average  
 13 state mental health institutes' daily patient program  
 14 cost."

BERL E. PRIEBE  
 RICHARD VANDE HOEF  
 EDGAR H. HOLDEN  
 DONALD V. DOYLE

S-5823

1 Amend Senate File 2337 as follows:  
 2 1. By striking page 7, line 35 through page 8,  
 3 line 20.

EDGAR H. HOLDEN

S-5824

1 Amend Senate File 2337 as follows:  
 2 1. Page 11, lines 23 and 24, by striking the words  
 3 "nine hundred thousand" and inserting in lieu thereof  
 4 the words "~~hundred thousand~~ one million"

JAMES V. GALLAGHER

S-5825

1 Amend Senate File 2333 as follows:  
 2 1. Page 4, by inserting after line 21 the  
 3 following:  
 4 "Independent hearing officers for the department,  
 5 pursuant to chapter 903A, shall be those persons who  
 6 would qualify under rules promulgated by the merit  
 7 employment commission for hearing officers and who  
 8 are not responsible for the initiation of disciplinary  
 9 procedures or involved in the supervision of persons  
 10 whose responsibility it is to initiate disciplinary  
 11 proceedings."

TOM MANN, JR.

S-5826

1 Amend Senate File 2337 as follows:  
 2 1. Page 8, by striking lines 2 through 20 and  
 3 inserting in lieu thereof the following:  
 4 "Sec. 31. Notwithstanding the provisions of section

5 423.24, there is transferred from revenues collected  
6 under chapter 423 during the fiscal year beginning  
7 July 1, 1983 and ending June 30, 1984, from the use  
8 tax imposed on motor vehicles, trailers and motor  
9 vehicle accessories and equipment under section 423.7  
10 the sum of one million (1,000,000) dollars which shall  
11 be transferred to the state department of  
12 transportation for public transit assistance for the  
13 fiscal year beginning July 1, 1983 and ending June  
14 30, 1984. The One-half of the funds transferred under  
15 this section to the state department of transportation  
16 for public transit assistance shall be considered  
17 an advance of funds to be received for public transit  
18 assistance under the Surface Transportation Assistance  
19 Act of 1982 and the road use tax fund shall receive  
20 reimbursement for one-half of the funds from receipts  
21 received by the state department of transportation  
22 for public transit assistance from the United States  
23 government pursuant to the Surface Transportation  
24 Assistance Act of 1982 during the fiscal period  
25 beginning July 1, 1983 and ending June 30, 1985."

RICHARD F. DRAKE

S-5827

1 Amend Senate File 2334 as follows:

DIVISION S—5827A

2 1. Page 6, by striking lines 23 through 34 and  
3 inserting in lieu thereof the following:  
4 "(1) Mobile and regional child  
5 health specialty clinics ..... \$ 368,978  
6 (2) Childhood cancer diagnostic  
7 and treatment network program ..... \$ 143,981  
8 (3) Rural comprehensive care for  
9 hemophilia patients ..... \$ 128,341  
10 (4) Muscular dystrophy and re-  
11 lated genetic disease programs ..... \$ 131,657  
12 (5) Statewide perinatal programs ..... \$ 43,740  
13 Of the funds allocated to the mobile and regional  
14 child health specialty clinics pursuant to subparagraph  
15 (1), one hundred seventeen thousand (117,000) dollars  
16 is intended to be used for the high".

DIVISION S—5827B

17 2. Page 15, by inserting after line 26 the  
18 following:  
19 "Sec. \_\_\_\_ . Chapter 206 of the Iowa Acts, section



AMENDMENTS FILED

2357

20 4, subsection 6, paragraph a, subparagraphs (1) through  
 21 (5) and unnumbered paragraph 5, are amended to read  
 22 as follows:  
 23 (1) Mobile and regional child  
 24 health specialty clinics ..... \$ 252,000  
 25 275,156  
 26 (2) Childhood cancer diagnostic  
 27 and treatment network program ..... \$ 48,847  
 28 73,845  
 29 (3) Rural comprehensive care for  
 30 hemophilia patients ..... \$ 60,100  
 31 116,163  
 32 (4) Muscular dystrophy and re-  
 33 lated genetic disease programs ..... \$ 100,000  
 34 109,900  
 35 (5) Statewide perinatal program ..... \$ 45,000  
 36 Of the funds allocated to the mobile and regional  
 37 child health specialty clinics pursuant to subparagraph  
 38 (1), ~~twenty one thousand (\$1,000)~~ forty four thousand  
 39 one hundred fifty six (44,156) dollars is intended  
 40 to be used for the high risk infant follow-up program  
 41 which may be conducted through the mobile and regional  
 42 child health specialty clinics.”  
 43 3. Title page, line 5, by inserting after the  
 44 figure “1985” the following: “and making a  
 45 supplemental appropriation to the department of health  
 46 for reallocation to the state board of regents for  
 47 certain programs under the Iowa specialized child  
 48 health care services for the fiscal year beginning  
 49 July 1, 1983 and ending June 30, 1984.”  
 50 2. By renumbering as necessary.

ARTHUR A. SMALL, JR.

S-5828

1 Amend Senate File 2337 as follows:  
 2 1. Page 12, by inserting after line 22 the  
 3 following:  
 4 “Sec. \_\_\_\_\_, 1983 Iowa Acts, chapter 198, section 34,  
 5 is repealed.”

RICHARD F. DRAKE  
 JOE J. WELSH

HOUSE AMENDMENT TO SENATE CONCURRENT RESOLUTION 111

S-5829

1 Amend Senate Concurrent Resolution 111 as follows:  
 2 1. Page 3, by striking lines 3 and 4, and inserting

- 3 in lieu thereof the following:  
 4 "3. Allow deferrral of the repayment for the  
 5 advanced 1983 deficiency payment due in 1984 for at  
 6 least one year."

S-5830

- 1 Amend Senate File 2337 as follows:

DIVISION S—5830A

- 2 1. By striking page 7, line 35 through page 8,  
 3 line 20.

DIVISION S—5830B

- 4 2. Page 8, by striking lines 21 through 30.

DIVISION S—5830C

- 5 3. By striking page 8, line 31 through page 11,  
 6 line 2.

DIVISION S—5830D

- 7 4. Page 11, by striking lines 3 through 17.

DIVISION S—5830E

- 8 5. Page 12, by striking lines 7 through 22.

COMMITTEE ON FINANCE  
 NORMAN G. RODGERS, Chair

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 2180

S-5831

- 1 Amend amendment H-6052, the Senate Amendment to  
 2 House File 2180, as amended, passed and reprinted  
 3 by the House as follows:  
 4 1. Page 1, by inserting after line 3, the  
 5 following:  
 6 "\_\_\_\_. Title page, by striking lines 3 through  
 7 6, and inserting in lieu thereof the following: "county  
 8 of the new owner's residence, and making odometer".

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 2373

S-5832

- 1 Amend the Senate amendment H-5958 to House File

- 2 2373 as passed by the House as follows:  
 3 1. Page 1, by striking lines 3 through 50 and  
 4 inserting in lieu thereof the following:  
 5 "1. By striking everything after the enacting  
 6 clause and inserting in lieu thereof the following:  
 7 "Section 1. NEW SECTION. 598.36 ATTORNEY FEES  
 8 IN PROCEEDING TO MODIFY ORDER OR DECREE. In a  
 9 proceeding for the modification of an order or decree  
 10 under this chapter the court may award attorney fees  
 11 to the prevailing party in an amount deemed reasonable  
 12 by the court."  
 13 2. Page 2, by striking lines 1 through 11.  
 14 3. Title page, lines 1 and 2, by striking the  
 15 words "enforce or".

S-5833

- 1 Amend the amendment S-5816 to amendment H-6006 to  
 2 House File 2439 as amended and passed by the House as  
 3 follows:  
 4 1. Page 1, by striking lines 3 and 4.

MILO COLTON  
 DONALD V. DOYLE

S-5834

- 1 Amend Senate File 2337 as follows:  
 2 1. Page 9, line 18, by inserting after the period  
 3 the following: "The chief or director of a division  
 4 shall be required to have five years of service in  
 5 the chief's or director's specific rank or position  
 6 to have earned tenure and be eligible for the  
 7 protection of appeal on reduction."  
 8 2. Page 9, line 23, by inserting after the period  
 9 the words "The decision of the executive council shall  
 10 be final, subject to the right of judicial review  
 11 in the district court of the appealing officer's  
 12 residence."  
 13 3. Page 9, line 25, by inserting after the word  
 14 "grade," the words "duty station,".

JOE J. WELSH

S-5835

- 1 Amend Senate File 2334 as follows:  
 2 1. Page 12, line 32, by striking the word  
 3 "nonprofit".

4 2. Page 12, line 33, by striking the word  
5 "nonprofit".

DAVID M. READINGER  
FORREST V. SCHWENGELS  
EDGAR H. HOLDEN

S-5836

1 Amend the Committee on Finance amendment S-5830  
2 to Senate File 2337 as follows:

3 1. Page 8, by striking line 4 and inserting in  
4 lieu thereof the following:  
5 "\_\_\_\_. Page 3, by striking lines 21 through 30  
6 and inserting in lieu thereof the following new  
7 section:

8 Sec. . 1983 Iowa Acts, chapter 198, section  
9 32, is amended to read as follows:

10 Sec. 32. Notwithstanding the provisions of section  
11 423.24, there is transferred from revenues collected  
12 under chapter 423 during each year of the fiscal  
13 period year beginning July 1, 1983 and ending June  
14 30, ~~1986 1984~~ from the use tax imposed on motor  
15 vehicles, trailers and motor vehicle accessories and  
16 equipment under section 423.7 the sum of seven million  
17 five hundred thousand (7,500,000) dollars which shall  
18 be transferred to the special railroad facility fund  
19 to be used exclusively for the purposes provided in  
20 this section. The Iowa railway finance authority  
21 may enter into a partnership agreement as allowed  
22 under section 307B.7, subsection 7, for the purpose  
23 of acquiring the right-of-way of the Chicago, Rock  
24 Island and Pacific railroad. The funds shall be  
25 expended to supplement private investment capital  
26 obtained for that purpose by matching any private  
27 investment capital on an equal basis. The funds  
28 transferred to the special railroad facility fund  
29 under this section shall be considered an interest-  
30 free loan to be repaid in ten equal installments  
31 beginning July 1, 1985 to the road use tax fund from  
32 receipts credited to the special railroad facility  
33 fund under section 307B.23.

34 The Iowa railway finance authority shall obtain  
35 a lien against the railroad right-of-way and related  
36 materials to secure the loan and secure repayment.  
37 If the purchase of the railroad right-of-way is not  
38 completed by January 1, 1986, the entire amount of  
39 the loan shall become due and payable."

EDGAR H. HOLDEN

S-5837

- 1 Amend Senate File 2337 as follows:
- 2 1. Page 6, by inserting after line 11 the
- 3 following:
- 4 " \_\_\_\_ . For funding for two pilot
- 5 projects for area-wide ride-
- 6 sharing programs authorized
- 7 by law ..... \$ 5,000".
- 8 2. Renumber sections and correct internal
- 9 references as necessary in accordance with this
- 10 amendment.

ARNE WALDSTEIN

S-5838

- 1 Amend Senate File 2337 as follows:
- 2 1. Page 12, by inserting after line 22 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Registration fees collected under
- 5 section 321.109 and 321.122, subsection 1, paragraph
- 6 a. to the extent that these fees exceed one hundred
- 7 twenty million (120,000,000) dollars for the fiscal
- 8 year beginning July 1, 1983 and ending June 30, 1984,
- 9 shall be placed in escrow by the treasurer of state
- 10 until April 15, 1985 and then credited to the road
- 11 use tax fund."
- 12 2. Page 12, by inserting after line 27 the
- 13 following:
- 14 "Sec. \_\_\_\_ . This Act, being deemed of immediate
- 15 importance, takes effect from and after its publication
- 16 in The Bancroft Register, a newspaper published in
- 17 Bancroft, Iowa and in the Carroll Daily Times-Herald,
- 18 a newspaper published in Carroll, Iowa."
- 19 3. Renumber sections and correct internal
- 20 references as necessary in accordance with this
- 21 amendment.

BERL E. PRIEBE  
C.W. BILL HUTCHINS

S-5839

- 1 Amend Senate File 2334 as follows:
- 2 1. Page 6, line 10, by striking the figure
- 3 "1,408,125" and inserting in lieu thereof the figure
- 4 "1,460,125".
- 5 2. Page 6, line 26, by striking the figure
- 6 "106,087" and inserting in lieu thereof the figure

7 "130,087".  
 8 3. Page 6, line 28, by striking the figure "81,275"  
 9 and inserting in lieu thereof the figure "109,275".  
 10 4. Page 7, by inserting after line 12 the  
 11 following:  
 12 "Any remaining funds appropriated to the university  
 13 of Iowa hospitals and clinics under the control of  
 14 the state board of regents for the Iowa specialized  
 15 child health care services shall revert to the general  
 16 fund of the state June 30, 1985. The state board  
 17 of regents shall not reallocate any funds from the  
 18 mobile and regional child health speciality clinics  
 19 to other programs during the fiscal year beginning  
 20 July 1, 1984 and ending June 30, 1985. It is the  
 21 intent of the general assembly that the childhood  
 22 cancer diagnostic and treatment network program, the  
 23 rural comprehensive care for hemophilia patients  
 24 program, and the high risk infant follow-up program  
 25 be continued in spite of any projected shortfall or  
 26 deficit in operating the programs and to appropriate  
 27 additional funds to the state board of regents during  
 28 the 1985 session of the seventy-first general assembly  
 29 to provide necessary funding for continued operation  
 30 of the programs."

31 5. Page 15, by inserting after line 26 the  
 32 following:  
 33 "Sec. 100. Chapter 206 of the 1983 Iowa Acts, 1  
 34 section 4, subsection 6, paragraph a, unnumbered  
 35 paragraph 1, subparagraphs (1) through (5) and  
 36 unnumbered paragraph 5, are amended to read as follows:

37	a. For salaries and support		
38	of not more than forty-four and		
39	thirty-five one-hundredths full-time		
40	equivalent positions annually,		
41	maintenance, and miscellaneous purposes .....	\$	1,164,609
42			<u>1,269,717</u>
43	(1) Mobile and regional child		
44	health specialty clinics .....	\$	252,000
45			<u>275,156</u>
46	(2) Childhood cancer diagnostic		
47	and treatment network program .....	\$	48,847
48			<u>73,845</u>
49	(3) Rural comprehensive care for		
50	hemophilia patients .....	\$	69,199

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1			116,163
2	(4) Muscular dystrophy and re-		
3	lated genetic disease programs .....	\$	100,000
4			<u>109,900</u>
5	(5) Statewide perinatal program .....	\$	45,000

6 Of the funds allocated to the mobile and regional  
 7 child health specialty clinics pursuant to subparagraph  
 8 (1), ~~twenty-one thousand (\$1,000)~~ forty-four thousand  
 9 one hundred fifty-six (44,156) dollars is intended  
 10 to be used for the high risk infant follow-up program  
 11 which may be conducted through the mobile and regional  
 12 child health specialty clinics.

13 Sec. 101. Notwithstanding the 1983 Iowa Acts,  
 14 chapter 206, section 4, subsection 6, paragraph a,  
 15 unnumbered paragraph 7, the state comptroller shall  
 16 transfer seventy-four thousand four hundred fifty  
 17 (74,450) dollars from the office of the state  
 18 comptroller to the general fund of the state for  
 19 allocation to the programs identified in section 100  
 20 of this Act."

21 6. Page 15, line 31, by striking the words and  
 22 figure "Section 5 of this Act takes" and inserting  
 23 in lieu thereof the following: "Sections 5, 100,  
 24 and 101 of this Act take".

25 6. Title page, line 5, by inserting after the  
 26 figure "1985" the following: "and making a  
 27 supplemental appropriation to the department of health  
 28 for reallocation to the state board of regents for  
 29 certain programs under the Iowa specialized child  
 30 health care services for the fiscal year beginning  
 31 July 1, 1983 and ending June 30, 1984,".

32 7. By renumbering as necessary.

ARTHUR A. SMALL, JR.

S-5840

1 Amend House File 2513 as passed by the House as  
 2 follows:

3 1. Page 1, lines 7 and 8, by striking the words  
 4 "~~and the corporation is not taxable in another state~~"  
 5 and inserting in lieu thereof the word "state".

6 2. Page 1, lines 12 and 13, by striking the words  
 7 "~~and the corporation is taxable in another state~~"  
 8 and inserting in lieu thereof the word "state".

BERL E. PRIEBE  
 JOE J. WELSH  
 ALVIN V. MILLER  
 CHARLES P. MILLER

S-5841

1 Amend House File 2471 as amended, passed and  
 2 reprinted by the House as follows:

- 3 1. Page 7, by striking lines 20 through 23 and  
 4 inserting in lieu thereof the following:  
 5 "1. The person who generates hazardous waste who  
 6 transports the hazardous waste off the site where  
 7 the hazardous waste was generated shall".  
 8 2. By striking page 7, line 29 through page 8,  
 9 line 2 and inserting in lieu thereof the following:  
 10 "2. A person who generates hazardous waste shall  
 11 pay the twenty dollars for each ton of hazardous waste  
 12 placed, deposited, dumped or disposed of onto or into  
 13 the land at a disposal facility whether that facility  
 14 is located in the state or outside the state. A  
 15 credit shall be given against the fee for any  
 16 comparable fee paid in another state if that state  
 17 would grant a reciprocal credit to a fee paid in Iowa  
 18 under similar circumstances."  
 19 3. Page 8, by striking lines 3 and 4.  
 20 4. Renumber as necessary.

RAY TAYLOR

S-5842

- 1 Amend amendment S-5667 to House File 2217 as  
 2 amended, passed and reprinted by the Senate as follows:  
 3 1. By striking page 1, line 2, through page 2,  
 4 line 36 and inserting in lieu thereof the following:  
 5 "reprinted by the House, as follows:  
 6 1. By striking everything after the enacting  
 7 clause and inserting in lieu thereof the following:  
 8 "Section 1. Section 257.10, subsection 11, Code  
 9 1983, is amended to read as follows:  
 10 11. Constitute the board of educational examiners  
 11 for the certification of administrative, supervisory  
 12 and instructional personnel for the public school  
 13 systems of the state; Not later than January 1,  
 14 1985, the state board shall prescribe types and classes  
 15 of certificates to be issued, the subjects and fields  
 16 and positions which certificates cover and determine  
 17 the requirements for certificates, endorsements,  
 18 approvals, or other authorizations. The requirements  
 19 for certification shall include performance criteria  
 20 and examinations to be determined by the state board.  
 21 The performance criteria and examinations shall measure  
 22 communication skills, general knowledge, professional  
 23 education concepts, teaching competencies, and  
 24 knowledge in the teaching fields of the applicant.  
 25 The state board shall establish standards for the  
 26 approval of undergraduate and graduate teacher  
 27 education programs leading to teacher certification



28 ~~and for the acceptance of degrees, credits, courses,~~  
 29 ~~and other evidences of training and preparation from~~  
 30 ~~institutions of higher learning; junior colleges;~~  
 31 ~~or other training institutions~~ education, both public  
 32 and private, within or without the state. The state  
 33 board shall perform duties imposed upon the board  
 34 of educational examiners under chapter 260.

35 Sec. 2. NEW SECTION. 260.24 ELEMENTARY-SECONDARY  
 36 ADVISORY COMMITTEE. The board of educational examiners  
 37 shall appoint an eleven-member elementary-secondary  
 38 advisory committee consisting of the following:

39 1. Four members who possess certificates issued  
 40 under this chapter, three of whom are employed as  
 41 classroom teachers in school districts in this state  
 42 and one of whom is employed as a classroom teacher  
 43 in an approved nonpublic school in this state.

44 2. One member who is employed as a principal in  
 45 this state.

46 3. One member who is employed as a superintendent  
 47 in this state.

48 4. Three members of the faculty of a college of  
 49 education, one from each institution of higher  
 50 education under the state board of regents.

Page 2

1 5. One member of the faculty of a college or  
 2 department of education of a private college or  
 3 university in this state.

4 6. One member who is employed by an area education  
 5 agency.

6 Members shall be appointed to staggered four-year  
 7 terms. The advisory committee shall advise the board  
 8 of educational examiners concerning the requirements  
 9 for certification of elementary and secondary school  
 10 personnel including performance criteria or  
 11 examinations.

12 Committee members shall be reimbursed for actual  
 13 and necessary expenses incurred in the performance  
 14 of their duties. The expense money shall be paid  
 15 from funds appropriated to the department of public  
 16 instruction.

17 Sec. 3. NEW SECTION. 260.25 AREA SCHOOL ADVISORY  
 18 COMMITTEE. The board of educational examiners shall  
 19 appoint a five member area school advisory committee  
 20 consisting of the following:

21 1. Two members of the teaching faculty of an area  
 22 school.

23 2. Two members who are administrators at an area  
 24 school.

25 3. One member of the teaching faculty of an  
 26 industrial technology education department or program

27 at a university or college in this state.

28 Members shall be appointed to staggered four-year  
29 terms. The advisory committee shall advise the board  
30 of educational examiners concerning the requirements  
31 for certification of area school personnel.

32 Committee members shall be reimbursed for actual  
33 and necessary expenses in the performance of their  
34 duties. The expense money shall be paid from funds  
35 appropriated to the department of public instruction."

36 2. Title page, by striking lines 1 through 3 and  
37 inserting in lieu thereof the words "An Act relating  
38 to the duties of the state board of public instruction  
39 as the board of educational examiners."

ARTHUR L. GRATIAS

HOUSE AMENDMENT TO SENATE FILE 2323

S-5843

1 Amend Senate File 2323 as passed by the Senate  
2 as follows:

3 1. Page 1, by striking lines 14 and 15 and  
4 inserting in lieu thereof the following:

5 "Sec. 2. Section 450.6, Code 1983, is amended  
6 to read as follows:

7 450.6 ACCRUAL OF TAX--MATURITY--EXTENSION OF  
8 TIME."

9 2. Page 1, by inserting after line 30 the  
10 following:

11 "Upon the approval of the executive council, the  
12 tax liability of any a beneficiary, heir, surviving  
13 joint tenant or other transferee may be paid, in lieu  
14 of money, in whole or in part by the transfer of real  
15 property or tangible personal property to the state  
16 or a political subdivision of the state to be used  
17 for public purposes. Before the tax liability may  
18 be paid by transfer of property to a political  
19 subdivision, the governing body of the political  
20 subdivision shall also approve the transfer. ~~If the~~  
21 ~~The~~ property transferred in payment of tax is shall  
22 have been included in the decedent's gross estate  
23 for inheritance tax purposes; and its value for the  
24 payment of the tax shall be the same as its value  
25 for inheritance tax purposes. ~~Property transferred~~  
26 ~~in payment of the tax which is not included in the~~  
27 ~~decedent's gross estate for inheritance tax purposes~~  
28 ~~shall be valued by agreement of the executive council~~  
29 ~~and the taxpayer.~~ The acceptance or rejection of the  
30 property in payment of the tax liability and the

31 agreed value of the property shall be certified by  
 32 the executive council to the director of revenue.  
 33 The acceptance of the property transferred shall act  
 34 ~~acts~~ as payment and satisfaction of the inheritance  
 35 tax liability to the extent of the value of the  
 36 transferred property, but notwithstanding any other  
 37 provision, the taxpayer shall ~~is~~ not be entitled to  
 38 a refund if the transferred property has a value in  
 39 excess of the tax liability."  
 40 3. Title page, line 6, by inserting after the  
 41 word "death," the words "providing that property  
 42 transferred to the state or political subdivision  
 43 as payment of the tax shall have been included in  
 44 the decedent's gross estate,".

S-5844

1 Amend the amendment S-5667 to House File 2217,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. By striking page 1, line 1 through page 2,  
 5 line 36, and inserting in lieu thereof the following:  
 6 "Amend House File 2217, as amended, passed, and  
 7 reprinted by the House, as follows:  
 8 1. By striking everything after the enacting  
 9 clause and inserting in lieu thereof the following:  
 10 "Section 1. Section 257.10, subsection 11, Code  
 11 1983, is amended to read as follows:  
 12 11. ~~Constitute the board of educational examiners~~  
 13 ~~for the certification of administrative, supervisory~~  
 14 ~~and instructional personnel for chief administrators~~  
 15 ~~of school corporations and school service professionals~~  
 16 ~~working in the public school systems of the state;~~  
 17 ~~prescribe types and classes of certificates to be~~  
 18 ~~issued, the subjects and fields and positions which~~  
 19 ~~certificates cover and determine the requirements~~  
 20 ~~for certificates, endorsements, approvals, or other~~  
 21 ~~authorization; establish fees for the issuance and~~  
 22 ~~renewal of certificates; prescribe the terms of years~~  
 23 ~~and expiration dates of certificates; prescribe the~~  
 24 ~~requirements for renewal of certificates; enter into~~  
 25 ~~reciprocity agreements with other states and countries~~  
 26 ~~that have similar certification requirements; suspend~~  
 27 ~~or revoke a certificate for any cause that would have~~  
 28 ~~authorized or required a refusal to grant a~~  
 29 ~~certificate; establish standards for the acceptance~~  
 30 ~~of degrees, credits, courses, and other evidences~~  
 31 ~~of training and preparation of chief administrators~~  
 32 ~~and school service professionals from institutions~~

33 of higher learning, junior colleges, or other training  
34 institutions education, both public and private,  
35 within or without the state. The state board shall  
36 perform duties imposed upon the board of educational  
37 examiners under chapter 260.

38 "School service professional" means a speech  
39 pathologist, audiologist, psychologist, physical  
40 therapist, occupational therapist, social worker,  
41 or a member of another profession that the board has  
42 identified by rule under chapter 17A, the members  
43 of which are not directly involved in teaching, but  
44 are trained to assist students in learning or removing  
45 obstacles to learning. A "school service professional"  
46 is not a school administrator, supervisor, or teacher.

47 Sec. 2. Section 257.18, Code Supplement 1983, is amended by  
48 adding the following new subsection:

49 NEW SUBSECTION. 4A. Act as the executive officer  
50 of the board of educational examiners pursuant to

Page 2

1 chapter 260.

2 Sec. 3. Section 260.1, Code 1983, is amended by  
3 striking the section and inserting in lieu thereof  
4 the following:

5 260.1 STATE BOARD. There is established the state  
6 board of educational examiners consisting of nine  
7 members appointed by the governor, subject to senate  
8 confirmation. Associations interested in education  
9 may recommend the names of potential board members  
10 to the governor, but the governor is not bound by  
11 the recommendations.

12 As used in this chapter, "board" means the state  
13 board of educational examiners, unless otherwise  
14 required by the context. The members shall include  
15 the following:

16 1. Four members who possess professional  
17 certificates to teach issued under this chapter or  
18 who possess professional or permanent professional  
19 certificates issued by the board of educational  
20 examiners prior to the effective date of this Act.

21 2. One member who possesses endorsement as a  
22 school principal.

23 3. One member of the teaching faculty of the  
24 education college or department of a college or  
25 university that has an approved teacher education  
26 program.

27 4. Three members who do not hold certificates  
28 issued under this chapter or professional or permanent

29 professional certificates issued by the board of  
30 educational examiners prior to the effective date  
31 of this Act and who represent the general public.

32 Not more than five members of the board shall be  
33 members of the same political party.

34 Each teacher and principal on the board shall be  
35 employed as a teacher or principal and shall have  
36 been so employed for a period of three years just  
37 preceding the member's appointment, the last two of  
38 which shall be in this state.

39 Sec. 4. Section 260.3, Code 1983, is amended to  
40 read as follows:

41 260.3 PERSONNEL. The ~~state superintendent~~  
42 ~~executive administrator~~ shall, with the approval of  
43 the ~~state~~ board, direct the work of such personnel  
44 as may be necessary to carry out the provisions of  
45 this chapter.

46 Sec. 5. NEW SECTION. 260.4 TERM-COMPENSATION.

47 The members of the board shall serve four-year terms  
48 that commence and end as provided in section 69.19.

49 A vacancy in the membership of the board shall be  
50 filled by appointment of the governor, subject to

Page 3

1 senate confirmation.

2 A member of the board shall receive forty dollars  
3 per day from funds appropriated to the board for each  
4 day the member is actually engaged in the discharge  
5 of duties except that members of the board who are  
6 employed on a full-time basis by a public employer  
7 shall not receive the per diem payment if they are  
8 receiving compensation for that day from their  
9 employer. The member shall also receive necessary  
10 and actual travel and expenses from funds appropriated  
11 to the board.

12 The board of directors of a school corporation  
13 or authorities in charge of a college or university  
14 shall allow members appointed to the board to serve  
15 as members of the board and shall not discriminate  
16 against the member in employment.

17 Sec. 6. Section 260.5, Code 1983, is amended to  
18 read as follows:

19 260.5 DEFINITION OF FIELDS. For the purposes  
20 of this Act the elementary school field ~~shall be~~  
21 ~~construed to include~~ includes the kindergarten and  
22 grades one to eight, inclusive; the secondary school  
23 field ~~shall be construed to include~~ includes the  
24 junior high school, the senior high school and the

25 four-year high school; and the administrative and  
 26 supervisory field shall be construed to include  
 27 includes all administrative and supervisory positions  
 28 in the public schools, except the chief administrator  
 29 of a school corporation.

30 Sec. 7. NEW SECTION. 260.5A DUTIES. The board  
 31 shall:

32 1. Issue professional, temporary, and substitute  
 33 certificates and other certificates deemed necessary  
 34 by the board to qualified applicants.

35 2. Provide endorsements and approvals for the  
 36 subjects and fields and positions which certificates  
 37 cover.

38 3. Establish standards for the acceptance of  
 39 degrees, credits, courses, and other evidences of  
 40 training and preparation from colleges and universities  
 41 in this state and out of this state and provide for  
 42 approval of teacher education programs at colleges  
 43 and universities in this state. The standards for  
 44 approval may include the adoption of national standards  
 45 for teacher education programs.

46 4. Prescribe requirements for renewal of  
 47 certificates.

48 5. Approve examinations required under this chapter  
 49 and other examinations deemed necessary by the board.

50 6. Establish standards for the certification and

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1 renewal of certification of administrators (except  
 2 the chief administrator), supervisors, and teachers  
 3 employed at the merged area schools.

4 7. Be authorized to prescribe requirements for  
 5 a professional evaluation.

6 8. Provide for the issuance of the appropriate  
 7 certificates to applicants who are certificated in  
 8 other states and enter into reciprocity agreements  
 9 with other states that have similar requirements.

10 9. Establish fees for the issuance and renewal  
 11 of certificates, for changes in approvals and  
 12 endorsements, and for required examinations and the  
 13 costs of sustaining the board.

14 10. Develop criteria of professional practices  
 15 under section 261.31.

16 11. Employ an executive administrator, who shall  
 17 be responsible to the superintendent of public  
 18 instruction, and other personnel as may be neces-  
 19 sary to carry out its duties.

20 12. Receive federal funds on behalf of the state

21 for purposes related to its duties.

22 13. Adopt rules, pursuant to chapter 17A, to  
23 implement its duties under this chapter.

24 Sec. 8. Section 260.6, Code 1983, is amended to  
25 read as follows:

26 260.6 CERTIFICATES REQUIRED. The board of  
27 educational examiners shall issue certificates pursuant  
28 to section 257.10, subsection 11. A person employed  
29 as an administrator except for the chief administrator  
30 of a school corporation, supervisor, school service  
31 person but not a school service professional as defined  
32 in section 257.10, subsection 11, or teacher in the  
33 public schools shall hold a certificate with  
34 appropriate endorsement and approvals valid for the  
35 type of position in which the person is employed.

36 Sec. 9. Section 260.7, Code 1983, is amended to  
37 read as follows:

38 260.7 CERTIFICATE VALIDITY. A certificate is  
39 valid for the subject matter fields or administrative,  
40 supervisory, or school service activities covered  
41 under this chapter for which an express statement  
42 of approval or an endorsement is given by the issuing  
43 authority.

44 Sec. 10. NEW SECTION. 260.8 EXAMINATIONS. The  
45 board shall consult with state associations and state  
46 agencies interested in education in this state in  
47 adopting the examinations required in this chapter.  
48 The board may consult with officials from other states  
49 that administer similar examinations for teachers.  
50 The board may contract with an institution of

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1 higher education or an educational testing service  
2 to develop, score, and provide appropriate analyses  
3 of the examinations.

4 Sec. 11. NEW SECTION. 260.8A BASIC SKILLS  
5 ASSESSMENT EXAMINATION. An applicant for a  
6 professional certificate shall present evidence to  
7 the board that the applicant has successfully completed  
8 the basic skills assessment examination adopted by  
9 the board demonstrating competency in basic skills  
10 required for teaching. The basic skills examination  
11 shall first be administered during the fiscal year  
12 beginning July 1, 1985 and is required for professional  
13 certificates issued on or after October 1, 1987.  
14 The examination shall be administered by the board  
15 at least one time per year and may be given initially  
16 to students during their sophomore year.

17 The examination shall test all of the following:

18 1. The ability to write in a logical and concise  
19 style with appropriate grammar and sentence structure.

20 2. The ability to read, comprehend, and interpret  
21 professional and other written material.

22 3. The ability to comprehend and work with  
23 fundamental mathematical concepts.

24 An applicant for a professional certificate who  
25 is from another state but otherwise meets the  
26 requirements of this state shall take the examination  
27 as prescribed by the board.

28 Sec. 12. Section 260.9, Code Supplement 1983,  
29 is amended by striking the section and inserting in  
30 lieu thereof the following:

31 NEW SECTION. 260.9 PROFESSIONAL AND SUBJECT  
32 MATTER PROFICIENCY EXAMINATIONS. An applicant for  
33 a professional certificate shall present evidence  
34 to the board that the applicant has successfully  
35 completed a professional and subject matter proficiency  
36 examination for the appropriate endorsement and  
37 approval areas. The examination shall test knowledge  
38 of subject matter and education philosophy and  
39 concepts.

40 The board may administer as many examinations per  
41 year as are necessary, but shall administer the  
42 examination for each subject matter proficiency at  
43 least one time per year. The scope of the examinations  
44 and the methods of procedure shall be prescribed by  
45 the board.

46 The board may withdraw approval of the teacher  
47 education program at an institution of higher education  
48 in this state if, for each of three consecutive years,  
49 more than fifty percent of its students taking the  
50 examination before graduation receive failing scores.

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1 The examination shall first be administered during  
2 the fiscal year beginning July 1, 1986 and is required  
3 for professional certificates issued on or after  
4 October 1, 1987. The examination may be given to  
5 students during their senior year in college.

6 An applicant for a professional certificate who  
7 is from another state, but otherwise meets the  
8 requirements of this section, shall take the  
9 examination as prescribed by the board.

10 Sec. 13. NEW SECTION. 260.9A EXAMINATION  
11 PROCEDURE. An examination may be conducted by  
12 representatives of the board. The identity of the  
13 person taking the examination shall be concealed until



14 after the examination has been graded. An applicant  
15 who has failed the examination once shall be allowed  
16 to take the examination at the next scheduled time.  
17 Thereafter, the applicant shall be allowed to take  
18 the examination at the discretion of the board. An  
19 applicant who has failed the examination may request  
20 in writing information from the board concerning the  
21 applicant's examination grade and questions which  
22 the applicant failed to answer correctly, except that  
23 if the board administers a uniform, standardized  
24 examination, the board shall only be required to  
25 provide the examination grade and other information  
26 concerning the applicant's examination results that  
27 are available to the board.

28 Sec. 14. Section 260.10, Code 1983, is amended  
29 by striking the section and inserting in lieu thereof  
30 the following:

31 260.10 PROFESSIONAL CERTIFICATE. Effective October  
32 1, 1987, a professional certificate shall be issued  
33 by the board to an individual possessing a  
34 baccalaureate degree, who has completed the teacher  
35 education program provided at a college or university  
36 in this state that has been approved by the board,  
37 or who has completed a teacher education program at  
38 a college or university outside this state for which  
39 the board has approved the program, and has passed  
40 the basic skills assessment examination and the  
41 professional and subject matter proficiency  
42 examination. The term of a professional certificate  
43 is five years from the date of its issuance, and the  
44 board shall prescribe the conditions for its renewal.  
45 The conditions for renewal shall include the completion  
46 of continuing education requirements.

47 Effective October 1, 1987, a professional  
48 certificate shall be issued by the board to an  
49 applicant who is the holder of an expired professional  
50 certificate and who has completed the continuing

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1 education requirements established by the board for  
2 renewal of a professional certificate.

3 Sec. 15. NEW SECTION. 260.13 INTERNSHIP. The  
4 board shall adopt rules requiring that boards of  
5 directors of school corporations provide for internship  
6 programs for teachers who are in their first year  
7 of teaching. The rules shall provide that the board  
8 of directors of a school corporation assign teaching  
9 and extracurricular responsibilities to a first-year

10 teacher that reflect the needs of these teachers for  
 11 additional time for professional growth and  
 12 development. The board of directors shall provide  
 13 for staff development and other assistance deemed  
 14 appropriate by the board of directors or authorities  
 15 for first-year teachers. The board of directors may  
 16 request staff development assistance from the area  
 17 education agency.

18 Sec. 16. Section 260.15, Code 1983, is amended  
 19 to read as follows:

20 260.15 APPLICATIONS—DISBURSEMENT OF FEES.

21 Applications for the issuance or renewal of all  
 22 teachers' certificates shall be made to the  
 23 superintendent of public instruction executive  
 24 administrator of the board. Fees for the issuance  
 25 or renewal of certificates paid under this chapter  
 26 shall be paid to the superintendent of public  
 27 instruction executive administrator of the board who  
 28 shall deposit each fee received from these sources  
 29 with the treasurer of state and credit the fee to  
 30 the general fund of the state. If an application  
 31 for the issuance or renewal of a certificate is not  
 32 approved, the superintendent of public instruction  
 33 shall remit the fee to the applicant by a state  
 34 comptroller's warrant issued on the general fund of  
 35 the state upon certification of the superintendent  
 36 of public instruction that the fee has not been earned  
 37 executive administrator of the board shall refund  
 38 a fee paid by an unsuccessful applicant. The  
 39 superintendent executive administrator shall keep  
 40 an accurate and detailed account of money received.

41 Sec. 17. NEW SECTION. 260.18 TEMPORARY  
 42 CERTIFICATE. The board shall prescribe requirements  
 43 for issuance of a temporary certificate. A temporary  
 44 certificate is valid for one year and may be issued  
 45 for an emergency or unusual situation.

46 Before a temporary certificate can be issued for  
 47 a teacher to be employed by the board of directors  
 48 of a school district, the board of directors shall  
 49 contact the department of job service to review the  
 50 certificated teacher registry.

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1 Sec. 18. NEW SECTION. 260.20 APPROVAL AREAS.

2 Effective October 1, 1987, if a teacher possessing  
 3 a professional certificate changes or adds approval  
 4 areas to the certificate, the teacher is required  
 5 to pass the subject matter portion of the professional  
 6 and subject-matter proficiency examination for the

7 added approval area within one year after the change  
8 or addition.

9 Sec. 19. Section 260.21, Code 1983, is amended  
10 to read as follows:

11 260.21 VALIDITY AND EXPIRATION OF CERTIFICATES.

12 A certificate is valid throughout the state after  
13 issuance by the board. An original or renewed  
14 certificate shall expire on June 30 of the year in  
15 which it expires, and the expiration date shall be  
16 determined by counting each fraction of a year during  
17 the term of the certificate following the date of  
18 issuance as one year. A certificate issued by the  
19 board prior to January 1, 1980 is valid until June  
20 30 of the year in which the certificate expires.

21 Certificates issued prior to January 1, 1980, may  
22 be renewed in a manner prescribed by the board.

23 Sec. 20. NEW SECTION. 260.24 CERTIFICATED TEACHER

24 REGISTRY. The board shall send to the department  
25 of job service a list of certificated teachers in  
26 this state that are interested in employment as a  
27 teacher together with the teachers' endorsements and  
28 approval areas. The department of job service shall  
29 maintain a certificated teacher registry.

30 Sec. 21. NEW SECTION. 260.25 DISCLOSURE OF  
31 CONFIDENTIAL INFORMATION. A member of the board shall  
32 not disclose information relating to the following:

33 1. Information relating to the contents of the  
34 examinations.

35 2. Information relating to the examination results  
36 other than final score except for information about  
37 the results of an examination which is given to the  
38 person who took the examination.

39 A member of the board who willfully communicates  
40 or seeks to communicate this information, and a person  
41 who willfully obtains this information, is guilty  
42 of a simple misdemeanor.

43 Sec. 22. Section 260.28, Code 1983, is amended  
44 to read as follows:

45 260.28 EXPENDITURES. ~~All expenditures~~ Expenditures  
46 authorized to be made by the board of educational  
47 examiners shall be certified by the ~~superintendent~~  
48 of public instruction executive administrator of the  
49 board to the state comptroller, and if found correct,  
50 he the state comptroller shall approve the same them

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- 1 and draw warrants therefor upon the treasurer of state
- 2 from the funds appropriated for that purpose.

3    Sec. 23. NEW SECTION. 260.31 CRITERIA OF  
4 PROFESSIONAL PRACTICES. The board shall develop  
5 criteria of professional practices including, but  
6 not limited to, such areas as:

7     1. Contractual obligations.  
8     2. Competent performance of all members of the  
9 teaching profession.

10    3. Ethical practice toward other members of the  
11 profession, parents, students, and the community.

12    However, membership or nonmembership in a teachers'  
13 organization is not a criterion of an individual's  
14 professional standing. A violation, as determined  
15 by the board following a hearing, of any of the  
16 criteria so adopted is unprofessional practice and  
17 a legal basis for the suspension or revocation of  
18 a certificate by the board.

19    After a hearing, the board, in administering its  
20 responsibilities under this section, shall exonerate,  
21 warn or reprimand the member of the profession or  
22 may suspend or revoke a certificate under section  
23 260.23.

24    Sec. 24. NEW SECTION. 260.32 APPOINTMENT OF  
25 HEARING OFFICERS. The board shall maintain a list  
26 of qualified persons to serve as hearing officers  
27 who are experienced in the educational system of this  
28 state when a hearing is requested under section 279.24.

29    When requested under section 279.24, the board shall  
30 submit a list of five qualified hearing officers to  
31 the parties. The hearing shall be held pursuant to  
32 chapter 17A relating to contested cases. The full  
33 costs of the hearing shall be shared equally by the  
34 parties. A person who is employed as a teacher or  
35 administrator by a school district is not eligible  
36 to serve as a hearing officer.

37    Sec. 25. NEW SECTION. 260.33 PRIOR CERTIFICATE  
38 HOLDERS. A valid professional, preprofessional, or  
39 substitute teacher's certificate issued by the board  
40 of educational examiners prior to the effective date  
41 of this Act is valid until its expiration date.

42    Individuals holding a permanent professional  
43 certificate on the effective date of this Act need  
44 not be issued a certificate under this chapter.

45    The board shall issue a professional certificate  
46 under this chapter to an individual holding a valid  
47 certificate from another state who submits evidence  
48 to the board that the individual has passed the basic  
49 skills assessment examination and the professional  
50 and subject matter proficiency examination for the

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1 appropriate endorsement and approval areas.  
2 Individuals who hold life certificates or pre-  
3 professional certificates converted from a term  
4 certificate, based upon less than a baccalaureate  
5 degree, that expire on or after September 30, 1987,  
6 may be issued a certificate pursuant to standards  
7 prescribed by the board.

8 Sec. 26. NEW SECTION. 260.34 ADMINISTRATIVE  
9 PROCEDURES. For the purposes of chapter 17A, the  
10 board is the final administrative authority for issuing  
11 certificates and for appeals relating to the initial  
12 issuing of a license or its renewal and for revocation,  
13 suspension, or other disciplinary action taken by  
14 the board.

15 Sec. 27. Section 273.3, subsection 12, Code  
16 Supplement 1983, is amended to read as follows:

17 12. Employ personnel to carry out the functions  
18 of the area education agency which shall include the  
19 employment of an administrator who shall possess a  
20 certificate issued under section 960.9 by the state  
21 board of public instruction. The administrator shall  
22 be employed pursuant to section 279.20 and sections  
23 279.23, 279.24 and 279.25. The salary for an area  
24 education agency administrator shall be established  
25 by the board based upon the previous experience and  
26 education of the administrator. ~~The provisions of~~  
27 ~~section Section 279.13 shall apply~~ applies to the  
28 area education agency board and to all teachers  
29 employed by the area education agency. ~~The provisions~~  
30 ~~of sections Sections 279.23, 279.24 and 279.25 shall~~  
31 apply to the area education board and to all  
32 administrators employed by the area education agency.

33 Sec. 28. Chapter 272A, Code 1983, is repealed.

34 Sec. 29. Sections 260.11, 260.12, and 260.14,  
35 Code 1983, are repealed.

36 Sec. 30. Personnel, assets, liabilities, contracts,  
37 equipment, unexpended balance of appropriations or  
38 other funds employed, held by, or available to a state  
39 agency or department for carrying out the functions  
40 assigned to the board pursuant to this chapter, except  
41 funds which revert to the general fund of the state,  
42 are transferred to the board on July 1, 1984.

43 Sec. 31. Notwithstanding section 260.1, the  
44 governor shall appoint initial members of the board  
45 of educational examiners to staggered terms. The  
46 term of one teacher and one member representing the

47 general public shall end the year following  
 48 appointment; one teacher and the faculty member shall  
 49 end two years after appointment; one teacher and one  
 50 member representing the general public shall end three

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1 years after appointment; and the term of one teacher,  
 2 the principal, and one member representing the general  
 3 public shall end four years following appointment.  
 4 The governor shall appoint initial members in the  
 5 same manner as vacancies, subject to section 2.32.  
 6 Sec. 32. This Act takes effect July 1, 1984.  
 7 Rules promulgated by the department of public  
 8 instruction under chapter 17A that relate to  
 9 certification and program approval that are not  
 10 contrary to this Act shall remain in force until  
 11 changed by the board."

WALLY E. HORN

HOUSE AMENDMENT TO SENATE FILE 2330

S-5845

1 Amend Senate File 2330, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 7, by inserting after line 28 the following  
 4 new sections:  
 5 "Sec. \_\_\_\_ . There is appropriated from the general  
 6 fund of the state to the following state agencies  
 7 for the fiscal year beginning July 1, 1984 and ending  
 8 June 30, 1985, the following amounts, or so much  
 9 thereof as may be necessary, to be used in the manner  
 10 designated:

	1984-1985
	<u>Fiscal Year</u>
13 1. DEPARTMENT OF GENERAL SERVICES	
14 a. For emergency major repairs or	
15 replacements of equipment, roofs or	
16 windows .....	\$ 25,000
17 b. For repair of the roof of the	
18 vehicle dispatcher building and the	
19 repair of the roof of the micrographics	
20 building .....	\$ 90,000
21 c. For the installation of indi-	
22 vidual water heaters in capitol com-	
23 plex buildings .....	\$ 61,600
24 d. For replacement of the incan-	
25 descent lamps in the upper portions of	

AMENDMENTS FILED

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26	the capitol .....	\$	5,250
27	e. For automation of the north		
28	capitol elevator .....	\$	13,500
29	2. IOWA STATE HISTORICAL DEPART-		
30	MENT		
31	a. For repair of the roof and		
32	dome of the state historical build-		
33	ing .....	\$	80,000
34	b. For construction of a handi-		
35	capped entrance to the centennial		
36	building in Iowa City .....	\$	13,000
37	c. For the renovation of restroom		
38	and drinking facilities in the state		
39	historical building to make them ac-		
40	cessible to handicapped persons .....	\$	10,000
41	d. For construction of a handi-		
42	capped entrance ramp to the state		
43	historical building .....	\$	5,000
44	3. STATE CONSERVATION COMMISSION		
45	a. For Swan lake restoration .....	\$	95,000
46	b. For construction, replacement,		
47	development and alterations to state		
48	parks and preserves, state forest		
49	facilities and state waters including		
50	artificial lake development; shoreline		

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1	erosion and siltation control; river,		
2	stream and lake access; and engineer-		
3	ing and planning services or to sup-		
4	plement any prior appropriation for		
5	such purposes .....	\$	581,500
6	4. TREASURER OF STATE.		
7	For the purchase of an investment		
8	machine and system .....	\$	100,000
9	5. COMMISSION FOR THE BLIND		
10	For rebuilding of the cooling		
11	tower .....	\$	840
12	Unobligated or unencumbered funds appropriated		
13	by this section for the fiscal year beginning July		
14	1, 1984 and ending June 30, 1985 remaining on June		
15	30, 1985 shall revert to the general fund of the state		
16	on June 30, 1985.		
17	Sec. ____ . There is appropriated from the primary		
18	road fund to the general fund of the state for the		

19 fiscal year beginning July 1, 1983 and ending June  
 20 30, 1984, the sum of three million six hundred forty-  
 21 eight thousand eight hundred fifty-two (3,648,852)  
 22 dollars to fund the operation and administration of  
 23 the driver's license program within the state  
 24 department of transportation.

25 Sec. \_\_\_\_\_. There is appropriated from the road  
 26 use tax fund to the general fund of the state for  
 27 the fiscal year beginning July 1, 1984 and ending  
 28 June 30, 1985, the sum of three million seven hundred  
 29 thousand (3,700,000) dollars to fund the operation  
 30 and administration of the driver's license program  
 31 within the state department of transportation.

32 Sec. \_\_\_\_\_. There is appropriated from the road  
 33 use tax fund to the department of public safety for  
 34 the fiscal year beginning July 1, 1984 and ending  
 35 June 30, 1985, the following amount, or so much thereof  
 36 as is necessary, to be used for funding the following  
 37 functions and programs for the purposes designated:

38 For salaries, support, mainte-  
 39 nance, and miscellaneous purposes  
 40 of the division of highway safety  
 41 and uniformed force including the  
 42 state's contribution to the peace  
 43 officers' retirement, accident,  
 44 and disability system provided in  
 45 chapter 97A in the amount of six-  
 46 teen percent of the salaries for  
 47 which the funds are appropriated ..... \$ 16,747,000

48 However, the unfunded liability of the Peace  
 49 Officers Retirement Accident and Disability System,  
 50 as of July 1, 1984, shall in no way be considered

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- 1 a liability of the road use tax fund."
- 2 2. Page 7, by striking lines 17 through 28.
- 3 3. Page 8, line 17, by striking the word "for"
- 4 and inserting in lieu thereof the word "in".
- 5 4. Page 8, line 18, by striking the word "in"
- 6 and inserting in lieu thereof the word "for".
- 7 5. Page 8, line 20, by inserting after the period
- 8 the words "However, the balance in the Iowa economic
- 9 emergency fund may be used in determining the cash
- 10 position of the general fund of the state for the
- 11 payment of state obligations."
- 12 6. Page 11, line 8, by inserting after the period
- 13 the words "However, the deduction shall be computed
- 14 as provided under section 170 (i) of the Internal



15 Revenue Code of 1954 as applied to tax year 1984."

16 7. Page 13, by inserting after line 9 the following  
17 new section:

18 "Sec. \_\_\_\_ . It is the intent of the general assembly  
19 that the department of revenue shall conduct a study  
20 during the 1984 interim to determine a feasible method  
21 of disallowing certain interest expense deductions  
22 on tangible personal property which is manufactured  
23 or substantially assembled outside of the United  
24 States and which is purchased by a taxpayer. The  
25 department shall submit its report to the Seventy-  
26 first General Assembly not later than February 1,  
27 1985."

28 8. Page 13, by striking lines 16 through 26 and  
29 inserting in lieu thereof the following new sections:

30 "Sec. \_\_\_\_ . Chapter 307, Code 1983, is amended  
31 by adding the following new section:

32 **NEW SECTION. 307.36 ODOMETER LAW ENFORCEMENT.**

33 The department shall investigate and prosecute  
34 violators of the state and federal odometer law.

35 The department shall refer available evidence  
36 concerning a possible violation of section 321.71  
37 or the federal odometer law or a rule or order issued  
38 under section 321.71 or the federal odometer law to  
39 the attorney general. The attorney general, with  
40 or without the referral, may institute appropriate  
41 criminal proceedings or may direct the case to the  
42 appropriate county attorney to institute appropriate  
43 criminal proceedings. The attorney general may use  
44 those funds available to the department for this  
45 purpose and law enforcement agencies may be reimbursed  
46 for expenses incurred in the enforcement of the state  
47 and federal odometer laws with the approval of the  
48 attorney general and concurrence by the department.

49 Sec. \_\_\_\_ . Section 312.2, Code Supplement 1983,  
50 is amended by adding the following new subsection:

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1 **NEW SUBSECTION. 16.** The treasurer of state,  
2 before making the allotments provided for in this  
3 section, shall credit annually to the state department  
4 of transportation from the road use tax fund an amount  
5 equal to twenty-five cents on each title issuance  
6 for state and federal odometer law enforcement  
7 purposes. This subsection is effective for the fiscal  
8 period beginning July 1, 1984 and ending June 30,  
9 1989.

10 Sec. \_\_\_\_ . Section 321.20, unnumbered paragraph  
11 1, Code 1983, is amended to read as follows:

12 Except as provided in this chapter, every owner  
13 of a vehicle subject to registration shall make  
14 application to the county treasurer, of the county  
15 of the owner's residence, or if a nonresident, to  
16 the county treasurer of the county where the primary  
17 users of the vehicle are located, for the registration  
18 and issuance of a certificate of title for the vehicle  
19 upon the appropriate form furnished by the department,  
20 accompanied by a fee of ~~two ten~~ dollars, and every  
21 application shall bear the signature of the owner  
22 written with pen and ink. However, a nonresident  
23 owner of two or more vehicles subject to registration  
24 may make application for registration and issuance  
25 of a certificate of title for all vehicles subject  
26 to registration to the county treasurer of the county  
27 where the primary user of any of the vehicles is  
28 located. The owner of a mobile home shall make  
29 application for a certificate of title under this  
30 section. The application shall contain:

31 Sec. \_\_\_\_ . Section 321.23, subsections 1 and 4,  
32 Code Supplement 1983, are amended to read as follows:

33 1. If the vehicle to be registered is a specially  
34 constructed, reconstructed, remanufactured or foreign  
35 vehicle, such fact shall be stated in the application.  
36 A fee of ~~two ten~~ dollars shall be paid by the person  
37 making the application upon issuance of a certificate  
38 of title by the county treasurer. With reference  
39 to every specially constructed or reconstructed motor  
40 vehicle subject to registration the application shall  
41 be accompanied by a statement from the department  
42 authorizing the motor vehicle to be titled and  
43 registered in this state. The department shall cause  
44 a physical inspection to be made of all specially  
45 constructed or reconstructed motor vehicles, upon  
46 application for a certificate of title by the owner,  
47 to determine whether the motor vehicle is in a safe  
48 operating condition and that the integral component  
49 parts are properly identified and that the rightful  
50 ownership is established before issuing the owner

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1 the authority to have the motor vehicle registered  
2 and titled. With reference to every foreign vehicle  
3 which has been registered outside of this state the  
4 owner shall surrender to the treasurer all registration  
5 plates, registration cards, and certificates of title,  
6 or, if vehicle to be registered is from a nontitle  
7 state, the evidence of foreign registration and

8 ownership as may be prescribed by the department  
9 except as provided in subsection 2.

10 4. Any vehicle which does not meet the equipment  
11 requirements of this chapter due to the particular  
12 use for which it is designed or intended, may be  
13 registered by the department upon payment of  
14 appropriate fees and after inspection and certification  
15 by the department that the vehicle is not in an unsafe  
16 condition and will not endanger any person. A person  
17 is not required to have a certificate of title to  
18 register a vehicle under this subsection. If the  
19 owner elects to have a certificate of title issued  
20 for the vehicle, a fee of ~~two~~ ten dollars shall be  
21 paid by the person making the application upon issuance  
22 of a certificate of title. If the department's  
23 inspection reveals that that vehicle may be safely  
24 operated only under certain conditions or on certain  
25 types of roadways, the department may restrict the  
26 registration to limit operation of the vehicle to  
27 the appropriate conditions or roadways. This  
28 subsection shall not apply to snowmobiles as defined  
29 in section 321G.1. Section 321.382 does not apply  
30 to a vehicle registered under this subsection which  
31 is operated exclusively by a handicapped person who  
32 has obtained a special identification device as  
33 provided in section 601E.6, providing the special  
34 identification device is carried in the vehicle and  
35 shown to any peace officer on request.

36 Sec. \_\_\_\_ . Section 321.34, subsection 5, paragraph  
37 a, Code Supplement 1983, is amended to read as follows:

38 a. Upon application and the payment of a fee of  
39 twenty-five dollars, the director may issue to the  
40 owner of a motor vehicle registered in this state  
41 or a trailer with a gross weight of one thousand  
42 pounds or less, personalized registration plates  
43 marked with the initials, letters, or a combination  
44 of numerals and letters requested by the owner. Upon  
45 receipt of the personalized registration plates, the  
46 applicant shall surrender the regular registration  
47 plates to the county treasurer. The fee for issuance  
48 of the personalized registration plates shall be in  
49 addition to the regular annual registration fee.

50 Sec. \_\_\_\_ . Section 321.37, Code 1983, is amended

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1 by adding the following new unnumbered paragraph:  
2 NEW UNNUMBERED PARAGRAPH. It is unlawful for the  
3 owner of a vehicle to place any frame around or over

4 the registration plate which does not permit full  
5 view of all numerals and letters printed on the  
6 registration plate.

7 Sec. \_\_\_\_ . Section 321.42, unnumbered paragraph  
8 2, Code 1983, is amended to read as follows:

9 If a certificate of title is lost or destroyed,  
10 the owner or lienholder shall apply for a certified  
11 copy of the original certificate of title. The  
12 application shall be made to the department or county  
13 treasurer who issued the original certificate of  
14 title. The application shall be signed by the owner  
15 or lienholder and accompanied by a fee of ~~five~~ ten  
16 dollars. After five days, the department or county  
17 treasurer shall issue a certified copy to the applicant  
18 at the applicant's most recent address. The certified  
19 copy shall be clearly marked "duplicate" and shall  
20 be identical to the original, including notation of  
21 liens or encumbrances. When a certified copy has  
22 been issued, the previous certificate is void. A  
23 new purchaser or transferee is entitled to receive  
24 an original title upon presenting the assigned  
25 duplicate copy to the treasurer of the county where  
26 he or she ~~the new purchaser or transferee~~ resides.  
27 At the time of purchase, a purchaser may require the  
28 seller to indemnify the purchaser and all future  
29 purchasers of the vehicle against any loss which may  
30 be suffered due to claims on the original certificate.  
31 A person recovering an original certificate of title  
32 for which a duplicate has been issued shall surrender  
33 the original certificate to the county treasurer or  
34 the department.

35 Sec. \_\_\_\_ . Section 321.46, subsection 2, Code  
36 Supplement 1983, is amended to read as follows:

37 2. Upon filing the application for a new  
38 registration and a new title, the applicant shall  
39 pay a title fee of ~~two~~ ten dollars and a registration  
40 fee prorated for the remaining unexpired months of  
41 the registration year. The county treasurer, if  
42 satisfied of the genuineness and regularity of the  
43 application, and in the case of a mobile home, that  
44 taxes are not owing under chapter 185D, and that  
45 applicant has complied with all the requirements of  
46 this chapter, shall issue a new certificate of title  
47 and, except for a mobile home, a registration card  
48 to the purchaser or transferee, shall cancel the prior  
49 registration for the vehicle, and shall forward the  
50 necessary copies to the department on the date of

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1 issuance, as prescribed in section 321.24.

2 Sec. \_\_\_\_\_. Section 321.47, unnumbered paragraph  
3 1, Code 1983, is amended to read as follows:

4 In the event of the transfer of ownership of any  
5 vehicle by operation of law as upon inheritance,  
6 devise or bequest, order in bankruptcy, insolvency,  
7 replevin, foreclosure or execution sale, or whenever  
8 the engine of a motor vehicle is replaced by another  
9 engine, or whenever a vehicle is sold to satisfy an  
10 artisan's lien as provided in chapter 577, or is sold  
11 to satisfy a landlord's lien as provided in chapter  
12 570, or a storage lien as provided in chapter 579,  
13 or repossession is had upon default in performance  
14 of the terms of a security agreement, the treasurer  
15 of the county in which the last certificate of title  
16 to any such vehicle was issued, upon the surrender  
17 of the prior certificate of title or the manufacturer's  
18 or importer's certificate, or when that is not  
19 possible, upon presentation of satisfactory proof  
20 to the county treasurer of ownership and right of  
21 possession to such vehicle and upon payment of a fee  
22 of ~~two ten~~ dollars and the presentation of an  
23 application for registration and certificate of title,  
24 may issue to the applicant a registration card for  
25 such vehicle and a certificate of title thereto.

26 The person or persons entitled under the laws of  
27 descent and distribution of an intestate's property  
28 to the possession and ownership of a vehicle owned  
29 in whole or in part by a decedent, upon filing an  
30 affidavit stating the name and date of death of the  
31 decedent, the right to possession and ownership of  
32 the persons filing said affidavit, and that there  
33 has been no administration of the said decedent's  
34 estate, which instrument shall also contain an  
35 agreement to indemnify any creditors of the decedent  
36 who would be entitled to levy execution upon said  
37 motor vehicle to the extent of the value of said motor  
38 vehicle, shall be entitled upon fulfilling the other  
39 requirements of this chapter, to the issuance of a  
40 registration card for the interest of the decedent  
41 in such vehicle and a certificate of title thereto.  
42 No requirement of either chapter 450 or 451 shall  
43 be considered satisfied by the filing of the affidavit  
44 provided for in this section. If, from the records  
45 in the office of the county treasurer, there appear  
46 to be any lien or liens on such vehicle, such

47 certificate of title shall contain a statement of  
48 such liens unless the application is accompanied by  
49 proper evidence of their satisfaction or extinction.  
50 Evidence of extinction may consist of, but is not

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1 limited to, an affidavit of the applicant stating  
2 that a security interest was foreclosed as provided  
3 in Uniform Commercial Code, chapter 554, Article 9,  
4 Part 5.  
5 Sec. \_\_\_\_ . Section 321.48, subsection 2, Code  
6 Supplement 1983, is amended to read as follows:  
7 2. Any foreign registered vehicle purchased or  
8 otherwise acquired by a dealer for the purpose of  
9 resale shall be issued a certificate of title ~~thereto~~  
10 ~~for the vehicle~~ by the county treasurer of the dealer's  
11 residence upon proper application ~~therefor~~ as provided  
12 in this chapter and upon payment of a fee of ~~two ten~~  
13 dollars and ~~such the~~ dealer shall be exempt from the  
14 payment of any and all registration fees for ~~such~~  
15 ~~the vehicle~~. ~~Such The~~ application for certificate  
16 of title shall be made within forty-eight hours after  
17 ~~said the~~ vehicle comes within the border of the state.  
18 Sec. \_\_\_\_ . Section 321.50, subsection 1, Code  
19 Supplement 1983, is amended to read as follows:  
20 1. A security interest in a vehicle subject to  
21 registration under the laws of this state or a mobile  
22 home, except trailers whose empty weight is two  
23 thousand pounds or less, and except new or used  
24 vehicles held by a dealer or manufacturer as inventory  
25 for sale, is perfected by the delivery to the county  
26 treasurer of the county where the certificate of title  
27 was issued or, in the case of a new certificate, to  
28 the county treasurer where the certificate will be  
29 issued of an application for certificate of title  
30 which lists the security interest, or an application  
31 for notation of security interest signed by the owner,  
32 or by one owner of a vehicle owned jointly by more  
33 than one person, or a certificate of title from another  
34 jurisdiction which shows the security interest, and  
35 a fee of ~~two five~~ dollars for each security interest  
36 shown. If the owner or secured party is in possession  
37 of the certificate of title, it must also be delivered  
38 at this time in order to perfect the security interest.  
39 If a vehicle is subject to a security interest when  
40 brought into this state, the validity of the security  
41 interest and the date of perfection is determined  
42 by section 554.9103. Delivery as provided in this

43 subsection is an indication of a security interest  
44 on a certificate of title for purposes of chapter  
45 554.  
46 Sec. \_\_\_\_ . Section 321.52, subsection 4, unnumbered  
47 paragraph 1, Code 1983, is amended to read as follows:  
48 A vehicle rebuilder or a motor vehicle dealer  
49 licensed under chapter 322, upon acquisition of a  
50 wrecked or salvage vehicle, shall surrender the

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1 certificate of title and registration receipt or  
2 manufacturer's or importer's statement of origin  
3 properly assigned, together with an application for  
4 a salvage certificate of title to the county treasurer  
5 of the county of residence of the purchaser or  
6 transferee within fourteen days after the date of  
7 assignment of the certificate of title for the wrecked  
8 or salvage motor vehicle. This subsection applies  
9 only to vehicles with a fair market value of five  
10 hundred dollars or more, based on the value before  
11 the vehicle became wrecked or salvage. Upon payment  
12 of a fee of two dollars, the county treasurer shall  
13 issue a salvage certificate of title which shall bear  
14 the word "SALVAGE" stamped on the face of the title  
15 in bold letters and coded in a manner prescribed by  
16 the department. A salvage certificate of title may  
17 be assigned to any person. Notwithstanding any other  
18 provisions in this section a vehicle on which ownership  
19 has transferred to an insurer of the vehicle, as a  
20 result of a settlement with the owner of the vehicle  
21 arising out of damage to, or unrecovered theft of  
22 the vehicle, shall be deemed to be a wrecked or salvage  
23 vehicle and the insurer shall comply with this  
24 subsection to obtain a salvage certificate of title  
25 within fourteen days after the date of assignment  
26 of the certificate of title of the vehicle. Any  
27 owner, except an insurer of vehicles, who transfers  
28 a wrecked or salvage vehicle with a fair market value  
29 less than five hundred dollars, based on the value  
30 before it became wrecked or salvage, shall comply  
31 with section ~~321.51~~.

32 Sec. \_\_\_\_ . Section 321.60, Code 1983, is amended  
33 to read as follows:  
34 321.60 ISSUANCE OF SPECIAL PLATES. The department  
35 shall also issue special plates as applied for, which  
36 shall have ~~displayed~~ display the general distinguishing  
37 number assigned to the applicant. Each plate so  
38 issued shall also contain a number or symbol

39 identifying the same plate and distinguishing it from  
 40 every other plate bearing the same general  
 41 distinguishing number. The fee for each special plate  
 42 shall be ten ~~ten~~ twenty dollars.

43 Special plates may be validated in the same manner  
 44 as regular registration plates under this chapter  
 45 at an annual fee of ten ~~ten~~ twenty dollars.

46 Sec. \_\_\_\_ . Section 321.71, subsection 11, Code  
 47 1983, is amended to read as follows:

48 11. Any person who violates the provisions of  
 49 this section shall be punished by a fine of not less  
 50 than four hundred dollars and not more than one

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1 thousand dollars or by imprisonment in the county  
 2 jail for a period not to exceed ninety days; or  
 3 punished by both such fine and imprisonment ~~commits~~  
 4 a fraudulent practice.

5 Sec. \_\_\_\_ . Section 321.89, subsection 4, Code 1983,  
 6 is amended to read as follows:

7 4. AUCTION OF ABANDONED VEHICLES. If an abandoned  
 8 vehicle has not been reclaimed as provided for in  
 9 subsection 3, the police authority shall make a  
 10 determination as to whether or not the vehicle shall  
 11 be sold for use upon the highways. ~~If it is to be~~  
 12 ~~sold as a vehicle for use upon the highways; it shall~~  
 13 ~~first be inspected as required by section 321.238~~  
 14 ~~and have a valid certificate of inspection affixed.~~  
 15 If the vehicle is not sold for use upon the highways,  
 16 it shall be sold for junk, or demolished and sold  
 17 as scrap or sold as provided in section 321.51 with  
 18 a restricted certificate of title and not for use  
 19 upon the highways. The police authority shall sell  
 20 the vehicle at public auction. Notwithstanding any  
 21 other provision of this section, any police authority,  
 22 which has taken into possession any abandoned vehicle  
 23 which lacks an engine or two or more wheels or other  
 24 ~~another~~ part which renders the vehicle totally  
 25 inoperable may dispose of the vehicle to a demolisher  
 26 for junk after complying with the notification  
 27 procedures enumerated in subsection 3 and without  
 28 public auction. The purchaser of the vehicle shall  
 29 ~~take takes~~ title free and clear of all liens and  
 30 claims of ownership, shall receive a sales receipt  
 31 from the police authority, and ~~shall be is~~ entitled  
 32 to register the vehicle and receive a certificate  
 33 of title if sold for use upon the highways or a  
 34 ~~restricted certificate of title~~. However, if the  
 35 vehicle is sold or disposed of to a demolisher for



36 junk, the sales receipt by itself shall be is  
37 sufficient title only for purposes of transferring  
38 the vehicle to the demolisher for demolition, wrecking,  
39 or dismantling and, when so transferred, no further  
40 titling of the vehicle shall be is permitted. From  
41 the proceeds of the sale of an abandoned vehicle the  
42 police authority shall reimburse itself for the  
43 expenses of the auction, the costs of towing,  
44 preserving, and storing which resulted from placing  
45 the abandoned vehicle in custody, all notice and  
46 publication costs incurred pursuant to subsection  
47 3, the cost of inspection, and any other costs incurred  
48 except costs of bookkeeping and other administrative  
49 costs. Any remainder from the proceeds of a sale  
50 shall be held for the owner of the vehicle or entitled

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1 lienholder for ninety days, and shall then be deposited  
2 in the road use tax fund. The costs to police  
3 authorities of auction, towing, preserving, storage,  
4 and all notice and publication costs, inspection costs  
5 and all other costs which result from placing abandoned  
6 vehicles in custody, whenever the proceeds from a  
7 sale of the abandoned vehicles are insufficient to  
8 meet these expenses and costs, shall be paid from  
9 the road use tax fund.

10 Sec. \_\_\_\_ . Section 321.109, subsection 1, Code  
11 1983, is amended to read as follows:

12 1. The annual fee for all motor vehicles including  
13 vehicles designated by manufacturers as station wagons,  
14 except motor trucks, motor homes, multipurpose  
15 vehicles, ambulances, hearses, motorcycles, and motor  
16 bicycles, shall be equal to one percent of the value  
17 as fixed by the department plus forty cents for each  
18 one hundred pounds or fraction thereof of weight of  
19 vehicle, as fixed by the department. The weight of  
20 a motor vehicle, fixed by the department for  
21 registration purposes, shall include the weight of  
22 a battery, heater, bumpers, spare tire, and wheel.  
23 Provided, however, that for any new vehicle purchased  
24 in this state by a nonresident for removal to the  
25 nonresident's state of residence the purchaser may  
26 make application to the county treasurer in the county  
27 of purchase for a transit plate for which a fee of  
28 five ~~ten~~ dollars shall be paid. And provided, however,  
29 that for any used vehicle held by a registered dealer  
30 and not currently registered in this state, or for  
31 any vehicle held by an individual and currently  
32 registered in this state, when purchased in this state

33 by a nonresident for removal to the nonresident's  
 34 state of residence, the purchaser may make application  
 35 to the county treasurer in the county of purchase  
 36 for a transit plate for which a fee of three dollars  
 37 shall be paid. The county treasurer shall issue a  
 38 nontransferable certificate of registration for which  
 39 no refund shall be allowed; and the transit plates  
 40 shall be void thirty days after issuance. Such  
 41 purchaser may apply for a certificate of title by  
 42 surrendering the manufacturer's or importer's  
 43 certificate or certificate of title, duly assigned  
 44 as provided in this chapter. In this event, the  
 45 treasurer in the county of purchase shall, when  
 46 satisfied with the genuineness and regularity of the  
 47 application, and upon payment of a fee of ~~two~~ ten  
 48 dollars, issue a certificate of title in the name  
 49 and address of ~~such~~ the nonresident purchaser  
 50 delivering the same to the person entitled ~~thereto~~

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1 ~~to the title~~ as provided in this chapter.  
 2 Sec. \_\_\_\_ . Section 321.117, Code Supplement 1983,  
 3 is amended to read as follows:  
 4 321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.  
 5 For all motorcycles the annual fee shall be ~~ten~~ twenty  
 6 dollars. For all motorized bicycles the annual fee  
 7 shall be ~~five~~ seven dollars. When the motorcycle  
 8 is more than five model years old, the annual  
 9 registration fee shall be ~~five~~ ten dollars. The  
 10 annual registration fee for ambulances and hearses  
 11 shall be fifty dollars. Passenger car plates shall  
 12 be issued for ambulances and hearses.  
 13 Sec. \_\_\_\_ . Section 321.119, Code 1983, is amended  
 14 to read as follows:  
 15 321.119 CHURCH BUSES. For motor vehicles designed  
 16 to carry nine passengers or more which are owned and  
 17 used exclusively by a church or religious organization  
 18 to transport passengers to and from activities of  
 19 or sponsored by the church or religious organization  
 20 and not operated for rent or hire for purposes  
 21 unrelated to the activities of the church or religious  
 22 organization, the annual fee shall be twenty-five  
 23 dollars. At the ~~initial registration and at every~~  
 24 ~~other annual registration thereafter, the county~~  
 25 ~~treasurer shall not register a motor vehicle under~~  
 26 ~~this section unless there is affixed to the motor~~  
 27 ~~vehicle a valid certificate of inspection issued for~~  
 28 ~~the motor vehicle within the last sixty days.~~

29 Sec. \_\_\_\_ . Section 321.123, unnumbered paragraph  
30 1, Code Supplement 1983, is amended to read as follows:

31 All trailers except farm trailers and mobile homes,  
32 unless otherwise provided in this section, are subject  
33 to a registration fee of ~~four six~~ dollars for trailers  
34 with a gross weight of one thousand pounds or less  
35 and ten dollars for other trailers. Trailers for  
36 which the empty weight is two thousand pounds or less  
37 are exempt from the certificate of title and lien  
38 provisions of this chapter. Fees collected under  
39 this section shall not be reduced or prorated under  
40 chapter 326.

41 Sec. \_\_\_\_ . Section 321.152, Code Supplement 1983,  
42 is amended by striking the section and inserting in  
43 lieu thereof the following:

44 321.152 FEE FOR COUNTY. A county treasurer may  
45 retain for deposit in the county general fund the  
46 following:

- 47 1. Two point six percent of the total collection
- 48 for each annual or semiannual vehicle registration
- 49 and each duplicate registration card or plate issued.
- 50 2. Twenty percent of all fees collected for

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1 certificates of title.

2 3. Forty percent of all fees collected for  
3 certified copies of certificates of title.

4 4. Sixty percent of all fees collected for notation  
5 of security interests.

6 The moneys retained shall be deducted, and reported  
7 to the department when the county treasurer transfers  
8 the money collected under this chapter. However,  
9 a deduction is not lawful unless the county treasurer  
10 has complied with sections 321.24 and 321.153.

11 Sec. \_\_\_\_ . Section 321.190, subsection 1, unnumbered  
12 paragraph 3, Code 1983, is amended to read as follows:

13 The fee for a nonoperator's identification card  
14 shall be ~~one dollar five dollars~~ and the card shall  
15 be valid for the purpose of identification for a  
16 period of four years from the date of issuance. A  
17 fee of ~~one dollar five dollars~~ shall be charged for  
18 the voluntary replacement of an identification card.

19 Sec. \_\_\_\_ . Section 321.191, unnumbered paragraph  
20 1, Code 1983, is amended to read as follows:

21 The fee for an operator's license shall be ~~five~~  
22 ~~ten~~ dollars if issued for a period of two years, and  
23 ~~ten~~ twenty dollars if issued for a period of four  
24 years. The fee for a chauffeur's license shall be

25 ~~ten twenty~~ dollars if issued for a period of two  
 26 years, and ~~twenty forty~~ dollars if issued for a period  
 27 of four years. The fee for an instruction permit  
 28 shall be ~~three six~~ dollars, for a chauffeur's  
 29 instruction permit, ~~six twelve~~ dollars, for a temporary  
 30 driver's permit, ~~five ten~~ dollars and for a motorized  
 31 bicycle license, ~~five ten~~ dollars.

32 Sec. \_\_\_\_ . Section 321.192, Code Supplement 1983,  
 33 is amended to read as follows:

34 321.192 DISPOSAL OF FEES. The license fees shall  
 35 be forwarded by the department to the treasurer of  
 36 state who shall place them in credit the fees to  
 37 the general road use tax fund of the state. However,  
 38 for each operator's and motorized bicycle license  
 39 issued by a county sheriff for which a license fee  
 40 is paid, the sheriff issuing it may retain the sum  
 41 of fifteen cents and for each chauffeur's license,  
 42 the sum of fifty cents.

43 Sec. \_\_\_\_ . Section 321.492, Code 1983, is amended,  
 44 by adding the following new unnumbered paragraphs:

45 NEW UNNUMBERED PARAGRAPH. All peace officers as  
 46 defined in section 801.4, subsection 7, paragraphs  
 47 "a", "b", "c", and "h" may, having reasonable grounds  
 48 that equipment violations exist, conduct spot  
 49 inspections.

50 NEW UNNUMBERED PARAGRAPH. The state department

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1 of transportation may designate employees of the  
 2 transportation regulation and safety division of the  
 3 department to conduct spot inspections.

4 Sec. \_\_\_\_ . Notwithstanding section 321.145, for  
 5 the fiscal year beginning July 1, 1984 and ending  
 6 June 30, 1985 the treasurer of state shall credit  
 7 to the general fund of the state the first two hundred  
 8 thousand dollars of certificate of title fees collected  
 9 under chapter 321.

10 Sec. \_\_\_\_ . Any inspection station which has a valid  
 11 inspection state permit may apply for a refund of  
 12 the unexpired portion of the permit fee. However,  
 13 a refund shall not be allowed on a claim of any amount  
 14 which is less than two dollars and fifty cents. All  
 15 applications for refund must be filed no more than  
 16 ninety days following the repeal of section 321.238.

17 Sec. \_\_\_\_ . Section 331.557, Code 1983, is amended  
 18 by striking subsection 3.

19 Sec. \_\_\_\_ . Section 714.8, Code 1983, is amended  
 20 by adding the following new subsection:

- 21 **NEW SUBSECTION.** 13. Violates section 321.71.  
 22 Sec. \_\_\_\_ . Section 714.10, Code 1983, is amended  
 23 by adding the following new subsection:  
 24 **NEW SUBSECTION.** A fraudulent practice as set forth  
 25 in section 714.8, subsection 13, where six or more  
 26 motor vehicles are involved.  
 27 Sec. \_\_\_\_ . Section 714.11, Code 1983, is amended  
 28 by adding the following new subsection:  
 29 **NEW SUBSECTION.** A fraudulent practice as set forth  
 30 in section 714.8, subsection 13, where at least two  
 31 but not more than five motor vehicles are involved.  
 32 Sec. \_\_\_\_ . Section 714.12, Code 1983, is amended  
 33 by striking the section and inserting in lieu thereof  
 34 the following:  
 35 **714.12 FRAUDULENT PRACTICE IN THE FOURTH DEGREE.**  
 36 Fraudulent practice in the fourth degree is the  
 37 following:  
 38 1. A fraudulent practice where the amount of money  
 39 or value of property or services involved exceeds  
 40 fifty dollars but does not exceed one hundred dollars.  
 41 2. A fraudulent practice as set forth in section  
 42 714.8, subsection 13, where only one motor vehicle  
 43 is involved.  
 44 Fraudulent practice in the fourth degree is a  
 45 serious misdemeanor.  
 46 Sec. \_\_\_\_ . Section 321.238, Code 1983, and section  
 47 321.51, Code Supplement 1983, are repealed.  
 48 Sec. \_\_\_\_ . This division takes effect July 1  
 49 following enactment."  
 50 9. Striking page 13, line 27 through page 14,

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- 1 line 19.  
 2 10. Page 14, by inserting after line 20 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 422.43, subsection 2, Code  
 5 Supplement 1983, is amended to read as follows:  
 6 2. There is imposed a tax of four percent upon  
 7 the gross receipts derived from the operation of all  
 8 forms of amusement devices and games of skill, games  
 9 of chance, raffles and bingo games as defined in  
 10 chapter 99B, and commercial amusement enterprises  
 11 operated or conducted within the state of Iowa, the  
 12 tax to be collected from the operator in the same  
 13 manner as is provided for the collection of taxes  
 14 upon the gross receipts of tickets or admission as  
 15 provided in this section."  
 16 11. Page 15, line 9, by inserting after the word  
 17 "preparation;" the words "licensed executive search

18 agencies."

19 12. Page 15, line 21, by inserting after the  
20 period the words "For purposes of this subsection,  
21 gross taxable services from rental includes rents,  
22 royalties, and copyright and license fees."

23 13. Page 16, line 13, by striking the figure "15"  
24 and inserting in lieu thereof the figure "1".

25 14. Page 16, line 14, by striking the figure "15"  
26 and inserting in lieu thereof the figure "1".

27 15. Amend the title by striking lines 6 through  
28 20 and inserting in lieu thereof the words "July 1,  
29 1983 and appropriating funds for capital projects  
30 for the fiscal year beginning July 1, 1984, by updating  
31 references to the Internal Revenue Code for individual  
32 and corporate income tax, franchise tax, and  
33 inheritance tax purposes with coordinating amendments,  
34 by restructuring the fee for operator's and chauffeur's  
35 licenses, increasing certificate of title fees,  
36 duplicate title fees, trailer and motorized bicycle  
37 fees, including allocation of those fees to the road  
38 use tax fund and county treasurers, providing for  
39 spot inspections and odometer law enforcement, funding  
40 from the road use tax fund the driver's license program  
41 of the state department of transportation and the  
42 division of the highway safety and uniformed force  
43 of the department of public safety, by providing for  
44 the creation of an Iowa economic emergency fund  
45 including its funding, by providing for the payment  
46 of one-half of the additional personal property tax  
47 credit in the fiscal year beginning July 1, 1984,  
48 by imposing the sales, service and use tax on licensed  
49 executive search agencies, beverages, electronic  
50 repair and installation and the rental of tangible

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1 personal property."

2 16. Renumber sections and correct internal  
3 references as necessary in accordance with this  
4 amendment.

S-5846

1 Amend the amendment S-5667 to House File 2217 as  
2 amended, passed and reprinted by the House as follows:

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

4 "Section 1. Section 257.9, Code 1983, is amended  
5 to read as follows:

6 257.9 GENERAL POWERS AND DUTIES OF BOARD. The  
7 state board shall exercise the following general  
8 powers and duties:

9 1. Determine and adopt such policies as are  
10 authorized by law and are necessary for the more

- 11 efficient operation of any phase of public education,  
 12 including teacher certification.  
 13 2. Adopt necessary rules and regulations for the  
 14 proper enforcement and execution of the provisions  
 15 of the school laws, including teacher certification.  
 16 3. Adopt and prescribe any minimum standards for  
 17 carrying out the provisions of the school laws,  
 18 including teacher certification.  
 19 4. Perform such duties prescribed by law as it  
 20 may find necessary for the improvement of the state  
 21 system of public education in carrying out the purposes  
 22 and objectives of the school laws.  
 23 5. Constitute the board of educational examiners."  
 24 2. Page 1, by striking lines 5 through 31.

CALVIN O. HULTMAN

S-5847

- 1 Amend House File 2470 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 2, by inserting after line 22 the following:  
 4 "Sec. \_\_\_\_\_. The provisions of this Act shall not apply  
 5 to land located outside of an incorporated area."

C. JOSEPH COLEMAN

S-5848

- 1 Amend House File 2481 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 2, line 28, by inserting after the word  
 4 "tax." the following: "However, the area shall not  
 5 be subject to the recapture tax if the owner, including  
 6 one possessing under a contract of sale, and the  
 7 owner's direct antecedents or descendants have owned  
 8 the area for more than ten years."

EDGAR H. HOLDEN

S-5849

- 1 Amend House amendment S-5845 to Senate File 2330  
 2 as amended, passed and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 15, by inserting after line 15 the  
 5 following:  
 6 "\_\_\_\_\_. Page 14, line 33, by striking the words  
 7 "farm implement repair of all kinds;" and inserting  
 8 in lieu thereof the words "farm implement repair of  
 9 all kinds;"."

JACK RIFE  
 JOHN E. SOORHOLTZ

## S-5850

- 1 Amend House amendment S-5845 to Senate File 2330
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking line 2.

RICHARD F. DRAKE

## S-5851

- 1 Amend House amendment S-5845 to Senate File 2330
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:

## DIVISION S—5851A

- 4 1. Page 2, lines 17 and 18, by striking the words
- 5 "primary road" and inserting in lieu thereof the words
- 6 "road use tax".
- 7 2. Page 8, line 12, by striking the word "ten"
- 8 and inserting in lieu thereof the word "five".

## DIVISION S—5851B

- 9 3. Page 9, line 42, by striking the word "twenty"
- 10 and inserting in lieu thereof the word "twelve".
- 11 4. Page 9, line 45, by striking the word "twenty"
- 12 and inserting in lieu thereof the word "twelve".

## DIVISION S—5851A

- 13 5. Page 14, by striking lines 4 through 9.

RICHARD F. DRAKE

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2436

## S-5852

- 1 Amend amendment H-6027, the Senate amendment to
- 2 House File 2436 as amended, passed and reprinted by
- 3 the House, as follows:
- 4 1. Page 1, by striking lines 3 and 4.

## S-5853

- 1 Amend the House amendment S-5845 to Senate File
- 2 2330 as amended, passed and reprinted by the Senate
- 3 as follows:



- 4 1. Page 1, by striking lines 27 and 28.
- 5 2. Page 14, by striking lines 19 through 45.

JULIA B. GENTLEMAN

S-5854

- 1 Amend the House amendment S-5735 to Senate File
- 2 2293 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 7, by striking lines 15 through 17 and
- 5 inserting in lieu thereof the following: "provisions
- 6 of section 235A.15 and 235A.21. The department shall
- 7 subsequently transmit a written".

JULIA B. GENTLEMAN

S-5855

- 1 Amend House File 2503 as passed by the House as,
- 2 follows:
- 3 1. Page 2, by inserting after line 9 the following:
- 4 "Sec. \_\_\_\_ Chapter 422, division VI, Code 1983,
- 5 is amended by adding the following new section:
- 6 NEW SECTION. No provisions of chapters 422 or
- 7 423 are intended to impose a sales or use tax on the
- 8 cost to a manufacturer of materials used in the
- 9 manufacture of machinery or equipment of any kind
- 10 which is sold at retail by the manufacturer or is
- 11 leased by the manufacturer to a user thereof, and
- 12 no sales or use tax is imposed on the purchase price
- 13 of such materials paid by the manufacturer."

EDGAR H. HOLDEN

S-5856

- 1 Amend the House amendment S-5777 to Senate File
- 2 2268 as passed by the Senate as follows:
- 3 1. Page 2, by striking lines 24 through 31.

TOM MANN, JR.  
DONALD V. DOYLE

S-5857

- 1 Amend House amendment S-5845 to Senate File 2330,
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by striking lines 32 through 47 and
- 5 inserting in lieu thereof the following:

6 "Sec. \_\_\_\_ . There is appropriated from the general  
7 fund of the state for the administration and  
8 supervision of the public highways to the department  
9 of public safety for the fiscal year beginning July  
10 1, 1984 and ending June 30, 1985, the following amount,  
11 or so much thereof as is necessary, to be used for  
12 funding the following functions and programs for the  
13 purposes designated:

14 For salaries, support, mainte-  
15 nance, and miscellaneous purposes  
16 of the division of highway safety  
17 and uniformed force for the  
18 administration and supervision of  
19 the public highways, including the  
20 state's contribution to the peace  
21 officers' retirement, accident,  
22 and disability system provided in  
23 chapter 97A in the amount of six-  
24 teen percent of the salaries for  
25 which the funds are appropriated ..... \$16,747,800".

26 2. Page 14, by inserting after line 3 the following  
27 new section:

28 "Sec. \_\_\_\_ . Notwithstanding section 321.145, there  
29 is transferred from the road use tax fund to the  
30 general fund of the state the sum of sixteen million  
31 seven hundred forty-seven thousand (16,747,000) dollars  
32 for the fiscal year beginning July 1, 1984 and ending  
33 June 30, 1985 which funds shall be appropriated to  
34 the department of public safety for the highway patrol  
35 and uniformed force for the administration and  
36 supervision of the public highways."

RICHARD F. DRAKE

S-5858

1 Amend House amendment S-5845 to Senate File 2330,  
2 as amended, passed and reprinted by the Senate as  
3 follows:

4 1: Page 2, by striking lines 32 through 47 and  
5 inserting in lieu thereof the following:

6 "Sec. \_\_\_\_ . There is appropriated from the general  
7 fund of the state for the administration and  
8 supervision of the public highways to the department  
9 of public safety for the fiscal year beginning July  
10 1, 1984 and ending June 30, 1985, the following amount,  
11 or so much thereof as is necessary, to be used for  
12 funding the following functions and programs for the  
13 purposes designated:

14 For salaries, support, mainte-

15 nance, and miscellaneous purposes  
 16 of the division of highway safety  
 17 and uniformed force for the  
 18 administration and supervision of  
 19 the public highways, including the  
 20 state's contribution to the peace  
 21 officers' retirement, accident,  
 22 and disability system provided in  
 23 chapter 97A in the amount of six-  
 24 teen percent of the salaries for  
 25 which the funds are appropriated ..... \$16,232,000".  
 26 2. Page 14, by inserting after line 3 the following  
 27 new section:  
 28 "Sec. \_\_\_\_ . Notwithstanding section 321.145, there  
 29 is transferred from the road use tax fund to the  
 30 general fund of the state the sum of sixteen million  
 31 two hundred thirty-two thousand (16,232,000) dollars  
 32 for the fiscal year beginning July 1, 1984 and ending  
 33 June 30, 1985 which funds shall be appropriated to  
 34 the department of public safety for the highway patrol  
 35 and uniformed force for the administration and  
 36 supervision of the public highways."

RICHARD F. DRAKE  
 JOE J. WELSH

S-5859

1 Amend the House amendment S-5845 to Senate File  
 2 2330, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 4, by inserting after line 9 the following  
 5 section:  
 6 "Sec. \_\_\_\_ . Section 312.2, Code Supplement 1983,  
 7 is amended by adding the following new subsection:  
 8 **NEW SUBSECTION.** 17. The treasurer of state,  
 9 before making allotments provided for in this section,  
 10 shall credit annually in each fiscal year beginning  
 11 with the fiscal year beginning July 1, 1984, an amount  
 12 as determined by the general assembly to fund the  
 13 division of highway patrol and uniformed force of  
 14 the department of public safety."

TOM SLATER  
 ARTHUR A. SMALL, JR.

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2306

S-5860

- 1 Amend H-6029, the Senate amendment to House File
- 2 2306, as passed by the House as follows:
- 3 1. Page 1, lines 5 and 6, by striking the words
- 4 "deer, raccoon" and inserting in lieu thereof the
- 5 words "~~deer, raccoon~~ wild mammals".

S-5861

- 1 Amend amendment S-5845 to Senate File 2330 as
- 2 amended, passed and reprinted by the Senate as follows:

DIVISION S—5861A

- 3 1. Page 4, by striking line 10 through page 5,
- 4 line 35.
- 5 2. Page 6, by striking line 35 through page 8,
- 6 line 45.

DIVISION S—5861B

- 7 3. Page 9, by striking lines 32 through 45.

DIVISION S—5861A

- 8 4. Page 11, by striking line 10 through page 12,
- 9 line 1.
- 10 5. Page 12, line 50, by striking the word "twenty"
- 11 and inserting in lieu thereof the word "sixty-five".
- 12 6. Page 13, line 2, by striking the word "forty"
- 13 and inserting in lieu thereof the word "sixty-five".

DIVISION S—5861C

- 14 7. Page 13, lines 21 and 22, by striking the words
- 15 "~~five ten~~" and inserting in lieu thereof the word
- 16 "five".
- 17 8. Page 13, line 23, by striking the words "~~ten~~
- 18 ~~twenty~~" and inserting in lieu thereof the word "ten".
- 19 9. Page 16, by inserting after line 4 the
- 20 following:
- 21 "17. Amend the title, line 14, by striking the
- 22 words "operator's and"."

EDGAR H. HOLDEN

S-5862

- 1 Amend the House amendment H-5845 to Senate File
- 2 2330, as amended, passed, and reprinted by the Senate,
- 3 as follows:

## DIVISION S—5862A

- 4 1. By striking page 1, line 3 through page 2,
- 5 line 16.

## DIVISION S—5862B

- 6 2. Page 13, line 22, by striking the word "~~ten~~"
- 7 and inserting in lieu thereof the word "~~seven~~".
- 8 3. Page 13, line 23, by striking the word "~~four~~"
- 9 and inserting in lieu thereof the words "~~four six~~".

## DIVISION S—5862C

- 10 4. Page 13, line 25, by striking the word "~~twenty~~"
- 11 and inserting in lieu thereof the word "~~fourteen~~".
- 12 5. Page 13, line 27, by striking the word "~~four~~"
- 13 and inserting in lieu thereof the words "~~four six~~".
- 14 6. Page 13, by inserting after line 42 the follow-
- 15 ing new section:
- 16 "Sec. \_\_\_\_ . Section 321.197, Code 1983, is amended
- 17 to read as follows:
- 18 321.197 EXPIRATION OF CHAUFFEUR'S LICENSE. Every
- 19 chauffeur's license shall expire every ~~two or four~~
- 20 ~~six~~ years at the option of the applicant on the
- 21 licensee's birthday anniversary. A chauffeur's license
- 22 may be renewed within thirty days after the applicant's
- 23 license expiration date without written examination
- 24 or penalty. A person shall not be considered to be
- 25 driving with an invalid license during a period of
- 26 thirty days following the license expiration date.
- 27 However, if the licensee is seventy years of age or
- 28 older on the date of issuance of the license, the
- 29 license shall be issued to be valid for two years.
- 30 For the purposes of this section the birthday
- 31 anniversary of a person born on February 29 shall
- 32 be deemed to occur on March 1. The department in
- 33 its discretion may waive the examination of any
- 34 applicant previously licensed as a chauffeur under
- 35 this chapter, provided that the person satisfactorily
- 36 passes a vision test as prescribed by the department.
- 37 An application for the renewal of a chauffeur's license
- 38 shall be made under the direct supervision of a
- 39 uniformed member of the department and shall be
- 40 approved by the uniformed member."

## DIVISION S—5862D

41 7. Page 14, by striking lines 19 through 45.

## DIVISION S—5862E

42 8. By striking page 14, line 50 through page 15,  
43 line 1.

## DIVISION S—5862F

44 9. Page 15, line 39, by striking the words "and  
45 odometer law enforcement".

WILLIAM D. PALMER

## S-5863

1 Amend House File 2518 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 13, by inserting after line 20 the  
4 following:  
5 "Notwithstanding section 8.33, the unencumbered  
6 or unobligated balance remaining as of June 30, 1984,  
7 of the appropriation made under 1983 Iowa Acts, chapter  
8 207, section 92 may be used to fund grants to cities  
9 and community groups for the development of community  
10 programs that would provide local jobs for Iowa  
11 residents and promote a city's historical, ethnic,  
12 and cultural heritages as provided in 1983 Iowa Acts,  
13 chapter 207, section 92 through December 31, 1984.  
14 The unencumbered or unobligated balance of the funds  
15 appropriated under 1983 Iowa Acts, chapter 207, section  
16 92 which remain after December 31, 1984, shall revert  
17 to the general fund of the state on January 1, 1985."

TOM SLATER

## S-5864

1 Amend House amendment S-5845 to Senate File 2330  
2 as amended, passed and reprinted by the Senate as  
3 follows:  
4 1. Page 3, line 2, by inserting after the figure  
5 "28" the following: "and inserting in lieu thereof  
6 the following:  
7 Sec. \_\_\_\_ Section 8.33, 1983 Code Supplement,  
8 unnumbered paragraph 2, is amended to read as follows:  
9 No payment of an obligation for goods and services  
10 shall be charged to an appropriation subsequent to

11 the last day of the fiscal term for which the  
 12 appropriation is made unless such goods or services  
 13 are received on or before the ~~last day of the fiscal~~  
 14 ~~term~~ September 15 of the following fiscal year, except  
 15 that repair projects, purchase of specialized equipment  
 16 and furnishings, and other contracts for services  
 17 and capital expenditures for the purchase of land  
 18 or the erection of buildings or new construction ~~or~~  
 19 remodeling, which were committed and in progress prior  
 20 to the end of the fiscal term are excluded from this  
 21 provision".  
 22 2. By renumbering as necessary.

C.W. BILL HUTCHINS

S-5865

1 Amend Senate File 2337 as follows:

DIVISION S—5865A

2 1. Page 5, line 18, by striking the figure  
 3 "5,028,323" and inserting in lieu thereof the figure  
 4 "5,359,583".

DIVISION S—5865B

5 2. Page 6, line 11, by striking the figure  
 6 "12,811,297" and inserting in lieu thereof the figure  
 7 "13,094,154".  
 8 3. Page 7, line 3, by striking the figure  
 9 "121,421,214" and inserting in lieu thereof the figure  
 10 "121,438,357".

JOE J. WELSH

S-5866

1 Amend Senate File 2334 as follows:

2 1. Page 15, by inserting after line 6 the  
 3 following:  
 4 "3. For chemical exposure report ..... \$ 40,000  
 5 It is the intent of the general assembly that the  
 6 Iowa department of veterans' affairs create a reporting  
 7 procedure for veterans who have been exposed to  
 8 chemical defoliants, herbicides, or other causative  
 9 agents, including but not limited to agent orange.  
 10 The department shall compile and evaluate the  
 11 information received and shall submit a report on

12 July 15, 1985 to the governor, general assembly, and  
13 the United States veterans' administration."

JOE J. WELSH.

S-5867

- 1 Amend Senate File 2337 as follows:
- 2 1. Page 4, by striking lines 4 through 13.
- 3 2. Page 5, line 18, by striking the figure
- 4 "5,028,323" and inserting in lieu thereof the figure
- 5 "1,659,853".

JOE J. WELSH

S-5868

- 1 Amend House File 2481 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 2, by striking lines 16 through 19 and
- 4 inserting in lieu thereof the words "reservation. If
- 5 the".

HURLEY W. HALL

S-5869

- 1 Amend Senate File 2334 as follows:
- 2 1. Page 15, line 1, by striking the word "four"
- 3 and inserting in lieu thereof the word "five".
- 4 2. Page 15, by inserting after line 6 the
- 5 following:
- 6 "3. For chemical exposure reporting ..... \$ 40,000
- 7 It is the intent of the general assembly that the
- 8 Iowa department of veterans' affairs create a reporting
- 9 procedure for veterans who have been exposed to
- 10 chemical defoliant, herbicides, or other causative
- 11 agents, including but not limited to agent orange.
- 12 The department shall compile and evaluate the
- 13 information received and shall submit a report on
- 14 July 15, 1985 to the governor, general assembly, and
- 15 the United States veterans' administration."

JOE J. WELSH

S-5870

- 1 Amend Senate File 2334 as follows:
- 2 1. Page 15, line 1, by striking the word "four"
- 3 and inserting in lieu thereof the word "five".
- 4 2. Page 15, by inserting after line 6 the



5 following:  
 6 "3. For chemical exposure reporting ..... \$ 40,000  
 7 It is the intent of the general assembly that the  
 8 Iowa department of veterans' affairs create a reporting  
 9 procedure for veterans who have been exposed to  
 10 chemical defoliants, herbicides, or other causative  
 11 agents, including but not limited to agent orange.  
 12 The department shall compile and evaluate the  
 13 information received and shall submit a report on  
 14 July 15, 1985 to the governor, general assembly, and  
 15 the United States veterans' administration. The state  
 16 department of health shall transfer any records and  
 17 information compiled relating to the exposure of  
 18 chemicals by veterans to the Iowa department of  
 19 veterans' affairs on the effective date of this Act.  
 20 Notwithstanding chapter 139A, the Iowa department  
 21 of veterans' affairs shall perform all the duties  
 22 required of the state department of health under  
 23 chapter 139A and the attorney general and the state  
 24 board of regents shall perform the duties required  
 25 by them under chapter 139A."

JOE J. WELSH

S-5871

1 Amend House File 2481 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 2, line 16, by striking the word "shall"  
 4 and inserting in lieu thereof the word "may".

JAMES V. GALLAGHER  
 HURLEY W. HALL

S-5872

1 Amend Senate File 2342 as follows:  
 2 1. Page 6, by inserting after line 7 the following  
 3 new section:  
 4 "Sec. \_\_\_\_ . Section 601E.6, subsection 3, paragraph  
 5 b, Code 1983, is amended to read as follows:  
 6 b. Requiring persons who seek permanent handicapped  
 7 identification devices to furnish evidence upon initial  
 8 application that they are permanently handicapped  
 9 and, in addition, to furnish evidence annually that  
 10 they remain physically handicapped; and requiring  
 11 persons who seek temporary handicapped identification  
 12 devices to furnish evidence upon initial application  
 13 that they are physically handicapped and, in addition,  
 14 to furnish evidence at six-month intervals that they

- 15 remain physically handicapped.”  
 16 2. Renumber sections and correct internal  
 17 references as are necessary in accordance with this  
 18 amendment.

JOHN N. NYSTROM

S-5873

- 1 Amend Senate Concurrent Resolution No. 114 as  
 2 follows:  
 3 1. Page 1, line 1, by inserting after the word  
 4 “Senate” the word “Concurrent”.  
 5 2. Page 1, line 24, by inserting after the word  
 6 “SENATE,” the words “THE HOUSE CONCURRING.”.

DONALD V. DOYLE

S-5874

- 1 Amend House File 2513 as passed by the House as  
 2 follows:  
 3 1. Page 1, lines 7 and 8, by striking the words  
 4 “and the corporation is not taxable in another state”  
 5 and inserting in lieu thereof the word “state”.  
 6 2. Page 1, lines 12 and 13, by striking the words  
 7 “and the corporation is taxable in another state”  
 8 and inserting in lieu thereof the word “state”.  
 9 3. Title page, by striking lines 1 through 5 and  
 10 inserting in lieu thereof the words “An Act relating  
 11 to the apportionment of the net income of a”.

COMMITTEE ON WAYS & MEANS  
 WILLIAM D. PALMER, Chair

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 582

S-5875

- 1 Amend the Senate amendment H-3766 to House File  
 2 582 as amended, passed and reprinted by the House  
 3 as follows:  
 4 1. Page 1, by striking line 3 and inserting in  
 5 lieu thereof the following:  
 6 “1. Page 1, line 10, by striking the word “six”  
 7 and inserting in lieu thereof the word “three”.  
 8 2. Page 1, line 13, by inserting after the word”.

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 2015

S-5876

- 1 Amend Senate Amendment H-6014 to House File 2015

2 as amended, passed and reprinted by the House, as  
3 follows:

- 4 1. By striking page 1, line 3 through page 7,  
5 line 24.
- 6 2. Page 7, by striking lines 25 through 27.
- 7 3. Page 7, by striking lines 28 through 37.
- 8 4. By striking page 7, line 38 through page 8,  
9 line 6.
- 10 5. Page 8, by striking lines 25 through 48.
- 11 6. By striking page 8, line 49 through page 9,  
12 line 34.
- 13 7. Page 9, by inserting before line 35 the  
14 following:  
15 "\_\_\_\_. Page 7, line 3, by inserting after the word  
16 "occasions" the words "or participates in an  
17 educational, civic, public, charitable, patriotic,  
18 or religious organization to which the net receipts  
19 are dedicated by the qualified organization".
- 20 8. Page 9, by striking lines 37 through 50.
- 21 9. Renumber as necessary.

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2211

S-5877

- 1 Amend amendment H-5957 to House File 2211 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by striking lines 3 through 5.
- 4 2. Renumber as necessary.

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2401

S-5878

- 1 Amend Senate amendment H-5961 to House File 2401
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines and 4.
- 5 2. Page 1, line 8, by striking the word "fifty"
- 6 and inserting in lieu thereof the word "seventy-five".
- 7 3. Page 1, line 15, by striking the word "Forty"
- 8 and inserting in lieu thereof the word "Forty-five".
- 9 4. Page 1, by inserting after line 15 the  
10 following:  
11 "\_\_\_\_. Page 1, line 29, by striking the word  
12 "counties" and inserting in lieu thereof the words  
13 "unincorporated communities".

- 14 \_\_\_\_ . Page 1, line 31, by striking the word "county"  
 15 and inserting in lieu thereof the words "unincorporated  
 16 community".
- 17 \_\_\_\_ . Page 1, line 33, by inserting after the word  
 18 "grant" the words ", except that an unincorporated  
 19 community shall submit the application through the  
 20 county board of supervisors".
- 21 \_\_\_\_ . Page 2, line 2, by inserting after the word  
 22 "amounts." the words "Grants made to an unincorporated  
 23 community shall be paid to the county board of  
 24 supervisors to be used for the project of the  
 25 unincorporated community."
- 26 \_\_\_\_ . Page 2, line 5, by striking the word "county"  
 27 and inserting in lieu thereof the words "unincorporated  
 28 community".
- 29 5. Page 1, line 17, by striking the word "Twenty"  
 30 and inserting in lieu thereof the word "Five".
- 31 6. Page 1, by striking lines 24 through 37.

## HOUSE AMENDMENT TO SENATE FILE 407

S-5879

- 1 Amend Senate File 407, as passed by the Senate,  
 2 as follows:
- 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. Section 602.9208, subsection 3, Code  
 6 Supplement 1983, is amended to read as follows:  
 7 3. A person who relinquishes a senior judgeship  
 8 in the manner provided in subsection 1 or who is  
 9 removed as provided in subsection 2 shall be paid  
 10 a retirement annuity in an amount determined according  
 11 to section 602.9107 in lieu of section 602.9204,  
 12 commencing that commences on the effective date of  
 13 the relinquishment or removal; and shall be based  
 14 upon the number of years the person served as a senior  
 15 judge. A person who serves six or more years as a  
 16 senior judge shall be paid a retirement annuity that  
 17 is in an amount equal to the amount of the annuity  
 18 the person is receiving on the effective date of the  
 19 relinquishment in lieu of an amount determined  
 20 according to section 602.9204. If the person serves  
 21 less than six years as a senior judge, the person  
 22 shall be paid a retirement annuity that is in an  
 23 amount equal to an amount determined according to  
 24 section 602.9107 added to an amount equal to the  
 25 number of years the person served as a senior judge,  
 26 divided by six, multiplied by the difference between

27 the amount of the annuity the person is receiving  
 28 on the effective date of the relinquishment and the  
 29 amount determined according to section 602.9107.  
 30 A person who is removed from a senior judgeship as  
 31 provided in subsection 2 shall be paid a retirement  
 32 annuity that commences on the effective date of the  
 33 removal and is in an amount determined according to  
 34 section 602.9107 in lieu of section 602.9204, and  
 35 for such purposes any service and annuity of the  
 36 person as a senior judge is disregarded.

37 Sec. 2. Section 602.9209, Code Supplement 1983,  
 38 is amended to read as follows:

39 602.9209 SURVIVOR'S ANNUITY.

40 1. A survivor of a senior judge, ~~or a retired~~  
 41 ~~senior judge, or a person who relinquished a senior~~  
 42 ~~judgeship under section 602.9208, subsection 1,~~ shall  
 43 be paid an annuity in lieu of that specified in section  
 44 602.9115, which is equal to one-half the amount of  
 45 the annuity the senior judge, ~~or retired senior judge,~~  
 46 ~~or person who relinquished a senior judgeship~~ was  
 47 receiving at the time of his or her death, provided  
 48 the survivor is qualified under section 602.9115 to  
 49 receive an annuity.

50 2. A survivor of a person whose name is stricken

Page 2

1 from the roster of senior judges ~~because of removal~~  
 2 ~~from a senior judgeship under section 602.9208,~~  
 3 ~~subsection 2,~~ shall be paid an annuity equal to one-  
 4 half of the amount the person was receiving at the  
 5 time of his or her death, provided the survivor is  
 6 qualified under section 602.9115 to receive an  
 7 annuity."

S-5880

1 Amend Senate File 2307 as follows:

2 1. By striking page 4, line 35 through page 5,  
 3 line 5.

WILLIAM D. PALMER  
 EDGAR H. HOLDEN

S-5881

1 Amend Senate File 2307 as follows:

2 1. Page 4, line 23, by inserting after the word  
 3 "agricultural" the words "and commercial".  
 4 2. Page 4, line 25, by inserting after the word

- 5 "~~agricultural~~" the words "and commercial".  
 6 3. Page 4, by striking line 26 and inserting in lieu  
 7 thereof the words "on the basis of its current use  
 8 ~~for agricultural purposes in the~~".

WILLIAM D. PALMER  
 EDGAR H. HOLDEN

S-5882

- 1 Amend House File 2516 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 1, by striking lines 1 through 8 and  
 4 inserting in lieu thereof the following:  
 5 "Section 1. NEW SECTION. 279.43 OPTIONAL FUNDING  
 6 OF ASBESTOS REMOVAL OR ENCAPSULATION. The board of  
 7 directors may pay the actual cost of removal or  
 8 encapsulation of asbestos existing in its school  
 9 buildings from funds in the general fund of the school  
 10 district. If funds in the general fund are  
 11 insufficient, the board of directors may submit".  
 12 2. Page 1, by striking lines 15 and 16 and  
 13 inserting in lieu thereof the following: "or  
 14 encapsulation of asbestos by certifying the levy of  
 15 a property tax sufficient to pay the actual cost of  
 16 removal or encapsulation of asbestos existing in its  
 17 school buildings. The tax shall be certified for  
 18 not more than three consecutive years, commencing  
 19 not later than March 15, 1985 and ending not later  
 20 than March 15, 1987."  
 21 3. Page 1, line 35, by striking the word and  
 22 figure "or 279.44".  
 23 4. By renumbering sections.

BERL E. PRIEBE  
 ARTHUR L. GRATIAS  
 DALE L. TIEDEN  
 EMIL J. HUSAK

S-5883

- 1 Amend Senate File 2307 as follows:  
 2 1. Page 1, by inserting after line 19 the  
 3 following:  
 4 "Sec. \_\_\_\_ . Section 441.21, Code Supplement 1983,  
 5 is amended by adding the following new subsection:  
 6 NEW SUBSECTION. Notwithstanding any other  
 7 provision, beginning with the assessment year beginning  
 8 on or after the effective date of this subsection,  
 9 a dwelling used for human habitation which consists

10 of not more than eight separate living units shall  
11 be assessed and taxed for real property tax purposes  
12 as residential property."

13 2. Title page, line 2, by inserting after the  
14 word "valuation" the words "and taxation of certain  
15 residential dwellings".

C.W. BILL HUTCHINS  
DONALD V. DOYLE

S-5884

1 Amend Senate File 2340 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 80.4, Code 1983, is amended  
5 by striking the section and inserting in lieu thereof  
6 the following:

7 80.4 DIVISION PERSONNEL. A division of the  
8 department shall not exceed the number of persons  
9 in its complement unless requested by the commissioner  
10 and approved by the governor.

11 Sec. 2. Section 80.5, Code 1983, is amended by  
12 striking the section and inserting in lieu thereof  
13 the following:

14 80.5 APPOINTMENTS AND PROMOTIONS. The commissioner  
15 may appoint a chief of the patrol division and  
16 directors of the remaining designated divisions.  
17 The commissioner shall appoint other supervisory  
18 officers in the respective divisions as is allowed  
19 by their approved table of organization and rank or  
20 position roster.

21 All appointments and promotions of a division chief  
22 or director and the enforcement division supervisors  
23 shall be made on the basis of seniority and merit  
24 examination. Reduction of any officer's rank, grade  
25 or scheduled salary increase by the commissioner shall  
26 be for specific cause and the officer shall be so  
27 served in writing. The officer may appeal the reduc-  
28 tion to the executive council for a hearing by filing  
29 a request with the secretary of the council within  
30 thirty days of notice. The chief or director of a  
31 division shall be required to have five years of  
32 service in the chief's or director's specific rank  
33 or position to have earned tenure and be eligible  
34 for the protection of appeal on reduction. Supervisory  
35 members of the department shall also be given an  
36 opportunity to request a hearing before the executive  
37 council when they have been subjected to activities  
38 which caused them or will cause them to resign or

39 retire other than on a voluntary basis. The officer  
40 will be given an opportunity to present a case for  
41 relief of such causes. The decision of the executive  
42 council shall be final, subject to the right of  
43 judicial review in the district court of the appealing  
44 officer's residence.

45 If the officer is ordered reinstated, it will be  
46 with respective rank, grade, duty station, and without  
47 loss of pay and benefits.

48 This will not include the reduction in rank of  
49 an officer if the position is being eliminated from  
50 the table of organization or a reduction is needed

Page 2

1 in the number of officers in a specific rank and pay  
2 grade. Any phaseout or reduction shall be served  
3 in a written order with stipulated cause. The reduc-  
4 tion shall be done on a seniority and merit basis  
5 in a step process to the next lower rank or grade.

6 If the appealing officer's position has been filled  
7 when the final appeal declares the officer's rights  
8 were violated, the officer shall be reinstated to  
9 the officer's former rank and grade without loss of  
10 pay and benefits.

11 Sec. 3. NEW SECTION. 80.5A ORGANIZATION  
12 STRUCTURE. The table of organization of the patrol  
13 at its headquarters in Des Moines shall not exceed  
14 one chief, two majors, two captains, one lieutenant,  
15 and one sergeant. The table of organization for the  
16 field offices shall include not more than four  
17 captains, fifteen lieutenants, and the number of  
18 sergeants positions existing on the effective date  
19 of this Act. The total number of supervisory personnel  
20 in the patrol shall not exceed one chief, two majors,  
21 seven captains, sixteen lieutenants, and the number  
22 of sergeants' positions shall be determined by the  
23 commissioner.

24 The table of organization for the division of  
25 criminal investigation shall not include more than  
26 one chief with two assistants to the chief.

27 The table of organization of the capitol and  
28 governor security detail shall not include more than  
29 one captain, one sergeant, and two troopers.

30 All officers temporarily assigned in detached  
31 service will be returned to their respective divisions  
32 for assignment. This includes any part of department  
33 administration or other divisions.

34 Officers assigned to the governor's personal  
35 security shall become a direct part of the patrol



36 operation. There will be no more than four officers  
 37 assigned to this duty and they will not be considered  
 38 a part of the total officers permitted for patrol  
 39 headquarters staff.

40 All officers returning to their parent division  
 41 for assignment shall qualify for rank and assignment  
 42 based on a system devised by the commissioner, but  
 43 which shall include the factors of overall seniority  
 44 in the patrol, seniority in present rank and field  
 45 command experience for which the field rank was awarded  
 46 by competitive promotional procedures provided in  
 47 departmental rules.

48 The system by which an officer achieved rank and  
 49 if it was granted outside the division, on detached  
 50 duty, shall be a strong indicator of personal

Page 3

1 preferential treatment in the officer's rank attain-  
 2 ment.

3 Sec. 4. This Act applies to persons who have  
 4 resigned from the department. Those persons shall  
 5 follow the appeal procedure specified in section 80.5  
 6 if a grievance exists. However, a person who is no  
 7 longer employed by the department shall file the  
 8 grievance with the executive council no more than  
 9 thirty days following the effective date of this Act.

10 Sec. 5. Section 2 of this Act is retroactive to  
 11 January 1, 1981."

JOE J. WELSH  
 LEE W. HOLT

S-5885

1 Amend House File 2519, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 15, by inserting after line 30 the  
 4 following:

5 "Sec. \_\_\_\_ . Notwithstanding section 442.7, in  
 6 determining the state percent of growth for the budget  
 7 year beginning July 1, 1985, the state comptroller  
 8 shall use only seventy-five percent of the amount  
 9 generated from the sales tax imposed in section 422.43  
 10 when calculating the receipts of state general fund  
 11 revenues under section 442.7, subsection 1, paragraph  
 12 a, and when recomputing the state percent of growth  
 13 for the previous year under section 442.7, subsection  
 14 4."

EDGAR H. HOLDEN

S-5886

- 1 Amend House File 2518 as amended, passed and
- 2 reprinted by the House as follows:

## DIVISION S—5886A

- 3 1. Page 1, line 22, by striking the figure
- 4 "2,732,074" and inserting in lieu thereof the figure
- 5 "2,735,324".

## DIVISION S—5886B

- 6 2. Page 4, line 8, by striking the figure
- 7 "4,264,482" and inserting in lieu thereof the figure
- 8 "4,971,682".

## DIVISION S—5886C

- 9 3. Page 4, by striking lines 9 through 30.

## DIVISION S—5886D

- 10 4. Page 10, line 16, by striking the figure
- 11 "95,000" and inserting in lieu thereof the figure
- 12 "101,495".
- 13 5. Page 10, by inserting after line 16 the
- 14 following:
- 15 "It is the intent of the general assembly that
- 16 the funds appropriated by this subsection be used
- 17 to fund budget and personnel positions, one for every
- 18 two judicial districts."

## DIVISION S—5886A

- 19 6. Page 11, line 4, by striking the figure
- 20 "1,484,482" and inserting in lieu thereof the figure
- 21 "1,495,432".

## DIVISION S—5886E

- 22 7. Page 15, by inserting after line 1 the
- 23 following:
- 24 "Sec. 12. Pursuant to the authority granted by
- 25 section 8.6, the comptroller, through the office of
- 26 the inspector general, shall assist agencies receiving
- 27 appropriations by this Act in identifying and
- 28 implementing efficiency and cost-effectiveness

29 measures. Savings realized by the agencies shall  
 30 revert at the end of each fiscal year and shall be  
 31 reflected in subsequent budgets."

DIVISION S—5886F

32 8. Page 19, by striking lines 9 and 10.

COMMITTEE ON APPROPRIATIONS  
 ARTHUR A. SMALL, JR., Chair

S-5887

1 Amend House File 2519, as amended, passed, and  
 2 reprinted by the House, as follows:

DIVISION S—5887A

3 1. Page 3, line 8, by striking the figure  
 4 "6,156,717" and inserting in lieu thereof the figure  
 5 "6,162,445".

6 2. Page 3, line 18, by striking the figure  
 7 "3,555,514" and inserting in lieu thereof the figure  
 8 "3,607,331".

9 3. Page 9, line 7, by striking the figure  
 10 "104,122,153" and inserting in lieu thereof the figure  
 11 "104,239,162".

12 4. Page 11, line 14, by striking the figure  
 13 "86,144,027" and inserting in lieu thereof the figure  
 14 "86,156,911".

DIVISION S—5887B

15 5. Page 11, by inserting after line 25 the  
 16 following:

17 "d. Center for industrial re-  
 18 search and service

19 For funding the small business  
 20 development centers to provide as-  
 21 sistance to small businesses and  
 22 business groups in Iowa ..... \$ 500,000

23 e. Funds appropriated in paragraph "d" are in  
 24 addition to funds already available or appropriated  
 25 to the center for industrial research and service  
 26 for the fiscal year beginning July 1, 1984. Any  
 27 decision regarding the dispersion of funds appropriated  
 28 in paragraph "d" lies directly with the center for  
 29 industrial research and service. Moneys appropriated  
 30 in paragraph "d" will be used to meet matching  
 31 requirements for available federal or private funds  
 32 developed to provide assistance to small business

33 and which will be administered by the center for  
 34 industrial research and service in conjunction with  
 35 the state funds appropriated for this purpose."

DIVISION S—5887A

36 6. Page 11, line 30, by striking the figure  
 37 "33,900,569" and inserting in lieu thereof the figure  
 38 "34,012,249".

DIVISION S—5887B

39 7. Page 12, line 11, by inserting after the word  
 40 "regents," the following: "If the amount actually  
 41 expended for fuel and electricity purposes is less  
 42 than twenty-one million three hundred twenty-four  
 43 thousand (21,324,000) dollars, the difference may  
 44 be used for maintenance, equipment, and miscellaneous  
 45 purposes.

46 The intent of the general assembly for the fiscal  
 47 year beginning July 1, 1984 is to appropriate  
 48 additional funds to the state board of regents during  
 49 the 1985 Session of the Seventy-first General Assembly  
 50 for the purchase of fuel and electricity if the state's

Page 2

DIVISION S—5887B

1 share of the costs for fuel and electricity for the  
 2 institutions under the control of the state board  
 3 of regents for that fiscal year exceeds twenty-one  
 4 million three hundred twenty-four thousand (21,324,000)  
 5 dollars."

6 8. Page 12, by striking lines 12 through 22.

7 9. Page 12, by striking lines 23 and 24 and  
 8 inserting in lieu thereof the following:

9 "Sec. \_\_\_\_ . The state board of regents is directed  
 10 to expend not less than one hundred thousand (100,000)  
 11 dollars of funds received from".

12 10. Page 12, by inserting after line 33 the  
 13 following:

14 "Sec. 100. 1983 Iowa Acts, chapter 195, section  
 15 17, is amended to read as follows:

16 SEC. 17. There is appropriated from the general  
 17 fund of the state to the state comptroller for the  
 18 fiscal year beginning July 1, 1983 and ending June  
 19 30, 1984, the sum of two hundred fifty thousand  
 20 (250,000) dollars, or so much thereof as is necessary

21 to pay costs for the purchase of fuel and electricity  
 22 which exceed the amounts appropriated to the various  
 23 state agencies, or allocated by the state board of  
 24 regents to institutions under its control, from the  
 25 general fund for the purchase of fuel and electricity.  
 26 The funds or any portion of the funds shall not be  
 27 allocated to a state agency, or institution under  
 28 the control of the state board of regents, unless  
 29 the state comptroller determines the agency's costs  
 30 for the purchase of fuel and electricity exceed the  
 31 amounts appropriated or allocated for the fiscal year  
 32 beginning July 1, 1983 and the agency or institution  
 33 is either developing an energy conservation plan in  
 34 consultation with the energy policy council, or is  
 35 implementing, or has implemented, an energy  
 36 conservation plan which has been approved by the  
 37 energy policy council and the state comptroller  
 38 determines that other money is not available to the  
 39 agency or institution for fuel or electricity  
 40 purposes."

41 11. Page 14, by striking lines 2 through 8.

42 12. Page 15, by inserting after line 33 the  
 43 following:

44 "Sec. \_\_\_\_ . This Act, being deemed of immediate  
 45 importance, takes effect from and after its publication  
 46 in The Record-Herald & Indianola Tribune, a newspaper  
 47 published in Indianola, Iowa, and in the Ottumwa  
 48 Courier, a newspaper published in Ottumwa, Iowa.  
 49 However, sections 1 through 21 of this Act take effect  
 50 July 1, 1984. Section 100 takes effect upon

Page 3

DIVISION S—5887B

1 publication."

COMMITTEE ON APPROPRIATIONS  
 ARTHUR A. SMALL, JR., Chair

S-5888

1 Amend Senate File 2307 as follows:

2 1. Page 2, by striking lines 18 through 20 and  
 3 inserting in lieu thereof the word "For".

4 2. By striking page 2, line 33, through page 4,  
 5 line 20.

6 3. Title page, lines 1 and 2, by striking the  
 7 words "creating a valuation review commission and  
 8 providing for its powers".

ARTHUR L. GRATIAS

S-5889

- 1 Amend House File 2516 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 1 through 19 and
- 4 inserting in lieu thereof the following:
- 5 "Section 1. NEW SECTION. 279.43 OPTIONAL FUNDING
- 6 OF ASBESTOS REMOVAL OR ENCAPSULATION. The board of
- 7 directors may pay the actual cost of removal or
- 8 encapsulation of asbestos existing in its school
- 9 district buildings from funds in the general fund
- 10 or the school house fund provided for under section
- 11 297.5 of the school district, or by certification
- 12 of a combination of an enrichment".
- 13 2. Page 1, line 35, by striking the word and
- 14 figure "or 279.44".
- 15 3. By renumbering sections.

ARTHUR L. GRATIAS  
 DALE L. TIEDEN  
 EMIL J. HUSAK  
 JOE BROWN  
 BERL E. PRIEBE  
 RAY TAYLOR

S-5890

- 1 Amend House File 2518 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 18, by striking lines 22 and 23.

ARTHUR A. SMALL, JR.

S-5891

- 1 Amend House File 2518 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 19, by striking lines 11 through 13.

ARTHUR A. SMALL, JR.

S-5892

- 1 Amend the amendment S-5887 to House File 2519
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 2, by striking lines 7 through 11 and
- 5 inserting in lieu thereof the following:
- 6 "9. Page 12, by striking lines 23 through 33."

JULIA B. GENTLEMAN  
 EDGAR H. HOLDEN  
 THOMAS A. LIND

S-5893

- 1 Amend House File 2518 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. Page 15, line 4, by striking the word "services,"
- 4 and inserting in lieu thereof the words "or services".
- 5 2. Page 15, line 5, by striking the words "or
- 6 construction".

DAVID M. READINGER  
 JOHN N. NYSTROM  
 TOM MANN, JR.  
 BERL E. PRIEBE.

S-5894

- 1 Amend Senate File 2345 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. There is appropriated from the general
- 5 fund of the state for the fiscal year beginning July
- 6 1, 1984 and ending June 30, 1985, to the following
- 7 boards the following amounts, or so much thereof as
- 8 may be necessary, to be used for the following
- 9 purposes:

	1984-1985
	<u>Fiscal Year</u>
10	
11	
12 1. BOARD OF ARCHITECTURAL EXAMINERS	
13 For salaries, support, maintenance,	
14 and other operational purposes .....	\$ 45,458
15 2. BOARD OF LANDSCAPE ARCHITECTURAL	
16 EXAMINERS	
17 For salaries, support, maintenance,	
18 and other operational purposes .....	\$ 10,345
19 3. BOARD OF ACCOUNTANCY	
20 For salaries, support, maintenance,	
21 and other operational purposes .....	\$ 270,801
22 4. STATE BOARD OF ENGINEERING	
23 EXAMINERS	
24 For salaries, support, maintenance,	
25 and other operational purposes .....	\$ 138,615
26 Sec. 2. There is appropriated from the general	
27 fund of the state to the following departments and	
28 commissions for the fiscal year beginning July 1,	
29 1984 and ending June 30, 1985, the following amounts,	
30 or so much thereof as may be necessary, to be used	
31 for the following purposes:	

	1984-1985
	<u>Fiscal Year</u>
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Page 2

- 1 the campaign finance disclosure commission shall  
2 promulgate rules by January 1, 1985 that a holder  
3 of or a candidate for a state office who receives  
4 a campaign contribution from a registered lobbyist  
5 or a political action committee while the general  
6 assembly is in session must disclose that contribution  
7 to the campaign finance disclosure commission within  
8 fourteen days of receipt of the contribution.
- 9 5. IOWA STATE COMMERCE COMMISSION
- 10 For salaries, support, maintenance,  
11 and other operational purposes ..... \$ 5,611,319
- 12 6. CONSUMER ADVOCATE
- 13 For salaries, support, maintenance,  
14 and other operational purposes ..... \$ 874,529
- 15 7. STATE COMPTROLLER
- 16 a. General Office
- 17 For salaries, support, maintenance,  
18 and other operational purposes ..... \$ 1,178,029
- 19 b. Division of Data Processing
- 20 For salaries, support, maintenance,  
21 and other operational purposes ..... \$ 4,070,837
- 22 It is the intent of the general assembly that the  
23 state comptroller under its division of data processing  
24 shall not charge the secretary of state for computer  
25 costs arising as a result of the implementation of  
26 Senate File 510.
- 27 The state comptroller, through the office of the  
28 inspector general, shall assist state agencies in



29 identifying and implementing efficiency and cost-  
 30 effectiveness measures, as recommended by the  
 31 governor's task force on efficiencies and cost-  
 32 effectiveness. Notwithstanding any conflicting  
 33 provisions of chapter 8, the state comptroller may  
 34 make the first two quarterly allocations to the state  
 35 comptroller as if the amount appropriated in paragraph  
 36 "a" contained three hundred thousand dollars more  
 37 than actually specified and in paragraph "b" contained  
 38 two million dollars more than actually specified,  
 39 and the state comptroller may reduce the last two  
 40 quarterly allocations in order to offset the first  
 41 two quarterly allocations. The state comptroller  
 42 may reduce quarterly allocations of funds appropriated  
 43 to other agencies to reflect savings made as a result  
 44 of implementing recommendations of the governor's  
 45 task force on efficiencies and cost effectiveness.  
 46 Not more than three hundred thousand dollars for  
 47 paragraph "a" and two million dollars for paragraph  
 48 "b" of the savings resulting from implementing the  
 49 recommendations may be transferred by the state  
 50 comptroller to the state comptroller to be used for

Page 3

1 the purposes provided in those paragraphs.  
 2 8. CREDIT UNION DEPARTMENT  
 3 For salaries, support, maintenance,  
 4 and other operational purposes ..... \$ 534,821  
 5 9. INDUSTRIAL COMMISSIONER  
 6 For salaries, support, maintenance,  
 7 and other operational purposes ..... \$ 981,702  
 8 10. INSURANCE DEPARTMENT OF IOWA  
 9 For salaries, support, maintenance,  
 10 and other operational purposes ..... \$ 2,691,974  
 11 The insurance department may expend additional  
 12 funds, if those additional expenditures are actual  
 13 expenses which exceed the funds budgeted for insurance  
 14 company examinations and directly result from  
 15 examinations of insurance companies. Before the  
 16 department expends or encumbers an amount in excess  
 17 of the funds budgeted for examinations, the state  
 18 comptroller shall approve the expenditure or  
 19 encumbrance. Before approval is given, the state  
 20 comptroller shall determine that the examination  
 21 expenses exceed the funds budgeted by the general  
 22 assembly to the department and that the department  
 23 does not have other funds from which examination  
 24 expenses can be paid. Upon approval of the state  
 25 comptroller the department may expend and encumber

26 funds for excess examination expenses. The amounts  
 27 necessary to fund the excess examination expenses  
 28 shall be collected from those insurance companies  
 29 being examined which caused the excess expenditures  
 30 and the collections shall be treated as repayment  
 31 receipts as defined in section 8.2, subsection 5.

32 11. IOWA DEPARTMENT OF JOB SERVICE  
 33 For salaries, support, maintenance,  
 34 and other operational purposes for the  
 35 administration of chapter 97 and chap-  
 36 ter 97C and section 294.15 ..... \$ 160,398

37 12. OCCUPATIONAL SAFETY AND HEALTH  
 38 REVIEW COMMISSION  
 39 For salaries, support, maintenance,  
 40 and other operational purposes ..... \$ 48,594

41 13. PUBLIC EMPLOYMENT RELATIONS  
 42 BOARD  
 43 For salaries, support, maintenance,  
 44 and other operational purposes ..... \$ 542,838

45 14. IOWA REAL ESTATE COMMISSION  
 46 For salaries, support, maintenance,  
 47 and other operational purposes ..... \$ 319,345

48 15. RACING COMMISSION  
 49 For salaries, support, maintenance,  
 50 and other operational purposes ..... \$ 196,400

Page 4

1 16. DEPARTMENT OF REVENUE  
 2 General Administration  
 3 For salaries, support, maintenance,  
 4 and other operational purposes ..... \$ 15,760,007

5 17. SECRETARY OF STATE  
 6 a. For salaries, support, mainte-  
 7 nance and other operational purposes ..... \$ 1,062,176  
 8 b. For editing and printing the  
 9 Iowa official register ..... \$ 62,500

10 It is the intent of the general assembly that the  
 11 Iowa official register be published by April 1, if  
 12 practicable.

13 18. TREASURER OF STATE  
 14 For salaries, support, maintenance,  
 15 and miscellaneous purposes ..... \$ 472,598

16 Sec. 3. There is appropriated from the general  
 17 fund of the state to the moneys and credits replacement  
 18 fund established in section 422.100 for the fiscal  
 19 year beginning July 1, 1984 and ending June 30, 1985,  
 20 the following amount, or so much thereof as may be  
 21 necessary, to be used for payments to counties as  
 22 provided in section 422.100:

AMENDMENTS FILED

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1984-1985  
Fiscal Year  
\$ 2,500,000

Sec. 4. There is appropriated from the general fund of the state to the county government assistance fund, established in section 334A.1, for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the following amount, or so much thereof as may be necessary, to be used for state assistance to counties, with distribution in accordance with section 334A.2. The state comptroller, before making such distribution, shall credit to the county finance committee on July 1, 1984 the sum of fifty-five thousand five hundred thirty-three (55,533) dollars.

1984-1985  
Fiscal Year  
\$ 5,350,000

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Sec. 5. There is appropriated from the general fund of the state to the municipal assistance fund, established in section 405.1, for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the following amount, or so much thereof as may be necessary, to be used for state assistance to municipalities, with distribution in accordance with section 405.1. The state comptroller, before making such distribution, shall credit to the city finance committee on July 1, 1984 the sum of ten thousand eight hundred (10,800) dollars.

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1984-1985  
Fiscal Year  
\$14,650,000

Sec. 6. There is appropriated from the motor vehicle fuel tax fund to the department of revenue for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the following amount, or so much thereof as may be necessary, for salaries, support, maintenance, and other operational purposes for administration and enforcement of the provisions of chapter 324 and the motor vehicle use tax program:

1984-1985  
Fiscal Year  
\$820,035

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Sec. 7. There is appropriated from the Iowa public employees' retirement system fund for the fiscal year beginning July 1, 1984 and ending June 30, 1985, to the Iowa department of job service, the following amount, or so much thereof as may be necessary, to be used for the following purposes:

1984-1985  
Fiscal Year

21  
 22  
 23 For salaries, support, maintenance,  
 24 and other operational purposes to pay  
 25 the costs of administration of the  
 26 Iowa public employees' retirement  
 27 system ..... \$ 3,381,945

28 It is the intent of the general assembly that the  
 29 department of job service and the advisory investment  
 30 board of the Iowa public employees' retirement system  
 31 shall evaluate their holding of stocks and the voting  
 32 rights to the stock with respect to the involvement  
 33 of the stock issuer in doing business with or investing  
 34 in the Republic of South Africa. The list of companies  
 35 that invest in or do business with the Republic of  
 36 South Africa shall be developed with reference to  
 37 information obtained from the United States Department  
 38 of commerce. The department of job service shall  
 39 not give voting proxies to any candidate for a board  
 40 position for a company on the list who does not support  
 41 divestment. In any stockholder election involving  
 42 an issue related to investments in or business with  
 43 the Republic of South Africa, the department of job  
 44 service shall exercise its right to vote stock in  
 45 such a manner as to prohibit such investments or  
 46 business. This paragraph does not require the  
 47 department to send a person to attend shareholder  
 48 meetings to vote stock.

49 Sec. 8. All federal grants to and the federal  
 50 receipts of the agencies appropriated funds under

Page 6

1 this Act are appropriated for the purposes set forth  
 2 in such federal grants or receipts unless otherwise  
 3 provided by the general assembly.

4 Sec. 9.

5 1. It is the intent of the general assembly that  
 6 after July 1, 1984 that in regard to the appropriations  
 7 made in section 7 of this Act the department of job  
 8 service and the advisory board of the Iowa public  
 9 employee's retirement system shall not make investment  
 10 in any person making an investment in South Africa.  
 11 As used in this section, unless the context otherwise  
 12 requires:

13 a. "Investment in South Africa" means either of  
 14 the following:

15 (1) Establishing or making a loan or other  
 16 extension of credit for the establishment of a business

17 enterprise or a subsidiary, affiliate, branch, or  
18 office in South Africa.  
19 (2) Investing funds in an existing enterprise  
20 in South Africa including making a loan or other  
21 extension of credit or exercising control in an  
22 existing enterprise, except that this paragraph does  
23 not prohibit the purchase of securities on a securities  
24 exchange.

25 b. "South Africa" includes the Republic of South  
26 Africa, any territory under the legal or illegal  
27 administration of the Republic of South Africa, and  
28 the bantustans including Transkei, Bophuthatawana,  
29 Venda, Ciskei, and KwaZulu.

30 2. A person shall be presumed to control a  
31 corporation, partnership, or enterprise in South  
32 Africa if any of the following exist:

33 a. The person beneficially owns or controls either  
34 directly or indirectly more than fifty percent of  
35 the outstanding voting securities of the corporation,  
36 partnership, or enterprise.

37 b. The person beneficially owns or controls either  
38 directly or indirectly twenty-five percent or more  
39 of the voting securities of the corporation,  
40 partnership, or enterprise, if no other person owns  
41 or controls an equal or larger percentage.

42 c. The corporation, partnership, or enterprise  
43 is operated by the person pursuant to an exclusive  
44 management contract.

45 d. A majority of the members of the board of  
46 directors of the corporation, partnership, or  
47 enterprise are also members of the comparable governing  
48 body of the person.

49 e. The person has authority to appoint a majority  
50 of the members of the board of directors of the

Page 7

1 corporation, partnership, or enterprise.

2 f. The person has authority to appoint the chief  
3 operating officer of the corporation, partnership,  
4 or enterprise.

5 3. It is also the intent of the general assembly  
6 that after July 1, 1984 that in regard to the  
7 appropriation made in section 7 of this Act the  
8 department of job service and the advisory investment  
9 board of the Iowa public employees' retirement system  
10 shall maintain a list of persons making an investment  
11 in South Africa. The list shall be developed with  
12 reference to information obtained from the United  
13 States department of commerce. The department of

14 job service and the advisory board shall not invest  
 15 in any person on the list. The department shall mail  
 16 written notification to each person on the list.  
 17 A person ineligible to receive investments may  
 18 establish eligibility if documentary evidence is  
 19 submitted to the advisory board. The evidence shall  
 20 be sufficient to establish that the person has adopted  
 21 a written policy that prohibits the making of  
 22 investments in South Africa. "Documentary evidence"  
 23 includes, but is not limited to, an executed affidavit  
 24 by an appropriate officer of the person in a form  
 25 prepared by the advisory board, attesting to the fact  
 26 that the person prohibits the making of investments  
 27 in South Africa. The department of job service shall  
 28 attempt to verify compliance by checking sources of  
 29 information not affiliated with the person. The  
 30 department of job service shall adopt rules under  
 31 chapter 17A to assess civil penalties against a person  
 32 who files false or misleading documentary evidence.  
 33 Penalties shall be deposited in the state general  
 34 fund. The civil penalties shall not exceed five  
 35 thousand dollars for each violation. All civil  
 36 penalties collected shall be deposited in the state  
 37 general fund. If the advisory board determines that  
 38 the government of the Republic of South Africa has  
 39 made substantial progress toward the full participation  
 40 of all the people in South Africa in the social,  
 41 political, and economic life of that country and  
 42 toward an end to discrimination based on race or  
 43 ethnic origin, the advisory board shall submit that  
 44 determination and the basis for that determination  
 45 to the general assembly."

JAMES D. WELLS

S-5895

1 Amend amendment S-5887 to House File 2519 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 2, by striking line 6 and inserting in  
 4 lieu thereof the following:  
 5 "8. Page 12, by striking lines 21 and 22 and  
 6 inserting in lieu thereof the following: "funds  
 7 distributed shall not exceed the teaching faculty's  
 8 share of funds contained in the vitality fund."

TED ANDERSON

S-5896

1 Amend amendment S-5886 to House File 2518 as

AMENDMENTS FILED

2427

- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 8, by striking the figure
- 4 "4,971,682" and inserting in lieu thereof the figure
- 5 "4,964,482".

WILLIAM W. (Bill) DIELEMAN

S-5897

- 1 Amend House File 2518 as amended, passed, and re-
- 2 printed by the House as follows:
- 3 1. Page 4, by striking lines 9 through 30.

FORREST V. SCHWENGELS  
CALVIN O. HULTMAN  
DALE L. TIEDEN

S-5898

- 1 Amend House File 2519 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 18, by striking the figure
- 4 "3,555,514" and inserting in lieu thereof the figure
- 5 "3,606,781".

WALLY E. HORN

S-5899

- 1 Amend House File 2518 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 30 the
- 4 following:
- 5 "The department of general services shall install
- 6 a telephone connection at the desk of any senator
- 7 who requests one."

ARNE WALDSTEIN  
LEE W. HOLT  
JOE J. WELSH  
TED ANDERSON

S-5900

- 1 Amend House File 2519 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 18, by striking the figure
- 4 "3,555,514" and inserting in lieu thereof the figure
- 5 "3,605,781".

WALLY E. HORN

S-5901

- 1 Amend amendment S-5886 to House File 2518 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 8, by striking the figure
- 4 "4,971,682" and inserting in lieu thereof the figure
- 5 "4,964,482".

FORREST V. SCHWENGELS

S-5902

- 1 Amend House File 2518 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, line 8, by striking the figure
- 4 "4,971,682" and inserting in lieu thereof the figure
- 5 "4,964,482".

FORREST V. SCHWENGELS

S-5903

- 1 Amend Senate File 2351 as follows:
- 2 1. Page 11, lines 20 and 21, by striking the
- 3 words "four and six-tenths" and inserting in
- 4 lieu thereof the word "ten".

TOM MANN, JR.  
TOM SLATER

S-5904

- 1 Amend the amendment S-5894 to Senate File 2345 as
- 2 follows:
- 3 1. By striking page 5, line 28 through page 7, line
- 4 45.

JOHN W. JENSEN  
JACK RIFE.  
RICHARD F. DRAKE  
JOHN N. NYSTROM

S-5905

- 1 Amend Senate File 2353 as follows:
- 2 1. Page 1, by striking lines 11 through 20 and
- 3 inserting in lieu thereof the words "considered part
- 4 of the general fund balance and in addition to the".
- 5 2. Page 1, line 25, by striking the word "July"
- 6 and inserting in lieu thereof the word "August".
- 7 3. Title page, by striking lines 9 through 11
- 8 and inserting in lieu thereof the words "fund,



- 9 requiring the beer and liquor control council".  
10 4. Title page, line 12, by striking the word  
11 "July" and inserting in lieu thereof the word "August".

COMMITTEE ON FINANCE  
NORMAN G. RODGERS, Chair

S-5906

- 1 Amend Senate File 2351 as follows:

DIVISION S—5906A

- 2 1. Page 1, line 15, by striking the figure  
3 "7,200,000" and inserting in lieu thereof the figure  
4 "7,187,000".

DIVISION S—5906B

- 5 2. Page 2, line 3, by striking the figure  
6 "19,800,000" and inserting in lieu thereof the figure  
7 "19,768,000".

DIVISION S—5906A

- 8 3. Page 10, line 6, by striking the figure  
9 "7,250,000" and inserting in lieu thereof the figure  
10 "7,235,000".

CHARLES BRUNER

HOUSE AMENDMENT TO SENATE FILE 244

S-5907

- 1 Amend Senate File 244, as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. Section 85.27, unnumbered paragraph  
6 4, Code 1983, is amended to read as follows:  
7 For purposes of this section, the employer is  
8 ~~obliged to shall~~ furnish reasonable services and  
9 supplies to treat an injured employee, and ~~has the~~  
10 ~~right to the employee may~~ choose the care. The  
11 ~~treatment must be offered promptly and be reasonably~~

12 suited to treat the injury without undue inconvenience  
 13 to the employee. If the employee employer has reason  
 14 to be dissatisfied with the care offered given, he  
 15 should the employer shall communicate in writing the  
 16 basis of such the dissatisfaction to the employer,  
 17 in writing if requested employee, following which  
 18 the employer and the employee may agree to alternate  
 19 care reasonably suited to treat the injury. If the  
 20 employer and employee cannot agree on such alternate  
 21 care, the commissioner may, upon application and  
 22 reasonable proofs of the necessity therefor, allow  
 23 and order other care. In an emergency, the employee  
 24 may choose his care at the employer's expense, provided  
 25 the employer or his agent cannot be reached  
 26 immediately.

27 If the industrial commissioner disapproves a claim  
 28 or a portion of a claim for benefits under this section  
 29 because it did not meet the reasonable or necessary  
 30 standards of this section, the employee shall reimburse  
 31 the employer for the cost or that portion of the cost  
 32 of the care which did not meet the reasonable or  
 33 necessary standards."

34 2. Title page, by striking lines 1 and 2 and  
 35 inserting in lieu thereof the words "An Act allowing  
 36 employees to choose the care given under workers'  
 37 compensation medical benefits."

S-5908

1 Amend the House amendment S-5735 to Senate File  
 2 2293 as amended, passed and reprinted by the Senate  
 3 as follows:

4 1. Page 7, by striking lines 15 through 17 and  
 5 inserting in lieu thereof the following: "provisions  
 6 of section 235A.15 and 235A.21. The department may  
 7 subsequently transmit a written".

JULIA B. GENTLEMAN

S-5909

1 Amend Senate File 2043 as follows:

2 1. Page 1, line 10, by inserting after the word  
 3 "include" the words "farm machinery storage facilities."  
 4 2. Title, line 2, by inserting after the word  
 5 "for" the words "farm machinery storage facilities.".

JACK W. HESTER

S-5910

1 Amend House File 2521 as amended, passed, and  
 2 reprinted by the House as follows:

AMENDMENTS FILED

2431

- 3 1. Page 4, line 32, by striking the figure
- 4 "196,400" and inserting in lieu thereof the figure
- 5 "296,400".

GEORGE R. KINLEY

S-5911

- 1 Amend House File 2521 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 4, by striking the word "more"
- 4 and inserting in lieu thereof the word "less".

JAMES D. WELLS

S-5912

- 1 Amend House File 2521 as amended, passed and reprint-
- 2 ed by the House as follows:
- 3 1. By striking page 6, line 33 through page 9, line
- 4 28.

JOHN W. JENSEN  
JACK RIFE  
RICHARD F. DRAKE  
JOHN N. NYSTROM

S-5913

- 1 Amend Senate File 2350 as follows:
- 2 1. Page 1, line 15, by inserting after the figure
- 3 "1954" the words ", except capital gains".
- 4 2. Page 2, line 21, by inserting after the figure
- 5 "1954" the words ", except capital gains".

JACK RIFE

S-5914

- 1 Amend Senate File 2258 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 2.42, subsection 16, Code
- 5 Supplement 1983, as amended by 1984 Iowa Acts, Senate
- 6 File 2129, section 1, is amended to read as follows:
- 7 16. Authority to review proposed and delay the
- 8 effective dates of rules and forms submitted by the
- 9 supreme court pursuant to section 602.4202."
- 10 2. Page 1, by inserting after line 33 the
- 11 following:
- 12 "Sec. \_\_\_\_ . Section 602.4202, Code Supplement 1983,

13 is amended by striking the section and inserting in  
14 lieu thereof the following:

15 602.4202 RULE-MAKING PROCEDURE.

16 1. The supreme court shall submit a rule or form  
17 prescribed by the supreme court under section 602.4201  
18 or pursuant to any other rule-making authority  
19 specifically made subject to this section to the  
20 legislative council and shall at the same time report  
21 the rule or form to the chairpersons and ranking  
22 members of the senate committee on judiciary and the  
23 house committee on judiciary and law enforcement.  
24 The legislative service bureau shall make  
25 recommendations to the supreme court on the proper  
26 style and format of rules and forms required to be  
27 submitted to the legislative council under this  
28 subsection.

29 2. A rule or form submitted as required under  
30 subsection 1 takes effect sixty days after submission  
31 to the legislative council, or at a later date  
32 specified by the supreme court, unless the legislative  
33 council, within sixty days after submission and by  
34 a majority vote of its members, delays the effective  
35 date of the rule or form to a date provided in  
36 subsection 3.

37 3. The effective date of a rule or form submitted  
38 during the period of time beginning February 15 and  
39 ending December 14 may be delayed by the legislative  
40 council until February 15 of the next calendar year,  
41 and the effective date of a rule or form submitted  
42 during the period of time beginning December 15 and  
43 ending February 14 of the next calendar year may be  
44 delayed by the legislative council until May 1 of  
45 that next calendar year.

46 4. A rule or form submitted as required under  
47 subsection 1 and effective on or before July 1 shall  
48 be enrolled in substantially the same manner as Acts  
49 of the general assembly are enrolled and shall be  
50 filed with the secretary of state and bound with the

Page 2

1 Acts of the general assembly meeting in regular session  
2 in the calendar year in which the July 1 falls.

3 5. If the general assembly enacts a bill changing  
4 a rule or form, the general assembly's enactment  
5 supersedes a conflicting provision in the rule or  
6 form as submitted by the supreme court."

DONALD V. DOYLE

S-5915

1 Amend Senate File 2344 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. DEPARTMENT OF AGRICULTURE. There  
 5 is appropriated from the general fund of the state  
 6 and the trust funds indicated to the department of  
 7 agriculture for the fiscal year beginning July 1,  
 8 1984 and ending June 30, 1985 the following amounts,  
 9 or so much thereof as is necessary, to be used for  
 10 the purposes designated:

	1984-1985
	<u>Fiscal Year</u>
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1. GENERAL ADMINISTRATION

a. From the general fund for salaries and support of not more than fifty-nine and five-tenths full-time equivalent positions annually, maintenance, and miscellaneous purposes ..... \$ 1,300,962

b. From the fertilizer fund to be transferred to the administration division ..... \$ 39,216

c. From the dairy trade practice fund to be transferred to the administration division ..... \$ 68,147

d. From the commercial feed fund to be transferred to the administration division ..... \$ 39,216

The department of agriculture shall establish annual subscription fees for the regular and periodic publications of the department. Fees collected from subscribers shall be deposited in the general fund of the state.

2. REGULATORY DIVISION

From the general fund for salaries and support of not more than one hundred sixty-two and twenty-eight hundredths full-time equivalent positions annually, maintenance, and miscellaneous purposes ..... \$ 3,449,184

It is a condition of the funds appropriated by this subsection that the department of agriculture is required to inspect a food service establishment only once a year, notwithstanding the provisions of section 170A.3 requiring an inspection twice a year.

3. LABORATORY DIVISION

a. From the general fund for salaries and support of not more than one hundred eight and sixty-two hun-

49 dredths full-time equivalent posi-  
50 tions annually, maintenance, and mis-

Page 2

1	cellaneous purposes .....	\$	611,863
2	b. From the commercial feed fund		
3	to be transferred to the laboratory		
4	division .....	\$	695,379
5	c. From the pesticide fund to be		
6	transferred to the laboratory division .....	\$	423,803
7	d. From the fertilizer fund to		
8	be transferred to the laboratory		
9	division .....	\$	619,443
10	Sec. 2. MULTIFLORA ROSE ERADICATION COST		
11	REIMBURSEMENT.		
12	1. There is appropriated from the general fund		
13	of the state to the state department of agriculture		
14	for the fiscal year beginning July 1, 1984 and ending		
15	June 30, 1985, the sum of fifty thousand (50,000)		
16	dollars, or as much thereof as may be necessary, to		
17	be used for the purpose of partially reimbursing		
18	agricultural landowners or tenants for the cost of		
19	herbicide for controlling or eradicating the multiflora		
20	rose which has severely infested their agricultural		
21	land. Not more than five percent of the funds		
22	appropriated under this subsection shall be used for		
23	administrative expenses.		
24	2. A county board of supervisors desiring a share		
25	of the appropriation shall, in conjunction with the		
26	county weed commissioner and the county soil		
27	conservation district commissioners, develop a plan		
28	to combat severe infestations of multiflora rose on		
29	privately-owned land within the county. The plan		
30	shall be based upon partial reimbursement of individual		
31	landowner's costs for the purchase of herbicide from		
32	both state and county appropriations, however the		
33	share of costs reimbursed by state funds shall not		
34	exceed one-fourth. The plan shall be submitted to		
35	the secretary of agriculture for approval or		
36	recommendations for modification.		
37	3. The secretary of agriculture, in consultation		
38	with the Iowa multiflora rose technical committee,		
39	shall evaluate the severity of the infestation of		
40	the multiflora rose in the counties of the state and		
41	allocate the funds appropriated under this section		
42	to all counties where severe infestations of the		
43	multiflora rose are located on agricultural land.		
44	The size and number of severe infestations of the		

45 multiflora rose in a county or an area of the state  
46 shall not preclude other counties or areas of the  
47 state with fewer or smaller severe infestations from  
48 receiving a reasonable share of the funds appropriated  
49 under this section. However, a share of the funds  
50 shall not be allocated to a county that does not have

Page 3

1 an approved plan. The secretary of agriculture shall  
2 adopt, by rule, the form and information requirements  
3 to be submitted by an applicant for partial  
4 reimbursement. The secretary shall also designate,  
5 by rule, the counties and areas of the state where  
6 the infestation of the multiflora rose is severe.  
7 The rules shall be adopted in accordance with chapter  
8 17A.

9 4. A landowner or tenant whose agricultural land  
10 is severely infested by multiflora roses may apply  
11 to the soil conservation district commissioners of  
12 the county for partial reimbursement, according to  
13 the approved plan, of the cost of herbicide for  
14 controlling or eradicating the multiflora rose on  
15 the agricultural land. The county weed commissioner  
16 shall assist the soil conservation district  
17 commissioners in investigating the application and  
18 determining if the infestation is severe. The soil  
19 conservation district commissioners shall review  
20 and approve each application for partial cost  
21 reimbursement if the infestation is severe on the  
22 applicant's agricultural land. If the soil  
23 conservation district commissioners find the amount  
24 of reimbursement claimed to be excessive, the district  
25 commissioners may approve a lesser amount. The reasons  
26 for disapproval of an application or reduction of  
27 the amount of reimbursement shall be sent in writing  
28 to the applicant. The amount of reimbursement  
29 certified by the secretary shall be paid by warrant  
30 issued by the state comptroller.

31 5. Federal lands and federal land tenants are  
32 not eligible for reimbursement under this section.

33 Sec. 3. STATE CONSERVATION COMMISSION. There  
34 is appropriated from the general fund of the state  
35 and the funds indicated to the state conservation  
36 commission and its divisions for the fiscal year  
37 beginning July 1, 1984 and ending June 30, 1985 the  
38 following amounts, or so much thereof as may be  
39 necessary, to be used for the purposes designated:

1984-1985  
Fiscal Year

40  
41

42 1. DIVISION OF LANDS AND WATERS

43 a. For deposit in the state conser-  
44 vation fund from the general fund of  
45 the state for salaries and support of  
46 not more than two hundred sixty-one  
47 and eighty-four hundredths full-time  
48 equivalent positions annually, main-  
49 tenance, equipment, and miscellaneous  
50 purposes and for maintenance of state

Page 4

1 parks, waters, and forests, and in-  
2 cluding not more than one million five  
3 hundred six thousand three hundred  
4 sixty-eight (1,506,368) dollars dur-  
5 ing the fiscal year beginning July 1,  
6 1984 which shall be available for the  
7 administration fund from the state  
8 conservation fund in compliance with  
9 section 107.17, ..... \$ 6,250,979

10 b. For deposit in the state conservation fund  
11 from fees deposited under section 321G.7 not more  
12 than one hundred thousand (100,000) dollars for the  
13 development and maintenance of snowmobile facilities  
14 on lands under the jurisdiction of the commission.

15 2. DIVISION OF FISH AND GAME

16 a. From the state fish and game  
17 protection fund for salaries and sup-  
18 port of not more than two hundred  
19 ninety-four and sixty-eight hundredths  
20 full-time equivalent positions an-  
21 nually, maintenance, equipment, and  
22 miscellaneous purposes including not  
23 more than one million eight hundred  
24 seventy-one thousand one hundred fifty-  
25 nine (1,871,159) dollars during the  
26 fiscal year beginning on July 1, 1984  
27 which shall be available each fiscal  
28 year from the state fish and game pro-  
29 tection fund for the administration  
30 fund in compliance with section 107.17 ..... \$ 11,889,632

31 b. From the fees deposited under section 321G.7  
32 to the fish and game protection fund not more than  
33 fifty thousand four hundred sixty-one (50,461) dollars  
34 for enforcement of snowmobile laws as part of the  
35 state snowmobile program.



36 c. From the fees deposited under section 106.52  
 37 to the fish and game protection fund not more than  
 38 seven hundred fifty-seven thousand five hundred  
 39 (757,500) dollars for administration and enforcement  
 40 of navigation laws and water safety.

41 d. Funds remaining in the fish and game protection  
 42 fund during the fiscal year 1984-1985 which are not  
 43 specifically appropriated by this section are  
 44 appropriated and may be used for capital projects  
 45 and contingencies arising during the fiscal year  
 46 beginning July 1, 1984. A contingency shall not  
 47 include any purpose or project which was presented  
 48 to the general assembly by way of a bill or a proposed  
 49 bill and which failed to be enacted into law. For  
 50 the purpose of this subsection, a necessity of

Page 5

1 additional operating funds may be construed as a  
 2 contingency. Before any of the funds authorized to  
 3 be expended by this subsection are allocated for  
 4 contingencies, it shall be determined by the executive  
 5 council, that a contingency exists and that the  
 6 contingency was not existent while the general assembly  
 7 was in session and that the proposed allocation shall  
 8 be for the best interests of the state. If a  
 9 contingency arises or could reasonably be foreseen  
 10 during the time the general assembly is in session,  
 11 expenditures for the contingency must be authorized  
 12 by the general assembly.

13 **3. STATE ADVISORY BOARD FOR PRE-**  
 14 **SERVES**

15 From the general fund of the state  
 16 for salaries and support of not more  
 17 than one full-time equivalent position  
 18 annually, maintenance, and miscella-  
 19 neous purposes for carrying out the  
 20 duties of the board ..... \$ 49,081

21 **4. GREEN THUMB PROGRAM**

22 From the general fund for deposit  
 23 in the green thumb fund for the em-  
 24 ployment of not more than twelve  
 25 full-time equivalent positions an-  
 26 nually under the green thumb program  
 27 established pursuant to chapter 601H ..... \$ 145,385

28 **Sec. 4. MARINE FUEL TAX FUND.** There is  
 29 appropriated from the marine fuel tax fund to the  
 30 state conservation commission and its divisions for  
 31 the fiscal year beginning July 1, 1984 and ending

32 June 30, 1985 the following amounts, or so much thereof  
33 as is necessary, to be used for the purposes  
34 designated:

35 1. For deposit in the state conservation fund  
36 not more than three hundred two thousand (302,000)  
37 dollars for maintenance and development of boating  
38 facilities and access to public waters.

39 2. For deposit in the state fish and game  
40 protection fund not more than one hundred sixty-eight  
41 thousand five hundred twenty-three (168,523) dollars  
42 for the administration and enforcement of navigation  
43 laws and boat safety.

44 The balance of the amounts computed as provided  
45 in section 324.84 for the fiscal year beginning July  
46 1, 1984 and ending June 30, 1985 is appropriated for  
47 the purposes provided in section 324.79, subsections  
48 1, 2, 3 and 5. The unencumbered or unobligated  
49 balances of funds specifically allocated for such  
50 projects for the fiscal year ending June 30, 1985,

Page 6

1 shall revert on June 30, 1987 to the fund from which  
2 appropriated.

3 Sec. 5. ADMINISTRATION FUND.

4 1. All receipts, refunds, and reimbursements  
5 related to activities funded by the administration  
6 fund are appropriated to the administration fund.  
7 All refunds and reimbursements relating to activities  
8 of the state fish and game protection fund shall be  
9 credited to the state fish and game protection fund.

10 2. The state conservation commission shall  
11 establish a priority list of watersheds above publicly-  
12 owned lakes and areas within those watersheds which  
13 are of highest importance based on soil loss to be  
14 used for the allocation of funds set aside in  
15 subsection 3 of section 16 of this Act for permanent  
16 soil conservation practices on watersheds above  
17 publicly-owned lakes.

18 3. Members of the state conservation commission  
19 shall be limited to the normal mileage reimbursement  
20 for travel to commission meetings. Except for out-  
21 of-state trips authorized by the executive council,  
22 state aircraft shall not be used to transport  
23 commissioners to meetings unless the individual  
24 commissioner reimburses the state for costs exceeding  
25 the amount the commissioner would have been reimbursed  
26 for mileage.

27 4. The funds transferred from the state  
28 conservation fund and the state fish and game

29 protection fund to the administration fund as specified  
30 in section 3, subsections 1 and 2 of this Act shall  
31 be used for salaries and support of not more than  
32 one hundred thirteen and ninety-four hundredths full-  
33 time equivalent positions annually.

34 Sec. 6. OPEN SPACES SCHOOL TAX PAYMENT. There  
35 is appropriated from the general fund of the state  
36 to the state conservation commission the amount of  
37 forty-two thousand (42,000) dollars to pay school  
38 taxes for the fiscal year beginning July 1, 1984 on  
39 the lands acquired under the open spaces acquisition  
40 program, commenced in Acts of the Sixty-fifth General  
41 Assembly, 1973 Session, chapter 74, which would  
42 otherwise be subject to the levy of school taxes.  
43 The assessed value of the open spaces land shall be  
44 that determined pursuant to section 427.1, subsection  
45 31, and the commission may protest the assessed value  
46 in the manner provided by law for any property owner  
47 to protest an assessment. For the purposes of chapter  
48 442, the assessed value of the open spaces land shall  
49 be included in the valuation base of the school  
50 district and the payments made pursuant to this section

Page 7

1 shall be considered as property tax revenues and not  
2 as miscellaneous income. The county treasurer shall  
3 certify the taxes due to the commission. If the total  
4 amount of taxes due certified to the commission exceeds  
5 the amount appropriated, the taxes due shall be reduced  
6 proportionately so that the total amount equals the  
7 amount appropriated.

8 Sec. 7. IOWA DEVELOPMENT COMMISSION. There is  
9 appropriated from the general fund of the state to  
10 the Iowa development commission for the fiscal year  
11 beginning July 1, 1984 and ending June 30, 1985 the  
12 following amount, or so much thereof as is necessary,  
13 to be used for the purposes designated:

1984-1985  
Fiscal Year

16 1. For salaries and support of  
17 not more than sixty-one full-time  
18 equivalent positions annually, main-  
19 tenance, and miscellaneous purposes ..... \$ 2,794,078

20 Nothing in this subsection or subsection 2 shall be  
21 construed to prohibit the operation of an international  
22 office in Asia.

23 2. For the operations of an in-  
24 ternational office in Europe includ-  
25 ing salary and support for not more

26	than two full-time equivalent posi-		
27	tions annually .....	\$	126,947
28	The allocation of the funds appropriated under		
29	this subsection is contingent upon the submission		
30	of a plan to the respective committees on		
31	appropriations by January 1, 1985 to fund one-half		
32	of the operation costs of the office for the fiscal		
33	year beginning July 1, 1985 from contributions from		
34	sources other than the state and from charges for		
35	services.		
36	<b>3. SMALL BUSINESS DIVISION</b>		
37	For the salary of the division		
38	director, support, maintenance and		
39	miscellaneous purposes .....	\$	450,000
40	Not more than one hundred thousand (100,000) dollars		
41	appropriated in this subsection shall be used for		
42	the purpose of funding the division's administrative		
43	costs.		
44	<b>4. HIGH TECHNOLOGY COUNCIL</b>		
45	For support, maintenance and mis-		
46	cellaneous purposes .....	\$	45,000
47	<b>5. HIGH TECHNOLOGY COUNCIL</b>		
48	For high technology research		
49	grants .....	\$	900,000
50	<b>6. From funds appropriated by subsection 1, the</b>		

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1	Iowa development commission shall allocate not to		
2	exceed thirty-five thousand (35,000) dollars for the		
3	seven regional tourism districts, not to exceed seven		
4	thousand (7,000) dollars per district for each district		
5	which provides on a dollar-to-dollar matching basis		
6	funds equal to the amount allocated by the Iowa		
7	development commission.		
8	<b>7. IOWA PRODUCT DEVELOPMENT</b>		
9	<b>CORPORATION FUND</b>		
10	For the purposes as provided in		
11	section 28.89 .....	\$	200,000
12	Notwithstanding section 8.33, unencumbered and		
13	unobligated funds appropriated in this subsection		
14	shall not revert to the general fund.		
15	Sec. 8. 1983 Iowa Acts, chapter 207, section 40,		
16	unnumbered paragraph 3, is amended to read as follows:		
17	Notwithstanding section 8.33, unencumbered or		
18	unobligated funds appropriated by this section for		
19	the fiscal year beginning July 1, 1983 and ending		
20	June 30, 1984 shall not revert to the general fund		
21	of the state. <u>However, funds relating to the</u>		
22	<u>operations of the high technology council except funds</u>		

23 for operations relating to developing a mechanism  
 24 for transferring jobs, which are unencumbered or  
 25 unobligated on June 30, 1984 shall revert to the  
 26 general fund of the state on September 30, 1984.

27 Sec. 9. 1983 Iowa Acts, chapter 207, section 33,  
 28 is amended by adding the following new unnumbered  
 29 paragraph:

30 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding section  
 31 8.33, unencumbered or unobligated funds appropriated  
 32 in this section for the fiscal year beginning July  
 33 1, 1983 and ending June 30, 1984, shall not revert  
 34 to the general fund of the state.

35 Sec. 10. Section 28.89, Code Supplement 1983,  
 36 is amended to read as follows:

37 **28.89 IOWA PRODUCT DEVELOPMENT CORPORATION FUND.**

38 There is created an "Iowa product development  
 39 corporation fund". All funds of the corporation  
 40 including the proceeds from the issuance of notes  
 41 or sale of bonds under this division, any funds  
 42 appropriated from the general fund to the corporation,  
 43 and other income derived from the exercise of authority  
 44 granted to the corporation under this division shall  
 45 be paid to the treasurer of state as an agent of the  
 46 corporation and the treasurer shall deposit the amounts  
 47 in the Iowa product development corporation fund.  
 48 The money in the Iowa product development corporation  
 49 fund shall be paid out by warrants signed by the  
 50 treasurer of state state comptroller on requisition

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1 of the president of the corporation. The money in  
 2 the Iowa product development corporation fund shall  
 3 be used for repayment of notes and bonds issued under  
 4 this division, the extension of financial aid granted  
 5 by the corporation under this division, and the amount  
 6 remaining may be used for the payment of the  
 7 administrative and overhead costs of the corporation  
 8 to the extent required.

9 Sec. 11. **ENERGY POLICY COUNCIL.** There is  
 10 appropriated from the general fund of the state to  
 11 the energy policy council for the fiscal year beginning  
 12 July 1, 1984 and ending June 30, 1985 the following  
 13 amounts, or so much thereof as is necessary, to be  
 14 used for the purposes designated:

15  
 16  
 17 **ENERGY POLICY COUNCIL**  
 18 **1. OPERATIONS**

1984-1985  
Fiscal Year

19 For salaries and support of not  
 20 more than eleven and six-tenths  
 21 full-time equivalent positions an-  
 22 nually, maintenance, and miscella-  
 23 neous purposes ..... \$ 355,125

24 2. PUBLIC BUILDINGS ENERGY  
 25 CONSERVATION ADMINISTRATION

26 For salaries and support of not  
 27 more than five and thirty-five  
 28 hundredths full-time equivalent  
 29 positions annually, maintenance,  
 30 and miscellaneous purposes ..... \$ 104,637

31 Sec. 12. STATE FAIR BOARD. There is appropriated  
 32 from the general fund of the state to the Iowa state  
 33 fair board for the fiscal year beginning July 1, 1984  
 34 and ending June 30, 1985 the following amounts, or  
 35 so much thereof as is necessary, to be used for the  
 36 purposes designated:

1984-1985  
Fiscal Year

39 1. For state aid to agricul-  
 40 tural societies (local fairs) ..... \$ 183,800

41 2. For premiums ..... \$ 9,000

42 3. The appropriation contained in subsection 1  
 43 for state aid to agricultural societies is conditional  
 44 upon full compliance with all other statutes which  
 45 regulate and prescribe the conditions under which  
 46 the aid is available. The moneys shall not be used  
 47 for other than the payment of cash premiums, and a  
 48 county shall not receive more than one thousand eight  
 49 hundred thirty-eight (1,838) dollars except that in  
 50 a county where there are two definitely separate

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1 county extension offices, each society shall receive  
 2 state aid in the amount it would be entitled to if  
 3 it were the only society in the county. In counties  
 4 having more than one fair entitled to state aid, the  
 5 state aid available shall be prorated to the fairs  
 6 based on cash premiums paid by the fairs. If the  
 7 amount appropriated does not fund all claims, the  
 8 state aid shall be reduced proportionately to equal  
 9 the amount appropriated.

10 Sec. 13. GEOLOGICAL SURVEY. There is appropriated  
 11 from the general fund of the state to the Iowa  
 12 geological survey for the fiscal year beginning July  
 13 1, 1984 and ending June 30, 1985 the following amounts,  
 14 or so much thereof as is necessary, to be used for  
 15 the purposes designated:

AMENDMENTS FILED

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16		1984-1985
17		<u>Fiscal Year</u>
18	1. For salaries and support of	
19	not more than thirty-nine and five-	
20	tenths full-time equivalent posi-	
21	tions annually, maintenance, and	
22	miscellaneous purposes .....	\$ 1,196,710
23	2. For reimbursement to federal	
24	agencies for cooperative contracts .....	\$ 262,833
25	Sec. 14. HERBERT HOOVER BIRTHPLACE FOUNDATION.	
26	There is appropriated from the general fund of the	
27	state to the Herbert Hoover birthplace foundation	
28	for the fiscal year beginning July 1, 1984 and ending	
29	June 30, 1985 the following amount, or so much thereof	
30	as is necessary, to be used for the purposes	
31	designated:	
32		1984-1985
33		<u>Fiscal Year</u>
34	For assistance with capital im-	
35	provements .....	\$ 1,500
36	Sec. 15. MISSISSIPPI RIVER PARKWAY COMMISSION.	
37	There is appropriated from the general fund of the	
38	state to the Mississippi river parkway commission	
39	for the fiscal year beginning July 1, 1984 and ending	
40	June 30, 1985 the following amount, or so much thereof	
41	as is necessary, to be used for the purposes	
42	designated:	
43		1984-1985
44		<u>Fiscal Year</u>
45	For support, maintenance, and	
46	miscellaneous purposes .....	\$ 14,580
47	Sec. 16. DEPARTMENT OF SOIL CONSERVATION. There	
48	is appropriated from the general fund of the state	
49	to the department of soil conservation for the fiscal	
50	year beginning July 1, 1984 and ending June 30, 1985	

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1	the following amounts, or so much thereof as is	
2	necessary, to be used for the purposes designated:	
3		1984-1985
4		<u>Fiscal Year</u>
5	1. For salaries and support of not	
6	more than one hundred ninety-six and	
7	ninety-three hundredths full-time	
8	equivalent positions annually, mainte-	
9	nance, assistance to soil conservation	
10	districts, and miscellaneous purposes .....	\$ 3,702,191

11 2. For soil conservation grants which shall be  
 12 allocated by the state soil conservation committee  
 13 as follows:

14 a. To conduct soil surveys in con-  
 15 junction with federal, state, and lo-  
 16 cal agencies in Iowa ..... \$ 335,340

17 b. To finance the state share of  
 18 the small watershed program known as  
 19 the Pub. L. No. 566 program ..... \$ 24,300

20 c. To provide financial incentives  
 21 for soil conservation practices in ac-  
 22 cordance with subsection 3 of this sec-  
 23 tion ..... \$ 8,644,000

24 3. The following requirements apply to the funds  
 25 appropriated by subsection 2, paragraph c:

26 a. Not more than five percent may be allocated  
 27 for cost sharing to abate complaints filed under  
 28 sections 467A.47 and 467A.48.

29 b. Not more than ten percent may be allocated  
 30 for financial incentives not exceeding seventy-five  
 31 percent of the approved cost of permanent soil  
 32 conservation practices under chapter 467A on watersheds  
 33 above publicly-owned lakes in accordance with the  
 34 priority list required in subsection 2 of section  
 35 5 of this Act.

36 c. The committee may allocate funds to conduct  
 37 research and demonstration projects to promote  
 38 conservation tillage practices.

39 d. Not more than ten percent of a district's  
 40 allocation may be allocated by the soil conservation  
 41 district commissioners for one-time incentive payments  
 42 on the per acre basis, but not exceeding ten dollars  
 43 per acre, to encourage no-till planting methods on  
 44 Iowa land that is row cropped.

45 e. Except for the allocations subject to paragraphs  
 46 a and b, these funds shall not be used alone or in  
 47 combination with other public funds to provide a  
 48 financial incentive payment greater than fifty percent  
 49 of the approved cost for voluntary permanent soil  
 50 conservation practices and priority shall be given

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1 to family-operated farms.

2 4. The provisions of section 8.33 shall not apply  
 3 to the funds appropriated by subsection 2, paragraph  
 4 "c". Unencumbered or unobligated funds remaining  
 5 on June 30, 1988 from funds appropriated for the  
 6 fiscal year beginning July 1, 1984 shall revert to



7 the general fund on September 30, 1988.  
 8 Sec. 17. 1983 Iowa Acts, chapter 207, section  
 9 54, is amended to read as follows:

10 SEC. 54. There is appropriated from the general  
 11 fund of the state to the state soil conservation  
 12 commission committee for each the fiscal year of the  
 13 fiscal biennium beginning July 1, 1983 and ending  
 14 June 30, 1985; one million (1,000,000) dollars and  
 15 for the fiscal year beginning July 1, 1984, seven  
 16 hundred fifty thousand (750,000) dollars to be used  
 17 for the establishment of the revolving loan fund as  
 18 provided in this division.

19 Sec. 18. DEPARTMENT OF WATER, AIR AND WASTE  
 20 MANAGEMENT. There is appropriated from the general  
 21 fund of the state to the department of water, air  
 22 and waste management for the fiscal year beginning  
 23 July 1, 1984 and ending June 30, 1985 the following  
 24 amounts, or so much thereof as is necessary, to be  
 25 used for the purposes designated:

1984-1985  
Fiscal Year

26  
 27  
 28 1. For salaries and support of  
 29 not more than one hundred eighty-  
 30 three full-time equivalent positions  
 31 annually, maintenance, and miscel-  
 32 laneous purposes ..... \$ 2,755,850

33 During the fiscal year for which funds are  
 34 appropriated by this section the department of water,  
 35 air and waste management shall not require the  
 36 installation or use of equipment to control the  
 37 emission of dust or other particulate matter on  
 38 facilities for the storage of grain which are located  
 39 within the ambient air quality attainment areas for  
 40 suspended particulates.

41 2. For salaries and support of  
 42 not more than one full-time equiva-  
 43 lent position annually, maintenance,  
 44 and miscellaneous purposes for the  
 45 river coordinator who shall be staff  
 46 of the department of water, air and  
 47 waste management, including member-  
 48 ship fees in the Missouri and Missi-  
 49 sippi river basin association ..... \$ 70,000

50 3. For the state's contribution

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1 to the AIDEX superfund ..... \$ 50,000  
 2 4. For payments to the governing

3 bodies responsible for publicly-owned  
 4 sewage treatment facilities which  
 5 are eligible for grants under section  
 6 202 of the federal Water Pollution  
 7 Control Act, 33 U.S.C. 466 et seq.,  
 8 as amended by the federal Clean Water  
 9 Act of 1977, Pub. L. No. 95-217, in  
 10 an amount equal to five percent of  
 11 the amount approved as the eligible  
 12 cost of the project by the water,  
 13 air and waste management commission ..... \$ 2,000,000

14 The provisions of section 8.33 shall not apply  
 15 to the funds appropriated by this subsection.  
 16 Unencumbered or unobligated funds remaining on June  
 17 30, 1988 from funds appropriated for the fiscal year  
 18 beginning July 1, 1984, shall revert to the general  
 19 fund on September 30, 1988.

20 Sec. 19. There is appropriated from the general  
 21 fund of the state to the Iowa state water resources  
 22 research institute for the fiscal year beginning July  
 23 1, 1984 and ending June 30, 1985, the sum of one  
 24 hundred thirty-five thousand (135,000) dollars or  
 25 so much thereof as is necessary for research approved  
 26 by the panel created in section 20 of this Act.

27 Sec. 20. A panel is created to advise the Iowa  
 28 state water resources research institute on the areas  
 29 of research to be conducted with the funds appropriated  
 30 in section 19 of this Act. The panel is composed  
 31 of the administrative head of the following agencies  
 32 or that person's representative: Iowa geological  
 33 survey, energy policy council, department of water,  
 34 air and waste management, department of soil  
 35 conservation, and department of agriculture. The  
 36 representative of the Iowa geological survey shall  
 37 serve as the chairperson and call meetings of the  
 38 panel.

39 Sec. 21. All federal grants to and the federal  
 40 receipts, not otherwise appropriated, of the agencies  
 41 appropriated funds under this Act are appropriated  
 42 for the purposes set forth in the federal grants or  
 43 receipts, unless otherwise provided by the general  
 44 assembly.

45 Sec. 22. Section 93A.4, subsection 1, unnumbered  
 46 paragraph 1, Code Supplement 1983, is amended to read  
 47 as follows:

48 Each county commission shall compile a county land  
 49 use inventory of the unincorporated areas of the  
 50 county by ~~January~~ July 1, 1984. The county inventories

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1 shall where adequate data is available contain at  
2 least the following:  
3 Sec. 23. Section 93A.5, subsection 1, unnumbered  
4 paragraph 1, Code 1983, is amended to read as follows:  
5 By ~~September 1, 1984~~ March 1, 1985, after at least  
6 one public hearing, a county commission shall propose  
7 to the county board a county land use plan for the  
8 unincorporated areas in the county, or it shall  
9 transmit to the county board the county land use  
10 inventory completed pursuant to section 93A.4 together  
11 with a set of written findings on the following factors  
12 considered by the county commission:"

HURLEY W. HALL

HOUSE AMENDMENT TO SENATE FILE 2333

S-5916

1 Amend Senate File 2333 as amended, passed and  
2 reprinted by the Senate, as follows:  
3 1. Page 3, by striking line 35 and inserting in  
4 lieu thereof the following: "lation within the medium  
5 security facility of the men's reformatory at Anamosa".  
6 2. Page 4, by striking line 7 and inserting in  
7 lieu thereof the following: "the medium security  
8 facility of the men's reformatory at Anamosa if the  
9 in-".  
10 3. Page 4, line 10, by striking the figure  
11 "48,209,723" and inserting in lieu thereof the figure  
12 "48,120,374".  
13 4. Page 4, line 31, by inserting after the word  
14 "proceedings." the following: "The department shall  
15 use funds appropriated by this subsection to employ,  
16 at a minimum, two additional qualified hearing officers  
17 to provide coverage at disciplinary hearings at the  
18 state penitentiary, the men's reformatory, the medium  
19 security unit at Mt. Pleasant, and the medical and  
20 security facility. The department shall develop a  
21 plan for coverage by qualified hearing officers at  
22 all state correctional institutions and submit the  
23 report to the General Assembly by January 15, 1985."  
24 5. Page 5, line 15, by striking the figure  
25 "162,467" and inserting in lieu thereof the figure  
26 "161,472".  
27 6. Page 6, line 25, by striking the figure  
28 "1,410,618" and inserting in lieu thereof the figure

29 "1,408,318".

30 7. Page 8, line 34, by striking the figure  
31 "17,858,523" and inserting in lieu thereof the figure  
32 "17,810,507".

33 8. Page 9, by striking lines 7 through 9, and  
34 inserting in lieu thereof the following: "the  
35 department for use at the Iowa veterans home for  
36 purposes identified by the department."

37 9. Page 9, line 19, by striking the figure  
38 "30,410,362" and inserting in lieu thereof the figure  
39 "30,373,015".

40 10. Page 11, line 29, by striking the figure  
41 "47,532,810" and inserting in lieu thereof the figure  
42 "47,400,996".

S-5917

1 Amend Senate File 2353 as follows:

2 1. Page 5, by inserting after line 8 the following:

3 "Sec. \_\_\_\_ . Section 809.6, subsections 3 and 4,

4 Code Supplement 1983, are amended to read as follows:

5 3. WHEN PROCEEDS DEPOSITED IN GENERAL FUND. If

6 the seized property is of the type described in section  
7 204.505, subsection 1, paragraph "f", and the court  
8 determines that it is forfeited as provided in section  
9 204.505, subsection 1, paragraph "f", or a claimant's  
10 right to possession is not established under section  
11 809.5, subsection 2, the court shall order the property  
12 or the proceeds of its sale to be paid to the treasurer  
13 of state for deposit in the general fund and shall  
14 be transferred to the department of substance abuse  
15 by the state comptroller.

16 4. WHEN DESTROYED. If the seized property is  
17 of the type described in section 728.13 and the court  
18 determines that it is forfeited as provided in section  
19 728.13 or a claimant's right to possession is not  
20 established under section 809.5, subsection 2, the  
21 court shall order the property or the proceeds of  
22 its sale to be paid to the treasurer of state for  
23 deposit in the general fund and shall be transferred  
24 to the department of substance abuse by the state  
25 comptroller. However, if the property is material  
26 which is in violation of chapter 728 or material which  
27 would be in violation of chapter 728 if sold to a  
28 minor, the materials shall be destroyed."

LEE W. HOLT

S-5918

1 Amend Senate File 2353 as follows:

2 1. Page 4, by inserting after line 20 the follow-  
3 ing:

4 "Sec. \_\_\_\_ . Section 123.53, subsection 3, Code  
5 1983, is amended to read as follows:

6 3. The treasurer of state shall semiannually  
7 distribute a sum of money equal to ten percent of  
8 the gross sales made by the state liquor stores to  
9 the cities of the state. However, the sum distributed  
10 shall not exceed the amount distributed in the fiscal  
11 year beginning July 1, 1981 and ending June 30, 1982.  
12 If the sum exceeds this amount, the excess shall  
13 remain in the beer and liquor control fund to be  
14 transferred to the general fund by the comptroller.  
15 Such The ten percent amount shall be distributed to  
16 the cities of the state in proportion to the population  
17 that each incorporated city bears to the total  
18 population of all incorporated cities of the state  
19 as computed by the latest federal census. A city may  
20 have one special federal census taken each decade,  
21 and the population figure thus obtained shall be used  
22 in apportioning amounts under this subsection beginning  
23 the calendar year following the year in which the  
24 special census is certified by the secretary of state.  
25 Such apportionment shall be made semiannually as of  
26 July 1 and January 1 of each year. Warrants for the  
27 same shall be issued by the state comptroller upon  
28 certification of the treasurer of state and mailed  
29 to the city clerk of each incorporated city of the  
30 state and shall be made payable to such incorporated  
31 city and shall be subject to expenditure under the  
32 direction of the city council or other governing  
33 bodies of such incorporated city for any lawful  
34 municipal purpose. It shall be a lawful municipal  
35 purpose for cities to allocate a portion of the above  
36 funds for the purpose of financing the activities  
37 of a city commission or committee on alcoholism, such  
38 commission or committee to be appointed by the mayor  
39 or by the council or both. The commission or committee  
40 may use any funds so allocated for the treatment,  
41 rehabilitation, and education of alcoholics in Iowa."

42 2. Title page 1, line 21, by inserting after the  
43 word "treatment," the words "limiting the amount of  
44 money distributed to cities from the gross sales made  
45 by the state liquor stores,".

46 3. By renumbering as necessary.

JACK RIFE

## S-5919

- 1 Amend House File 2521 as amended, passed and re-
- 2 printed by the House as follows:
- 3 1. By striking page 6, line 33 through page 7,
- 4 line 15.
- 5 2. By striking page 7, line 20 through page 9, line
- 6 28.

JOHN W. JENSEN  
 JACK RIFE  
 RICHARD F. DRAKE  
 JOHN N. NYSTROM

## S-5920

- 1 Amend Senate File 2352 as follows:
- 2 1. Page 9, by striking lines 14 through 23 and
- 3 inserting in lieu thereof the following: "of home
- 4 energy. After reserving a reasonable portion of the
- 5 funds not to exceed one million dollars to carry
- 6 forward into the federal fiscal year beginning October
- 7 1, 1985, at least ten percent and not more than fifteen
- 8 percent of the funds appropriated by this section
- 9 shall be used for low-income residential weatherization
- 10 or other related home repairs for low-income
- 11 households. The funds transferred to low-income
- 12 weatherization shall include money for administrative
- 13 expenses."

JAMES V. GALLAGHER  
 RICHARD VANDE HOEF  
 FORREST V. SCHWENGELS  
 WILLIAM W. (Bill) DIELEMAN  
 TED ANDERSON

## S-5921

- 1 Amend Senate File 2351 as follows:
- 2 1. Page 12, by inserting after line 21 the
- 3 following:
- 4 "4. The counties shall purchase child day care
- 5 services funded under this section from all categories
- 6 of child day care providers, including child care centers,
- 7 group day care homes, and family day care homes."

BERL E. PRIEBE

## S-5922

- 1 Amend Senate File 2350 as follows:
- 2 1. Page 3, by inserting after line 11 the

3 following:

4 "Sec. \_\_\_\_ . Section 422.60, unnumbered paragraph  
5 2, Code Supplement 1983, is amended to read as follows:

6 In addition to all taxes imposed under this  
7 division, there is imposed upon each financial  
8 institution doing business within the state a state  
9 minimum tax for tax preference items equal to seventy  
10 percent of the state's apportioned share of the federal  
11 minimum tax. The state's apportioned share of the  
12 federal minimum tax is a percent equal to the ratio  
13 of the federal minimum tax on preferences attributable  
14 to Iowa to the federal minimum tax on all preferences.  
15 The director shall prescribe rules for the  
16 determination of the amount of the federal minimum  
17 tax on preferences attributable to Iowa which shall  
18 be based as much as equitably possible on the  
19 allocation and apportionment provisions of section  
20 422.63. For purposes of this subsection, "federal  
21 minimum tax" means the federal minimum tax for tax  
22 preferences computed and paid or payable under sections  
23 55 to 58 of the Internal Revenue Code of 1954 or would  
24 have been computed and paid or payable if the net  
25 operating loss carryback period allowed under the  
26 Internal Revenue Code of 1954 were the same period  
27 allowed by this Chapter. If for the purposes of the  
28 Iowa minimum tax the use of a federal net operating  
29 loss carryback period as previously set forth results  
30 in a net operating loss carryforward, "federal minimum  
31 tax" means the federal minimum tax for tax preferences  
32 which would have been computed and paid or payable  
33 if section 56(b) of the Internal Revenue Code of 1954  
34 would have applied to the net operating loss  
35 carryforward year for federal tax purposes."  
36 2. Page 3, line 12, by striking the words "This  
37 Act is" and inserting in lieu thereof the words  
38 "Sections 1, 2, and 3 of this Act are".

EDGAR H. HOLDEN

S-5923

1 Amend Senate File 2258'as as follows:

2 1. Page 1, by inserting after line 21 the

3 following:

4 "Sec. \_\_\_\_ . Section 331.655, subsection 1, paragraph  
5 a, Code Supplement 1983, is amended to read as follows:

6 a. For serving a notice and returning it, for  
7 the first person served, ~~six~~ twelve dollars, and each  
8 additional person, ~~six~~ twelve dollars except the fee  
9 for serving additional persons in the same household

10 shall be three ~~six~~ dollars for each additional service,  
 11 or if the service of notice cannot be made or several  
 12 attempts are necessary, the repayment of all necessary  
 13 expenses actually incurred by the sheriff while  
 14 attempting in good faith to serve the notice."  
 15 2. By renumbering as necessary.

DONALD V. DOYLE

S-5924

1 Amend House File 2516, as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 1, by striking lines 1 through 31 and  
 4 inserting in lieu thereof the following:  
 5 "Section 1. NEW SECTION. 279.43 OPTIONAL FUNDING  
 6 OF ASBESTOS REMOVAL OR ENCAPSULATION.  
 7 1. The board of directors may pay the actual cost  
 8 of removal or encapsulation of asbestos existing in  
 9 its school buildings from any funds in the general  
 10 fund of the district, funds received from the  
 11 schoolhouse tax authorized under section 278.1,  
 12 subsection 7, or funds from the tax levy certified  
 13 under section 297.5.  
 14 2. The board of directors may also submit a  
 15 proposal to the qualified electors of the school  
 16 district at a regular school election held in  
 17 September, 1984 or at a special election held not  
 18 later than February 15, 1985, to authorize an  
 19 additional tax levy to pay the actual cost of an  
 20 asbestos removal or encapsulation project.  
 21 3. The election proposal shall include the  
 22 following two parts:  
 23 a. Shall a tax levy be certified for not more  
 24 than three consecutive years to pay the actual costs  
 25 of the asbestos removal or encapsulation project?  
 26 b. If a tax levy is authorized by the electorate,  
 27 which of the following tax methods shall be used to  
 28 pay for the project:  
 29 (1) A property tax sufficient to pay the actual  
 30 costs of the project.  
 31 (2) A combination of an enrichment property tax  
 32 and a school district income surtax certified and  
 33 levied as provided in sections 442.14 through 442.20.  
 34 c. If a property tax levy is selected under  
 35 paragraph "b", subparagraph (1), the levy shall be  
 36 certified for not more than three consecutive years  
 37 commencing not later than March 15, 1985 and ending  
 38 not later than March 15, 1987.  
 39 d. If a combination of an enrichment property  
 40 tax and a school district income surtax is selected,



41 the amount of tax revenue raised shall not exceed  
 42 the actual cost of the removal or encapsulation of  
 43 the asbestos or the maximum amount which may be raised  
 44 by the levy of the combination of the taxes for the  
 45 three school years beginning July 1, 1985 and ending  
 46 July 1, 1987 as determined under section 442.14,  
 47 subsections 3 and 4, whichever amount is less.  
 48 4. If a majority of the qualified electors voting  
 49 for and against the tax authorization proposed under  
 50 subsection 3, paragraph "a", favor the certification

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1 of a tax levy, the tax method receiving the largest  
 2 number of votes under subsection 3, paragraph "b",  
 3 shall be used to pay the actual costs of the removal  
 4 or encapsulation project.  
 5 5. The taxes certified for levy under this section  
 6 are in addition to any other taxes or additional  
 7 enrichment amount raised for other programs as provided  
 8 by law.  
 9 6. Nothing in sections 442.14 through 422.20 or  
 10 this section shall be construed to require more than  
 11 one favorable election to authorize the use of a  
 12 property tax or the combination of an enrichment  
 13 property tax and a school district income surtax to  
 14 pay the actual cost of an asbestos removal or encapsul-  
 15 ation project under this section."  
 16 2. Page 1, line 35, by striking the word and  
 17 number "or 279.44".  
 18 3. By renumbering sections as necessary.

ARTHUR L. GRATIAS  
 EMIL J. HUSAK  
 BERL E. PRIEBE  
 DALE L. TIEDEN  
 RAY TAYLOR  
 JOE BROWN

S-5925

1 Amend Senate File 2351 as follows:  
 2 1. Page 15, by striking lines 7 through 17 and  
 3 inserting in lieu thereof the following:  
 4 "7. The department of human services, in  
 5 conjunction with the state department of health, shall  
 6 study the specialized care needs of brain damaged,  
 7 mentally retarded, mentally ill, respiratory dependent,  
 8 and other heavy care or special needs populations  
 9 which could be served in intermediate care facilities

10 or skilled nursing facilities if adequate  
 11 reimbursements were available, or in specialized  
 12 intermediate care facilities or skilled nursing  
 13 facilities designed to serve populations with  
 14 particular disabling conditions, if more appropriate.  
 15 The department shall make preliminary recommendations  
 16 based on the study to the governor by November 1,  
 17 1984 and shall make a final report to the general  
 18 assembly by January 15, 1985 regarding recommended  
 19 changes or additions to facility licensing standards  
 20 and recommended changes in medical assistance  
 21 reimbursement methodologies."

CHARLES BRUNER

S-5926

1 Amend House File 2509 as amended, passed and re-  
 2 printed by the House as follows:  
 3 1. Page 3, line 14, by inserting after the word  
 4 "proposition." the words "The governing body shall  
 5 also provide for the exemption of vehicles registered  
 6 by a resident who establishes that the resident will  
 7 use public transit, by the purchase of public transit  
 8 passes equal in value to the local vehicle tax on the  
 9 vehicle."

EDGAR H. HOLDEN

S-5927

1 Amend House File 2520, as amended, passed and  
 2 reprinted by the House as follows:

DIVISION S—5927A

3 1. Page 1, by striking lines 11 through 14 and  
 4 inserting in lieu thereof the following:  
 5 "ries, support, maintenance,  
 6 and miscellaneous purposes ..... \$ 1,330,488".  
 7 2. Page 1, by striking lines 29 through 34 and  
 8 inserting in lieu thereof the following:  
 9 "From the general fund for  
 10 salaries, support, maintenance,  
 11 and miscellaneous purposes ..... \$ 3,441,227".  
 12 3. Page 2, by striking lines 7 through 11 and  
 13 inserting in lieu thereof the following:  
 14 "ries, support, maintenance, and  
 15 miscellaneous purposes ..... \$ 620,064".  
 16 4. Page 4, by striking lines 23 through 26 and

- 17 inserting in lieu thereof the following:
- 18 "the state for salaries, support,
- 19 main-".
- 20 5. Page 5, by striking lines 10 through 14 and
- 21 inserting in lieu thereof the following:
- 22 "protection fund for salaries,
- 23 support, maintenance, equipment,
- 24 and".
- 25 6. Page 6, by striking lines 20 through 22 and
- 26 inserting in lieu thereof the following:
- 27 "for salaries, support, mainte-
- 28 nance, and miscella-".
- 29 7. Page 6, line 24, by striking the figure "49,081"
- 30 and inserting in lieu thereof the figure "50,093".

DIVISION S—5927B

- 31 8. Page 6, by striking lines 27 through 31 and
- 32 inserting in lieu thereof the following:
- 33 "in the green thumb fund for the
- 34 green thumb program established
- 35 pursuant to chapter 601H ..... \$ 95,000".

DIVISION S—5927A

- 36 9. Page 8, by striking lines 5 through 10.

DIVISION S—5927C

- 37 10. Page 9, by striking lines 4 through 7 and
- 38 inserting in lieu thereof the following:
- 39 "1. For salaries, support,
- 40 maintenance, and miscellaneous
- 41 purposes ..... \$ 3,237,025".
- 42 11. Page 9, by striking lines 8 through 29.

DIVISION S—5927A

- 43 12. Page 11, by striking lines 27 through 30 and
- 44 inserting in lieu thereof the following:
- 45 "For salaries, support, mainte-".
- 46 13. By striking page 11, line 34 through page
- 47 12, line 2 and inserting in lieu thereof the following:
- 48 "For salaries, support,".

DIVISION S—5927D

- 49 14. Page 12, by striking lines 12 through 14 and
- 50 inserting in lieu thereof the following:

Page 2

## DIVISION S—5927D (cont'd.)

1	"1. For maintenance of the		
2	state fair buildings and grounds .....	\$	74,358
3	2. For premiums .....	\$	9,000
4	3. For state aid to agri-		
5	cultural societies (local fairs) .....	\$	183,800'
6	15. Page 12, line 15, by striking the figure "1"		
7	and inserting in lieu thereof the figure "3".		

## DIVISION S—5927A

- 8 16. Page 13, by striking lines 2 through 5 and  
 9 inserting in lieu thereof the following:  
 10 "1. For salaries, support,  
 11 maintenance, and".  
 12 17. Page 14, by striking lines 2 through 5 and  
 13 inserting in lieu thereof the following:  
 14 "1. For salaries, support,  
 15 mainte-".  
 16 18. By striking page 15, line 34 through page  
 17 16, line 2 and inserting in lieu thereof the following:  
 18 "1. For salaries, support,  
 19 maintenance, and miscel-".  
 20 19. Page 16, by striking lines 11 through 13 and  
 21 inserting in lieu thereof the following:  
 22 "2. For salaries, support, mainte-  
 23 nance,".  
 24 20. By renumbering subsections.

HURLEY W. HALL  
 RICHARD VANDE HOEF

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 2183

S-5928

- 1 Amend Senate amendment H-5964 to House File 2183  
 2 as amended, passed and reprinted by the House as  
 3 follows:  
 4 1. Page 1, by striking line 8 and inserting in  
 5 lieu thereof the following: "facilities, except that  
 6 a business entity exempted from this chapter who  
 7 assigns an employee to remove or encapsulate asbestos  
 8 shall provide training on the health and safety aspects

9 of the removal or encapsulation including the federal  
10 and state standards applicable to the asbestos project.  
11 The training program shall be available for review  
12 and approval upon inspection by the bureau."

S-5929

1 Amend Senate File 2351 as follows:  
2 1. Page 9, line 34, by striking the word "one"  
3 and inserting in lieu thereof the word "two".  
4 2. Page 9, line 35, by striking the words "ninety-  
5 six and one-half" and inserting in lieu thereof the  
6 word "one".  
7 3. Page 10, line 6, by striking the figure  
8 "7,250,000" and inserting in lieu thereof the figure  
9 "7,390,000".  
10 4. Page 10, by striking lines 7 through 27.  
11 5. By striking page 16, line 35, through page  
12 17, line 1, and inserting in lieu thereof the  
13 following: "1 of this Act, and may adopt".

RAY TAYLOR

S-5930

1 Amend House amendment S-5907 to Senate File 244 as  
2 amended, passed and reprinted by the Senate as follows:  
3 1. Page 1, line 10, by striking the words "the care"  
4 and inserting in lieu thereof the words "the a physician  
5 licensed under chapter 148 or 150A to provide medical  
6 care. The physician may arrange a consultation, referral,  
7 or extraordinary or other specialized care as the nature  
8 of the injury requires".

ARTHUR A. SMALL, JR.  
JACK RIFE

S-5931

1 Amend House File 2521 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 9, by inserting after line 28 the following:  
4 "Sec. \_\_\_\_ . Section 554.9407, subsection 3, Code  
5 Supplement 1983, is amended by striking the subsection  
6 and inserting in lieu thereof the following:  
7 3. The secretary of state shall rent suitable  
8 space, to the extent space is available, at a fair and  
9 reasonable price for microfilming and keypunching  
10 uniform commerial code records to any persons interested  
11 in doing so. A person renting such space who is engaged

12 in the business on a regular basis of examining public  
 13 files shall first furnish to the commissioner of  
 14 insurance a certificate of insurance evidencing errors  
 15 and omissions coverage by an insurance company licensed  
 16 to do business in the state in an amount of not less  
 17 than one million dollars per occurrence."

NORMAN G. RODGERS

S-5932

1 Amend House File 2521 as amended, passed and reprinted  
 2 by the House as follows:  
 3 1. Page 9, by inserting after line 28 the following:  
 4 "Sec. \_\_\_\_ . Section 554.9407, subsection 2, Code  
 5 Supplement 1988, is amended to read as follows:  
 6 2. Upon a verbal request of a person,  
 7 the filing officer shall verbally give  
 8 information concerning  
 9 a presently-effective financing  
 10 statement. The uniform fee  
 11 for responding to a verbal request is  
 12 four dollars. The  
 13 requesting party may request a  
 14 certificate from the filing  
 15 officer confirming the information  
 16 given. The uniform fee  
 17 for a certificate is one dollar.  
 18 Except with respect to willful misconduct, the state of Iowa, except  
 19 for the secretary of state, and the secretary of state's employee's  
 20 and agents, a county, a county recorder and their  
 21 employees and agents are immune from liability as a result  
 22 of errors or omissions in information supplied pursuant  
 23 to this subsection."

NORMAN G. RODGERS

S-5933

1 Amend Senate File 2350 as follows:  
 2 1. Page 1, line 15, by inserting after the figure  
 3 "1954" the words ", except capital gains resulting  
 4 from the forced sale of real property".  
 5 2. Page 2, line 21, by inserting after the figure  
 6 "1954" the words ", except capital gains resulting  
 7 from the forced sale of real property."

JACK RIFE

S-5934

- 1 Amend House File 2521 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 7, line 3, by inserting after the word
- 4 "in" the words "countries that consistently violate
- 5 the civil rights of their citizens or of a racial,
- 6 ethnic, or religious group, including but not limited
- 7 to, Poland, the Union of Soviet Socialist Republics,
- 8 Turkey, Czechoslovakia, El Salvador, Nicaragua, and"
- 9 2. Page 7, lines 4 and 5, by striking the words
- 10 "the Republic of South Africa" and inserting in lieu
- 11 thereof the words "such countries".
- 12 3. Page 7, line 11, by striking the words "the
- 13 Republic of South Africa" and inserting in lieu thereof
- 14 the words "such countries".
- 15 4. Page 7, line 26, by inserting before the word
- 16 "South" the words "countries that consistently violate
- 17 the civil rights of their citizens or of a racial,
- 18 ethnic, or religious group, including but not limited
- 19 to, Poland, the Union of Soviet Socialist Republics,
- 20 Turkey, Czechoslovakia, El Salvador, Nicaragua, and"
- 21 5. Page 7, line 28, by striking the words "South
- 22 Africa" and inserting in lieu thereof the words
- 23 "countries that consistently violate the civil rights
- 24 of their citizens or of a racial, ethnic, or religious
- 25 group".
- 26 6. Page 7, line 32, by striking the words "South
- 27 Africa" and inserting in lieu thereof the words "such
- 28 countries".
- 29 7. Page 7, lines 33 and 34, by striking the words
- 30 "South Africa" and inserting in lieu thereof the words
- 31 "such countries".
- 32 8. Page 8, by striking lines 3 through 6.
- 33 9. Page 8, line 8, by striking the words "South
- 34 Africa" and inserting in lieu thereof the words "such
- 35 countries".
- 36 10. Page 8, line 34, by inserting before the word
- 37 "South" the words "countries that consistently violate
- 38 the civil rights of their citizens or of a racial,
- 39 ethnic, or religious group, including but not limited
- 40 to, Poland, the Union of Soviet Socialist Republics,
- 41 Turkey, Czechoslovakia, El Salvador, Nicaragua, and"
- 42 11. Page 9, line 8, by striking the words "South
- 43 Africa" and inserting in lieu thereof the words "such
- 44 countries".
- 45 12. Page 9, line 13, by striking the words "South
- 46 Africa" and inserting in lieu thereof the words "such
- 47 countries".

48 13. Page 9, by striking lines 22 through 26 and  
49 inserting in lieu thereof the words "board determines  
50 that the government of such a country has made

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1 substantial progress toward honoring the civil rights  
2 of all its people, the".

JOHN W. JENSEN

S-5935

1 Amend Senate File 2350 as follows:

2 1. Page 3, by inserting after line 11 the following  
3 new section:

4 "Sec. \_\_\_\_ . Returns filed under this Act shall  
5 not be subject to the penalty and interest provisions  
6 of section 422.25 if the return is filed and the  
7 additional amount of minimum tax is paid on or before  
8 December 31, 1984."

9 2. Renumber sections and correct internal  
10 references as are necessary in accordance with this  
11 amendment.

WILLIAM W. (Bill) DIELEMAN

S-5936

1 Amend Senate File 2347 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION. 331.450 SPECIAL DISTRICT  
5 BONDS.

6 1. In addition to the other powers granted by  
7 this chapter, a county with a population of two hundred  
8 fifty thousand or more persons may issue special  
9 district bonds for the acquisition, construction,  
10 reconstruction, improvement, repair, and equipping  
11 of water works, water mains and extensions, and real  
12 and personal property useful for providing potable  
13 water to county residents.

14 2. Bonds issued pursuant to the powers granted  
15 by this section shall be supported by a tax levy  
16 against a special taxing district including only those  
17 properties within the areas to be benefitted by the  
18 proposed facilities and excluding the incorporated  
19 areas at the time of establishment of the taxing  
20 district. The taxing district shall not include  
21 property that is zoned for agricultural use.



22 3. Prior to the establishment of a special taxing  
 23 district, the board of supervisors shall designate  
 24 proposed boundaries for the district and shall hold  
 25 a public hearing on the proposed boundaries and the  
 26 issuance of bonds, all of which shall be included  
 27 in the public notice required in section 331.443,  
 28 subsection 2. After the public hearing the board  
 29 shall set the final boundaries of the special taxing  
 30 district.

31 A proposal to establish a special taxing district  
 32 and the maximum rate of tax authorized for bond  
 33 principal and interest shall be effective upon approval  
 34 of a referendum of qualified voters residing within  
 35 the territory of the district held in the manner  
 36 provided in section 331.447.

37 4. The procedure for issuing special district  
 38 bonds shall be the same as the requirements for the  
 39 issuance of general obligation bonds for an essential  
 40 county purpose."

DAVID M. READINGER  
 WILLIAM D. PALMER

S-5937

1 Amend Senate File 2350 as follows:

2 1. Page 1, line 15, by inserting after the figure  
 3 "1954" the words ", except capital gains resulting  
 4 from the forced sale of property".

5 2. Page 2, line 21, by inserting after the figure  
 6 "1954" the words ", except capital gains resulting  
 7 from the forced sale of property,".

JACK RIFE

S-5938

1 Amend the House amendment, S-5907 to Senate File 244  
 2 as amended, passed and reprinted by the Senate as  
 3 follows:

4 1. Page 1, line 9, by inserting after the word  
 5 "employee," the words "at the employee's expense".

JOHN W. JENSEN

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 2487

S-5939

1 Amend the amendment H-6147 to House File 2487 as

2 amended, passed, and reprinted by the House as follows:

3 1. By striking page 1, line 3, through page 3,  
4 line 39, and inserting in lieu thereof the following:

5 "1. Page 1, by inserting after line 13, the follow-  
6 ing:

7 "Sec. 2. NEW SECTION. 668.2 PARTY DEFINED.

8 As used in this chapter, unless otherwise required,  
9 "party" means any of the following:

10 1. A claimant.

11 2. A person named as defendant.

12 3. A person who has been released pursuant to  
13 section 668.7.

14 4. A third-party defendant."

15 2. Page 1, by striking line 14, and inserting  
16 in lieu thereof the following:

17 "Sec. 3. NEW SECTION. 668.3 COMPARATIVE FAULT-  
18 -EFFECT."

19 3. Page 1, line 16, by striking the words "person  
20 or the person's legal representative" and inserting  
21 in lieu thereof the word "claimant".

22 4. Page 1, line 18, by inserting after the word  
23 "property" the following: "unless the claimant bears  
24 a greater percentage of fault than the combined  
25 percentage of fault attributed to the defendants,  
26 third-party defendants and persons who have been  
27 released pursuant to section 668.7".

28 5. Page 1, lines 19 and 20, by striking the words  
29 "person recovering" and inserting in lieu thereof  
30 the word "claimant".

31 6. Page 1, line 22, by striking the word  
32 "defendants," and inserting in lieu thereof the words  
33 "defendants and".

34 7. Page 1, by striking line 24, and inserting  
35 in lieu thereof the words "the court,".

36 8. Page 1, line 31, by inserting after the words  
37 "third-party defendant," the word "and".

38 9. Page 1, lines 32 through 34, by striking the  
39 words ", and person who is determined to have been  
40 at fault but who is not a party to the action".

41 10. Page 1, line 35, by striking the words "party,  
42 but" and inserting in lieu thereof the word "party."

43 11. Page 2, by striking lines 1 and 2.

44 12. Page 2, by striking lines 10 through 13, and  
45 inserting in lieu thereof the following:

46 "5. If the claim is tried to a jury, the court  
47 shall give instructions and permit evidence and  
48 argument with respect to the effects of the answers  
49 to be returned to the interrogatories submitted under  
50 this section.

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1 6. In an action brought under this chapter and  
2 tried to a jury, the court shall not discharge the  
3 jury until the court has determined that the verdict  
4 or verdicts are consistent with the total damages  
5 and percentages of fault, and if inconsistencies exist  
6 the court shall do all of the following:

7 a. Inform the jury of the inconsistencies.  
8 b. Order the jury to resume deliberations to  
9 correct the inconsistencies.

10 c. Instruct the jury that it is at liberty to  
11 change any portion or portions of the verdicts to  
12 correct the inconsistencies."

13 13. Page 2, by striking lines 14 through 31, and  
14 inserting in lieu thereof the following:

15 "Sec. 4. NEW SECTION. 668.4 JOINT AND SEVERAL  
16 LIABILITY. In actions brought under this chapter,  
17 the rule of joint and several liability shall not  
18 apply to defendants who are found to bear less than  
19 fifty percent of the total fault assigned to all  
20 parties."

21 14. By striking page 2, line 32, through page  
22 3, line 24, and inserting in lieu thereof the  
23 following:

24 "Sec. 5. NEW SECTION. 668.5 RIGHT OF  
25 CONTRIBUTION.

26 1. A right of contribution exists between or among  
27 two or more persons who are liable upon the same  
28 indivisible claim for the same injury, death, or harm,  
29 whether or not judgment has been recovered against  
30 all or any of them. It may be enforced either in  
31 the original action or by a separate action brought  
32 for that purpose. The basis for contribution is each  
33 person's equitable share of the obligations, including  
34 the share of fault of a claimant, as determined in  
35 accordance with section 668.3.

36 2. Contribution is available to a person who  
37 enters into a settlement with the claimant only if  
38 the liability of the person against whom contribution  
39 is sought has been extinguished and only to the extent  
40 that the amount paid in settlement was reasonable.

41 Sec. 6. NEW SECTION. 668.6 ENFORCEMENT OF CONTRI-  
42 BUTION.

43 1. If the percentages of fault, of each of the  
44 parties to a claim for contribution have been  
45 established previously by the court as provided in  
46 section 668.3, a party paying more than the party's

47 percentage share of damages may recover judgment for  
 48 contribution upon motion to the court or in a separate  
 49 action.  
 50 2. If the percentages of fault of each of the

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1 parties to a claim for contribution have not been  
 2 established by the court, contribution may be enforced  
 3 in a separate action, whether or not a judgment has  
 4 been rendered against either the person seeking  
 5 contribution or the person from whom contribution  
 6 is sought.

7 3. If a judgment has been rendered, an action  
 8 for contribution must be commenced within one year  
 9 after the judgment becomes final. If a judgment has  
 10 not been rendered, a claim for contribution is  
 11 enforceable only upon satisfaction of one of the fol-  
 12 lowing sets of conditions:

13 a. The person bringing the action for contribution  
 14 must have discharged the liability of the person from  
 15 whom contribution is sought by payment made within  
 16 the period of the statute of limitations applicable  
 17 to the claimant's right of action and must have  
 18 commenced the action for contribution within one year  
 19 after the date of that payment.

20 b. The person seeking contribution must have  
 21 agreed while the action of the claimant was pending  
 22 to discharge the liability of the person from whom  
 23 contribution is sought and within one year after the  
 24 date of the agreement must have discharged that  
 25 liability and commenced the action for contribution."

26 15. Page 3, by striking line 33, and inserting  
 27 in lieu thereof the word and figures "668.3, subsection  
 28 4."

29 16. By striking page 3, line 34, through page  
 30 4, line 2, and inserting in lieu thereof the following:  
 31 "Sec. 8. NEW SECTION. 668.8 TOLLING OF STATUTE.  
 32 The filing of a petition under this chapter tolls  
 33 the statute of limitations for the commencement of  
 34 an action against all parties who may be assessed  
 35 any percentage of fault under this chapter."

36 17. By striking page 4, line 3 through page 6,  
 37 line 8, and inserting in lieu thereof the following:  
 38 "Sec. 9. NEW SECTION. 668.9 INSURANCE PRACTICE.  
 39 It shall be an unfair trade practice, as defined in  
 40 chapter 507B, if an insurer assigns a percentage of  
 41 fault to a claimant, for the purpose of reducing a  
 42 settlement, when there exists no reasonable evidence

43 upon which the assigned percentage of fault could  
 44 be based. The prohibitions and sanctions of chapter  
 45 507B shall apply to violations of this section.

46 Sec. 10. **NEW SECTION. 668.10 GOVERNMENTAL EXEMP-**  
 47 **TIONS.** In any action brought pursuant to this chapter,  
 48 the state or a municipality shall not be assigned  
 49 a percentage of fault for any of the following:  
 50 1. The failure to place, erect, or install a stop

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1 sign, traffic control device, or other regulatory  
 2 sign as defined in the uniform manual for traffic  
 3 control devices adopted pursuant to section 321.252.  
 4 However, once a regulatory device has been placed,  
 5 created or installed, the state or municipality may  
 6 be assigned a percentage of fault for its failure  
 7 to maintain the device.

8 2. The failure to remove natural or unnatural  
 9 accumulations of snow or ice, or to place sand, salt,  
 10 or other abrasive material on a highway, road, or  
 11 street if the state or municipality establishes that  
 12 it has complied with its policy or level of service  
 13 for snow and ice removal or placing sand, salt or  
 14 other abrasive material on its highways, roads, or  
 15 streets.

16 3. For contribution unless the party claiming  
 17 contribution has given the state or municipality  
 18 notice of the claim pursuant to sections 25A.13 and  
 19 613A.5."

20 18. Page 6, lines 9 and 10, by striking the words  
 21 "to the general assembly during the 1985 session".

22 19. Page 6, by striking lines 14 through 16, and  
 23 inserting in lieu thereof the following:

24 "Sec. 13. Section 619.17, Code 1983, is amended  
 25 to read as follows:

26 **619.17 CONTRIBUTORY NEGLIGENCE FAULT-BURDEN.**

27 **In all actions brought in the courts of this state**  
 28 **to recover damages of a defendant in which contributory**  
 29 **negligence of the plaintiff, actual or imputed, was**  
 30 **heretofore a complete defense or bar to recovery,**  
 31 **the A plaintiff shall does not hereafter, have the**  
 32 **burden of pleading and proving his the plaintiff's**  
 33 **freedom from contributory negligence, and if the**  
 34 **fault. If a defendant relies upon negligence of the**  
 35 **plaintiff as a complete defense or bar to plaintiff's**  
 36 **recovery contributory fault of a plaintiff to diminish**  
 37 **the amount to be awarded as compensatory damages,**  
 38 **the defendant shall have ~~has~~ the burden of pleading**

39 and proving negligence ~~fault~~ of the plaintiff, if  
 40 any, and that it was a proximate cause of the injury  
 41 or damage. As used in this section, the term  
 42 "plaintiff" ~~shall include~~ includes a defendant filing  
 43 a counterclaim or cross-petition, and the term  
 44 "defendant" ~~shall include~~ includes a plaintiff against  
 45 whom a counterclaim or cross-petition has been filed."  
 46 20. Page 6, by inserting after line 16 the follow-  
 47 ing:  
 48 "Sec. 14. The commissioner of insurance shall  
 49 study and report to the legislative council and the  
 50 senate committee on judiciary and the house committee

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1 on judiciary and law enforcement by January 15, 1985,  
 2 on the issue of insurance practices developed in  
 3 response to the adoption of comparative fault in the  
 4 state of Iowa. The report shall include proposals  
 5 for legislative action and an explanation of the steps  
 6 taken by the department of insurance to alleviate  
 7 existing or potential problems in insurance practice  
 8 under comparative fault."  
 9 21. Page 6, by striking lines 17 and 18, and  
 10 inserting in lieu thereof the following:  
 11 "Sec. 15. This Act, except for section 4, applies  
 12 to all cases filed on or after July 1, 1984. Section  
 13 4 of this Act applies to all cases tried on or after  
 14 July 1, 1984."  
 15 22. Title page, by striking lines 4 and 5, and  
 16 inserting in lieu thereof the following: "a person  
 17 or harm to property and modifying the liability of  
 18 governmental entities."  
 19 23. By renumbering as necessary."

HOUSE AMENDMENT TO SENATE FILE 2215

S-5940

1 Amend Senate File 2215, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. 279.19A NEW SECTION. EXTRACURRICULAR  
 6 CONTRACTS.  
 7 1. School districts employing individuals to coach  
 8 interscholastic athletic activities shall issue a  
 9 separate extracurricular contract for each of these  
 10 activities. An extracurricular contract offered under

11 this section shall be separate from the contract  
12 issued under section 279.13. Wages for employees  
13 who coach these activities shall be paid pursuant  
14 to established or negotiated supplemental pay  
15 schedules. An extracurricular contract shall be in  
16 writing, and shall state the number of contract days,  
17 the annual compensation to be paid, and any other  
18 matters as may be mutually agreed upon. The contract  
19 shall be for a single school year and may be continued  
20 as provided in subsection 2.

21 2. An extracurricular contract shall be continued  
22 automatically in force and effect for equivalent  
23 periods, except as modified or terminated by mutual  
24 agreement of the board of directors and the employee,  
25 or terminated in accordance with this section. An  
26 extracurricular contract shall initially be offered  
27 by the employing board to an individual on the same  
28 date that contracts are offered to teachers under  
29 section 279.13. An extracurricular contract may be  
30 terminated at the end of a school year pursuant to  
31 sections 279.15 through 279.19. If the school district  
32 offers an extracurricular contract for an activity  
33 for the subsequent school year to an employee who  
34 is currently performing under an extracurricular  
35 contract for that activity, and the employee does  
36 not wish to accept the extracurricular contract for  
37 the subsequent year, the employee may resign from  
38 the extracurricular contract within twenty-one days  
39 after it has been received.

40 Section 279.13, subsection 3, applies to this  
41 section.

42 3. The board of directors of a school district  
43 may require an employee who has resigned from an  
44 extracurricular contract to accept, as a condition  
45 of employment under section 279.13, the extracurricular  
46 contract for the subsequent school year if all of  
47 the following conditions apply:

48 a. The employee has accepted a teaching contract  
49 issued by the board pursuant to section 279.13 for  
50 the subsequent school year.

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1 b. The board of directors has made a good faith  
2 effort to fill the coaching position with a qualified  
3 replacement.

4 c. The position has not been filled by June 1  
5 of the year in which the employee resigned the  
6 extracurricular contract.

11 279.13, the board of directors of a school district  
12 may require an employee who has been issued a teaching  
13 contract pursuant to section 279.13 to accept an  
14 extracurricular contract for which the employee is  
15 certificated or authorized, or may require as a  
16 condition of employment that an applicant for a  
17 teaching contract under section 279.13 accept an  
18 extracurricular contract if all of the following  
19 conditions apply:

20 a. The individual who held the coaching position  
21 during the year has not been issued a teaching contract  
22 by the board pursuant to section 279.13 for the  
23 subsequent school year because of declining enrollment,  
24 or has been terminated from the extracurricular  
25 contract.

26 b. The board of directors has made a good faith  
27 effort to fill the coaching position with a  
28 certificated or authorized replacement.

29 c. The position has not been filled by June 1  
30 of the year in which the vacancy occurred for the  
31 interscholastic athletic activity.

32 5. By June 1 of that year, the board shall notify  
33 the employee in writing if the board intends to require  
34 the employee to accept an extracurricular contract  
35 for the subsequent school year under subsection 3  
36 or 4. If the employee believes that the board did  
37 not make a good faith effort to fill the position,  
38 the employee may appeal the decision by notifying  
39 the board in writing within seven school days after  
40 receiving the notification.

41 The appeal shall state why the employee believes  
42 that the board did not make a good faith effort to  
43 fill the position. If the parties are unable to  
44 informally resolve the dispute, the parties shall  
45 attempt to agree upon an alternative means of resolving  
46 the dispute.

47 If the dispute is not resolved by mutual agreement,  
48 either party may appeal to the district court.

49 6. Subsections 3, 4, and 5 do not apply if the  
50 terms of a collective bargaining agreement provide

Page 3

1 otherwise.

2 7. An extracurricular contract may be terminated  
3 prior to the expiration of that contract pursuant  
4 to section 279.27.

5 8. A termination proceeding of an extracurricular  
6 contract either by the board pursuant to subsection



7 2 or pursuant to section 279.27 does not affect a  
8 contract issued pursuant to section 279.13.

9 A termination of a contract entered into pursuant  
10 to section 279.13, or a resignation from that contract  
11 by the teacher, constitutes an automatic termination  
12 or resignation of the extracurricular contract in  
13 effect between the same teacher and the employing  
14 school board.

15 9. For the purposes of this section, "good faith  
16 effort" includes advertising for the position in an  
17 appropriate publication, interviewing applicants,  
18 and giving serious consideration to those certificated  
19 or authorized applicants who apply.

20 **Sec. 2. NEW SECTION. 279.19B COACHING ENDORSEMENT**  
21 **AND AUTHORIZATION.** The board of directors of a school  
22 district shall offer an extracurricular contract for  
23 varsity head coach of the interscholastic athletic  
24 activities of football, basketball, track, baseball,  
25 softball, volleyball, gymnastics, hockey, and wrestling  
26 only to an individual possessing a teaching certificate  
27 with a coaching endorsement issued pursuant to chapter  
28 280.

29 The board of directors of a school district may  
30 employ for head coach of other interscholastic athletic  
31 activities or for assistant coach of any  
32 interscholastic athletic activity, an individual who  
33 possesses a coaching authorization issued by the  
34 department of public instruction. An individual who  
35 has been issued a coaching authorization and is  
36 employed by the board of directors of a school district  
37 serves at the pleasure of the board of directors.

38 **Sec. 3. NEW SECTION. 280.13 COACHING**  
39 **AUTHORIZATION.**

40 1. The minimum requirements for the board to award  
41 a coaching authorization to an applicant are:

42 a. Successful completion of one semester credit  
43 hour or ten contact hours in a course relating to  
44 knowledge and understanding of the structure and  
45 function of the human body in relation to physical  
46 activity.

47 b. Successful completion of one semester credit  
48 hour or ten contact hours in a course relating to  
49 knowledge and understanding of human growth and  
50 development of children and youth in relation to

Page 4

1 physical activity.

2 c. Successful completion of two semester credit

3 hours or twenty contact hours in a course relating

- 4 to knowledge and understanding of the prevention and  
 5 care of athletic injuries and medical and safety  
 6 problems relating to physical activity.  
 7 d. Successful completion of one semester credit  
 8 hour or ten contact hours relating to knowledge and  
 9 understanding of the techniques and theory of coaching  
 10 interscholastic athletics.  
 11 2. Sections 260.6, 260.7, 260.10, 260.11, 260.14,  
 12 260.15, 260.21, and 260.23 and chapter 272A apply  
 13 to coaching authorizations issued under this chapter.  
 14 3. The board of educational examiners shall adopt  
 15 rules under chapter 17A for approval of courses offered  
 16 for a coaching authorization. The board of educational  
 17 examiners shall work with institutions of higher  
 18 education, private colleges and universities, merged  
 19 area schools, and area education agencies to insure  
 20 that the courses required under subsection 1 are  
 21 offered throughout the state at convenient times and  
 22 at a reasonable cost.  
 23 Sec. 4. Extracurricular contracts shall be offered  
 24 pursuant to this Act on or after March 15, 1985 for  
 25 the school year commencing July 1, 1985."

JOE BROWN  
 ARTHUR L. GRATIAS

S-5956

- 1 Amend House File 2523, as passed by the House,  
 2 as follows:  
 3 1. Page 1, by striking line 15 and inserting in  
 4 lieu thereof the words "property that is taxed as  
 5 agricultural property or is in an agricultural area  
 6 unless the property owner desires to connect to the  
 7 water system."

FORREST V. SCHWENGELS  
 BASS VAN GILST

S-5957

- 1 Amend the House amendment S-5953 to Senate File  
 2 2271 as amended, passed and reprinted by the Senate  
 3 as follows:  
 4 1. Page 1, by striking lines 3 through 8.

TOM MANN, JR.

S-5958

- 1 Amend the amendment S-5955 to the House amendment

2 S-5940 to Senate File 2215 as amended, passed and re-  
3 printed by the Senate as follows:

4 1. Page 2, line 23, by striking the words "because of  
5 declining enrollment."

JOE BROWN  
ARTHUR L. GRATIAS

S-5959

1 Amend Senate File 2351 as follows:

2 1. Page 4, line 7, by striking the word "The"  
3 and inserting in lieu thereof the words "For purposes  
4 of a medically needy program, the".

5 2. Page 6, line 4, by inserting after the word  
6 "bureau." the following: "The department shall  
7 maintain records on the use of the medical assistance  
8 program by individuals qualifying under the medically  
9 needy program and the cost of that use to the state.  
10 By March 1, 1985, from the data collected, the  
11 department shall estimate the annual medical assistance  
12 cost of the program to the state, and, if that amount  
13 exceeds four million five hundred thousand dollars,  
14 the department shall present to the general assembly  
15 program alternatives to reduce the cost to the medical  
16 assistance program to or below four million five  
17 hundred thousand dollars. The legislative fiscal  
18 bureau shall estimate the increased reimbursements  
19 to the university of Iowa hospitals and clinics under  
20 the medically needy program for patients who otherwise  
21 would have used the statewide indigent patient care  
22 program."

23 3. Page 14, line 2, by inserting after the word  
24 "payments" the words and figures ", as set forth in  
25 departmental rules prior to November 1, 1983."

CHARLES BRUNER  
ARNE WALDSTEIN

S-5960

1 Amend Senate File 2351 as follows:

2 1. Page 16, by striking lines 5 through 10.

ARNE WALDSTEIN

S-5961

1 Amend Senate File 2351 as follows:

2 1. By striking page 12, line 23 through page 13,  
3 line 6 and inserting in lieu thereof the following:

4 "1..Except for inpatient and outpatient hospital  
 5 services, skilled nursing facility services,  
 6 intermediate care facility services, intermediate  
 7 care facility services for the mentally retarded,  
 8 home health agency services, rural health clinic  
 9 services, rehabilitation agency services, mental  
 10 hospital services, and out-of-state hospital services,  
 11 the reimbursement rates and reimbursements for medical  
 12 assistance providers on July 1, 1984 shall be  
 13 established at the levels in effect on July 1, 1983,  
 14 increased by an amount which equals no more than one  
 15 and two-tenths percent of the reimbursement rates  
 16 in effect on July 1, 1983. The department shall  
 17 continue to reduce reimbursements for services other  
 18 than rural health clinic services by a factor of two  
 19 and one-half percent in the same manner as provided  
 20 in 1983 Iowa Acts, chapter 201, section 5, subsection  
 21 1, paragraph "b"."

CHARLES BRUNER  
 ARNE WALDSTEIN  
 BERL E. PRIEBE  
 JULIA B. GENTLEMAN  
 RAY TAYLOR

S-5962

1 Amend the House amendment S-5953 to Senate File  
 2 2271 as amended, passed and reprinted by the Senate  
 3 as follows:  
 4 1. Page 1, by striking lines 38 through 43.

TOM MANN, JR.

S-5963

1 Amend House File 2509 as amended, passed, and re-  
 2 printed by the House as follows:  
 3 1. Page 4, line 15, by inserting after the figure  
 4 "312.6." the words "The levy by a city for the street  
 5 construction fund and the levy by a county for the  
 6 secondary road fund for fiscal years ending during  
 7 the calendar year in which the vehicle tax is imposed  
 8 shall not be lower than the rate levied for the fiscal  
 9 year ending just before the imposition of the tax  
 10 for the street construction fund or the secondary  
 11 road fund, as applicable."

EDGAR H. HOLDEN

HOUSE AMENDMENT TO SENATE FILE 2337

S-5964

1 Amend Senate File 2337, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. There is appropriated from the general  
 6 fund of the state to the following named agencies  
 7 for the fiscal year beginning July 1, 1984 and ending  
 8 June 30, 1985, the following amounts, or so much  
 9 thereof as is necessary, for the purposes designated:

1984-1985  
Fiscal Year

10  
 11  
 12 1. IOWA LAW ENFORCEMENT  
 13 ACADEMY

14 For salaries, support, main-  
 15 tenance, and miscellaneous pur-  
 16 poses ..... \$ 787,300

17 2. DEPARTMENT OF PUBLIC  
 18 DEFENSE

19 Military division  
 20 For salaries, support, main-  
 21 tenance, and miscellaneous pur-  
 22 poses ..... \$ 2,940,250

23 Notwithstanding section 29A.33, the per capita  
 24 annual allowance to units will be five dollars per  
 25 capita to be paid on a semiannual basis in installments  
 26 of two dollars fifty cents per capita for the fiscal  
 27 year beginning July 1, 1984 and ending June 30, 1985.  
 28 The per capita allowance shall be used for morale  
 29 purposes and be for the welfare of the troops and  
 30 in no circumstances expended for support and  
 31 maintenance.

32 3. OFFICE OF DISASTER SERVICES

33 For salaries, support, main-  
 34 tenance, and miscellaneous pur-  
 35 poses ..... \$ 118,295

36 Sec. 2. There is appropriated from the general  
 37 fund of the state to the department of public safety  
 38 for the fiscal year beginning July 1, 1984 and ending  
 39 June 30, 1985, the following amounts, or so much  
 40 thereof as is necessary, to be used for funding the  
 41 following functions and programs for the purposes  
 42 designated:

1984-1985  
Fiscal Year

43  
 44 DEPARTMENT OF PUBLIC SAFETY

45 1. ADMINISTRATIVE FUNCTION  
 46

47 a. For salaries, support,  
48 maintenance, and miscellaneous  
49 purposes of the department,  
50 criminal justice information sys-

Page 2

1	tem, and radio communications .....	\$	4,656,530
2	b. For payment of claims		
3	filed under the victim reparation		
4	program and for the payment of		
5	operational expenses .....	\$	200,000
6	It is the intent of the general assembly that only		
7	ten percent of the funds appropriated under this		
8	paragraph shall be used for the payment of operational		
9	expenses.		
10	<b>2. INSPECTION FUNCTION</b>		
11	For salaries, support, main-		
12	tenance, and miscellaneous pur-		
13	poses of fire marshal's inspec-		
14	tions, administration of the		
15	state building code, arson in-		
16	vestigators including the state's		
17	contribution to the peace offi-		
18	cers' retirement, accident, and		
19	disability provided in chapter		
20	97A in the amount of sixteen per-		
21	cent of the salaries for which		
22	the funds are appropriated .....	\$	980,251
23	<b>3. SECURITY FUNCTION</b>		
24	For salaries, support, main-		
25	tenance, and miscellaneous purposes		
26	of the capitol security division .....	\$	670,799
27	<b>4. INVESTIGATION FUNCTION</b>		
28	a. For salaries, support, main-		
29	tenance, and miscellaneous pur-		
30	poses, including lease or lease		
31	purchase of laboratory equipment,		
32	of the division of criminal in-		
33	vestigation containing the bu-		
34	reaus of identification, drug		
35	law enforcement, welfare fraud,		
36	and beer and liquor law enforce-		
37	ment, including the state's con-		
38	tribution to the peace officers'		
39	retirement, accident, and dis-		
40	ability system provided in chap-		
41	ter 97A in the amount of sixteen		
42	percent of the salaries for which		
43	the funds are appropriated .....	\$	4,588,750

44 b. For undercover purchases  
 45 by the division of criminal in-  
 46 vestigation agents and local law  
 47 enforcement agents ..... \$ 200,000  
 48 It is the intent of the general assembly that the  
 49 division of criminal investigation of the department  
 50 of public safety shall purchase not more than three

Page 3

1 motor vehicles of any make or model based upon  
 2 specifications submitted by the department.  
 3 5. DIVISION OF HIGHWAY SAFETY  
 4 AND UNIFORMED FORCE  
 5 For various crime prevention  
 6 programs sponsored within the  
 7 department of public safety ..... \$ 58,125

8 The Iowa highway safety patrol shall endeavor to  
 9 purchase one-half of the motor fuel and special fuel  
 10 necessary to operate motor vehicles from state  
 11 department facilities. For the fiscal year beginning  
 12 July 1, 1984 and ending June 30, 1985, the general  
 13 assembly assumes substantial compliance with this  
 14 requirement if the Iowa highway safety patrol purchases  
 15 at least forty-five percent of the motor fuel and  
 16 special fuel necessary to operate motor vehicles from  
 17 state department facilities. If the state  
 18 comptroller's estimates of motor fuel and special  
 19 fuel prices exceeds the amount needed for purchase  
 20 of motor fuel and special fuel necessary to operate  
 21 Iowa highway safety patrol motor vehicles, the amount  
 22 of the difference may be expended only for the  
 23 maintenance of the motor vehicle fleet of the Iowa  
 24 highway safety patrol. The Iowa highway safety patrol  
 25 shall report the amount expended for the total  
 26 purchases of motor fuel and special fuel and the  
 27 amount expended for fleet maintenance to the  
 28 transportation and law enforcement appropriations  
 29 subcommittee not later than August 1 following the  
 30 end of the fiscal year.

31 Sec. 3. There is appropriated from the general  
 32 fund of the state to the state department of  
 33 transportation for the fiscal year beginning July  
 34 1, 1984 and ending June 30, 1985, the following  
 35 amounts, or so much thereof as may be necessary, to  
 36 be used for the following purposes:

37  
 38  
 39  
 40

STATE DEPARTMENT OF TRANSPOR-  
 TATION

1984-1985  
 Fiscal Year

41 1. For salaries, support,  
 42 maintenance, and miscellaneous  
 43 purposes ..... \$ 1,886,100  
 44 2. For public transit purposes  
 45 to implement a state assistance  
 46 plan ..... \$ 1,854,600  
 47 Notwithstanding chapter 8, it is the intent of  
 48 the general assembly that funds appropriated for  
 49 public transit purposes to implement a state assistance  
 50 plan shall be allocated in whole or in part to a

Page 4

1 public transit system prior to the time actual  
 2 expenditures are incurred if the allocation is first  
 3 approved by the state department of transportation.  
 4 A public transit system shall make application for  
 5 advance allocations to the state department of  
 6 transportation specifically stating the reasons why  
 7 an advance allocation is required and this allocation  
 8 shall be included in the total to be audited.

9 3. For deposit in the rail-  
 10 road assistance fund for branch  
 11 line improvement ..... \$ 972,000

12 Sec. 4. There is appropriated from the road use  
 13 tax fund to the state department of transportation  
 14 for the fiscal year beginning July 1, 1984 and ending  
 15 June 30, 1985, the following amounts, or so much  
 16 thereof as may be necessary, to be used for the  
 17 following purposes:

18 1984-1985  
 19 Fiscal Year

20 STATE DEPARTMENT OF TRANSPOR-  
 21 TATION

22 1. For salaries, support,  
 23 maintenance, and miscellaneous  
 24 purposes ..... \$ 12,850,548

25 2. For the purpose of making  
 26 payments to the Iowa merit employ-  
 27 ment department for expenses in-  
 28 curred in administering the merit  
 29 system on behalf of the state  
 30 department of transportation, as  
 31 required by chapter 19A ..... \$ 18,000

32 3. Unemployment compensation ..... \$ 12,250

33 Sec. 5. There is appropriated from the road use  
 34 tax fund to the state comptroller for the fiscal year  
 35 beginning July 1, 1984 and ending June 30, 1985, the  
 36 sum of twenty-three thousand (23,000) dollars, or



37 so much thereof as is necessary, to be used for the  
 38 purpose of paying workers' compensation claims under  
 39 chapter 85 on behalf of employees of the state  
 40 department of transportation.

41 Sec. 6. There is appropriated from the primary  
 42 road fund to the state department of transportation  
 43 for the fiscal year beginning July 1, 1984 and ending  
 44 June 30, 1985, the following amounts, or so much  
 45 thereof as may be necessary, to be used for the  
 46 following purposes:

47		1984-1985
48		<u>Fiscal Year</u>
49	STATE DEPARTMENT OF TRANSPOR-	
50	TATION	

Page 5

1	1. For salaries, support,	
2	maintenance, and miscellaneous	
3	purposes .....	\$ 121,421,214
4	2. To be deposited in the	
5	state department of transportation	
6	materials and equipment revolving	
7	fund established by section 307A.7	
8	for funding the increased replace-	
9	ment cost of vehicles .....	\$ 2,000,000
10	3. For the purpose of making	
11	payments to the Iowa merit em-	
12	ployment department for expenses	
13	incurred in administering the	
14	merit system on behalf of the	
15	state department of transportation,	
16	as required by chapter 19A .....	\$ 342,000
17	4. Unemployment compensation .....	\$ 232,750

18 Sec. 7. There is appropriated from the primary  
 19 road fund to the state comptroller for the fiscal  
 20 year beginning July 1, 1984 and ending June 30, 1985,  
 21 the sum of four hundred thirty-seven thousand (437,000)  
 22 dollars, or so much thereof as is necessary, for the  
 23 purpose of paying workers' compensation claims under  
 24 chapter 85 on behalf of the employees of the state  
 25 department of transportation.

26 Sec. 8. There is appropriated from the state  
 27 aviation fund to the state department of transportation  
 28 for the fiscal year beginning July 1, 1984 and ending  
 29 June 30, 1985, the following amount, or so much thereof  
 30 as may be necessary, to be used for the following  
 31 purposes:

1984-1985  
Fiscal Year

32  
 33  
 34 For salaries, support, main-  
 35 tenance, and miscellaneous pur-  
 36 poses ..... \$ 331,000  
 37 Sec. 9. 1983 Iowa Acts, chapter 198, section 31,  
 38 is amended to read as follows:  
 39 SEC. 31. Notwithstanding the provisions of section  
 40 423.24, there is transferred from revenues collected  
 41 under chapter 423 during the fiscal year beginning  
 42 July 1, 1983 and ending June 30, 1984, from the use  
 43 tax imposed on motor vehicles, trailers and motor  
 44 vehicle accessories and equipment under section 423.7  
 45 the sum of one million (1,000,000) dollars which shall  
 46 be transferred to the state department of  
 47 transportation for public transit assistance for the  
 48 fiscal year beginning July 1, 1983 and ending June  
 49 30, 1984. The funds transferred under this section  
 50 to the state department of transportation for public

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1 transit assistance shall be considered in advance  
 2 an interest-free loan of funds to be received for  
 3 public transit assistance under the Surface  
 4 Transportation Assistance Act of 1982 and the road  
 5 use tax fund shall receive reimbursement of the funds  
 6 from receipts received by the state department of  
 7 transportation for public transit assistance from  
 8 the United States government pursuant to the Surface  
 9 Transportation Assistance Act of 1982 ~~loan~~  
 10 the fiscal period beginning July 1, ~~1983 1984~~ and  
 11 ending June 30, ~~1985 1989~~.

12 Sec. 10. Section 101A.2, subsection 2, Code 1983,  
 13 as amended by House File 2301, enacted by the  
 14 Seventieth General Assembly, 1984 Session is amended  
 15 to read as follows:

16 2. Licenses shall be issued by the state fire  
 17 marshal upon payment of a fee of ~~sixty one hundred~~  
 18 dollars, valid for a period of one calendar year,  
 19 commencing on January 1 and terminating on December  
 20 31; however, an initial license may be issued during  
 21 any calendar year for the number of months remaining  
 22 in such calendar year, computed to the first day of  
 23 the month when the application for the license is  
 24 approved. The license fee shall be charged on a pro  
 25 rata basis for the number of months remaining in the  
 26 year of issue. Applications for renewal of licenses  
 27 shall be submitted within thirty days prior to the  
 28 license expiration date and shall be accompanied by

29 payment of the prescribed annual fee.

30 Sec. 11. **NEW SECTION. 321.270 ACCIDENTS EXEMPT**

31 FROM RECORDS. A motor vehicle accident involving  
32 a motor vehicle operated by a peace officer as defined  
33 under section 801.4, or by a member of a fire  
34 department as defined under section 321.423, or a  
35 volunteer fire fighter shall not be included as part  
36 of the operating record of the peace officer or fire  
37 department member if the accident occurred on or after  
38 the effective date of this Act, and if all of the  
39 following criteria are met:

40 1. The peace officer, the fire department member,  
41 or volunteer fire fighter was involved in the  
42 performance of official duties at the time the accident  
43 occurred.

44 2. The peace officer, the fire department member,  
45 or volunteer fire fighter was responding to what the  
46 officer or member reasonably believed to be a bona  
47 fide emergency situation when the accident occurred.

48 3. The peace officer, the fire department member,  
49 or volunteer fire fighter exercised all due care under  
50 the circumstances involved in the accident.

Page 7

1 The peace officer, the fire department member,  
2 or volunteer fire fighter desiring that an accident  
3 be excluded from the person's operating record under  
4 this section, shall request the exclusion in writing  
5 and the request shall be attached to the written  
6 report of the accident forwarded to the department  
7 under section 321.266.

8 Sec. 12. Section 321.200, Code 1983, is amended  
9 to read as follows:

10 321.200 CONVICTION AND ACCIDENT FILE. The  
11 department shall also file all accident reports and  
12 abstracts of court records of convictions received  
13 by it under the laws of this state and in connection  
14 therewith maintain convenient records or make suitable  
15 notations in order that an individual record of each  
16 licensee showing the convictions of ~~such~~ the licensee  
17 and the traffic accidents in which ~~he~~ the licensee  
18 has been involved shall be are readily ascertainable  
19 and available for the consideration of the department  
20 upon ~~any an~~ application for renewal of license and  
21 at other suitable times. However, the abstract shall  
22 not include accidents excluded from the record under  
23 section 321.270.

24 Sec. 13. Section 321.210, Code 1983, is amended  
25 by adding the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. The department shall  
 27 not consider or assess any points for accidents  
 28 excluded from a person's operating record under section  
 29 321.270 in determining a license suspension under  
 30 this section.

31 Sec. 14. Section 321A.3, subsection 1, Code  
 32 Supplement 1983, is amended to read as follows:

33 1. The director shall upon request furnish any  
 34 person a certified abstract of the operating record  
 35 of a person subject to chapter 321 or this chapter.  
 36 The abstract shall also fully designate the motor  
 37 vehicles, if any, registered in the name of the person.  
 38 If there is no record of a conviction of the person  
 39 having violated any law relating to the operation  
 40 of a motor vehicle or of any injury or damage caused  
 41 by the person, the director shall so certify. The  
 42 abstract shall not include reports of accidents  
 43 excluded from the person's operating record under  
 44 section 321.270. A fee of four dollars shall be paid  
 45 for each abstract except by state, county, city or  
 46 court officials.

47 Sec. 15. All federal grants to and the federal  
 48 receipts of the agencies appropriated funds under  
 49 this Act are appropriated for the purposes set forth  
 50 in such federal grants and receipts unless otherwise

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1 provided by the general assembly."

S-5965

1 Amehd House amendment S-5952 to Senate File 2254  
 2 as passed by the Senate as follows:  
 3 1. Page 1, line 6, by striking the words "two  
 4 thousand" and inserting in lieu thereof the words  
 5 "two thousand".

JOHN N. NYSTROM

S-5966

1 Amend the House amendment S-5953 to House File  
 2 2271 as amended, passed and reprinted by the Senate  
 3 as follows:  
 4 1. Page 1, line 24, by striking the word "any"  
 5 and inserting in lieu thereof the word "all".

TOM MANN, JR.

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2217

S-5967

1 Amend the Senate amendment H-6282 to House File  
2 2217, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, line 9, by striking the word "chief".

5 2. Page 1, line 26, by striking the word "chief".

6 3. Page 1, by striking lines 36 and 37, and  
7 inserting in lieu thereof the following: "or a member  
8 of another profession that the board of educational  
9 examiners has identified by rule under chapter 17A  
10 will not be covered under chapter 260, the members".

11 4. Page 1, by inserting after line 41 the  
12 following:

13 "For the purposes of this section and chapter 260,  
14 "administrator" includes school superintendents,  
15 assistant superintendents, educational directors,  
16 principals, assistant principals, and other certified  
17 school supervisors as defined under section 20.4."

18 5. Page 2, by striking lines 16 and 17.

19 6. Page 2, line 18, by striking the figure "3"  
20 and inserting in lieu thereof the figure "2".

21 7. Page 2, line 22, by striking the figure and  
22 word "4. Three" and inserting in lieu thereof the  
23 following: "3. Four".

24 8. Page 2, by striking lines 29 and 30 and  
25 inserting in lieu thereof the following:

26 "Each teacher on the board shall be employed as  
27 a teacher and shall have".

28 9. Page 2, by inserting after line 33 the  
29 following:

30 "When making appointments under subsections 1 and  
31 2, the governor shall consider both public school  
32 and nonpublic school enrollments in the educational  
33 system in this state."

34 10. Page 3, by striking lines 22 through 24 and  
35 inserting in lieu thereof the following: "it includes  
36 administrative and supervisory positions in the public  
37 schools, except school superintendents, assistant  
38 superintendents, educational directors, principals,  
39 assistant principals, and other certified school  
40 supervisors as defined under section 20.4."

41 11. Page 3, by striking lines 46 through 48 and  
42 inserting in lieu thereof the following: "renewal  
43 of certification of administrators, supervisors, and  
44 teachers employed at the merged area schools who are  
45 covered under this chapter.

46 12. Page 3, by inserting after line 50 the  
 47 following:  
 48 "The board shall conduct a study of the need for  
 49 the establishment of evaluation procedures for  
 50 certification purposes. Not later than January 20,

Page 2

1 1986, the board shall submit a written report to the  
 2 general assembly containing the results of its study  
 3 and its recommendations."  
 4 13. Page 4, by inserting after line 4 the  
 5 following:  
 6 "\_\_\_\_\_. Determine the school service professionals,  
 7 in addition to those listed in section 257.10,  
 8 subsection 11, that will be certificated under section  
 9 257.10, subsection 11.  
 10 14. Page 4, by striking lines 24 and 25 and  
 11 inserting in lieu thereof the following: "as an  
 12 administrator; or supervisor covered under this  
 13 chapter, school service".  
 14 15. Page 10, by striking lines 42 through 48 and  
 15 inserting in lieu thereof the following: "general  
 16 public shall end each of the four years following  
 17 their appointments. The term of the faculty member  
 18 shall end three years after appointment."

S-5968

1 Amend Senate File 2360 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 2.42, subsection 16, Code  
 5 Supplement 1983, as amended by 1984 Iowa Acts, Senate  
 6 File 2129, section 1, is amended to read as follows:  
 7 16. Authority to review proposed and delay the  
 8 effective dates of rules and forms submitted by the  
 9 supreme court pursuant to section 602.4202."  
 10 2. Page 2, by inserting after line 5 the following:  
 11 "Sec. \_\_\_\_\_. Section 331.655, subsection 1, paragraph  
 12 a. Code Supplement 1983, is amended to read as follows:  
 13 a. For serving a notice and returning it, for  
 14 the first person served, ~~six~~ twelve dollars, and each  
 15 additional person, ~~six~~ twelve dollars except the fee  
 16 for serving additional persons in the same household  
 17 shall be ~~three~~ six dollars for each additional service,  
 18 or if the service of notice cannot be made or several  
 19 attempts are necessary, the repayment of all necessary  
 20 expenses actually incurred by the sheriff while

21 attempting in good faith to serve the notice.”

22 3. Page 2, by inserting before line 6 the

23 following:

24 “Sec. \_\_\_\_ . Section 595.4, Code 1983, is amended

25 by striking the section and inserting in lieu thereof

26 the following:

27 595.4 AGE AND QUALIFICATION--WAITING PERIOD--  
28 DURATION OF LICENSE.

29 1. Before issuing a license to marry, the clerk  
30 of the district court shall require the following,

31 which shall appear as part of the license:

32 a. A signed and verified statement from each party

33 desiring the license, setting forth facts as to age

34 and qualification which the clerk deems necessary

35 to determine the party's competency to contract a

36 marriage:

37 b. A signed and verified statement from at least  
38 one competent and disinterested person setting forth

39 facts as to age and qualification of the parties which

40 the clerk deems necessary to determine the competency

41 of the parties to contract a marriage.

42 2. If the clerk is satisfied as to the competency

43 of the parties to contract a marriage, the clerk shall

44 issue the license upon payment of the prescribed fee.

45 3. The license is not valid until the expiration

46 of three days from the date of its issuance. This

47 restriction shall appear on the face of the license.

48 A district judge or district associate judge for the

49 judicial district in which the license is issued may

50 grant an order waiving or shortening the three-day

Page 2

1 waiting period, upon application of the parties filed

2 with the clerk, if the judge is satisfied that an

3 emergency or extraordinary circumstances exist. A

4 fee of five dollars shall be paid to the clerk at

5 the time the application for the order is made, which

6 fee is in addition to the fee prescribed by law for

7 the issuance of a marriage license. Upon presentation

8 by the parties of the order waiving or shortening

9 the waiting period, the clerk shall enter on the

10 license the facts of the order.

11 4. If the marriage does not take place within

12 sixty-three days from the date of issuance of the

13 license, the license is invalid. This restriction

14 shall appear on the face of the license.

15 Sec. \_\_\_\_ . Section 595.5, Code 1983, is amended

16 to read as follows:

17 595.5 SURNAME ADOPTED. Upon marriage either  
 18 Either party requesting a marriage license may request  
 19 on the application for a marriage license a name  
 20 change, upon marriage, to that of the other party  
 21 or to some other surname mutually agreed upon by the  
 22 parties. The names used on the marriage license shall  
 23 become the legal names of the parties to the marriage.  
 24 The marriage license shall contain a statement that  
 25 when a name change is requested and affixed to the  
 26 marriage license, the new name is the legal name of  
 27 the requesting party. If a party requests a name  
 28 change, other than a change of surname to that of  
 29 the other spouse or to a hyphenated combination of  
 30 the surnames of both spouses, the party shall request  
 31 approval of the court pursuant to chapter 674 and  
 32 shall submit to the court the information required  
 33 by section 674.2, and upon approval of the court and  
 34 solemnization of the marriage, the clerk of the  
 35 district court shall send a certified copy of the  
 36 return of marriage to the recorder's office in every  
 37 county in this state where real property is owned  
 38 by either of the parties. The district judge or  
 39 district associate judge may approve the name change.  
 40 The new names and the immediate former names shall  
 41 appear on the return of marriage, and the return of  
 42 marriage shall be recorded in the miscellaneous records  
 43 in the recorder's office. An individual can have  
 44 only one legal name at any one time.  
 45 Sec. \_\_\_\_ . Section 595.6, Code 1983, is amended  
 46 by striking the section and inserting in lieu thereof  
 47 the following:  
 48 595.6 RECORDS. The clerk of the district court  
 49 shall keep a record of each license issued. The  
 50 record shall include the verified statements as to

Page 3

1 age and qualification, orders of court relating to  
 2 the license and other information the clerk deems  
 3 necessary."  
 4 4. Page 2, by inserting after line 19 the follow-  
 5 ing:  
 6 "Sec. \_\_\_\_ . Section 602.1505, subsection 1, Code  
 7 Supplement 1983, is amended to read as follows:  
 8 1. The chief judge of each judicial district shall  
 9 set the salaries of the clerks of the district court  
 10 within the judicial district: ~~A clerk of the district~~  
 11 ~~court shall not receive a salary in excess of the~~  
 12 ~~highest salary paid to the county auditor; the county~~



13 treasurer, or the county recorder in the county in  
14 which the clerk serves."

15 5. Page 2, by inserting before line 20 the  
16 following:

17 "Sec. \_\_\_\_ . Section 602.4202, Code Supplement 1983,  
18 is amended by striking the section and inserting in  
19 lieu thereof the following:

20 602.4202 RULE-MAKING PROCEDURE.

21 1. The supreme court shall submit a rule or form  
22 prescribed by the supreme court under section 602.4201  
23 or pursuant to any other rule-making authority  
24 specifically made subject to this section to the  
25 legislative council and shall at the same time report  
26 the rule or form to the chairpersons and ranking  
27 members of the senate committee on judiciary and the  
28 house committee on judiciary and law enforcement.  
29 The legislative service bureau shall make  
30 recommendations to the supreme court on the proper  
31 style and format of rules and forms required to be  
32 submitted to the legislative council under this  
33 subsection.

34 2. A rule or form submitted as required under  
35 subsection 1 takes effect sixty days after submission  
36 to the legislative council, or at a later date  
37 specified by the supreme court, unless the legislative  
38 council, within sixty days after submission and by  
39 a majority vote of its members, delays the effective  
40 date of the rule or form to a date provided in  
41 subsection 3.

42 3. The effective date of a rule or form submitted  
43 during the period of time beginning February 15 and  
44 ending December 14 may be delayed by the legislative  
45 council until February 15 of the next calendar year,  
46 and the effective date of a rule or form submitted  
47 during the period of time beginning December 15 and  
48 ending February 14 of the next calendar year may be  
49 delayed by the legislative council until May 1 of  
50 that next calendar year.

Page 4

1 4. A rule or form submitted as required under  
2 subsection 1 and effective on or before July 1 shall  
3 be enrolled in substantially the same manner as Acts  
4 of the general assembly are enrolled and shall be  
5 filed with the secretary of state and bound with the  
6 Acts of the general assembly meeting in regular session  
7 in the calendar year in which the July 1 falls.

8 5. If the general assembly enacts a bill changing

9 a rule or form, the general assembly's enactment  
10 supersedes a conflicting provision in the rule or  
11 form as submitted by the supreme court."

12 6. Page 2, by inserting after line 31 the  
13 following:

14 "Sec. \_\_\_\_ . Section 602.8102, subsection 83, Code  
15 Supplement 1983, is amended to read as follows:

16 83. Accept applications for and issue issue  
17 marriage licenses as provided in chapter 595."

18 7. Page 4, by inserting after line 7 the following:

19 "Sec. \_\_\_\_ . Section 602.8105, subsection 1,  
20 paragraph k, Code Supplement 1983, is amended to read  
21 as follows:

22 k. For issuing a marriage license, fifteen dollars.

23 The clerk of the district court shall remit to the  
24 treasurer of state five dollars for each marriage  
25 license issued. The treasurer of state shall deposit  
26 the funds received in the general fund of the state.  
27 For ~~issuing~~ an application for an order of the district  
28 court authorizing the ~~issuance of a license to marry~~  
29 ~~prior to the expiration of three days from the date~~  
30 ~~of filing the application for the license waiver or~~  
31 ~~shortening of the three-day waiting period before~~  
32 ~~the license becomes valid.~~ five dollars."

33 8. Page 4, by inserting after line 17 the  
34 following:

35 "NEW LETTERED PARAGRAPH. a. For the administrative  
36 costs of collecting and distributing support payments  
37 payable to the clerk of the district court under  
38 section 598.22, to be paid annually by the person  
39 obligated to pay the support and to be billed and  
40 collected by the clerk separately from and in addition  
41 to both current and accrued support payments payable  
42 to the clerk, twenty-five dollars."

43 9. Page 13, by inserting after line 24 the  
44 following:

45 "Sec. \_\_\_\_ . NEW SECTION. 909.7 ABILITY TO PAY  
46 FINE PRESUMED. A defendant is presumed to be able  
47 to pay a fine. The court may sentence the defendant  
48 to pay a fine and, in the alternative, may sentence  
49 the defendant to confinement if the defendant does  
50 not pay the fine. However, if the defendant proves

Page 5

1 to the satisfaction of the court that the defendant  
2 cannot pay the fine, the defendant shall not be  
3 confined."

- 4 10. By renumbering as necessary.

DONALD V. DOYLE  
TOM MANN, JR.

S-5969

- 1 Amend Senate File 2360 as follows:  
2 1. Page 2, by inserting after line 31 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 602.8103, Code Supplement 1983,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 6. Accept a check, share draft,  
7 draft, or written order on a bank, savings and loan  
8 association, credit union, corporation, or person  
9 as payment of a support obligation which is payable  
10 to the clerk or friend of the court, in accordance  
11 with procedures established by the clerk or friend  
12 of the court to assure that such negotiable instruments  
13 will not be dishonored."  
14 2. By renumbering as necessary.

WALLY E. HORN

S-5970

- 1 Amend Senate File 2357 as follows:  
2 1. Page 1, lines 24 and 25, by striking the words  
3 "in accordance with federal guidelines and".

HURLEY W. HALL

S-5971

- 1 Amend Senate File 2360 as follows:  
2 1. Page 4, by striking lines 11 through 13.

TOM MANN, JR.

S-5972

- 1 Amend Senate File 2359 as follows:  
2 1. Page 1, line 18, by inserting after the word  
3 "Act" the words "for employees of the state department  
4 of transportation,".  
5 2. Page 1, line 25, by inserting after the word  
6 "Act" the words "for employees of the state department  
7 of transportation,".

JOE J. WELSH  
RICHARD F. DRAKE

S-5973

- 1 Amend House File 2509 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by striking lines 29 through 35 and
- 4 inserting in lieu thereof the words "The county
- 5 treasurer shall collect all local vehicle".

COMMITTEE ON WAYS & MEANS  
WILLIAM D. PALMER, Chair

S-5974

- 1 Amend Senate File 2307 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 new section:
- 4 "Sec. \_\_\_\_ . Chapter 24, Code 1983, is amended by
- 5 adding the following new section:
- 6 NEW SECTION. Notwithstanding this chapter, the
- 7 county auditor shall compute the levies for each
- 8 political subdivision on the value of agricultural
- 9 property as determined under section 441.21 on January
- 10 1, 1984. The levy shall be applied against the value
- 11 of all property as determined under section 441.21.
- 12 Any political subdivision which receives any amount
- 13 of property tax revenue which is less than the amount
- 14 certified and approved, shall certify the reduced
- 15 amount received and the amount certified to the state
- 16 comptroller. The state comptroller shall issue
- 17 warrants to each political subdivision in an amount
- 18 equal to the difference between the amount received
- 19 and the amount certified each year. The warrants
- 20 shall be issued not more than sixty days from the
- 21 date the political subdivision certifies the difference
- 22 to the state comptroller."
- 23 2. Renumber sections and correct internal
- 24 references.

GEORGE R. KINLEY

S-5975

- 1 Amend Senate File 2307 as follows:
- 2 1. Page 5, by inserting after line 5 the following
- 3 new section:
- 4 "Sec. \_\_\_\_ . Chapter 441, Code 1983, is amended
- 5 by adding the following new section:
- 6 NEW SECTION. Notwithstanding this chapter, the
- 7 county auditor shall compute the levies for each
- 8 political subdivision on the value of agricultural

9 property as determined under section 441.21 on January  
 10 1, 1984. The levy shall be applied against the value  
 11 of all property as determined under section 441.21.  
 12 Any political subdivision which receives any amount  
 13 of property tax revenue which is less than the amount  
 14 certified and approved, shall certify the reduced  
 15 amount received and the amount certified to the state  
 16 comptroller. The state comptroller shall issue  
 17 warrants to each political subdivision in an amount  
 18 equal to the difference between the amount received  
 19 and the amount certified each year. The warrants  
 20 shall be issued not more than sixty days from the  
 21 date the political subdivision certifies the difference  
 22 to the state comptroller."  
 23 2. Renumber sections and correct internal  
 24 references.

GEORGE R. KINLEY

S-5976

1 Amend Senate File 2360 as follows:  
 2 1. Page 6, by striking lines 4 through 10.

WILLIAM D. PALMER

S-5977

1 Amend Senate File 2307 as follows;  
 2 1. By striking everything after the enacting  
 3 clause and inserting in lieu thereof the following:  
 4 "Section 1. Section 426.2, unnumbered paragraph  
 5 1, Code 1983, is amended to read as follows:  
 6 "Agricultural lands" as used in this chapter shall  
 7 mean and include land in tracts of ten acres or more  
 8 excluding any buildings or other structures located  
 9 on such land, and not laid off into lots of less than  
 10 ten acres or divided by streets and alleys into parcels  
 11 of less than ten acres, lying within any school  
 12 corporation in this state and in good faith actively  
 13 used for agricultural or horticultural purposes by  
 14 an owner-operator. "Owner-operator" as used in this  
 15 chapter means the owner of the agricultural land,  
 16 including one in possession under a contract for  
 17 purchase of the land, who is actively using the land  
 18 for agricultural or horticultural purposes.  
 19 Sec. 2. Section 426.3, Code 1983, is amended to  
 20 read as follows:  
 21 426.3 WHERE CREDIT GIVEN. The agricultural land  
 22 credit fund shall be apportioned each year in the

23 manner hereinafter provided so as to give a credit  
 24 against the tax on each tract of agricultural lands  
 25 of an owner-operator within the several school  
 26 districts of the state in which the levy for the  
 27 general school fund exceeds five dollars and forty  
 28 cents per thousand dollars of assessed value; the  
 29 amount of such credit on each tract of such lands  
 30 shall be the amount the tax levied for the general  
 31 school fund exceeds the amount of tax which would  
 32 be levied on said tract of such lands were the levy  
 33 for the general school fund five dollars and forty  
 34 cents per thousand dollars of assessed value for the  
 35 previous year, except where the total assessed value  
 36 of the agricultural land of the owner-operator exceeds  
 37 one million dollars and except in the case of a  
 38 deficiency in the agricultural land credits fund to  
 39 pay said credits in full, in which case the credit  
 40 on each eligible tract of such lands in the state  
 41 shall be proportionate and shall be applied as  
 42 hereinafter provided.

43 Sec. 3. Section 426.7, Code Supplement 1983, is  
 44 amended by adding the following new unnumbered  
 45 paragraph:

46 NEW UNNUMBERED PARAGRAPH. If the amounts payable  
 47 from the agricultural land credits fund is less than  
 48 the amount in the fund, the excess shall be transferred  
 49 and used for the purposes provided in House File 2500,  
 50 as passed by the Seventieth General Assembly, 1984

Page 2

1 Session.”

2 2. Title page, by striking lines 1 through 3 and  
 3 inserting in lieu thereof the words “An Act relating  
 4 to the agricultural land tax credit.”

CHARLES BRUNER

S-5978

1 Amend Senate File 2860 as follows:

2 1. Page 4, by inserting after line 17 the  
 3 following:

4 “Sec. \_\_\_\_ . Section 602.8106, subsection 1, Code  
 5 Supplement 1983, is amended to read as follows:

6 1. Notwithstanding section 602.8105, the fee for  
 7 the filing and docketing of a complaint or information  
 8 for a simple misdemeanor ~~shall be eight to ten~~ dollars;  
 9 provided that, However, a fee for filing and docketing  
 10 a complaint or information shall not be collected

11 in cases of overtime parking.”

12 2. Page 4, by inserting after line 23 the  
13 following:

14 “Sec. \_\_\_\_ . Section 602.8106, subsection 4, Code  
15 Supplement 1983, is amended to read as follows:

16 4. All fees and costs for the filing of a complaint  
17 or information or upon forfeiture of bail received  
18 from a magistrate shall be distributed by the clerk  
19 as follows:

20 a. One-half shall be remitted monthly by the clerk  
21 to the treasurer of state to be credited to the general  
22 fund of the state.

23 b. ~~One-fourth~~ One-fifth shall be deposited in  
24 the court revenue distribution account established  
25 under section 602.8108.

26 c. ~~One-fourth~~ Three-tenths shall be remitted  
27 monthly by the clerk to the treasurer of state to  
28 be credited to the judicial retirement fund established  
29 under section 602.9104.”

30 3. Page 12, by inserting after line 21 the  
31 following:

32 “Sec. \_\_\_\_ . Section 805.6, subsection 1, paragraph  
33 a. Code Supplement 1983, is amended to read as follows:

34 a. The commissioner of public safety and the state  
35 conservation director, acting jointly, shall adopt  
36 a uniform, combined citation and complaint which shall  
37 be used for charging all traffic violations in Iowa  
38 under state law or local regulation or ordinance,  
39 and which shall be used for charging all other  
40 violations which are designated by section 805.8 to  
41 be scheduled violations. The court costs in scheduled  
42 violation cases are the same as the fee for the filing  
43 and docketing of simple misdemeanor cases, as pro-  
44 vided in section 602.8106, subsection 1. This  
45 subsection does not prevent the charging of any of  
46 those violations by information, by private complaint  
47 filed under chapter 804, or by a simple notice of  
48 fine where permitted by section 321.236, subsection  
49 1. Each uniform citation and complaint shall be  
50 serially numbered and shall be in quintuplicate, and

Page 2

1 the officer shall deliver the original and a copy  
2 to the court where the defendant is to appear, two  
3 copies to the defendant, and a copy to the law  
4 enforcement agency of the officer. The court shall  
5 forward the copy of the uniform citation and complaint  
6 in accordance with section 321.207 when applicable.

7 The uniform citation and complaint shall contain  
8 spaces for the parties' names; the address of the  
9 alleged offender; the registration number of the  
10 offender's vehicle; the information required by section  
11 805.2; a promise to appear as provided in section  
12 805.3 and a place where the cited person may sign  
13 the promise to appear; a list of the scheduled fines  
14 prescribed by section 805.8, either separately or  
15 by group, and a statement ~~that of the court costs~~  
16 payable in scheduled offense violation cases, whether  
17 or not a court appearance is required or is demanded;  
18 are eight dollars; a brief explanation of sections  
19 805.9 and 805.10; and a space where the defendant  
20 may sign an admission of the violation when permitted  
21 by section 805.9; and the uniform citation and  
22 complaint shall require that the defendant appear  
23 before a court at a specified time and place. The  
24 uniform citation and complaint also may contain a  
25 space for the imprint of a credit card, and may contain  
26 any other information which the commissioner of public  
27 safety and the state conservation director may  
28 determine.

29 Sec. \_\_\_\_ . Section 805.6, subsection 1, paragraph  
30 c, subparagraphs (1), (2), and (3), Code Supplement  
31 1983, are amended to read as follows:

32 (1) If the offense is one to which a scheduled  
33 fine is applicable, an amount equal to one and one-  
34 half times the scheduled fine plus ~~eight dollars court~~  
35 costs.

36 (2) If the violation charged involved or resulted  
37 in an accident or injury to property and the total  
38 damages are less than two hundred fifty dollars, the  
39 amount of fifty dollars and ~~eight dollars plus court~~  
40 costs.

41 (3) If the violation is for any offense for which  
42 a court appearance is mandatory, the amount of one  
43 hundred dollars plus ~~eight dollars court~~  
44 costs.

45 Sec. \_\_\_\_ . Section 805.9, subsections 1 through  
46 5, Code Supplement 1983, are amended to read as  
47 follows:

48 1. In cases of scheduled violations, the defendant,  
49 before the time specified in the citation and complaint  
50 for appearance before the court, may sign the admission  
of violation on the citation and complaint and deliver

Page 3

- 1 or mail the citation and complaint, together with
- 2 the minimum fine for the violation, plus ~~eight dollars~~



3 court costs, to a scheduled violations office in the  
4 county. The office shall, if the offense is a moving  
5 violation under chapter 321, forward a copy of the  
6 citation and complaint and admission to the department  
7 of transportation as required by section 321.207.  
8 In this case the defendant is not required to appear  
9 before the court. The admission constitutes a  
10 conviction.

11 2. A defendant charged with a scheduled violation  
12 by information may obtain two copies of the information  
13 from the court and, before the time the defendant  
14 is required to appear before the court, deliver or  
15 mail the copies, together with the defendant's  
16 admission, fine, and eight dollars court costs, to  
17 the scheduled violations office in the county. The  
18 procedure, fine, and costs are the same as when the  
19 charge is by citation and complaint, with the admission  
20 and the number of the defendant's operator's or  
21 chauffeur's license placed upon the information, when  
22 the violation involves the use of a motor vehicle.

23 3. When section 805.8 and this section are  
24 applicable but the officer does not deem it advisable  
25 to release the defendant and no court in the county  
26 is in session:

27 a. If the defendant wishes to admit the violation,  
28 the officer may release the defendant upon observing  
29 the person mail the citation and complaint, admission,  
30 and minimum fine, together with eight dollars court  
31 costs, to a traffic violations office in the county,  
32 in an envelope furnished by the officer. The admission  
33 constitutes a conviction and judgment in the amount  
34 of the scheduled fine plus eight dollars court costs.  
35 The officer may allow the defendant to use a credit  
36 card pursuant to rules adopted under section 805.14  
37 by the department of public safety or to mail a check  
38 in the proper amount in lieu of cash. If the check  
39 is not paid by the drawee for any reason, the defendant  
40 may be held in contempt of court. The officer shall  
41 advise the defendant of the penalty for nonpayment  
42 of the check.

43 b. If the defendant does not comply with paragraph  
44 "a" of this subsection, the officer may release the  
45 defendant upon observing the defendant mail to a court  
46 in the county the citation and complaint and one and  
47 one-half times the minimum fine together with eight  
48 dollars court costs, or in lieu of one and one-half  
49 times the fine and the court costs, a guaranteed  
50 arrest bond certificate as provided in section 321.1,

Page 4

1 subsection 70, as bail together with the following  
2 statement signed by the defendant:

3 "I agree that either (1) I will appear pursuant  
4 to this citation or (2) if I do not appear in person  
5 or by counsel to defend against the offense charged  
6 in this citation the court is authorized to enter  
7 a conviction and render judgment against me for the  
8 amount of one and one-half times the scheduled fine  
9 plus ~~eight dollars~~ court costs."

10 c. If the defendant does not comply with paragraph  
11 "a" or "b", or when section 804.7 is applicable, the  
12 officer may arrest and confine the defendant if  
13 authorized by the latter section, and proceed according  
14 to chapter 804.

15 4. A defendant who admits a scheduled violation  
16 may appear before court. The procedure, costs, and  
17 fine, without suspension of the fine, after the hearing  
18 are the same as in the traffic violations office.

19 5. A defendant charged with a scheduled violation  
20 who does not fully comply with subsection 1, 2, 3,  
21 or 4 of this section before the time required to  
22 appear before the court must, at that time, appear  
23 before the court. If the defendant admits the  
24 violation, the procedure, ~~costs~~, and fine, without  
25 suspension of ~~the fine~~, after the hearing are the  
26 same before the court as before the traffic violations  
27 office with ~~eight dollars court costs~~, and ~~are~~ without  
28 prejudice, when applicable, to proceedings under  
29 section 321.487."

30 4. Page 12, line 24, by striking the words "eight  
31 dollars in" and inserting in lieu thereof the words  
32 "~~eight dollars in~~ court".

33 5. By renumbering as necessary.

ARTHUR A. SMALL, JR.

S-5979

1 Amend Senate File 2361 as follows:

DIVISION S—5979A

2 1. Page 8, by inserting after line 19 the  
3 following:

4 "Sec. \_\_\_\_ . There is appropriated from the general  
5 fund of the state to the state board of regents for  
6 the fiscal year beginning July 1, 1984 and ending

7 June 30, 1985, the sum of two hundred ninety thousand  
 8 (290,000) dollars to be used by the agricultural  
 9 experiment station at Iowa state university for a  
 10 new food crops research center."

DIVISION S—5979B

11 2. Page 9, line 19, by striking the figure  
 12 "750,000" and inserting in lieu thereof the figure  
 13 "740,000".

14 3. Page 9, line 22, by striking the figure  
 15 "157,000" and inserting in lieu thereof the figure  
 16 "120,000".

17 4. Page 9, line 25, by striking the figure  
 18 "665,000" and inserting in lieu thereof the figure  
 19 "650,000".

20 5. Page 9, line 27, by striking the figure "60,000"  
 21 and inserting in lieu thereof the figure "55,000".

22 6. Page 9, by striking lines 28 through 30.

23 7. Page 10, by striking lines 8 through 26 and  
 24 inserting in lieu thereof the following:

25 "j. For repair of the roof and  
 26 dome of the state historical build-  
 27 ing ..... \$ 285,000

28 k. For the renovation of rest-  
 29 room and drinking facilities in the  
 30 state historical building to make  
 31 them accessible to handicapped per-  
 32 sons ..... \$ 10,000

33 l. For construction of a handi-  
 34 capped entrance ramp to the state  
 35 historical building ..... \$ 5,000

36 3. IOWA STATE HISTORICAL DE-  
 37 PARTMENT

38 a. For construction of a handi-  
 39 capped entrance to the centennial  
 40 building in Iowa City ..... \$ 13,000

41 b. For the purchase of property  
 42 adjacent to the gravesite at Gardner  
 43 cabin ..... \$ 30,000"

44 8. Page 11, line 32, by inserting after the figure  
 45 "1986." the following: "The department of general  
 46 services with the approval of the state comptroller,  
 47 may transfer funds appropriated for a capital project  
 48 in section 24, subsection 2 of this Act from one  
 49 capital project to another capital project provided  
 50 in section 24, subsection 2 of this Act so long as

Page 2

## DIVISION S—5979B

1 the total amount appropriated for all those projects  
2 is not exceeded.”

3 9. Page 11, by inserting after line 32 the  
4 following:

## “DIVISION VIII

5  
6 Sec. \_\_\_\_ . Section 273.3, Code Supplement 1983,  
7 is amended by adding the following new subsection:  
8 **NEW SUBSECTION.** 18. Be authorized to issue school  
9 credit cards allowing area education agency employees  
10 to pay for the actual and necessary expenses incurred  
11 in the performance of work-related duties.

12 Sec. \_\_\_\_ . Section 279.8, unnumbered paragraph  
13 1, Code 1983, is amended to read as follows:

14 The board shall make rules for its own government  
15 and that of the directors, officers, employees,  
16 teachers and pupils, and for the care of the  
17 schoolhouse, grounds, and property of the school  
18 corporation, and shall aid in the enforcement of the  
19 same rules, and require the performance of duties  
20 by said persons imposed by law and the rules. The  
21 board shall include in its rules provisions regulating  
22 the loading and unloading of pupils from a school  
23 bus stopped on the highway during a period of reduced  
24 highway visibility caused by fog, snow or other weather  
25 conditions. The board shall have the authority to  
26 include in its rules provisions allowing school  
27 corporation employees to use school credit cards to  
28 pay for the actual and necessary expenses incurred  
29 in the performance of work-related duties.

30 Sec. \_\_\_\_ . Section 280A.23, Code 1983, is amended  
31 by adding the following new subsection:

32 **NEW SUBSECTION.** 11. Be authorized to issue to  
33 employees of merged area schools school credit cards  
34 to use for payment of authorized expenditures incurred  
35 in the performance of work-related duties.

36 Sec. 4. Section 303B.6, Code 1983, is amended  
37 by adding the following new subsection:

38 **NEW SUBSECTION.** 9. Issue to employees within  
39 their jurisdiction regional library system credit  
40 cards to use for payment of authorized expenditures  
41 incurred in the performance of work-related duties.”

ARTHUR A. SMALL, JR.  
LOWELL L. JUNKINS

S-5980

- 1 Amend the House amendment S-5953 to Senate File
- 2 2271 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking lines 10 through 37.
- 5 2. Page 1, by striking lines 44 through 48.

TOM MANN, JR.  
LEE W. HOLT

S-5981

- 1 Amend Senate File 2360 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "Sec. \_\_\_\_ . 1984 Iowa Acts, House File 2340, section
- 5 3, if House File 2340 becomes law, is amended to read
- 6 as follows:
- 7 135C.37 COMPLAINTS ALLEGING VIOLATIONS. A person
- 8 may request an inspection of a health care facility
- 9 by filing with the department of care review committee
- 10 of the facility a complaint of an alleged violation
- 11 of applicable requirements of this chapter or the
- 12 rules adopted pursuant to it. A copy of a complaint
- 13 filed with the care review committee shall be forwarded
- 14 to the department. The complaint shall state in a
- 15 reasonably specific manner the basis of the complaint,
- 16 and a statement of the nature of the complaint shall
- 17 be delivered to the facility involved at the time
- 18 of or prior to the inspection. The name of the person
- 19 who files a complaint with the department or care
- 20 review committee shall be kept confidential and shall
- 21 not be subject to discovery, subpoena, or other means
- 22 of legal compulsion for its release to a person other
- 23 than department employees involved in the investigation
- 24 of the complaint, except as authorized by a court
- 25 of competent jurisdiction. The department may seek
- 26 an appropriate protective order where discovery is
- 27 permitted by court order."
- 28 2. Page 2, by inserting after line 5 the following:
- 29 "Sec. \_\_\_\_ . Section 601A.16, subsection 6, Code
- 30 1983, is amended by adding the following new unnumbered
- 31 paragraph:
- 32 **NEW UNNUMBERED PARAGRAPH.** This section shall not
- 33 be construed to authorize administrative closures
- 34 where an investigation is warranted."
- 35 3. Page 5, line 25, by inserting after the word
- 36 "responsible" the words "for the compensation of and
- 37 operating costs for court employees not presently

- 38 designated for state financing and".  
 39 4. Page 5, line 27, by inserting after the word  
 40 "purchased" the words ", leased, or maintained".  
 41 5. Page 5, line 29, by inserting after the word  
 42 "responsibility" the words "for the compensation of  
 43 and operating costs for court employees not presently  
 44 designated for state financing and".  
 45 6. Page 5, line 31, by inserting after the word  
 46 "purchased" the words ", leased, or maintained".  
 47 7. Page 5, line 34, by inserting after the word  
 48 "of" the words "and operating costs for".  
 49 8. Page 5, line 35, by inserting after the words  
 50 "hospitalization referees" the words "and their

Page 2

- 1 staffs".  
 2 9. Page 6, line 2, by inserting after the word  
 3 "of" the words "and operating costs for".  
 4 10. Page 6, line 3, by inserting after the word  
 5 "referees" the words "and their staffs".  
 6 11. Page 6, by striking lines 4 through 10.

TOM MANN, JR.

S-5982

- 1 Amend Senate File 2332 as follows:  
 2 1. Page 2, line 14, by striking the word "five"  
 3 and inserting in lieu thereof the words "five six".  
 4 2. Page 2, line 20, by adding after the word  
 5 "hundred" the word "fifty".

WILLIAM W. (Bill) DIELEMAN

S-5983

- 1 Amend House File 2509 as amended, passed and  
 2 reprinted by the House as follows:  
 3 1. Page 2, line 3, by striking the words "twenty-  
 4 five cents." and inserting in lieu thereof the words  
 5 "one dollar, not in excess of five dollars."

DAVID M. READINGER  
 TED ANDERSON

S-5984

- 1 Amend House File 2509 as amended, passed and  
 2 reprinted by the House as follows:

- 3 1. Page 5, by striking lines 13 through 15 and  
4 inserting in lieu thereof the words "or semitrailers  
5 ~~shall be are~~ in lieu of all taxes, general or local,  
6 ~~except for a local option vehicle tax,~~ to which motor  
7 vehicles or semitrailers".  
8 2. Page 5, line 19, by striking the words "~~based~~  
9 ~~upon assessed valuation,~~".

DAVID M. READINGER

S-5985

- 1 Amend Senate File 2360 as follows:  
2 1. Page 2, by inserting after line 5 the following:  
3 "Sec. \_\_\_\_ . Section 601A.16, subsection 6, Code  
4 1983, is amended by adding the following new unnumbered  
5 paragraph:  
6 **NEW UNNUMBERED PARAGRAPH.** This section shall not  
7 be construed to authorize administrative closures  
8 where an investigation is warranted."  
9 2. Page 5, line 25, by inserting after the word  
10 "responsible" the words "for the compensation of and  
11 operating costs for court employees not presently  
12 designated for state financing and".  
13 3. Page 5, line 27, by inserting after the word  
14 "purchased" the words ", leased, or maintained".  
15 4. Page 5, line 29, by inserting after the word  
16 "responsibility" the words "for the compensation of  
17 and operating costs for court employees not presently  
18 designated for state financing and".  
19 5. Page 5, line 31, by inserting after the word  
20 "purchased" the words ", leased, or maintained".  
21 6. Page 5, line 34, by inserting after the word  
22 "of" the words "and operating costs for".  
23 7. Page 5, line 35, by inserting after the words  
24 "hospitalization referees" the words "and their  
25 ~~staffs~~".  
26 8. Page 6, line 2, by inserting after the word  
27 "of" the words "and operating costs for".  
28 9. Page 6, line 3, by inserting after the word  
29 "referees" the words "and their staffs".  
30 10. Page 6, by striking lines 4 through 10.

TOM MANN, JR.

S-5986

- 1 Amend the House amendment S-5940 to Senate File  
2 2215, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. By striking page 1, line 3, through page 4,  
5 line 32, and inserting in lieu thereof the following:

6 "1. By striking everything after the enacting  
7 clause and inserting in lieu thereof the following:

8 "Section 1. 279.19A NEW SECTION. EXTRACURRICULAR  
9 CONTRACTS.

10 1. School districts employing individuals to coach  
11 interscholastic athletic activities shall issue a  
12 separate extracurricular contract for each of these  
13 activities. An extracurricular contract offered under  
14 this section shall be separate from the contract  
15 issued under section 279.13. Wages for employees  
16 who coach these activities shall be paid pursuant  
17 to established or negotiated supplemental pay  
18 schedules. An extracurricular contract shall be in  
19 writing, and shall state the number of contract days,  
20 the annual compensation to be paid, and any other  
21 matters as may be mutually agreed upon. The contract  
22 shall be for a single school year and may be continued  
23 as provided in subsection 2.

24 2. An extracurricular contract shall be continued  
25 automatically in force and effect for equivalent  
26 periods, except as modified or terminated by mutual  
27 agreement of the board of directors and the employee,  
28 or terminated in accordance with this section. An  
29 extracurricular contract shall initially be offered  
30 by the employing board to an individual on the same  
31 date that contracts are offered to teachers under  
32 section 279.13. An extracurricular contract may be  
33 terminated at the end of a school year pursuant to  
34 sections 279.15 through 279.19. If the school district  
35 offers an extracurricular contract for an activity  
36 for the subsequent school year to an employee who  
37 is currently performing under an extracurricular  
38 contract for that activity, and the employee does  
39 not wish to accept the extracurricular contract for  
40 the subsequent year, the employee may resign from  
41 the extracurricular contract within twenty-one days  
42 after it has been received.

43 Section 279.13, subsection 3, applies to this  
44 section.

45 3. The board of directors of a school district  
46 may require an employee who has resigned from an  
47 extracurricular contract to accept, as a condition  
48 of employment under section 279.13, the extracurricular  
49 contract for the subsequent school year if all of  
50 the following conditions apply:

Page 2

- 1 a. The employee has accepted a teaching contract
- 2 issued by the board pursuant to section 279.13 for



3 the subsequent school year.

4 b. The board of directors has made a good faith  
5 effort to fill the coaching position with a  
6 certificated or authorized replacement.

7 c. The position has not been filled by June 1  
8 of the year in which the employee resigned the  
9 extracurricular contract.

10 4. As a condition of employment under section  
11 279.13, the board of directors of a school district  
12 may require an employee who has been issued a teaching  
13 contract pursuant to section 279.13 to accept an  
14 extracurricular contract for which the employee is  
15 certificated or authorized, or may require as a  
16 condition of employment that an applicant for a  
17 teaching contract under section 279.13 accept an  
18 extracurricular contract if all of the following  
19 conditions apply:

20 a. The individual who held the coaching position  
21 during the year has not been issued a teaching contract  
22 by the board pursuant to section 279.13 for the  
23 subsequent school year, or has been terminated from  
24 the extracurricular contract.

25 b. The board of directors has made a good faith  
26 effort to fill the coaching position with a  
27 certificated or authorized replacement.

28 c. The position has not been filled by June 1  
29 of the year in which the vacancy occurred for the  
30 interscholastic athletic activity.

31 5. By June 1 of that year, the board shall notify  
32 the employee in writing if the board intends to require  
33 the employee to accept an extracurricular contract  
34 for the subsequent school year under subsection 3  
35 or 4. If the employee believes that the board did  
36 not make a good faith effort to fill the position,  
37 the employee may appeal the decision by notifying  
38 the board in writing within seven school days after  
39 receiving the notification.

40 The appeal shall state why the employee believes  
41 that the board did not make a good faith effort to  
42 fill the position. If the parties are unable to  
43 informally resolve the dispute, the parties shall  
44 attempt to agree upon an alternative means of resolving  
45 the dispute.

46 If the dispute is not resolved by mutual agreement,  
47 either party may appeal to the district court.

48 6. Subsections 3, 4, and 5 do not apply if the  
49 terms of a collective bargaining agreement provide  
50 otherwise.

Page 3

1 7. An extracurricular contract may be terminated  
2 prior to the expiration of that contract pursuant  
3 to section 279.27.

4 8. A termination proceeding of an extracurricular  
5 contract either by the board pursuant to subsection  
6 2 or pursuant to section 279.27 does not affect a  
7 contract issued pursuant to section 279.13.

8 A termination of a contract entered into pursuant  
9 to section 279.13, or a resignation from that contract  
10 by the teacher, constitutes an automatic termination  
11 or resignation of the extracurricular contract in  
12 effect between the same teacher and the employing  
13 school board.

14 9. For the purposes of this section, "good faith  
15 effort" includes advertising for the position in an  
16 appropriate publication, interviewing applicants,  
17 and giving serious consideration to those certificated  
18 or authorized applicants who apply.

19 **Sec. 2. NEW SECTION. 279.19B COACHING ENDORSEMENT**  
20 **AND AUTHORIZATION.** The board of directors of a school  
21 district shall offer an extracurricular contract for  
22 varsity head coach of the interscholastic athletic  
23 activities of football, basketball, track, baseball,  
24 softball, volleyball, gymnastics, hockey, and wrestling  
25 only to an individual possessing a teaching certificate  
26 with a coaching endorsement issued pursuant to chapter  
27 260.

28 The board of directors of a school district may  
29 employ for head coach of other interscholastic athletic  
30 activities or for assistant coach of any  
31 interscholastic athletic activity, an individual who  
32 possesses a coaching authorization issued by the  
33 department of public instruction. An individual who  
34 has been issued a coaching authorization and is  
35 employed by the board of directors of a school district  
36 serves at the pleasure of the board of directors and  
37 is not subject to sections 279.13, 279.15 through  
38 279.19, and 279.27. Chapter 272A and section 279.19A  
39 apply to coaching authorizations.

40 **Sec. 3. NEW SECTION. 260.31 COACHING**  
41 **AUTHORIZATION.**

42 1. The minimum requirements for the board to award  
43 a coaching authorization to an applicant are:

44 a. Successful completion of one semester credit  
45 hour or ten contact hours in a course relating to  
46 knowledge and understanding of the structure and

47 function of the human body in relation to physical  
 48 activity.  
 49 b. Successful completion of one semester credit  
 50 hour or ten contact hours in a course relating to

Page 4

1 knowledge and understanding of human growth and  
 2 development of children and youth in relation to  
 3 physical activity.  
 4 c. Successful completion of two semester credit  
 5 hours or twenty contact hours in a course relating  
 6 to knowledge and understanding of the prevention and  
 7 care of athletic injuries and medical and safety  
 8 problems relating to physical activity.  
 9 d. Successful completion of one semester credit  
 10 hour or ten contact hours relating to knowledge and  
 11 understanding of the techniques and theory of coaching  
 12 interscholastic athletics.  
 13 2. The board of educational examiners shall adopt  
 14 rules under chapter 17A for coaching authorizations  
 15 including, but not limited to approval of courses,  
 16 validity and expiration, fees, and suspension and  
 17 revocation of authorizations. The board of educational  
 18 examiners shall work with institutions of higher  
 19 education, private colleges and universities, merged  
 20 area schools, and area education agencies to insure  
 21 that the courses required under subsection 1 are  
 22 offered throughout the state at convenient times and  
 23 at a reasonable cost.  
 24 Sec. 4. Extracurricular contracts shall be offered  
 25 pursuant to this Act on or after March 15, 1985 for  
 26 the school year commencing July 1, 1985."

JOE BROWN  
 ARTHUR L. GRATIAS

S-5987

1 Amend the House amendment, S-5964, to Senate File  
 2 2337, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. By striking page 1, line 3 through page 8,  
 5 line 1 and inserting in lieu thereof the following:  
 6 "Section 1. There is appropriated from the general  
 7 fund of the state to the following named agencies  
 8 for the fiscal year beginning July 1, 1984 and ending  
 9 June 30, 1985, the following amounts, or so much  
 10 thereof as is necessary, for the purposes designated:

11  
 12 1984-1985  
 13 Fiscal Year  
 14 1. IOWA LAW ENFORCEMENT  
 15 ACADEMY  
 16 For salaries, support, main-  
 17 tenance, and miscellaneous pur-  
 18 poses ..... \$ 797,300

19 2. DEPARTMENT OF PUBLIC  
 20 DEFENSE  
 21 Military division  
 22 For salaries, support, main-  
 23 tenance, and miscellaneous pur-  
 24 poses ..... \$ 2,993,334

25 Notwithstanding section 29A.33, the per capita  
 26 annual allowance to units will be five dollars per  
 27 capita to be paid on a semiannual basis in installments  
 28 of two dollars fifty cents per capita for the fiscal  
 29 year beginning July 1, 1984 and ending June 30, 1985.  
 30 The per capita allowance shall be used for morale  
 31 purposes and be for the welfare of the troops and  
 32 in no circumstances expended for support and  
 33 maintenance.

34 3. OFFICE OF DISASTER SERVICES  
 35 For salaries, support, main-  
 36 tenance, and miscellaneous pur-  
 37 poses ..... \$ 118,295

38 Sec. 2. There is appropriated from the general  
 39 fund of the state to the department of public safety  
 40 for the fiscal year beginning July 1, 1984 and ending  
 41 June 30, 1985, the following amounts, or so much  
 42 thereof as is necessary, to be used for funding the  
 43 following functions and programs for the purposes  
 44 designated:

45 1984-1985  
 46 Fiscal Year

46 DEPARTMENT OF PUBLIC SAFETY

47 1. ADMINISTRATIVE FUNCTION

48 For salaries, support,  
 49 maintenance, and miscellaneous  
 50 purposes of the department,

Page 2

1 criminal justice information sys-  
 2 tem, and radio communications ..... \$ 4,687,600  
 3 It is the intent of the general assembly that only  
 4 ten percent of the funds appropriated under this  
 5 paragraph shall be used for the payment of operational  
 6 expenses.

7 2. INSPECTION FUNCTION

8 For salaries, support, main-  
 9 tenance, and miscellaneous pur-  
 10 poses of fire marshal's inspec-  
 11 tions, administration of the  
 12 state building code, arson in-  
 13 vestigators including the state's  
 14 contribution to the peace offi-  
 15 cers' retirement, accident, and  
 16 disability provided in chapter  
 17 97A in the amount of sixteen per-  
 18 cent of the salaries for which  
 19 the funds are appropriated ..... \$ 1,026,700

20 3. SECURITY FUNCTION

21 For salaries, support, mainte-  
 22 nance, and miscellaneous purposes  
 23 of the capitol security division ..... \$ 672,000

24 4. INVESTIGATION FUNCTION

25 a. For salaries, support, main-  
 26 tenance, and miscellaneous pur-  
 27 poses, including lease or lease  
 28 purchase of laboratory equipment,  
 29 of the division of criminal in-  
 30 vestigation containing the bu-  
 31 reaus of identification, drug  
 32 law enforcement, welfare fraud,  
 33 and beer and liquor law enforce-  
 34 ment, including the state's con-  
 35 tribution to the peace officers'  
 36 retirement, accident, and dis-  
 37 ability system provided in chap-  
 38 ter 97A in the amount of sixteen  
 39 percent of the salaries for which  
 40 the funds are appropriated ..... \$ 4,663,500

41 b. For undercover purchases  
 42 by the division of criminal in-  
 43 vestigation agents and local law  
 44 enforcement agents ..... \$ 200,000

45 c. For salaries, support,  
 46 maintenance, and miscellaneous  
 47 purposes for the employment of  
 48 new pari-mutuel law enforcement  
 49 agents, including the state's  
 50 contribution to the peace

Page 3

1 officers' retirement, accident,  
 2 and disability system provided

3 in chapter 97A in the amount  
 4 of sixteen percent of the  
 5 salaries for which the funds are  
 6 appropriated ..... \$ 175,000  
 7 It is the intent of the general assembly that the  
 8 division of criminal investigation of the department  
 9 of public safety shall purchase not more than five  
 10 motor vehicles of any make or model based upon  
 11 specifications submitted by the department.  
 12 5. DIVISION OF HIGHWAY SAFETY  
 13 AND UNIFORMED FORCE  
 14 a. For various crime preven-  
 15 tion programs sponsored within the  
 16 department of public safety ..... \$ 53,125  
 17 The Iowa highway safety patrol shall endeavor to  
 18 purchase one-half of the motor fuel and special fuel  
 19 necessary to operate motor vehicles from state  
 20 department of transportation facilities. For the  
 21 fiscal year beginning July 1, 1984 and ending June  
 22 30, 1985, the general assembly assumes that there  
 23 is substantial compliance with this requirement if  
 24 the Iowa highway safety patrol purchases at least  
 25 forty-five percent of the motor fuel and special fuel  
 26 necessary to operate motor vehicles from state  
 27 department of transportation facilities. If the state  
 28 comptroller's estimates of motor fuel and special  
 29 fuel prices exceeds the amount needed for purchase  
 30 of motor fuel and special fuel necessary to operate  
 31 Iowa highway safety patrol motor vehicles, the amount  
 32 of the difference may be expended only for the  
 33 maintenance of the motor vehicle fleet of the Iowa  
 34 highway safety patrol. The Iowa highway safety patrol  
 35 shall report the amount expended for the total  
 36 purchases of motor fuel and special fuel and the  
 37 amount expended for fleet maintenance to the  
 38 transportation and law enforcement appropriations  
 39 subcommittee not later than August 1 following the  
 40 end of the fiscal year.  
 41 It is the intent of the general assembly that the  
 42 department of public safety shall not retain more  
 43 than seven motor vehicles at department headquarters  
 44 for departmental use. All of these motor vehicles,  
 45 except two, shall be properly marked to identify the  
 46 department of public safety.  
 47 Sec. 3. There is appropriated from the general  
 48 fund of the state to the state department of  
 49 transportation for the fiscal year beginning July  
 50 1, 1984 and ending June 30, 1985, the following

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1 amounts, or so much thereof as may be necessary, to  
 2 be used for the following purposes:

3		1984-1985
4		<u>Fiscal Year</u>
5	STATE DEPARTMENT OF TRANSPOR-	
6	TATION	
7	1. For salaries, support,	
8	maintenance, and miscellaneous	
9	purposes .....	\$ 5,359,853
10	2. For public transit purposes	
11	to implement a state assistance	
12	plan .....	\$ 1,854,600

13 Notwithstanding chapter 8, it is the intent of  
 14 the general assembly that funds appropriated for  
 15 public transit purposes to implement a state assistance  
 16 plan shall be allocated in whole or in part to a  
 17 public transit system prior to the time actual  
 18 expenditures are incurred if the allocation is first  
 19 approved by the state department of transportation.  
 20 A public transit system shall make application for  
 21 advance allocations to the state department of  
 22 transportation specifically stating the reasons why  
 23 an advance allocation is required and this allocation  
 24 shall be included in the total to be audited.

25	3. For deposit in the rail-	
26	road assistance fund for branch	
27	line improvement .....	\$ 972,000

28 Sec. 4. There is appropriated from the road use  
 29 tax fund to the state department of transportation  
 30 for the fiscal year beginning July 1, 1984 and ending  
 31 June 30, 1985, the following amounts, or so much  
 32 thereof as may be necessary, to be used for the  
 33 following purposes:

34		1984-1985
35		<u>Fiscal Year</u>
36	STATE DEPARTMENT OF TRANSPOR-	
37	TATION	
38	1. For salaries, support,	
39	maintenance, and miscellaneous	
40	purposes .....	\$ 13,094,154
41	2. For funding for two pilot	
42	projects for area-wide ride-	
43	sharing programs authorized	
44	by law .....	\$ 5,000
45	3. For the purpose of making	
46	payments to the Iowa merit employ-	

47 ment department for expenses in-  
48 curred in administering the merit  
49 system on behalf of the state  
50 department of transportation, as

Page 5

1	required by chapter 19A .....	\$ 18,000
2	4. Unemployment compensation .....	\$ 12,250
3	Sec. 5. There is appropriated from the road use	
4	tax fund to the state comptroller for the fiscal year	
5	beginning July 1, 1984 and ending June 30, 1985, the	
6	sum of twenty-three thousand (23,000) dollars, or	
7	so much thereof as is necessary, to be used for the	
8	purpose of paying workers' compensation claims under	
9	chapter 85 on behalf of employees of the state	
10	department of transportation.	
11	Sec. 6. There is appropriated from the primary	
12	road fund to the state department of transportation	
13	for the fiscal year beginning July 1, 1984 and ending	
14	June 30, 1985, the following amounts, or so much	
15	thereof as may be necessary, to be used for the	
16	following purposes:	
17		
18		1984-1985
19		<u>Fiscal Year</u>
20	STATE DEPARTMENT OF TRANSPOR-	
21	TATION	
22	1. For salaries, support,	
23	maintenance, and miscellaneous	
24	purposes .....	\$121,438,357
25	2. To be deposited in the	
26	state department of transportation	
27	materials and equipment revolving	
28	fund established by section 307A.7	
29	for funding the increased replace-	
30	ment cost of vehicles .....	\$ 2,000,000
31	3. For the purpose of making	
32	payments to the Iowa merit em-	
33	ployment department for expenses	
34	incurred in administering the	
35	merit system on behalf of the	
36	state department of transportation,	
37	as required by chapter 19A .....	\$ 342,000
38	4. Unemployment compensation .....	\$ 232,750
39	Sec. 7. There is appropriated from the primary	
40	road fund to the state comptroller for the fiscal	
41	year beginning July 1, 1984 and ending June 30, 1985,	
42	the sum of four hundred thirty-seven thousand (437,000)	
	dollars, or so much thereof as is necessary, for the	



43 purpose of paying workers' compensation claims under  
 44 chapter 85 on behalf of the employees of the state  
 45 department of transportation.  
 46 Sec. 8. There is appropriated from the state  
 47 aviation fund to the state department of transportation  
 48 for the fiscal year beginning July 1, 1984 and ending  
 49 June 30, 1985, the following amount, or so much thereof  
 50 as may be necessary, to be used for the following

Page 6

1 purposes:

2  
 3

1984-1985  
Fiscal Year

4 For salaries, support, main-  
 5 tenance, and miscellaneous pur-  
 6 poses .....

\$ 331,000

7 Sec. 9. 1983 Iowa Acts, chapter 198, section 31,  
 8 is amended to read as follows:

9 SEC. 31. Notwithstanding the provisions of section  
 10 423.24, there is transferred from revenues collected  
 11 under chapter 423 during the fiscal year beginning  
 12 July 1, 1983 and ending June 30, 1984, from the use  
 13 tax imposed on motor vehicles, trailers and motor  
 14 vehicle accessories and equipment under section 423.7  
 15 the sum of one million (1,000,000) dollars which shall  
 16 be transferred to the state department of  
 17 transportation for public transit assistance for the  
 18 fiscal year beginning July 1, 1983 and ending June  
 19 30, 1984. The funds transferred under this section  
 20 to the state department of transportation for public  
 21 transit assistance shall be considered in advance  
 22 an interest-free loan of funds to be received for  
 23 public transit assistance under the Surface  
 24 Transportation Assistance Act of 1982 and the road  
 25 use tax fund shall receive reimbursement of the funds  
 26 from receipts received by the state department of  
 27 transportation for public transit assistance from  
 28 the United States government pursuant to the Surface  
 29 Transportation Assistance Act of 1982 loan during  
 30 the fiscal period beginning July 1, 1983 1984 and  
 31 ending June 30, 1985 1989.

32 Sec. 10. Section 312.2, subsection 5, unnumbered  
 33 paragraph 1, Code Supplement 1983, is amended to read  
 34 as follows:

35 The treasurer of state shall before making the  
 36 above allotments credit annually to the highway grade  
 37 crossing safety fund the sum of seven hundred thousand  
 38 dollars, credit annually from the road use tax fund

39 the sum of five nine hundred thousand dollars to the  
40 highway railroad grade crossing surface repair fund,  
41 credit monthly to the primary road fund the dollars  
42 yielded from an allotment of sixty-five hundredths  
43 of one percent of all road use tax funds for the  
44 express purpose of carrying out subsection 11 of  
45 section 307A.2, section 313.4, subsection 2, and  
46 section 307A.5, and credit annually to the primary  
47 road fund the sum of five hundred thousand dollars  
48 to be used for paying expenses incurred by the state  
49 department of transportation other than expenses  
50 incurred for extensions of primary roads in cities.

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1 All unobligated funds provided by this subsection,  
2 except those funds credited to the highway grade  
3 crossing safety fund, shall at the end of each year  
4 revert to the road use tax fund. Funds in the highway  
5 grade crossing safety fund shall not revert to the  
6 road use tax fund except to the extent they exceed  
7 five hundred thousand dollars at the end of any  
8 biennium. The cost of each highway railroad grade  
9 crossing repair project shall be allocated in the  
10 following manner:

11 Sec. 11. Registration fees collected under section  
12 321.109 and 321.122, subsection 1, paragraph a, to  
13 the extent that these fees exceed one hundred twenty  
14 million (120,000,000) dollars for the fiscal year  
15 beginning July 1, 1983 and ending June 30, 1984, shall  
16 be placed in escrow by the treasurer of state until  
17 April 15, 1985 and then credited to the road use tax  
18 fund.

19 Sec. 12. 1983 Iowa Acts, chapter 198, section  
20 34, is repealed.

21 Sec. 13. All federal grants to and the federal  
22 receipts of the agencies appropriated funds under  
23 this Act are appropriated for the purposes set forth  
24 in such federal grants and receipts unless otherwise  
25 provided by the general assembly.

26 Sec. 14. Section 10 takes effect July 1, 1985.

27 Sec. 15. This Act, being deemed of immediate  
28 importance, takes effect from and after its publication  
29 in The Bancroft Register, a newspaper published in  
30 Bancroft, Iowa and in the Carroll Daily Times-Herald,  
31 a newspaper published in Carroll, Iowa."

JOE J. WELSH

S-5988

1 Amend Senate File 2360, as amended, passed, and  
2 reprinted by the Senate, as follows:

## DIVISION S—5988A

3 1. Page 12, by inserting after line 21 the  
4 following:

5 "Sec. \_\_\_\_ . Section 805.J, Code Supplement 1983,  
6 is amended by striking the section and inserting in  
7 lieu thereof the following:

8 805.1 WHEN POLICE CITATION MAY ISSUE.

9 1. Except as to an offense for which an accused  
10 would not be eligible for bail after conviction  
11 pursuant to section 811.1, a law enforcement officer  
12 has authority to issue a citation in lieu of an arrest  
13 without a warrant or in lieu of continued custody  
14 after a warrantless arrest. The decision whether  
15 to issue a citation in lieu of arrest shall be made  
16 by an officer with grounds to make an arrest. The  
17 decision whether to issue a citation in lieu of  
18 continued custody after an arrest or to release the  
19 person on bail shall be made by the ranking officer  
20 on duty.

21 2. The citation procedure for traffic and other  
22 violations designated as scheduled violations is  
23 governed by sections 805.6 through 805.15.

24 3. A law enforcement officer who has grounds to  
25 charge a person with other simple misdemeanors shall  
26 issue a citation in lieu of arrest or, if an arrest  
27 has been made, the ranking officer on duty shall issue  
28 a citation or shall release the person pursuant to  
29 pretrial release guidelines or a bond schedule  
30 promulgated pursuant to section 804.21, subsection  
31 1, in lieu of keeping the person in custody. This  
32 requirement does not apply, and the officer may arrest  
33 or retain a person in custody in any of the following  
34 situations:

35 a. When the person refuses or fails to offer  
36 satisfactory identification.

37 b. When the person refuses to sign the citation.

38 c. When detention is reasonably necessary to  
39 prevent bodily harm to the accused or to another.

40 d. When the person appears to be under the  
41 influence of intoxicants or drugs and no one is  
42 available to take responsibility for the person's  
43 custody and safety.

44 e. When the person has insufficient ties to the

45 jurisdiction, or a contiguous jurisdiction, to assure  
46 the person's appearance and a substantial likelihood  
47 exists that the person will refuse to respond to a  
48 citation.

49 f. When the person previously failed to respond  
50 to a citation or to appear after release on pretrial

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DIVISION S—5988A

1 release guidelines.

2 4. In other cases in which a citation is  
3 authorized, a law enforcement officer who has grounds  
4 to make an arrest may instead issue a citation or,  
5 after arrest, the ranking officer on duty may issue  
6 a citation or may release the person pursuant to  
7 pretrial release guidelines or a bond schedule  
8 promulgated pursuant to section 804.21, subsection  
9 1, in lieu of continued custody. In determining  
10 whether to issue a citation the officer shall consider  
11 the safety of the community and all of the following  
12 facts concerning the person:

- 13 a. Place and length of residence.
- 14 b. Family relationships.
- 15 c. References.
- 16 d. Present and past employment.
- 17 e. Criminal record.
- 18 f. Nature and circumstances of the alleged offense.
- 19 g. Other facts relevant to the likelihood of the  
20 person's response to a citation.

21 In making this decision, the officer shall follow  
22 the recommendations of the pretrial release services  
23 of the judicial district department of correctional  
24 services, when available.

25 5. The issuance of a citation in lieu of arrest  
26 or continued custody does not affect the officer's  
27 authority to conduct an otherwise lawful search.  
28 The issuance of a citation in lieu of arrest shall  
29 be deemed an arrest for purposes of the speedy  
30 indictment requirements of R.Cr.P. 27, subsection  
31 2, paragraph a, Ia. Ct. Rules, 2d ed.

32 6. Even if a citation is issued, the officer has  
33 authority to take the cited person to an appropriate  
34 medical facility if the person reasonably appears  
35 to need such care.

36 7. When an officer determines pursuant to  
37 subsection 3 or 4 that a citation should not be issued,  
38 the officer has authority to release the arrested

39 person on bail or on other conditions as determined  
40 by the supreme court in pretrial release guidelines  
41 promulgated pursuant to section 804.21, subsection  
42 1. In following the pretrial release guidelines the  
43 officer shall follow the recommendations of the  
44 pretrial release services of the judicial district  
45 department of correctional services, when available.  
46 When the arrested person furnishes bail, the officer  
47 shall maintain it in safekeeping and shall turn it  
48 over to the clerk of court not later than during the  
49 next subsequent regular business day that the clerk's  
50 office is open.

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DIVISION S—5988A

1 8. When the offense is one for which citation  
2 is not authorized, the person does not meet the  
3 pretrial release criteria and the person is not  
4 releasable under a bond schedule, the person may be  
5 released on bail or otherwise only after initial  
6 appearance before a magistrate as provided in chapter  
7 804 and the rules of criminal procedure.”

DIVISION S—5988B

8 2. Page 14, by inserting after line 19 the  
9 following:  
10 “Sec. \_\_\_\_ . Rule of criminal procedure 19,  
11 subsection 3, paragraph a, subparagraph (3), Iowa  
12 court rules, second edition, is amended to read as  
13 follows:  
14 (3) Upon consideration of such application the  
15 judge shall enter an order either granting the witness  
16 immunity to prosecution for any crime or public offense  
17 concerning which the witness was compelled to give  
18 competent and relevant testimony or to produce  
19 competent and relevant evidence, or granting the  
20 witness use immunity from prosecution for the competent  
21 and relevant testimony or evidence which the witness  
22 was compelled to give or produce.”  
23 3. By renumbering as necessary.

TOM MANN, JR.

S-5989

1 Amend Senate File 2359 as follows:  
2 1. By striking everything after the enacting

3 clause and inserting in lieu thereof the following:  
 4 "Section 1. DEFINITIONS. As used in this Act:  
 5 1. "Comparable worth pay grade" means the pay  
 6 grade as determined by the factor determined score  
 7 for the job title as finally determined after  
 8 completion of the review process as outlined in this  
 9 Act, and the appropriate pay grade position for that  
 10 factor determined score on the following scale:

11	Factor Determined	
12	<u>Score Range:</u>	<u>Pay Grade</u>
13	137-147	10
14	148-158	11
15	159-169	12
16	170-180	13
17	181-191	14
18	192-202	15
19	203-213	16
20	214-224	17
21	225-236	18
22	237-248	19
23	249-261	20
24	262-275	21
25	276-289	22
26	290-304	23
27	305-320	24
28	321-336	25
29	337-354	26
30	355-372	27
31	373-392	28
32	393-412	29
33	413-433	30
34	434-456	31
35	457-480	32
36	481-504	33
37	505-531	34
38	532-558	35
39	559-587	36
40	588-618	37
41	619-650	38
42	651-684	39
43	685-719	40
44	720-757	41
45	758-796	42
46	797-837	43

47 However, if there is a change in the total of all  
 48 factor determined scores for all job titles of more  
 49 than two percent as a result of decisions following  
 50 reviews, the maximum factor determined score for each

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1 pay grade shall be adjusted by a percentage change  
2 equal to the percentage change in the total of all  
3 factor determined scores for all job titles prior  
4 and subsequent to the review process, rounded to the  
5 nearest whole number.

6 2. "Factor score" means the point score received  
7 by a job title on any of the thirteen factors in the  
8 study, as developed by the study commissioned under  
9 1983 Iowa Acta, chapter 170, section 2.

10 3. "Factor determined score" means the score for  
11 a job title determined by adding the factor scores  
12 received for the job title on each of the thirteen  
13 factors.

14 4. "Job title" means one or more positions which  
15 are sufficiently similar in duties and responsibilities  
16 that each position requires the same minimum  
17 qualifications and can be filled based on substantially  
18 the same test of ability or fitness, and that the  
19 same pay grade can be applied with equity to the  
20 positions.

21 5. "Net effect on the general fund" means the  
22 total revenue outlay from the general fund, subtracting  
23 revenues to the state from other sources which directly  
24 defray the revenue outlay from the state.

25 **Sec. 2. EMPLOYEE PARTICIPATION IN FACTOR SCORE**  
26 **REVIEW AND FINAL RATIFICATION OF FACTOR DETERMINED**  
27 **SCORES.**

28 1. Any employee subject to the Iowa merit system  
29 may request review of the factor scores or the factor  
30 determined score that employee's job title received.  
31 Requests for review by more than one employee within  
32 a job title shall be considered together, and a request  
33 for review by one or more employees within a job title  
34 shall be considered as a request on behalf of all  
35 employees in that job title.

36 2. The Iowa merit employment department on its  
37 own initiative may request review of factor scores  
38 on any job titles under the merit system. These  
39 requests for review shall be delineated by the Iowa  
40 merit employment department and shall be available  
41 to merit employees no later than June 1, 1984 and  
42 prior to the notice in subsection 3. The delineation  
43 shall include a description of the reasons the factor  
44 scores should be reviewed and the Iowa merit employment  
45 department's recommendations for changing the factor  
46 scores.

47 3. Employees shall be notified of their right  
48 to request review of their factor scores and factor  
49 determined scores with one or more biweekly pay checks.  
50 The Iowa merit employment department shall devise

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1 "request for review" forms based upon the  
2 recommendations of the study commissioned under 1983  
3 Iowa Acts, chapter 170, section 2. The department  
4 shall make "request for review" forms available to  
5 all departments and agencies with employees subject  
6 to the merit system and shall make the forms available  
7 to individual employees upon request. Employees shall  
8 be provided access to complete information regarding  
9 the study and the methods for determining factor  
10 scores in the system.

11 4. Employees shall have not less than four weeks  
12 from the time the first notice of the right to request  
13 review is distributed in which to file a request for  
14 review. The department shall notify employees who  
15 file incomplete or incorrect requests for review,  
16 and shall assist them to complete and file the forms  
17 correctly.

18 5. Review teams shall be constituted to represent  
19 all types of employees in the merit system, and shall  
20 include representation from contractual as well as  
21 noncontractual employees. Teams shall be trained  
22 in the job evaluation system and, in reviewing job  
23 titles, shall review employee and department "request  
24 for review" forms as well as all materials used in  
25 initially setting the factor scores.

26 6. Each job title for which requests for review  
27 are filed under subsections 1 through 4 shall be  
28 reviewed by a review team. If the review team  
29 disagrees with the initial factor score, a second  
30 review team shall examine the factor score as  
31 determined initially and by the first review team  
32 and shall make a final decision as to that factor  
33 score.

34 7. Subsection 5 shall be conducted with the review  
35 and comment of the comparable worth review committee  
36 established in section 6 of this Act and subsections  
37 5 and 6 shall be conducted under the supervision and  
38 approval of the Iowa civil rights commission. All  
39 reviews shall be completed by November 1, 1984.

40 Sec. 3. NONCONTRACTUAL EMPLOYEES. For  
41 noncontractual employees under the state merit system,  
42 the following implementation schedule applies for  
43 the initial phase of comparable worth adjustments:



44 1. In implementing the first phase of comparable  
45 worth adjustments, employees in job titles whose  
46 current pay grade is below the comparable worth pay  
47 grade shall be adjusted upward to their comparable  
48 worth pay grade. However, no job titles shall be  
49 raised above pay grade thirty-two under the initial  
50 implementation process. This implementation shall

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1 only be done after completion of the review process.

2 2. In implementing the first phase of comparable  
3 worth adjustments, employees whose pay grades will  
4 be increased shall retain their merit step positions  
5 when those adjustments are made.

6 3. Comparable worth adjustments made in the first  
7 phase shall be implemented on or after January 1,  
8 1985, with implementation at the earliest pay period  
9 possible subject to the limitations in funding pro-  
10 vided in section 7 of this Act. The amount of funds  
11 available under section 7 of this Act for employees  
12 covered under this section shall be determined in  
13 accordance with section 5 of this Act.

14 **Sec. 4. CONTRACTUAL EMPLOYEES.** For contractual  
15 employees under the state merit system, the governor  
16 and the certified bargaining representatives shall  
17 implement comparable worth consistent with the  
18 provisions of chapter 20.

19 Appropriations made to implement the comparable  
20 worth adjustments as provided in section 7 of this  
21 Act and to complete the comparable worth adjustments  
22 as provided for in section 8 of this Act, shall be  
23 separate and distinct from any appropriations made  
24 to implement a collective bargaining agreement  
25 negotiated, consistent with chapter 20, between the  
26 state and the state's employees.

27 **Sec. 5. DISTRIBUTION OF FUNDS.** Upon completion  
28 of the review process as established in section 2  
29 of this Act, the state comptroller's office, in  
30 consultation with the legislative fiscal bureau, shall  
31 determine the total biweekly salary costs for  
32 implementing the first phase of comparable worth  
33 adjustments, if the adjustments for all employees,  
34 both contractual and noncontractual, under the merit  
35 system were to be made in accordance with section  
36 3, subsections 1 and 2 of this Act, and shall determine  
37 the net effect on the general fund for these  
38 adjustments.

39 The state comptroller's office shall determine  
40 the earliest pay period after December 31, 1984, that

41 the adjustments may be put into effect subject to  
42 the limitations of funds provided in section 7 of  
43 this Act. The department shall place those adjustments  
44 into effect for noncontractual employees under the  
45 state merit system as provided in section 3 of this  
46 Act for the earliest pay period in 1985 as determined  
47 by the state comptroller and subsequent pay periods  
48 during the fiscal year. Other funds available under  
49 section 7 of this Act shall be available to meet any  
50 negotiated agreements reached under section 4 of this

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1 Act.

2 Sec. 6. COMPARABLE WORTH REVIEW COMMITTEE AND  
3 FINAL IMPLEMENTATION. There is established a  
4 comparable worth review committee to oversee the  
5 review process as provided in section 2 of this Act  
6 and to make recommendations regarding the completion  
7 of the implementation of comparable worth adjustments  
8 in accordance with 1983 Iowa Acts, chapter 170. The  
9 committee shall be composed of seven members, one  
10 to be appointed by the governor, and six to be  
11 appointed by the legislative council. Appointments  
12 shall be made not later than June 1, 1984 and shall  
13 include persons skilled in social science research  
14 and in comparable worth policy.

15 Legislative members of the committee are entitled  
16 to per diem and expenses as provided for interim study  
17 committee members in section 2.44. Public members  
18 who are not public employees are entitled to a per  
19 diem of forty dollars for attending committee meetings.  
20 Public members and public employee members are entitled  
21 to reimbursement for travel and other necessary  
22 expenses actually incurred in the performance of their  
23 duties on the committee. Payment for authorized per  
24 diem and expenses shall be made as provided in section  
25 2.12.

26 The committee shall make recommendations to the  
27 governor, the legislative council, and the general  
28 assembly by January 1, 1985, regarding final  
29 implementation of the comparable worth adjustments,  
30 which recommendations shall include the following:

31 1. Incorporation of comparable worth policy into  
32 state agencies exempt or partially exempt from the  
33 state merit system, except the state board of regents,  
34 with an emphasis upon treating the job titles and  
35 positions in those agencies which are substantially  
36 equivalent to job titles or positions in the merit

37 system in a comparable manner with respect to pay.  
38 2. Establishment of a single pay plan for state  
39 merit employees consistent with the recommendations  
40 for salary schedules associated with the comparable  
41 worth pay grades used in section 1 of this Act and  
42 recommended modifications or adjustments made under  
43 subsection 3 of this section and the effect such a  
44 pay plan would have in eliminating sex bias or bias  
45 in comparability of pay for jobs of comparable worth.  
46 3. Implementation of comparable worth adjustments  
47 to bring all job titles below their comparable worth  
48 pay grade up to that pay grade, incorporating any  
49 modifications or adjustments to the method of  
50 determining the comparable worth pay grade that may

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1 be necessary to reflect adjustments determined to  
2 more fully reflect the policy of the state as  
3 established in section 79.18, including consideration  
4 of alternative methods for establishing the  
5 relationship between factor determined scores and  
6 pay grades.  
7 4. Implementation of any other adjustments to  
8 the pay grade positions of job titles that may be  
9 recommended by the Iowa merit employment department  
10 to avoid compaction in job series or otherwise correct  
11 internal discrepancies within job series and the  
12 comparable worth pay grade system.  
13 5. Implementation of a system which addresses  
14 job titles with current pay grades above their  
15 comparable worth pay grades.  
16 6. Implementation of recommendations to combine  
17 certain job titles which were recommended for  
18 combination because of their comparable worth scores  
19 and the similarity of their job descriptions.  
20 7. Implementation of a procedure for maintaining  
21 the comparable worth factor determination system for  
22 job evaluation, including the assigning of factor  
23 scores for new job titles in the state merit system.  
24 Sec. 7. APPROPRIATIONS: Subject to the limitations  
25 in subsection 5:  
26 1. There is appropriated from the general fund  
27 of the state to the salary adjustment fund established  
28 in section 8.43, for the fiscal year beginning July  
29 1, 1984, and ending June 30, 1985, the amount necessary  
30 to be distributed to the various departments to  
31 supplement other funds appropriated by the general  
32 assembly, to provide the salary adjustments required

33 by this Act to the extent the salaries are payable  
34 by the state.

35 2. There is appropriated from the road use tax  
36 fund of the state to the state department of  
37 transportation for the fiscal year beginning July  
38 1, 1984, and ending June 30, 1985, the amount necessary  
39 to supplement other funds appropriated by the general  
40 assembly, to provide the salary adjustments required  
41 by this Act for employees of the state department  
42 of transportation, to the extent the salaries are  
43 payable by the state.

44 3. There is appropriated from the primary road  
45 fund to the state department of transportation for  
46 the fiscal year beginning July 1, 1984, and ending  
47 June 30, 1985, the amount necessary to supplement  
48 other funds appropriated by the general assembly,  
49 to provide the salary adjustments required by this  
50 Act for employees of the state department of

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1 transportation, to the extent the salaries are payable  
2 by the state.

3 4. To departmental revolving, trust, or special  
4 funds, except for the road use tax fund or the primary  
5 road fund, for which the general assembly has  
6 established an operating budget, a supplemental  
7 authorization is provided, unless otherwise provided,  
8 in an amount necessary to fund salary adjustments  
9 required by this Act, to the extent the salaries are  
10 payable by the state.

11 5. The total cost of the salary adjustments,  
12 including fringe benefits, made under this Act for  
13 the fiscal year beginning July 1, 1984, and ending  
14 June 30, 1985, to employees in the merit system shall  
15 not exceed ten million dollars. The net effect on  
16 the general fund of the state of the salary  
17 adjustments, including fringe benefits, made under  
18 this Act for the fiscal year beginning July 1, 1984,  
19 and ending June 30, 1985, shall not exceed five million  
20 dollars.

21 6. All federal grants to and federal receipts  
22 of the agencies affected by this Act which are received  
23 and may be expended for the purposes of this Act are  
24 appropriated for such purposes and as set forth in  
25 the federal grants or receipts.

26 7. There is appropriated from the general fund  
27 of the state to the comparable worth review committee  
28 established in section 6 of this Act the sum of fifty

29 thousand (50,000) dollars or so much thereof as may  
30 be necessary. Subject to the conditions of section  
31 2, subsection 7 of this Act, the committee shall  
32 contract with outside personnel or with state agencies  
33 for completion of the review process, including the  
34 training of review teams and review team oversight,  
35 and may hire staff to provide ongoing assistance to  
36 the committee.

37 8. There is appropriated from the general fund  
38 of the state to the comparable worth review committee  
39 for allocation to state agencies, the sum of fifty  
40 thousand (50,000) dollars, or so much thereof as may  
41 be necessary, for agencies with positions wholly or  
42 partially exempted from the merit system for  
43 development of proposals to provide the committee  
44 pertaining to section 6, subsection 1 of this Act,  
45 and to the state board of regents for assistance in  
46 its responsibilities under section 8 of this Act.

47 Sec. 8. AGENCY COMPARABLE WORTH REPORTS. Agencies  
48 with positions which are exempt or partially exempt  
49 from the state merit system shall report to the  
50 governor and the legislative council by December 15,

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1 1984, on the degree to which the salary plans covering  
2 positions substantially equivalent to those in the  
3 state merit system comply with the provisions of 1983  
4 Iowa Acts, chapter 170. The reports shall include  
5 a plan for implementation in fiscal year 1986 of  
6 comparable worth salary adjustments, if necessary,  
7 and the amount of appropriations necessary to implement  
8 those adjustments.

9 Sec. 9. IMPLEMENTATION STAGES. It is the intent  
10 of the general assembly that implementation of  
11 comparable worth adjustments for state employees,  
12 pursuant to section 79.18, be completed in the  
13 following three phases:

14 1. The initial phase, with adjustments for merit  
15 employees made under this Act for the fiscal year  
16 beginning July 1, 1984 and ending June 30, 1985.

17 2. The second phase, with completion of adjustments  
18 for merit employees, including action on any  
19 recommendations made by the review committee under  
20 section 6, subsections 2 through 5 of this Act, and  
21 with initiation of adjustments for other state  
22 employees, including actions on any recommendations  
23 made by the review committee under section 6,  
24 subsection 1 of this Act, for the fiscal year beginning

25 July 1, 1985 and ending June 30, 1986.

26 3. The final phase, with completion of any  
27 adjustments initiated in the second phase of  
28 implementation, for the fiscal year beginning July  
29 1, 1986 and ending June 30, 1987.

30 Sec. 10. This Act, being deemed of immediate  
31 importance, takes effect from and after its publication  
32 in the Ames Daily Tribune, a newspaper published in  
33 Ames, Iowa; and in the Iowa City Press-Citizen, a  
34 newspaper published in Iowa City, Iowa."

35 2. Amend the title, line 2, by inserting after  
36 the word "employees" the words "based on a comparable  
37 worth pay grade system, establishing a comparable  
38 worth review committee."

CHARLES BRUNER  
ARTHUR A. SMALL, JR.

S-5990

1 Amend the House amendment S-5845 to Senate File  
2 2330, as amended, passed and reprinted by the Senate  
3 as follows:

4 1. Page 15, by striking lines 23 through 26 and  
5 inserting in lieu thereof the following:

6 "\_\_\_\_\_. Page 16, by striking lines 2 through 15  
7 and inserting in lieu thereof the following:

8 "Sec. \_\_\_\_\_. Section 427A.12, subsection 7, Code  
9 Supplement 1983, is amended to read as follows:

10 7. The amount due each taxing district shall be  
11 paid in the form of warrants payable to the respective  
12 county treasurers by the state comptroller on May  
13 15 of each fiscal year, taking into consideration  
14 the relative budget and cash position of the state  
15 resources. For the fiscal year beginning July 1,  
16 1984 and ending June 30, 1985, one-half of the amount  
17 due each taxing district shall be paid to the  
18 respective county treasurers by the state comptroller  
19 on May 15, 1985. For the fiscal year beginning July  
20 1, 1985 and ending June 30, 1986, and for each  
21 succeeding fiscal year the amount due each taxing  
22 district shall be paid in the form of warrants payable  
23 to the respective county treasurers by the state  
24 comptroller on July 15 and May 15 of that fiscal year,  
25 taking into consideration the relative budget and  
26 cash position of the state resources. The July 15  
27 payment shall be equal to the amount paid on May 15  
28 of the preceding fiscal year and the payments received  
29 shall be an account receivable for each taxing district  
30 for the preceding fiscal year. The May 15 payment

31 is equal to one-half of the amount of the additional  
32 personal property tax credit payable for the fiscal  
33 year. The county treasurer shall pay the proceeds  
34 to the various taxing districts in the county.

35 Sec. \_\_\_\_ . Section 427A.13, Code 1983, is amended  
36 to read as follows:

37 427A.13 APPROPRIATION. There is hereby  
38 appropriated from the general fund of the state of  
39 Iowa to the personal property tax replacement fund  
40 the following sums, or so much thereof as may be  
41 necessary, to carry out the provisions of this chapter  
42 as amended by this division. For the fiscal year  
43 beginning July 1, 1973, and ending June 30, 1974,  
44 there is appropriated the sum of thirty-one million  
45 nine hundred thousand dollars. For the fiscal year  
46 beginning July 1, 1974, and ending June 30, 1975,  
47 and each succeeding fiscal year, there is appropriated  
48 the sum of thirty-five million seven hundred thousand  
49 dollars. For each year of the fiscal period beginning  
50 July 1, 1977 and ending June 30, 1979 the total

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1 appropriation shall be thirty-eight million six hundred  
2 thousand dollars, ~~and for~~ For the fiscal year  
3 beginning July 1, 1983 and ending June 30, 1984, the  
4 total appropriation shall be forty-six million two  
5 hundred thousand dollars. For the fiscal year  
6 beginning July 1, 1984 and ending June 30, 1985, the  
7 total appropriation shall be twenty-three million  
8 one hundred thousand dollars. For the fiscal year  
9 beginning July 1, 1985 and ending June 30, 1986, and  
10 each succeeding fiscal year, the total appropriation  
11 shall be an amount equal to the amount paid on May  
12 15 of the preceding fiscal year plus one-half of the  
13 amount needed to fund the additional personal property  
14 tax credit payable in that fiscal year. In each  
15 fiscal year for which an increase in the additional  
16 personal property tax credit becomes effective as  
17 provided in this division, the appropriation under  
18 this section shall be increased by three million eight  
19 hundred thousand dollars, and such increased  
20 appropriation shall continue for each succeeding  
21 fiscal year. For the fiscal year for which the ninth  
22 increase in the additional personal property tax  
23 credit becomes effective as provided in this division,  
24 and for each succeeding fiscal year, the total  
25 appropriation shall be sixty-eight million dollars  
26 per year."

ARTHUR A. SMALL, JR.

S-5991

- 1 Amend Senate File 2360 as follows:  
 2 1. Page 4, by inserting after line 17 the  
 3 following:  
 4 **"NEW LETTERED PARAGRAPH.** a. For the administrative  
 5 costs of collecting and distributing support payments  
 6 payable to the clerk of the district court under  
 7 section 598.22, to be paid annually by the person  
 8 obligated to pay the support and to be billed and  
 9 collected by the clerk separately from and in addition  
 10 to both current and accrued support payments payable  
 11 to the clerk, twenty-five dollars."  
 12 2. Page 13, by inserting after line 24 the  
 13 following:  
 14 "Sec. \_\_\_\_ . **NEW SECTION.** 909.7 ABILITY TO PAY  
 15 FINE PRESUMED. A defendant is presumed to be able  
 16 to pay a fine. The court may sentence the defendant  
 17 to pay a fine and, in the alternative, may sentence  
 18 the defendant to confinement if the defendant does  
 19 not pay the fine. However, if the defendant proves  
 20 to the satisfaction of the court that the defendant  
 21 cannot pay the fine, the defendant shall not be  
 22 confined."  
 23 3. By renumbering as necessary.

DONALD V. DOYLE

S-5992

- 1 Amend the House amendment S-5953 to Senate File  
 2 2271 as amended, passed and reprinted by the Senate  
 3 as follows:  
 4 1. Page 1, by striking lines 7 through 9.  
 5 2. Page 1, by striking lines 10 through 37 and  
 6 inserting in lieu thereof the following:  
 7 "4. Page 2, by striking lines 17 through 23."  
 8 3. Page 1, by striking lines 44 through 48.

TOM MANN, JR.

S-5993

- 1 Amend Senate File 2360 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 2.42, subsection 16, Code  
 5 Supplement 1983, as amended by 1984 Iowa Acts, Senate  
 6 File 2129, section 1, is amended to read as follows:  
 7 16. Authority to review proposed and delay the



8 effective dates of rules and forms submitted by the  
9 supreme court pursuant to section 602.4202."

10 2. Page 2, by inserting after line 19 the  
11 following:

12 "Sec. \_\_\_\_ . Section 602.4202, Code Supplement 1988,  
13 is amended by striking the section and inserting in  
14 lieu thereof the following:

15 602.4202 RULE-MAKING PROCEDURE.

16 1. The supreme court shall submit a rule or form  
17 prescribed by the supreme court under section 602.4201  
18 or pursuant to any other rule-making authority  
19 specifically made subject to this section to the  
20 legislative council and shall at the same time report  
21 the rule or form to the chairpersons and ranking  
22 members of the senate committee on judiciary and the  
23 house committee on judiciary and law enforcement.  
24 The legislative service bureau shall make  
25 recommendations to the supreme court on the proper  
26 style and format of rules and forms required to be  
27 submitted to the legislative council under this  
28 subsection.

29 2. A rule or form submitted as required under  
30 subsection 1 takes effect sixty days after submission  
31 to the legislative council, or at a later date  
32 specified by the supreme court, unless the legislative  
33 council, within sixty days after submission and by  
34 a majority vote of its members, delays the effective  
35 date of the rule or form to a date provided in  
36 subsection 3.

37 3. The effective date of a rule or form submitted  
38 during the period of time beginning February 15 and  
39 ending February 14 of the next calendar year may be  
40 delayed by the legislative council until May 1 of  
41 that next calendar year.

42 4. A rule or form submitted as required under  
43 subsection 1 and effective on or before July 1 shall  
44 be enrolled in substantially the same manner as Acts  
45 of the general assembly are enrolled and shall be  
46 filed with the secretary of state and bound with the  
47 Acts of the general assembly meeting in regular session  
48 in the calendar year in which the July 1 falls.

49 5. If the general assembly enacts a bill changing  
50 a rule or form, the general assembly's enactment

Page 2

1 supersedes a conflicting provision in the rule or  
2 form as submitted by the supreme court."

DONALD V. DOYLE

S-5994

1 Amend amendment S-5989 to Senate File 2359  
 2 as follows:  
 3 1. Page 7, by inserting after line 46 the  
 4 following new subsection:  
 5 "9. There is appropriated from the general  
 6 fund of the state to the Iowa merit employment  
 7 department, in addition to other funds approp-  
 8 riated by the general assembly, for the fiscal  
 9 year beginning July 1, 1984 and ending June 30,  
 10 1985, the sum of fifty thousand (50,000) dollars,  
 11 or so much thereof as may be necessary, to  
 12 fulfill its responsibilities under section 6,  
 13 subsections 4 through 7 of this Act and to  
 14 assist the review committee in performing its  
 15 functions."

CHARLES BRUNER

S-5995

1 Amend Senate File 2359 as follows:  
 2 1. By striking page 1, line 1 through page 2,  
 3 line 6, and inserting in lieu thereof the following:  
 4 "Section 1. There is appropriated for the fiscal  
 5 year beginning July 1, 1984 and ending June 30, 1985  
 6 the following amounts, or so much thereof as may be  
 7 necessary, to the state comptroller for the purpose  
 8 of funding implementation of comparable worth salary  
 9 adjustments consistent with chapters 19A and 20,  
 10 giving particular attention to female-dominated job  
 11 classes.  
 12 1. From the general fund of the state ..... \$ 5,000,000  
 13 2. From the road use tax fund ..... 150,000  
 14 3. From the primary road fund ..... 135,000  
 15 The appropriations from the road use tax fund and  
 16 the primary road fund shall be used only for salary  
 17 adjustments for employees of the state department  
 18 of transportation.  
 19 For departmental revolving, trust, or special  
 20 funds, except for the primary road fund or the road  
 21 use tax fund, for which the general assembly has  
 22 established an operating budget, a supplemental  
 23 authorization is provided for those funds, unless  
 24 otherwise provided, in an amount necessary to fund  
 25 comparable worth salary adjustments provided under  
 26 this Act.  
 27 All federal grants to and federal receipts of the".  
 28 2. Page 2, by striking lines 13 and 14 and

29 inserting in lieu thereof the following: "File 313,  
30 1983 Iowa Acts, chapter 170, for contractual employees,  
31 the governor has the prerogative to negotiate  
32 supplemental salary adjustments with the affected  
33 bargaining units under chapter 20 for the sole purpose  
34 of addressing issues involving the implementation  
35 of comparable worth adjustments for female-dominated  
36 job classes, as provided in section 4 of this Act.  
37 The negotiations shall take into consideration the  
38 data".

39 3. Page 2, line 24, by inserting before the word  
40 "department" the words "Iowa merit employment".

41 4. Page 2, line 26, by striking the words "as  
42 provided in" and inserting in lieu thereof the words  
43 "in a manner consistent with the process developed  
44 for contractual employees under".

45 5. By striking page 2, line 29 through page 3,  
46 line 3, and inserting in lieu thereof the following:  
47 "Sec. 4. Negotiations under section 2 of this  
48 Act shall be limited to".

49 6. Page 3, by striking lines 7 and 8 and inserting  
50 in lieu thereof the words "grades."

Page 2

1 7. Page 3, by striking lines 11 through 13 and  
2 inserting in lieu thereof the following: "employers.

3 3. Establishment of an appeals procedure for con-  
4 tractual employees to effect reconsideration of the  
5 placement of an employee's job class within a  
6 comparable worth pay grade."

7 8. Page 3, by striking lines 20 through 29 and  
8 inserting in lieu thereof the following:

9 "Sec. 5. A comparable worth implementation  
10 committee is established to make recommendations  
11 regarding the further implementation of comparable  
12 worth adjustments in accordance with 1983 Iowa Acts,  
13 chapter 170. The committee shall be composed of nine  
14 members, two to be appointed by the governor, one  
15 of whom shall be appointed to represent the bargaining  
16 units involved in negotiations under section 2 of  
17 this Act, and four legislative members to be appointed  
18 by the legislative council. Appointments shall be  
19 made not later than June 1, 1984. The director of  
20 the Iowa merit employment department, the director  
21 of the Iowa civil rights commission, and the director  
22 of the Iowa commission on the status of women or their  
23 designees shall also serve as voting members of the  
24 committee.

25 Legislative members of the committee are entitled  
 26 to per diem and expenses as provided for interim study  
 27 committee members in section 2.44. Public members  
 28 who are not public employees are entitled to a per  
 29 diem of forty dollars for attending committee meetings.  
 30 Public members and public employee members are entitled  
 31 to reimbursement for travel and other necessary  
 32 expenses actually incurred in the performance of their  
 33 duties on the committee. Payment for authorized per  
 34 diem and expenses shall be made as provided in section  
 35 2.12.

36 The committee shall make recommendations to the  
 37 governor, the legislative council, and the general  
 38 assembly by January 1, 1985, regarding further  
 39 implementation of the comparable worth adjustments,  
 40 which shall include estimates of appropriations needed  
 41 for further implementation."

42 8. Page 4, by striking lines 8 through 16 and  
 43 inserting in lieu thereof the following:

44 "Sec. 7. There is appropriated for the fiscal  
 45 year beginning July 1, 1984, and ending June 30, 1985,  
 46 from the general fund of the state to the Iowa merit  
 47 employment department, the sum of one hundred thousand  
 48 (100,000) dollars for implementation of comparable  
 49 worth salary adjustments for female-dominated job  
 50 classes, as provided in this Act.

Page 3

1 Sec. 8. The intent of the general assembly is  
 2 that comparable worth salary adjustments for female-  
 3 dominated job classes shall be fully implemented and  
 4 funded as soon as sound fiscal practices permit, in  
 5 order to carry out the policy expressed in section  
 6 79.18."

7 9. Amend the title, line 2, by inserting after  
 8 the word "employees" the words "and a comparable worth  
 9 implementation committee."

JULIA B. GENTLEMAN

S-5996

1 Amend House File 2509 as amended, passed and  
 2 reprinted by the House as follows:

3 1. Page 1, by striking lines 10 through 12 and  
 4 inserting in lieu thereof the words "imposed by a  
 5 county, it shall apply to the incorporated and  
 6 unincorporated areas of that county."

7 2. Page 2, by striking lines 20 through 23 and

- 8 inserting in lieu thereof the words "increased or  
 9 decreased, whichever is the latest. The local".  
 10 3. Page 2, by striking lines 31 through 33 and  
 11 inserting in lieu thereof the words "the local vehicle  
 12 tax."  
 13 4. Page 3, lines 8 and 9, by striking the words  
 14 "an incorporated area or the unincorporated area of".

ALVIN V. MILLER

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 2519

S-5997

- 1 Amend the Senate amendment H-6295 to House File  
 2 2519, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, line 5, by striking the figure  
 5 "3,605,781" and inserting in lieu thereof the figure  
 6 "3,578,008".  
 7 2. Page 1, by striking lines 32 and 33 and  
 8 inserting in lieu thereof the following: "be used  
 9 for maintenance purposes. If funds appropriated in  
 10 this section are used for maintenance purposes, the  
 11 state board of regents shall notify the chairpersons  
 12 of the house and senate committees on appropriations  
 13 in writing, listing the amounts expended for  
 14 maintenance and the purposes for which the moneys  
 15 were expended. Section 8.33 applies to funds  
 16 appropriated in this section."  
 17 3. Page 1, by striking lines 34 through 43.  
 18 4. Page 1, by striking line 44 and inserting in  
 19 lieu thereof the following:  
 20 "\_\_\_\_. Page 12, by striking lines 21 and 22 and  
 21 inserting in lieu thereof the following: "funds  
 22 distributed shall not exceed the teaching faculty's  
 23 share of funds contained in the vitality fund."  
 24 5. Page 2, line 28, by inserting after the word  
 25 "purposes," the following: "~~However, not more than~~  
 26 one hundred thousand (100,000) dollars of the funds  
 27 appropriated in this section shall be used by the  
 28 state comptroller to pay costs for the purchase of  
 29 fuel and electricity which exceed the amounts allocated  
 30 by the state board of regents to institutions under  
 31 its control for the purchase of fuel and electricity."

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 2518

S-5998

- 1 Amend Senate amendment H-6294 to House File 2518

2 as amended, passed and reprinted by the House as  
3 follows:

- 4 1. Page 1, by striking line 3.
- 5 2. Page 1, by striking lines 7 through 12.
- 6 3. Page 1, by striking lines 28 through 37.
- 7 4. Page 1, by striking lines 44 and 45.

#### HOUSE AMENDMENT TO SENATE FILE 2169

S-5999

1 Amend Senate File 2169, as passed by the Senate,  
2 as follows:

3 1. Page 1, by striking lines 3 and 4 and inserting  
4 in lieu thereof the following:

5 "NEW PARAGRAPH. c. Any semitrailer converted  
6 to a full trailer by the use of a dolly used by the  
7 owner in the conduct of the owner's agricultural  
8 operations to transport agricultural products being  
9 towed by a farm tractor provided the vehicle is  
10 operated in compliance with the following requirements:

11 (1) The towing unit is equipped with a braking  
12 device which can control the movement of and stop  
13 the vehicles. When the semitrailer is being towed  
14 at a speed of twenty miles per hour, the braking  
15 device shall be adequate to stop the vehicles within  
16 fifty feet from the point the brakes are applied.  
17 The semitrailer shall be equipped with brakes upon  
18 all wheels.

19 (2) The towing vehicle shall be equipped with  
20 a rear view mirror to permit the operator a view of  
21 the highway for a distance of at least two hundred  
22 feet to the rear.

23 (3) The semitrailer shall be equipped with a turn  
24 signal device which operates in conjunction with or  
25 separately from the rear taillight and shall be plainly  
26 visible from a distance of one hundred feet.

27 (4) The semitrailer shall be equipped with two  
28 flashing amber lights one on each side of the rear  
29 of the vehicle and be plainly visible for a distance  
30 of five hundred feet in normal sunlight or at night.

31 (5) The semitrailer shall be operated in compliance  
32 with sections 321.123 and 321.463."

#### HOUSE AMENDMENT TO SENATE FILE 2342

S-6000

1 Amend Senate File 2342, as passed by the Senate

2 as follows:

- 3 1. Page 4, line 3, by inserting after the word  
4 "system" the words "or regional transit system".

## HOUSE AMENDMENT TO SENATE FILE 2334

S-6001

1 Amend Senate File 2334 as amended, passed, and  
2 reprinted by the Senate as follows:

- 3 1. Page 4, line 4, by striking the figure "350,717"  
4 and inserting in lieu thereof the figure "347,867".  
5 2. Page 4, line 28, by striking the figure  
6 "961,967" and inserting in lieu thereof the figure  
7 "959,347".  
8 3. Page 5, lines 26 and 27, by striking the words  
9 "which do not comply with federal guidelines".  
10 4. Page 6, line 10, by striking the figure  
11 "1,460,125" and inserting in lieu thereof the figure  
12 "1,408,125".  
13 5. Page 6, line 26, by striking the figure  
14 "130,087" and inserting in lieu thereof the figure  
15 "106,087".  
16 6. Page 6, line 28, by striking the figure  
17 "109,275" and inserting in lieu thereof the figure  
18 "81,275".  
19 7. Page 7, by striking lines 13 through 28.  
20 8. Page 7, by inserting before line 29 the  
21 following:  
22 "It is the intent of the general assembly to no  
23 longer fund the childhood cancer diagnostic and  
24 treatment network program, the rural comprehensive  
25 care for hemophilia patients program, and the high  
26 risk infant follow-up program with public health funds  
27 appropriated by the joint human resources  
28 appropriations subcommittee following the fiscal year  
29 beginning July 1, 1984 and ending June 30, 1985."  
30 9. Page 14, by inserting after line 23 the  
31 following:  
32 "The department shall also review the first ten  
33 months' expenditures for each county in May of each  
34 year, to determine if any counties have contracted  
35 funds which they do not anticipate spending. If such  
36 funds are identified and the county agrees to release  
37 the funds, the released funds will be considered a  
38 new reallocation pool. The department may, prior  
39 to June 1 of each year, reallocate funds from this  
40 new reallocation pool to those counties which have  
41 experienced a high utilization of protective service

42 hours for children and dependent adults."

43 10. Page 16, by inserting after line 9 the  
44 following:

45 "Sec. \_\_\_\_ . Section 135.11, Code Supplement 1983,  
46 is amended by adding the following new subsection:  
47 **NEW SUBSECTION.** 19. Administer the statewide  
48 maternal and child health program and the crippled  
49 children program by conducting mobile and regional  
50 health specialty clinics and conducting other

Page 2

1 activities to improve the health of low-income women  
2 and children and to promote the welfare of children  
3 with handicapping conditions and chronic illnesses  
4 in accordance with the requirement of Title V of the  
5 federal Social Security Act and amendments thereto."

6 11. By striking page 16, line 10 through page  
7 17, line 10.

8 12. Page 17, by inserting before line 11, the  
9 following:

10 "Sec. 100. 1983 Iowa Acts, chapter 206, section  
11 4, paragraph c, is amended by adding the following  
12 new unnumbered paragraph:

13 **NEW UNNUMBERED PARAGRAPH.** The department shall  
14 also review the first ten months' expenditures for  
15 each county in May of each year, to determine if any  
16 counties have contracted funds which they do not  
17 anticipate spending. If such funds are identified  
18 and the county agrees to release the funds, the  
19 released funds will be considered a new reallocation  
20 pool. The department may, prior to June 1 of each  
21 year, reallocate funds from this new reallocation  
22 pool to those counties which have experienced a high  
23 utilization of protective service hours for children  
24 and dependent adults."

25 13. Page 17, line 15, by striking the words and  
26 figures "Sections 5, 7, and 8 of this Act take" and  
27 inserting in lieu thereof the following: "Section  
28 100 of this Act takes".

29 14. Title page, by striking lines 5 through 9  
30 and inserting in lieu thereof the following: "1984  
31 and ending June 30, 1985, and".

S-6002

1 Amend Senate File 2355 as follows:

2 1. Page 37, line 27, by striking the words "of  
3 seventy cents" and inserting in lieu thereof the words



4 and figure "as provided in subsection 2".

5 2. By striking page 37, line 33 through page 38,  
6 line 21, and inserting in lieu thereof the following:

7 "2. The director shall promulgate by rule subject  
8 to the approval of the council, the amount of the  
9 wine gallonage tax.

10 The amount of the tax shall be such as to provide  
11 an amount of revenue equal to or greater than the  
12 amount of revenue that would have accrued to cities  
13 and to the military service tax fund, had the wine  
14 been sold by a state liquor store, notwithstanding  
15 the provisions of this Act.

16 All revenue derived from the wine tax shall be  
17 deposited in the liquor control fund established by  
18 section 123.53 and shall be distributed as follows:

19 a. Two-thirds of the revenue derived from the  
20 wine tax shall be distributed in accordance with  
21 section 123.53, subsections 3, 4, 5 and 6.

22 b. One-third of the revenue derived from the wine  
23 tax shall be distributed in accordance with section  
24 123.53, subsection 7."

ALVIN V. MILLER

S-6003

1 Amend Senate File 2361 as follows:

DIVISION S—6003A

2 1. Page 6, by striking line 14 and inserting in  
3 lieu thereof the following: "of two hundred thousand  
4 (200,000) dollars to be used".

5 2. Page 7, line 2, by striking the figure "72,090"  
6 and inserting in lieu thereof the figure "50,000".

7 3. Page 7, line 6, by striking the figure "100,000"  
8 and inserting in lieu thereof the figure "60,000".

9 4. Page 7, lines 19 and 20, by striking the words  
10 and figure "forty-five thousand (45,000)" and inserting  
11 in lieu thereof the words and figure "thirty-five  
12 thousand (35,000)".

13 5. Page 7, line 27, by striking the words and  
14 figure "fifty thousand (50,000)" and inserting in  
15 lieu thereof the word and figure "thirty-five thousand  
16 (35,000)".

DIVISION S—6003B

17 6. Page 8, by inserting after line 19 the  
18 following:

19 "Sec. \_\_\_\_ . There is appropriated from the general  
 20 fund of the state to the state board of regents for  
 21 the fiscal year beginning July 1, 1984 and ending  
 22 June 30, 1985, the sum of two hundred thousand  
 23 (200,000) dollars to be used by the agricultural  
 24 experiment station at Iowa state university for a  
 25 new food crops research center."

26 7. Page 8, by inserting after line 20 the  
 27 following:

28 "Sec. \_\_\_\_ . NEW SECTION. 266.36 The Iowa  
 29 cooperative extension service in agriculture and home  
 30 economics shall accelerate the development of computer  
 31 software and field staff training to increase the  
 32 extension service's ability to offer financial  
 33 management and counseling services to individual farm  
 34 operators and to increase the analysis and  
 35 understanding of financial management, marketing and  
 36 related subjects among farm operators.

37 Sec. \_\_\_\_ . There is appropriated from the general  
 38 fund of the state to the state board of regents for  
 39 the fiscal year beginning July 1, 1984, and ending  
 40 June 30, 1985, two hundred thousand (200,000) dollars,  
 41 or so much thereof as is necessary, for salaries and  
 42 operating expenses within the cooperative extension  
 43 service, and for supplies, services, and equipment  
 44 to be used for the purpose designated in section  
 45 266.36.

#### 46 DIVISION VIII

47 Sec. \_\_\_\_ . AGRICULTURE, FOOD, AND ENERGY  
 48 DEMONSTRATION CENTER STUDY.

49 1. PURPOSE--INTENT. The general assembly of this  
 50 state desires to promote and enhance economic

Page 2

#### DIVISION S--6003B

1 development within the state. The establishment of  
 2 an agriculture, food, and energy demonstration center  
 3 may be useful in the development of agricultural and  
 4 agricultural related activities within the state.  
 5 A study shall be done as provided in this section  
 6 for the purpose of determining the feasibility,  
 7 practicality, advantages, disadvantages, benefits,  
 8 and disincentives to agriculture and agricultural  
 9 related businesses, the state, and local communities  
 10 of having an agriculture, food, and energy  
 11 demonstration center within the state. It is the  
 12 intent of the general assembly that to the extent

13 time and resources allow the study shall encompass  
14 all aspects of the question of the merits of  
15 establishing different types of agriculture, food,  
16 and energy demonstration centers and the question  
17 of how to and what is needed to establish the different  
18 types of agriculture, food, and energy demonstration  
19 centers. The major objectives of this center are:  
20 a. To increase Iowa exports of agriculture and  
21 agriculture industries.  
22 b. To assist in training Americans and foreign  
23 nationals in the operation and utilization of American  
24 agricultural products, industries, and technologies.  
25 c. To effectively utilize already existent public-  
26 owned land for the purpose of demonstrating Iowa  
27 crops, products, and technology to potential purchasers  
28 from around the United States and the world.  
29 d. To encourage private business and industry  
30 to demonstrate the production, processing, storage,  
31 and distribution of all feasible agricultural systems.  
32 Such systems would include, but not be limited to,  
33 the following: modern systems of cattle, swine,  
34 sheep, dairy, and poultry production; processing  
35 systems; food and feed processing technologies;  
36 alternative energy technologies such as solar, wind,  
37 methane, ethanol, and bio-mass; and other systems  
38 and processes that can be demonstrated.  
39 e. To encourage the purchase of Iowa based  
40 commodities and technology in the export market.  
41 f. To create and expand business opportunities  
42 and employment opportunities within the state.  
43 g. To expand the research and technology base  
44 of agricultural education and nutrition research  
45 already existent in the state.  
46 h. To seek out the help, recommendation, and  
47 support of farm organizations and commodity groups,  
48 food and agricultural relief organizations, the  
49 exporting business community, all major state  
50 industries, manufacturers, and businesses, local and

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DIVISION S—6003B

1 state government officials, and the citizens of Iowa  
2 in the establishment of an agriculture, food and  
3 energy demonstration center.  
4 2. AGRICULTURE, FOOD, AND ENERGY DEMONSTRATION  
5 CENTER STUDY COMMITTEE. There is created an  
6 agriculture, food, and energy demonstration center

7 study committee consisting of fifteen members. Four  
 8 of the members, with not more than two of the same  
 9 party, shall be appointed by and serve at the pleasure  
 10 of the governor. Four of the members shall be members  
 11 of the general assembly. The speaker of the house  
 12 of representatives shall appoint two members, one  
 13 from each political party. The president of the  
 14 senate shall appoint two members, one from each  
 15 political party. One member shall be appointed by  
 16 the Des Moines city council. One member shall be  
 17 appointed by the Ankeny city council. One member  
 18 shall be appointed by the president of Iowa state  
 19 university. Four members shall be associated with  
 20 the private sector nonprofit corporation formed to  
 21 provide matching funds for this study.

22 **3. ORGANIZATION AND PARTICIPATION.**

23 a. The chairperson and vice chairperson of and  
 24 elected by the committee shall direct and coordinate  
 25 the activities of the committee.

26 b. State officers and state departments and  
 27 agencies shall cooperate by providing technical  
 28 assistance to the committee upon request of the  
 29 chairperson.

30 c. The nonlegislative members of the committee  
 31 shall be reimbursed for their travel and other  
 32 necessary expenses actually incurred in the performance  
 33 of their official duties from the state general fund  
 34 from funds not otherwise appropriated. The legislative  
 35 members shall receive, when the general assembly is  
 36 not in session, a per diem of forty dollars and their  
 37 travel and other necessary expenses actually incurred  
 38 in the performance of their official duties from funds  
 39 appropriated by section 2.12.

40 d. The chairperson shall develop and provide to  
 41 the governor or the governor's designee interim reports  
 42 of the activities of the committee and shall complete  
 43 and transmit copies of its final report to the governor  
 44 and the members of the general assembly who request  
 45 them by January 1, 1985. The final report shall  
 46 contain a brief summary of its activities, listing  
 47 of its findings, and its recommendations, including  
 48 additions or changes to existing law.

49 e. The agriculture, food, and energy demonstration  
 50 center study committee shall cease to exist on March

Page 4

DIVISION S—6003B

1 1, 1985.

2 4. SCOPE OF THE STUDY. The committee shall

3 consider and its recommendations shall address, but  
4 are not limited to, the following:

5 a. Examination of existing infrastructure in the  
6 central Iowa region including:

7 (1) Transportation systems such as highways;  
8 railroads; and air, including international airport  
9 status.

10 (2) Communication systems such as computer  
11 technologies and telecommunications of all types;  
12 satellite communications, including television; and  
13 developing communication links with all of the major  
14 world centers of commerce and trade.

15 (3) Impact study for all communities in central  
16 Iowa.

17 (4) Determination of the best location for the  
18 center.

19 (5) Water source; waste, air and water management  
20 and disposal; electricity and gas.

21 (6) Environmental impact statement.

22 (7) Food, housing and local transportation for  
23 American and foreign visitors.

24 b. Determine what cooperation will be needed from  
25 local, state and federal agencies.

26 c. Determine what cooperation will be needed from  
27 higher education institutions.

28 d. Determination of the extent of participation  
29 and investment in an agriculture center by foreign  
30 governments and foreign private enterprise.

31 e. Determination of the extent of investment  
32 possible by federal government agencies, such as the  
33 foreign agricultural service of the United States  
34 department of agriculture and the agency for  
35 international development in the United States  
36 department of commerce.

37 5. STAFF SUPPORT. Staff for the agriculture,  
38 food, and energy demonstration center study committee  
39 may be provided by the legislative service bureau  
40 and the legislative fiscal bureau upon approval of  
41 the legislative council.

42 Sec. \_\_\_\_\_. There is appropriated from the general  
43 fund of the state to the marketing division of the  
44 Iowa development commission for the fiscal year  
45 beginning July 1, 1984 and ending June 30, 1985, the  
46 sum of sixty thousand (60,000) dollars, or so much  
47 thereof as may be necessary, to be deposited in a  
48 special account together with such other funds as  
49 may be obtained from other public or private sources  
50 for the use of the agriculture, food, and energy

Page 5

## DIVISION S—6003B

- 1 demonstration center study committee.
- 2 DIVISION IX".
- 3 8. By numbering and renumbering sections as
- 4 necessary.

WALLY E. HORN  
 C.W. BILL HUTCHINS  
 BASS VAN GILST  
 LOWELL L. JUNKINS  
 BERL E. PRIEBE

## S-6004

- 1 Amend Senate File 2363 as follows:
- 2 1. By striking page 1, line 1 through page 4,
- 3 line 6.
- 4 2. Page 7, by striking lines 16 and 17.
- 5 3. Title page, by striking lines 3 through 6 and
- 6 inserting in lieu thereof the words "and state
- 7 supplementary assistance programs."
- 8 4. By renumbering as necessary.

CHARLES BRUNER  
 C. JOSEPH COLEMAN  
 TOM MANN, JR.  
 DALE L. TIEDEN  
 JULIA B. GENTLEMAN

## S-6005

- 1 Amend amendment S-5985, to Senate File 2360 as
- 2 follows:
- 3 1. Page 1, by striking lines 9 through 30.
- 4 2. Page 1, by inserting after line 30 the
- 5 following:
- 6 " \_\_\_\_ . Page 6, by striking line 5 and inserting
- 7 in lieu thereof the words "and Scott county shall
- 8 each remain responsible for the compensation of no
- 9 more than three".
- 10 \_\_\_\_ . Page 6, line 6, by striking the word "half".
- 11 3. By renumbering as necessary.

TOM MANN, JR.

## S-6006

- 1 Amend S—5989 to Senate File 2359 as follows:
- 2 1. Page 5, line 33, by inserting after the

3 word "regents," the words "and the judicial  
4 department".

5 2. Page 7, line 45, by inserting after the  
6 word "regents" the words "and the judicial  
7 department".

8 3. Page 8, by inserting after line 8 the  
9 following new sentence: "Notwithstanding  
10 sections 602.1204, 602.1208, 602.1209, and  
11 602.1401 of the Iowa Code, the provisions of  
12 this section of this Act shall be applicable to  
13 the judicial department."

CHARLES BRUNER  
ARTHUR A. SMALL, JR.

S-6007

1 Amend amendment S-5989 to Senate File 2359 as  
2 follows:

DIVISION S—6007A

3 1. By striking page 1, line 4 through page 3,  
4 line 39, and inserting in lieu thereof the following:

5 "Section 1. COMPARABLE WORTH SALARY ADJUSTMENTS.

6 In making the adjustments to the state merit system  
7 pay plan necessary to begin implementation of House  
8 File 313, 1983 Iowa Acts, chapter 170, the data  
9 compiled by the comparable worth steering committee  
10 authorized by House File 313 shall be taken into  
11 consideration, as well as any other data relevant  
12 to the state's policy of comparable worth.

13 Sec. 2. APPEALS. Employees shall be permitted  
14 to appeal the assignment of their classifications  
15 to pay grades by methods established under chapter  
16 19A or as negotiated under chapter 20, as applicable."

17 2. Page 4, line 1, by striking the word "review"  
18 and inserting in lieu thereof the word "appeal".

19 3. Page 4, by striking lines 2 through 5.

20 4. Page 4, by striking lines 16 through 18 and  
21 inserting in lieu thereof the following: "has the  
22 prerogative to negotiate supplemental salary  
23 adjustments with the affected bargaining units under  
24 chapter 20 for the sole purpose of addressing issues  
25 involving the implementation of comparable worth  
26 adjustments."

27 5. Page 4, line 28, by striking the word "review"  
28 and inserting in lieu thereof the word "appeal".

DIVISION S—6007B

29 6. Page 4, line 43, by inserting before the word

30 "department" the words "Iowa merit employment".

DIVISION S—6007A

31 7. By striking page 5, line 2 through page 6,  
 32 line 23, and inserting in lieu thereof the following:  
 33 "Sec. 6. COMPARABLE WORTH IMPLEMENTATION COMMITTEE.  
 34 A comparable worth implementation committee is  
 35 established to make recommendations regarding the  
 36 further implementation of comparable worth adjustments  
 37 in accordance with 1983 Iowa Acts, chapter 170. The  
 38 committee shall be composed of nine members, two to  
 39 be appointed by the governor, one of whom shall be  
 40 appointed to represent the bargaining units involved  
 41 in negotiations under section 2 of this Act, and four  
 42 legislative members to be appointed by the legislative  
 43 council. Appointments shall be made not later than  
 44 June 1, 1984. The director of the Iowa merit  
 45 employment department, the director of the Iowa civil  
 46 rights commission, and the director of the Iowa  
 47 commission on the status of women or their designees  
 48 shall also serve as voting members of the committee.  
 49 Legislative members of the committee are entitled  
 50 to per diem and expenses as provided for interim study

Page 2

DIVISION S—6007A

1 committee members in section 2.44. Public members  
 2 who are not public employees are entitled to a per  
 3 diem of forty dollars for attending committee meetings.  
 4 Public members and public employee members are entitled  
 5 to reimbursement for travel and other necessary  
 6 expenses actually incurred in the performance of their  
 7 duties on the committee. Payment for authorized per  
 8 diem and expenses shall be made as provided in section  
 9 2.12.  
 10 The committee shall make recommendations to the  
 11 governor, the legislative council, and the general  
 12 assembly by January 1, 1985, regarding further  
 13 implementation of the comparable worth adjustments,  
 14 which shall include estimates of appropriations needed  
 15 for further implementation."  
 16 8. Page 7, line 27, by striking the word "review"  
 17 and inserting in lieu thereof the word  
 18 "implementation".  
 19 9. Page 7, by striking lines 30 through 34 and  
 20 inserting in lieu thereof the following: "be



21 necessary. The committee may contract with outside  
22 personnel or with state agencies”.

23 10. Page 7, line 38, by striking the word “review”  
24 and inserting in lieu thereof the word  
25 “implementation”.

26 11. Page 7, by striking line 44.

27 12. Page 8, by striking lines 19 through 24 and  
28 inserting in lieu thereof the following:  
29 “recommendations made by the committee under section  
30 6 of this Act, and with initiation of adjustments  
31 for other state employees, for the fiscal year  
32 beginning”.

33 13. Page 8, by striking lines 36 through 38 and  
34 inserting in lieu thereof the words “the word  
35 “employees” the words “and a comparable worth  
36 implementation committee.”

JULIA B. GENTLEMAN

S-6008

1 Amend Senate File 2361 as follows:

2 1. Page 5, line 1, by inserting after the word  
3 “hundred” the word “fifty”.

4 2. Page 5, line 1, by striking the figure  
5 “1,500,000” and inserting in lieu thereof the figure  
6 “1,550,000”.

7 3. Page 5, line 11, by striking the figure  
8 “500,000” and inserting in lieu thereof the figure  
9 “550,000”.

CALVIN O. HULTMAN

S-6009

1 Amend amendment S-5989 to Senate File 2359 as  
2 follows:

3 1. Page 1, line 7, by striking the word “title” and  
4 inserting in lieu thereof the word “class”.

5 2. Page 1, line 48, by striking the word “titles” and  
6 inserting in lieu thereof the word “classes”.

7 3. Page 2, line 3, by striking the word “titles” and  
8 inserting in lieu thereof the word “classes”.

9 4. Page 2, line 7, by striking the word “title” and  
10 inserting in lieu thereof the word “class”.

11 5. Page 2, line 11, by striking the word “title” and  
12 inserting in lieu thereof the word “class”.

13 6. Page 2, line 12, by striking the word “title” and  
14 inserting in lieu thereof the word “class”.

15 7. Page 2, line 14, by striking the word “title” and

- 16 inserting in lieu thereof the word "class".  
 17 8. Page 2, line 30, by striking the word "title" and  
 18 inserting in lieu thereof the word "class".  
 19 9. Page 2, line 32, by striking the word "title" and  
 20 inserting in lieu thereof the word "class".  
 21 10. Page 2, line 33, by striking the word "title" and  
 22 inserting in lieu thereof the word "class".  
 23 11. Page 2, line 35, by striking the word "title" and  
 24 inserting in lieu thereof the word "class".  
 25 12. Page 2, line 38, by striking the word "titles" and  
 26 inserting in lieu thereof the word "classes".  
 27 13. Page 3, line 23, by striking the word "titles" and  
 28 inserting in lieu thereof the word "classes".  
 29 14. Page 3, line 26, by striking the word "title" and  
 30 inserting in lieu thereof the word "class".  
 31 15. Page 3, line 45, by striking the word "titles" and  
 32 inserting in lieu thereof the word "classes".  
 33 16. Page 3, line 48, by striking the word "titles" and  
 34 inserting in lieu thereof the word "classes".  
 35 17. Page 5, line 34, by striking the word "titles" and  
 36 inserting in lieu thereof the word "classes".  
 37 18. Page 5, line 36, by striking the word "titles" and  
 38 inserting in lieu thereof the word "classes".  
 39 19. Page 5, line 47, by striking the word "titles" and  
 40 inserting in lieu thereof the word "classes".  
 41 20. Page 6, line 8, by striking the word "titles" and  
 42 inserting in lieu thereof the word "classes".  
 43 21. Page 6, line 17, by striking the word "titles" and  
 44 inserting in lieu thereof the word "classes".  
 45 22. Page 6, line 23, by striking the word "titles" and  
 46 inserting in lieu thereof the word "classes".

JULIA B. GENTLEMAN

S-6010

- 1 Amend amendment S-6003 to Senate File 2361 as  
 2 follows:  
 3 1. Page 5, line 1, by inserting after the word  
 4 "committee." the words "The funds appropriated by  
 5 this section may be expended only to the extent that  
 6 they are matched with funds from other public or  
 7 private sources."

ARTHUR A. SMALL, JR.

S-6011

- 1 Amend amendment S-5989 to Senate File 2359 as  
 2 follows:

## DIVISION S—6011A

3 1. Page 3, line 38, by striking the words "civil  
4 rights commission" and inserting in lieu thereof the  
5 words "merit employment department".

## DIVISION S—6011B

6 2. Page 5, by striking lines 9 through 11 and  
7 inserting in lieu thereof the following: "committee  
8 shall be composed of nine members, two to be appointed  
9 by the governor, and four legislative members to be  
10 appointed by the legislative council. The director  
11 of the Iowa merit employment department, the director  
12 of the Iowa civil rights commission, and the director  
13 of the Iowa commission on the status of women or their  
14 designees shall also serve as voting members of the  
15 committee. Appointments".

## DIVISION S—6011A

16 3. Page 5, by striking line 33 and inserting in  
17 lieu thereof the words "state merit system,".

JULIA B. GENTLEMAN

## S-6012

1 Amend Senate File 2361 as follows:

2 1. Page 11, by inserting after line 32 the  
3 following:

## "DIVISION VIII

5 Sec. 26. NEW SECTION. 321B.30 CRIME VICTIM  
6 REPARATION PROGRAM. When the department revokes the  
7 license or driving privilege of a person under this  
8 chapter, the department shall assess that person a  
9 civil penalty of one hundred dollars. The civil  
10 penalty shall be deposited as provided in section  
11 911.3 for surcharges of criminal penalties. A  
12 temporary restricted license shall not be issued or  
13 a license or privilege to drive reinstated until the  
14 civil penalty has been paid.

15 Sec. 27. Section 912.1, subsection 4, Code 1983,  
16 is amended to read as follows:

17 4. "Crime" means conduct that occurs or is  
18 attempted in this state, poses a substantial threat  
19 of personal injury or death, and is punishable as  
20 a felony, an aggravated misdemeanor, or a serious  
21 misdemeanor, or would be so punishable but for the  
22 fact that the person engaging in the conduct lacked  
23 the capacity to commit the crime under the laws of

24 this state. "Crime" does not include conduct arising  
 25 out of the ownership, maintenance, or use of a motor  
 26 vehicle, motorcycle, motorized bicycle, train, boat,  
 27 or aircraft except for violations of section 321.281  
 28 or when the intention is to cause personal injury  
 29 or death. A plea or verdict of guilty of a charge  
 30 under section 321.281 or a license revocation under  
 31 section 321B.13 or 321B.16 shall be considered by  
 32 the department as evidence of a violation of section  
 33 321.281 for the purposes of this chapter.

34 Sec. 28. Section 912.13, Code 1983, is repealed."

35 2. Page 12, line 7, by inserting after the word  
 36 "section." the words "Section 28 of this Act takes  
 37 effect upon publication."

FORREST V. SCHWENGELS  
 CALVIN O. HULTMAN  
 RAY TAYLOR  
 JOHN W. JENSEN  
 ARNE WALDSTEIN  
 WILLIAM W. (Bill) DIELEMAN  
 BASS VAN GILST  
 ARTHUR L. GRATIAS  
 DALE L. TIEDEN  
 MERLIN D. HULSE  
 NORMAN J. GOODWIN  
 LEE W. HOLT  
 RICHARD VANDE HOEF  
 DOUGLAS RITSEMA  
 JACK W. HESTER  
 JACK RIFE  
 JOHN E. SOORHOLTZ  
 RICHARD F. DRAKE

HOUSE AMENDMENT TO SENATE FILE 2043

S-6013

1 Amend Senate File 2043, as passed by the Senate  
 2 as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. Chapter 364, Code 1983, is amended  
 6 by adding the following new section:  
 7 **NEW SECTION.** A city council or county board of  
 8 supervisors may enter into a contract with a person  
 9 whose property is totally or partially exempt from  
 10 taxation under chapter 404, section 427.1, or section  
 11 427B.1, for the city or county to provide specified  
 12 services to that person including but not limited

13 to police protection, fire protection, street main-  
 14 tenance, and waste collection. The contract shall  
 15 terminate as of the date previously exempt property  
 16 becomes subject to taxation.

17 Sec. 2. Section 427B.1, unnumbered paragraph 1,  
 18 Code 1983, is amended to read as follows:

19 A city council, or a county board of supervisors  
 20 as authorized by section 427B.2, may provide by  
 21 ordinance for a partial exemption from property  
 22 taxation of the actual value added to industrial real  
 23 estate by the new construction of industrial real  
 24 estate, warehouses, distribution centers and the  
 25 acquisition of or improvement to machinery and  
 26 equipment assessed as real estate pursuant to section  
 27 427A.1, subsection 1, paragraph "e". New construction  
 28 means new buildings and structures and includes new  
 29 buildings and structures which are constructed as  
 30 additions to existing buildings and structures. New  
 31 construction does not include reconstruction of an  
 32 existing building or structure which does not  
 33 constitute complete replacement of an existing building  
 34 or structure or refitting of an existing building  
 35 or structure, unless the reconstruction of an existing  
 36 building or structure is required due to economic  
 37 obsolescence and the reconstruction is necessary to  
 38 implement recognized industry standards for the  
 39 manufacturing and processing of specific products  
 40 and the reconstruction is required for the owner of  
 41 the building or structure to continue to competitively  
 42 manufacture or process those products which  
 43 determination shall receive prior approval from the  
 44 city council of the city or the board of supervisors  
 45 of the county upon the recommendation of the Iowa  
 46 development commission. The exemption shall also  
 47 apply to new machinery and equipment assessed as real  
 48 estate pursuant to section 427A.1, subsection 1,  
 49 paragraph "e", unless the machinery or equipment is  
 50 part of the normal replacement or operating process

Page 2

1 to maintain or expand the existing operational status.  
 2 Warehouse means a building or structure used as a  
 3 public warehouse for the storage of goods pursuant  
 4 to sections 554.7101 through 554.7603, except that  
 5 it does not mean a building or structure used primarily  
 6 to store raw agricultural products or from which goods  
 7 are sold at retail. Distribution center means a  
 8 building or structure used primarily for the storage  
 9 of goods which are intended for subsequent shipment  
 10 to retail outlets. Distribution center does not mean

11 a building or structure used primarily to store raw  
 12 agricultural products, used primarily by a manufacturer  
 13 to store goods to be used in the manufacturing process,  
 14 used primarily for the storage of petroleum products,  
 15 or used for the retail sale of goods.

16 Sec. 3. Section 427B.3, unnumbered paragraph 1,  
 17 Code 1983, is amended to read as follows:

18 The actual value added to industrial real estate  
 19 for the reasons specified in section 427B.1 is eligible  
 20 to receive a partial exemption from taxation for a  
 21 period of five years. However, if property ceases  
 22 to be classified as industrial real estate or ceases  
 23 to be used as a warehouse or distribution center,  
 24 the partial exemption for the value added shall not  
 25 be allowed for subsequent assessment years. "Actual  
 26 value added" as used in this chapter means the actual  
 27 value added as of the first year for which the  
 28 exemption is received, except that actual value added  
 29 by improvements to machinery and equipment means the  
 30 actual value as determined by the assessor as of  
 31 January 1 of each year for which the exemption is  
 32 received. The amount of actual value added which  
 33 is eligible to be exempt from taxation shall be as  
 34 follows:"

35 2. Amend the title, by striking lines 1 through  
 36 3 and inserting in lieu thereof the following: "An  
 37 Act to provide a partial property tax exemption for  
 38 warehouses and distribution centers on which  
 39 improvements have been made and allow cities and  
 40 counties to contract with persons whose real property  
 41 is exempt or partially exempt from property taxation  
 42 to provide certain services."

#### HOUSE AMENDMENT TO SENATE FILE 2327

S-6014

- 1 Amend Senate File 2327 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 2, by inserting after the word
- 4 "of" the words "farm tractors and".
- 5 2. Page 1, line 3, by striking the word and figures
- 6 "January 1, 1978" and inserting in lieu thereof the
- 7 word and figures "June 1, 1982".
- 8 3. Page 1, line 10, by striking the word and
- 9 figures "January 1, 1978" and inserting in lieu thereof
- 10 the word and figures "June 1, 1982".
- 11 4. Page 1, line 11, by inserting after the word
- 12 "of" the words "farm tractors and".
- 13 5. Page 1, line 13, by inserting after the word

- 14 "law." the following: "Notwithstanding any other  
15 provision of law, the total amount of refunds that  
16 shall be paid pursuant to this section shall not  
17 exceed the sum of seventy-five thousand dollars.  
18 If the total dollar amount of the allowable claims  
19 for refunds exceeds seventy-five thousand dollars  
20 the director of revenue shall prorate the seventy-  
21 five thousand dollars among the claimants of the  
22 allowable claims by paying each claimant a percent  
23 of the amount of the claimant's allowable claim equal  
24 to the percent that seventy-five thousand dollars  
25 is of the total amount of all the allowable claims."
- 26 6. Page 1, line 14, by striking the word and  
27 figures "January 1, 1978" and inserting in lieu thereof  
28 the word and figures "June 1, 1982".
- 29 7. Title page, line 2, by striking the word and  
30 figures "January 1, 1978" and inserting in lieu thereof  
31 the word and figures "June 1, 1982".
- 32 8. Title page, line 3, by inserting after the  
33 word "involving" the words "farm tractors and".

## S-6015

- 1 Amend House amendment S-6001 to Senate File 2334  
2 as amended, passed and reprinted by the Senate as  
3 follows:
- 4 1. Page 1, line 29, by striking the figure "1985."  
5 and inserting in lieu thereof the following: "1985.  
6 It is the intent of the general assembly that the  
7 childhood cancer diagnostic and treatment network  
8 program and the rural comprehensive care for hemophilia  
9 patients be continued at the University of Iowa  
10 hospitals and clinics at the funding level necessary  
11 to provide continued existence of the programs in  
12 the rural areas of the state. To provide for the  
13 contingency that the programs could not continue  
14 during the fiscal year beginning July 1, 1984 and  
15 ending June 30, 1985, there is appropriated from the  
16 general fund of the state to the office of the state  
17 comptroller for the fiscal year beginning July 1,  
18 1984 and ending June 30, 1985, the sum of fifty-two  
19 thousand (52,000) dollars, or so much thereof as is  
20 necessary. The state comptroller shall pay to the  
21 university of Iowa hospitals and clinics the necessary  
22 amount determined by the university of Iowa hospitals  
23 and clinics."
- 24 2. By striking page 1, line 30 through page 2,  
25 line 24.
- 26 3. Page 2, by striking lines 25 through 28 and

- 27 inserting in lieu thereof the following:  
 28 "\_\_\_\_\_. Page 17, line 15, by striking the figures  
 29 "5, 7," and inserting in lieu thereof the figure "7"."  
 30 4. Page 2, by striking lines 29 through 31.  
 31 5. By renumbering as necessary.

EMIL J. HUSAK  
 JACK RIFE

S-6016

- 1 Amend Senate File 2361 as follows:  
 2 1. Page 8, by inserting after line 19 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 266.36 The Iowa  
 5 cooperative extension service in agriculture and home  
 6 economics shall engage in research on the development  
 7 of computer software to increase its usefulness and  
 8 availability to county extension offices, farm  
 9 operators and other Iowans to aid the analysis and  
 10 understanding within such areas as financial management  
 11 on farms, agricultural marketing, and soil  
 12 conservation.  
 13 Sec. \_\_\_\_\_. There is appropriated from the general  
 14 fund of the state to the state board of regents for  
 15 the fiscal year beginning July 1, 1984, and ending  
 16 June 30, 1985, two hundred thirty-five thousand  
 17 (235,000) dollars, or so much thereof as is necessary,  
 18 for salaries and operating expenses within the  
 19 cooperative extension service, and for supplies,  
 20 services, and equipment to be used for the purpose  
 21 designated in section 266.36."  
 22 2. By numbering and renumbering sections as  
 23 necessary.

ARNE WALDSTEIN

S-6017

- 1 Amend House File 2528, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. Section 97.51, Code 1983, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. Effective July 1, 1984, a person  
 8 receiving benefits, on or after July 1, 1984, under  
 9 this chapter, shall receive a monthly increase in  
 10 benefits equal to ten percent of the monthly benefits  
 11 received for June 1984 or which the person was eligible



12 to receive for June 1984, except as otherwise provided  
 13 in this subsection. A person who becomes eligible  
 14 for benefits under chapter 97, Code 1950, on or after  
 15 July 1, 1984 shall receive the ten percent increase.

16 A person eligible to receive benefits under this  
 17 chapter on June 30, 1984, may elect in writing to  
 18 the Iowa department of job service not to receive  
 19 the monthly benefit increase granted in this  
 20 subsection.

21 There is appropriated annually from the general  
 22 fund of the state to the Iowa old-age and survivors'  
 23 insurance liquidation fund from funds not otherwise  
 24 appropriated an amount sufficient to pay the benefit  
 25 increases provided in this subsection.

26 Sec. 2. Section 97A.1, subsection 10, Code 1983,  
 27 is amended by striking the subsection and inserting  
 28 in lieu thereof the following:

29 10. "Earnable compensation" or "compensation  
 30 earnable" means the total monetary direct compensation  
 31 paid during a year by the department of public safety  
 32 to a peace officer for service covered under this  
 33 chapter plus the amount of any compensation paid by  
 34 the department of public safety for service covered  
 35 under this chapter that is deferred under a deferred  
 36 compensation program.

37 Sec. 3. Section 97A.6, subsection 14, paragraph  
 38 a, unnumbered paragraph 1, Code 1983, is amended to  
 39 read as follows:

40 Effective July 1, 1980, and on each July 1  
 41 thereafter, the monthly pensions authorized in this  
 42 section payable to retired members and to  
 43 beneficiaries, except children of a deceased member,  
 44 shall be adjusted as provided in this paragraph.  
 45 ~~An~~ Effective July 1, 1984, an amount equal to the  
 46 following percentages of the difference between the  
 47 monthly ~~earnable~~ compensation payable to an active  
 48 member of the department, of the same rank and position  
 49 on the salary scale as was held by the retired or  
 50 deceased member at the time of the member's retirement

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1 or death, for July of the preceding year and the  
 2 monthly ~~earnable~~ compensation payable to an active  
 3 member of the department of the same rank and position  
 4 on the salary scale for July of the year just beginning  
 5 shall be added to the monthly pension of each retired  
 6 member and each beneficiary as follows:

7 Sec. 4. Section 97A.6, subsection 14, paragraph

8 a, subparagraph (2), Code 1983, is amended to read  
9 as follows:

10 (2) Twenty percent for members with five or more  
11 years of membership service who are receiving an  
12 ordinary disability retirement allowance. However,  
13 effective July 1, 1984, for members who retired before  
14 July 1, 1979, twenty-five percent shall be used for  
15 members who are receiving an ordinary disability  
16 retirement allowance.

17 Sec. 5. Section 97A.6, subsection 14, paragraph  
18 a, unnumbered paragraph 4, Code 1983, is amended to  
19 read as follows:

20 As of the first of July of each year, the monthly  
21 pension payable to each surviving child under the  
22 provisions of subsections 8, 9 and 12 of this section  
23 shall be adjusted to equal six percent of the monthly  
24 earnable compensation payable on that July 1 to an  
25 active member having the rank of senior patrolman  
26 of the Iowa highway safety patrol.

27 Sec. 6. Section 97A.6, subsection 14, paragraph  
28 a, Code 1983, is amended by adding the following new  
29 unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. For the purpose of this  
31 subsection, "monthly compensation" means the regular  
32 compensation which a member earns during one month  
33 on the basis of the stated compensation for the  
34 member's rank or position including the daily amount  
35 received for meals under section 80.8 and excluding  
36 any amount received for overtime compensation or other  
37 special additional compensation, other payments for  
38 meal expenses, uniform cleaning allowances, travel  
39 expenses, and uniform allowances.

40 Sec. 7. Section 97B.7, subsection 2, paragraph  
41 b, subparagraph (6), unnumbered paragraph 2, Code  
42 1983, is amended to read as follows:

43 In the event of If there is loss on the redemption  
44 or sale of securities, where invested as prescribed  
45 by law, neither the treasurer nor the department ~~shall~~  
46 ~~be is~~ personally liable, but such the loss shall be  
47 charged against the retirement fund and there is  
48 hereby appropriated from ~~such the~~ retirement fund  
49 an amount as ~~may be so required for the loss.~~ Expenses  
50 incurred in the sale and purchase of securities

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1 belonging to the retirement fund shall be charged  
2 to the retirement fund and there is hereby appropriated  
3 from such the retirement fund an amount as ~~may be~~

4 so required and investment for the expenses incurred.  
5 Investment management expenses shall be charged to  
6 the investment income of the retirement fund and such  
7 expense shall otherwise be budgeted and appropriated  
8 in the same manner as administrative expenses for  
9 the rest of the system there is appropriated from  
10 the retirement fund an amount as required for the  
11 investment management expenses, subject to the  
12 limitations stated in this subparagraph. The amount  
13 appropriated for a fiscal year under this subparagraph  
14 shall not exceed one percent of the market value of  
15 the retirement fund. The department shall report  
16 the investment management expenses for a fiscal year  
17 as a percent of the market value of the retirement  
18 fund in the annual report to the governor required  
19 in section 97B.4.

20 Sec. 8. Section 97B.41, subsection 1, paragraph  
21 b, subparagraph (6), Code Supplement 1983, is amended  
22 to read as follows:

23 (6) For each the calendar year from January 1,  
24 1986 and thereafter through December 31, 1986, wages  
25 not in excess of twenty-two thousand dollars.

26 Sec. 9. Section 97B.41, subsection 1, paragraph  
27 b, Code Supplement 1983, is amended by adding the  
28 following new subparagraphs:

29 NEW SUBPARAGRAPH. (6A) For the calendar year  
30 from January 1, 1987 through December 31, 1987, wages  
31 not in excess of twenty-three thousand dollars.

32 NEW SUBPARAGRAPH. (6B) For each calendar year  
33 from January 1, 1988 and thereafter, wages not in  
34 excess of twenty-four thousand dollars.

35 Sec. 10. Section 97B.41, subsection 3, paragraph  
36 b, subparagraph (7), Code Supplement 1983, is amended  
37 to read as follows:

38 (7) Persons employed under the federal  
39 Comprehensive Employment Training Act as amended to  
40 January 1, 1978 Job Training Partnership Act of 1982,  
41 Pub. L. No. 97-300 unless such these employees shall  
42 make an application to the department to be covered  
43 under the provisions of this chapter.

44 Sec. 11. Section 97B.41, subsection 3, paragraph  
45 b, subparagraph (9), Code Supplement 1983, is amended  
46 to read as follows:

47 (9) Members of the ministry, rabbinate, or other  
48 religious order who have taken the vow of poverty  
49 unless, within one year of commencing employment or  
50 no later than July 1, 1985 for individuals who are

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1 members of the system on July 1, 1984, a member makes  
2 an application to the department to be covered under  
3 this chapter.

4 Sec. 12. Section 97B.41, subsection 3, paragraph  
5 b, Code 1983, is amended by adding the following new  
6 subparagraphs:

7 NEW SUBPARAGRAPH. Employees of the Iowa dairy  
8 industry commission established under chapter 179,  
9 the Iowa beef cattle producers association established  
10 under chapter 181, the Iowa swine producers association  
11 established under chapter 183, the Iowa turkey  
12 marketing council established under chapter 184A,  
13 the Iowa soybean promotion board established under  
14 chapter 185, the Iowa corn promotion board established  
15 under chapter 185C, and the Iowa egg council  
16 established under chapter 196A.

17 NEW SUBPARAGRAPH. Judicial hospitalization referees  
18 appointed under section 229.21.

19 Sec. 13. Section 97B.49, subsection 8, paragraph  
20 a, unnumbered paragraphs 1 and 2, Code Supplement  
21 1983, is amended to read as follows:

22 Notwithstanding other provisions of this chapter,  
23 a member who is or has been employed as a county  
24 sheriff, as defined in section 39.17, or as a deputy  
25 sheriff appointed pursuant to section 341.1, Code  
26 1981, or section 331.903, and who retires between  
27 January 1, 1978 and June 30, 1982, and at the time  
28 of retirement is at least sixty years of age and has  
29 completed at least twenty-five years of membership  
30 service as a county sheriff or deputy sheriff, may  
31 elect to receive, in lieu of the benefits under  
32 subsection 5 of this section, a monthly retirement  
33 allowance equal to one-twelfth of forty-seven percent  
34 of the member's five-year average covered wage as  
35 a sheriff or deputy sheriff, with benefits payable  
36 during the member's lifetime. For each sheriff and  
37 deputy sheriff eligible for benefits under this  
38 subsection who retires between July 1, 1982 and June  
39 30, 1983, the percent used in computing the monthly  
40 retirement allowance is fifty.

41 Notwithstanding other provisions of this chapter,  
42 a member who is or has been employed as a peace  
43 officer, and who retires on or after July 1, 1983  
44 and meets the age requirements and membership service  
45 requirements for benefits specified in this paragraph  
46 is sixty years of age and has completed twenty-five

47 years of membership service may elect to receive a  
48 monthly retirement allowance equal to one-twelfth  
49 of fifty percent of the member's five-year average  
50 covered wage as a peace officer, with benefits payable

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1 during the member's lifetime.

2 A peace officer who retires on or after July 1,  
3 1984 and has not completed twenty-five years of  
4 membership service as required under this subsection  
5 is eligible to receive a monthly retirement allowance  
6 equal to one-twelfth of fifty percent multiplied by  
7 a fraction of years of service as a peace officer.  
8 For the purpose of this subsection, "fraction of years  
9 of service" means a number, not to exceed one, equal  
10 to the sum of the years of membership service as a  
11 peace officer, divided by twenty-five years. On or  
12 after July 1, 1984, if the peace officer has not  
13 reached sixty years of age at retirement, the monthly  
14 retirement allowance shall be reduced by five-tenths  
15 of one percent per month for each month that the peace  
16 officer's retirement precedes the date on which the  
17 peace officer attains sixty years of age.

18 For the purpose of this paragraph, "fraction of  
19 years of service" means a number, not to exceed one,  
20 equal to the sum of the years of membership service  
21 as a peace officer, divided by twenty-five years.

22 Sec. 14. Section 97B.49, Code Supplement 1983,  
23 is amended by adding the following new subsection:  
24 **NEW SUBSECTION.** a. Each member who retired from  
25 the system between January 1, 1976 and June 30, 1982,  
26 or a contingent annuitant or beneficiary of such a  
27 member, shall receive with the November 1984 and the  
28 November 1985 monthly benefit payments a retirement  
29 dividend equal to fifty percent of the monthly benefit  
30 payment the member received for the preceding June.  
31 The retirement dividend does not affect the amount  
32 of a monthly benefit payment.

33 b. Each member who retired from the system between  
34 July 4, 1953 and December 31, 1975, or a contingent  
35 annuitant or beneficiary of such a member, shall  
36 receive with the November 1984 and the November 1985  
37 monthly benefit payments a retirement dividend equal  
38 to seventy-five percent of the monthly benefit payment  
39 the member received for the preceding June. The  
40 retirement dividend does not affect the amount of  
41 a monthly benefit payment.

42 Sec. 15. Section 97B.50, subsection 1, paragraph  
43 b, Code 1983, is amended to read as follows:

44 b. For a member who is at least sixty-two years  
45 of age and less than sixty-five years of age who has  
46 not completed thirty-five years of membership service  
47 and prior service, by twenty-five hundredths of one  
48 percent per month for each month that the early  
49 retirement date precedes the normal retirement date.  
50 Sec. 16. Section 97B.50, Code 1983, is amended

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1 by adding the following new subsection:  
2 **NEW SUBSECTION.** 4. A member who is at least  
3 sixty-two years of age and less than sixty-five years  
4 of age who has completed thirty-five or more years  
5 of membership service and prior service shall receive  
6 full benefits under section 97B.49 determined as if  
7 the member had attained sixty-five years of age.  
8. Sec. 17. Section 97B.51, subsection 5, Code 1983,  
9 is amended by striking the subsection and inserting  
10 in lieu thereof the following:  
11 5. At retirement, a member may designate that  
12 upon the member's death, a specified amount of money  
13 shall be paid to a named beneficiary, and the member's  
14 monthly retirement allowance will be reduced by an  
15 actuarially determined amount to provide for the lump  
16 sum payment. The amount designated by the member  
17 must be in thousand dollar increments, and the amount  
18 designated shall not lower the monthly retirement  
19 allowance of the member by more than one-half the  
20 amount payable under section 97B.49, subsection 1  
21 or 5.  
22 Sec. 18. Section 97B.52, subsection 1, Code 1983,  
23 is amended by striking the subsection and inserting  
24 in lieu thereof the following:  
25 1. If a member dies prior to the date the member's  
26 first retirement allowance is payable under the system,  
27 the accumulated contributions of the member at the  
28 date of death plus the product of an amount equal  
29 to the highest year of covered wages of the deceased  
30 member and the number of years of membership service  
31 divided by thirty shall be paid to the member's  
32 beneficiary in a lump sum payment. However, a lump  
33 sum payment made to a beneficiary under this subsection  
34 due to the death of a member shall not be less than  
35 the amount that would have been payable on the death  
36 of the member on June 30, 1984 under this subsection  
37 as it appeared in the 1983 Code.  
38 Effective July 1, 1978, a method of payment under  
39 this subsection filed with the department by a member  
40 does not apply.

41 Sec. 19. Section 97B.52, Code 1983, is amended  
42 by adding the following new subsection:  
43 NEW SUBSECTION. 5. Following written notification  
44 to the department, a beneficiary of a deceased member  
45 may waive current and future rights to payments to  
46 which the beneficiary would otherwise be entitled  
47 under sections 97B.51 and this section. Upon receipt  
48 of the waiver, the department shall pay to the estate  
49 of the deceased member the amount designated to be  
50 received by the beneficiary.

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1 Sec. 20. Section 97B.53, subsection 5, unnumbered  
2 paragraph 1, Code 1983, is amended to read as follows:

3 A member ~~shall not be considered as having~~ has  
4 ~~not terminated his employment if he the member~~ accepts  
5 other employment in the state of Iowa under which  
6 ~~he the member~~ is eligible to membership in the Iowa  
7 public employees' retirement system, within ~~three~~  
8 months thirty days after ~~he the member~~ has left public  
9 employment.

10 Within sixty days after a member has been issued  
11 payment for a refund of the member's accumulated  
12 contributions, the member may repay the accumulated  
13 contributions plus interest that would have accrued,  
14 as determined by the department, and receive credit  
15 for membership service for the period covered by the  
16 refund payment.

17 Sec. 21. NEW SECTION. 97B.66 FORMER MEMBERS.

18 A vested or retired member who was a member of the  
19 teachers insurance and annuity association-college  
20 retirement equity fund at any time between July 1,  
21 1967 and June 30, 1971 and who became a member of  
22 the system on July 1, 1971, upon submitting  
23 verification of service and wages earned during the  
24 period of service under the teachers insurance and  
25 annuity association-college retirement equity fund,  
26 may make employer and employee contributions to the  
27 system based upon the covered wages of the member  
28 and the covered wages and the contribution rates in  
29 effect for that period of service and receive credit  
30 for membership service under this system equivalent  
31 to the number of years of service in the teachers  
32 insurance and annuity association-college retirement  
33 equity fund. In addition, a member making employer  
34 and employee contributions because of membership in  
35 the teachers insurance and annuity association-college  
36 retirement equity fund under this section, who was  
37 a member of the system on June 30, 1967 and withdrew

38 the member's accumulated contributions because of  
39 membership on July 1, 1967 in the teachers insurance  
40 and annuity association-college retirement equity  
41 fund, may make employee contributions to the system  
42 for the period of service under the system prior to  
43 July 1, 1967.

44 The contributions paid by the vested or retired  
45 member shall be equal to the accumulated contributions  
46 as defined in section 97B.41, subsection 13, by the  
47 member for that period of service, and the employer  
48 contribution for that period of service under the  
49 teachers insurance and annuity association-college  
50 retirement equity fund, that would have been or had

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1 been contributed by the vested or retired member and  
2 the employer, if applicable, plus interest on the  
3 contributions that would have accrued for the period  
4 from the date the previous service commenced under  
5 this system or from the date the service of the member  
6 in the teachers insurance and annuity association-  
7 college retirement equity fund commenced to the date  
8 of payment of the contributions by the member equal  
9 to two percent plus the interest dividend rate  
10 applicable for each year.

11 Verification of service and wages earned and payment  
12 of contributions shall be made to the department not  
13 later than June 30, 1985.

14 Sec. 22. Section 97B.72, unnumbered paragraph

15 1. Code 1983, is amended to read as follows:

16 Persons who are members of the ~~Sixty-eighth~~ Seventy-  
17 first General Assembly or a succeeding general assembly  
18 who submit proof to the department of membership in  
19 the general assembly during any period beginning July  
20 4, 1953 and ending ~~January 8, 1979~~ may make  
21 contributions to the system for service equal to the  
22 accumulated contributions as defined in section 97B.41,  
23 subsection 13, which would have been made if the  
24 member of the general assembly had been a member of  
25 the system during the member's service in the general  
26 assembly. The proof of membership in the general  
27 assembly and payment of accumulated contributions  
28 shall be transmitted to the department ~~not later than~~  
29 ~~December 31, 1979~~. Persons eligible to receive  
30 retirement allowances under this section shall be  
31 eligible to commence receiving retirement allowances  
32 on ~~January 8, 1979~~ 14, 1985.

33 Sec. 23. Section 97B.73, Code 1983, is amended



34 to read as follows:

35 97B.73 MEMBERS FROM OTHER PUBLIC SYSTEMS. A  
36 vested or retired member who was a member of a public  
37 retirement system in another state but was not vested  
38 or retired under that system may, upon submitting  
39 verification of membership and service in the other  
40 public retirement system to the department ~~not later~~  
41 ~~than July 1, 1979 for members vested on July 1, 1978~~  
42 ~~or within one year after the member becomes vested;~~  
43 make employer and employee contributions to the system  
44 for the period of service in the other public  
45 retirement system and receive credit for membership  
46 service in this system equivalent to the number of  
47 years of service in the other public retirement system.  
48 The contributions paid by the vested or retired member  
49 for service in the other public retirement system  
50 shall be equal to the accumulated contributions as

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1 defined in section 97B.41, subsection 13, by the  
2 member for that period of service and the employer  
3 contribution for that period of service that would  
4 have been contributed by the vested or retired member  
5 and the employer plus interest on the contributions  
6 that would have accrued if the member had been a  
7 member of this system earning the same wages earned  
8 under the other system for the period from the date  
9 of service of the member in the other public retirement  
10 system to the date of payment of the contributions  
11 by the member equal to two percent plus the interest  
12 dividend rate applicable for each year.

13 This section is applicable to a vested or retired  
14 member who was a member of a public retirement system  
15 established in sections 294.8, 294.9, and 294.10 but  
16 was not vested or retired under that system. ~~However,~~  
17 ~~the verification and contributions must be submitted~~  
18 ~~not later than July 1, 1981 for members who were~~  
19 ~~vested members on July 1, 1980 or within one year~~  
20 ~~after the member becomes a vested member of this~~  
21 ~~system.~~

22 Sec. 24. Section 97C.11, Code 1983, is amended  
23 to read as follows:

24 97C.11 PAYMENT-ADJUSTMENT OR REFUND. Taxes  
25 deducted by the employer from the earnings of employees  
26 or upon the employers shall be paid in a manner, at  
27 times and under conditions prescribed by the state  
28 agency. ~~However, the taxes shall be remitted monthly~~  
29 ~~by the employer. If more or less than the correct~~

30 amount of the tax imposed upon the employer is paid  
 31 or deducted, proper adjustments or refund, if  
 32 adjustment is impracticable, shall be made in a manner  
 33 and at times as the state agency prescribes.

34 Sec. 25. Section 294.15, unnumbered paragraph  
 35 1, Code 1983, is amended to read as follows:

36 ~~Any A~~ person having ~~attained~~ attaining the age  
 37 of sixty-five who ~~shall have been~~ was an employee,  
 38 holding a valid teaching certificate, in the public  
 39 schools of this state with a record of service of  
 40 twenty-five years or more, including a maximum of  
 41 five years out-of-state service followed by at least  
 42 ten years' service in this state prior to retirement  
 43 and who ~~shall have retired~~ prior to July 4, 1953,  
 44 ~~shall be entitled to effective July 1, 1984, may~~  
 45 receive retirement allowance payments from the state  
 46 of Iowa of one hundred dollars per month and beginning  
 47 ~~July 1, 1975, shall be entitled to receive equal to~~  
 48 two hundred ~~twenty~~ dollars per month. ~~Such sums as~~  
 49 ~~are~~ An amount necessary to meet this requirement shall  
 50 be added to the retirement allowance payments, if

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1 any, now being received from the state of Iowa by  
 2 individuals covered by ~~the provisions of~~ under this  
 3 section. No such person shall receive retirement  
 4 benefits from the state of more than two hundred  
 5 dollars per month. The word "employee" as used ~~herein~~  
 6 ~~shall be construed to include in this section includes~~  
 7 persons who were state superintendents, county  
 8 superintendents, or deputy county superintendents.

9 However, a person receiving retirement allowance  
 10 payments under this section may elect in writing to  
 11 the Iowa department of job service to continue to  
 12 receive two hundred dollars per month.

13 Sec. 26. Section 411.1, subsection 12, Code 1983,  
 14 is amended by striking the subsection and inserting  
 15 in lieu thereof the following: •

16 12. "Earnable compensation" or "compensation  
 17 earnable" means the total direct monetary compensation  
 18 paid during a year by a city to a fire fighter or  
 19 police officer for service covered under this chapter  
 20 plus the amount of any compensation paid by a city  
 21 for service covered under this chapter that is deferred  
 22 under a deferred compensation program.

23 Sec. 27. Section 411.6, subsection 12, paragraph  
 24 a, unnumbered paragraph 1, Code 1983, is amended to  
 25 read as follows:

26 On each July 1 and January 1, the monthly pensions  
27 authorized in this section payable to retired members  
28 and to beneficiaries, except children of a deceased  
29 member, shall be adjusted as provided in this  
30 paragraph. An amount equal to the following  
31 percentages of the difference between the monthly  
32 ~~earnable~~ compensation payable to an active member  
33 of the department, of the same rank and position on  
34 the salary scale as was held by the retired or deceased  
35 member at the time of the member's retirement or  
36 death, for the month in which the last preceding  
37 adjustment was made and the monthly ~~earnable~~  
38 compensation payable to an active member of the  
39 department of the same rank and position on the salary  
40 scale for the month in which the adjustment is made  
41 shall be added to the monthly pension of each retired  
42 member and each beneficiary as follows:

43 Sec. 28. Section 411.6, subsection 12, paragraph  
44 a, subparagraph (2), Code 1983, is amended to read  
45 as follows:

46 (2) Twenty percent for members with five or more  
47 years of membership service who are receiving an  
48 ordinary disability retirement allowance. However,  
49 effective July 1, 1984, for members who retired before  
50 July 1, 1979, twenty-five percent shall be used for

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1 members who are receiving an ordinary disability  
2 allowance.

3 Sec. 29. Section 411.6, subsection 12, paragraph  
4 a, unnumbered paragraph 4, Code 1983, is amended to  
5 read as follows:

6 As of July 1 and January 1 of each year, the monthly  
7 pension payable to each surviving child under the  
8 provisions of subsections 8, 9, and 11 of this section  
9 shall be adjusted to equal six percent of the monthly  
10 ~~earnable~~ compensation payable on that July 1 or January  
11 1 to an active member holding the highest grade in  
12 the rank of fire fighter, for a child of a deceased  
13 member of a fire department, or holding the highest  
14 grade in the rank of police patrol officer, for a  
15 child of a deceased member of a police department.

16 Sec. 30. Section 411.6, subsection 12, paragraph  
17 a, Code 1983, is amended by adding the following new  
18 unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. For the purpose of this  
20 paragraph, "monthly compensation" means the regular  
21 compensation which a member would earn during one  
22 month on the basis of the stated compensation for

23 the member's rank or position excluding any amount  
 24 received for overtime compensation or other special  
 25 additional compensation, meal and travel expenses,  
 26 and uniform allowances.

27 Sec. 31. Section 509A.7, Code 1983, is amended  
 28 to read as follows:

29 509A.7 EMPLOYEE DEFINED. The word "employee"  
 30 as used in this division does not include temporary  
 31 or retired employees except as otherwise provided  
 32 in this chapter. However, this section does not  
 33 prevent a retired employee sixty-five years of age  
 34 or older from voluntarily continuing in force, at  
 35 the employee's own expense, an existing contract.

36 Sec. 32. NEW SECTION. CONTINUATION OF GROUP  
 37 INSURANCE. If a governing body, a county board of  
 38 supervisors, or a city council has procured for its  
 39 employees accident, health, or hospitalization  
 40 insurance, or a medical service plan, or has contracted  
 41 with a health maintenance organization authorized  
 42 to do business in this state, the governing body,  
 43 county board of supervisors, or city council shall  
 44 allow its employees who retired before attaining  
 45 sixty-five years of age to continue participation  
 46 in the group plan or under the group contract at the  
 47 employee's own expense until the employee attains  
 48 sixty-five years of age.

49 Sec. 33. Section 602.1611, subsections 1 and 2,  
 50 Code Supplement 1983, are amended to read as follows:

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1 1. Justices of the supreme court, judges of the  
 2 court of appeals and district judges are members of  
 3 either the judicial retirement system or the lowa  
 4 public employees' retirement system, as determined  
 5 under section 97B.69 and article 9, part 1.

6 2. District associate judges who were municipal  
 7 court judges prior to July 1, 1973, and who are members  
 8 of the judicial retirement system under article 9  
 9 shall remain members of the system. Other district  
 10 associate judges are members of, part 1, or the lowa  
 11 public employees' retirement system; except that  
 12 alternate, Alternate district associate judges whose  
 13 appointment is authorized under section 602.6303 are  
 14 not members of either the judicial retirement system  
 15 or the lowa public employees' retirement system.

16 Sec. 34. Section 602.1613, Code Supplement 1983,  
 17 is amended to read as follows:

18 602.1613 COURT EMPLOYEE RETIREMENT. Court

19 employees are members of the Iowa public employees'  
20 retirement system under chapter 97B, except as  
21 otherwise provided in that chapter 97B or this chapter.  
22 Sec. 35. NEW SECTION. 602.11115 DISTRICT  
23 ASSOCIATE JUDGES' RETIREMENT. If a full-time judicial  
24 magistrate who became a district associate judge on  
25 January 1, 1981 pursuant to statute or a person who  
26 was appointed a district associate judge between  
27 January 1, 1981 and June 30, 1984 is a member of the  
28 Iowa public employees' retirement system on June 30,  
29 1984, the district associate judge may elect, by  
30 informing the state court administrator by June 30,  
31 1984, one of the following retirement benefit options  
32 to be effective July 1, 1984:  
33 1. To remain covered under the Iowa public  
34 employees' retirement system pursuant to chapter 97B.  
35 2. To commence coverage under the judicial  
36 retirement system pursuant to chapter 602, article  
37 9, part 1, effective July 1, 1984, but to become an  
38 inactive member of the Iowa public employees'  
39 retirement system pursuant to chapter 97B and remain  
40 eligible for benefits under section 97B.49 for the  
41 period of membership service under chapter 97B:  
42 3. To commence coverage under the judicial  
43 retirement system pursuant to chapter 602, article  
44 9, part 1, retroactive to the date the district  
45 associate judge became a district associate judge  
46 or a full-time judicial magistrate, whichever was  
47 earlier, and to cease to be a member of the Iowa  
48 public employees' retirement system, effective July  
49 1, 1984. The Iowa department of job service shall  
50 transmit by January 1, 1985 to the state court

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1 administrator for deposit in the judicial retirement  
2 fund the district associate judge's accumulated  
3 contributions as defined in section 97B.41, subsection  
4 13 for the judge's period of membership service as  
5 a district associate judge or full-time judicial  
6 magistrate, or both. Before July 1, 1986, or at  
7 retirement previous to that date, a district associate  
8 judge who becomes a member of the judicial retirement  
9 system pursuant to this subsection shall contribute  
10 to the judicial retirement fund an amount equal to  
11 the difference between four percent of the district  
12 associate judge's total basic salary for the entire  
13 period of service before July 1, 1984 as a district  
14 associate judge or judicial magistrate, or both, and  
15 the district associate judge's accumulated

16 contributions transmitted by the department of job  
 17 service to the state court administrator pursuant  
 18 to this subsection. The district associate judge's  
 19 contribution shall not be limited to the amount  
 20 specified in section 602.9104, subsection 1. The  
 21 state court administrator shall credit a district  
 22 associate judge with service under the judicial  
 23 retirement system for the period of service for which  
 24 contributions at the four percent level are made.

25 Sec. 36. Section 602.9115, unnumbered paragraph  
 26 1, Code Supplement 1983, is amended to read as follows:

27 The survivor of a judge who was qualified for  
 28 retirement compensation under the system at the time  
 29 of his ~~the judge's~~ death, is entitled to receive an  
 30 annuity of one-half the amount of the annuity the  
 31 judge was receiving or would have been entitled to  
 32 receive at the time of his ~~the judge's~~ death, or if  
 33 the judge died before age sixty-five, then one-half  
 34 of the amount he ~~the judge~~ would have been entitled  
 35 to receive at age sixty-five based on his ~~the judge's~~  
 36 years of service. ~~Such~~ The annuity shall begin on  
 37 the judge's death; ~~or on the date the judge would~~  
 38 ~~have been sixty-five if he died earlier than age~~  
 39 ~~sixty-five~~; or upon the survivor reaching age sixty,  
 40 whichever is later.

41 Sec. 37. Section 97B.69, Code 1983, is repealed."

BOB CARR  
 JOHN N. NYSTROM  
 CHARLES BRUNER  
 TOM SLATER  
 FORREST V. SCHWENGELS

S-6018

1 Amend Senate File 2361 as follows:

2 1. Page 11, by inserting after line 32 the  
 3 following:

4 "DIVISION VIII  
 5 Sec. 26. NEW SECTION. 321B.30 CRIME VICTIM  
 6 REPARATION PROGRAM. When the department revokes the  
 7 license or driving privilege of a person under this  
 8 chapter, the department shall assess that person a  
 9 civil penalty of one hundred dollars. The civil  
 10 penalty shall be deposited as provided in section  
 11 911.3 for surcharges of criminal penalties. A  
 12 temporary restricted license shall not be issued or  
 13 a license or privilege to drive reinstated until the  
 14 civil penalty has been paid.

15 Sec. 27. Section 912.1, subsection 4, Code 1983,

16 is amended to read as follows:

17 4. "Crime" means conduct that occurs or is  
18 attempted in this state, poses a substantial threat  
19 of personal injury or death, and is punishable as  
20 a felony, an aggravated misdemeanor, or a serious  
21 misdemeanor, or would be so punishable but for the  
22 fact that the person engaging in the conduct lacked  
23 the capacity to commit the crime under the laws of  
24 this state. "Crime" does not include conduct arising  
25 out of the ownership, maintenance, or use of a motor  
26 vehicle, motorcycle, motorized bicycle, train, boat,  
27 or aircraft except for violations of section 321.281  
28 or when the intention is to cause personal injury  
29 or death. A plea or verdict of guilty of a charge  
30 under section 321.281 or a license revocation under  
31 section 321B.13 or 321B.16 shall be considered by  
32 the department as evidence of a violation of section  
33 321.281 for the purposes of this chapter.

34 Sec. 28. Section 912.13, Code 1983, is repealed.

35 Sec. 29. There is appropriated from the general  
36 fund of the state to the department of public safety  
37 for the fiscal year beginning July 1, 1984 and ending  
38 June 30, 1985, the sum of five hundred thousand  
39 (500,000) dollars, or so much as is necessary, for  
40 the payment of claims filed under the victim reparation  
41 program and for the payment of operational expenses."

42 2. Page 12, line 7, by inserting after the word  
43 "section." the words "Section 28 of this Act takes  
44 effect upon publication."

FORREST V. SCHWENGELS  
JULIA B. GENTLEMAN  
CALVIN O. HULTMAN  
NORMAN J. GOODWIN  
JOHN W. JENSEN  
DAVID M. READINGER  
WILLIAM W. (Bill) DIELEMAN  
DALE L. TIEDEN  
DOUGLAS RITSEMA  
ARTHUR L. GRATIAS  
LEE W. HOLT  
RAY TAYLOR  
ARNE WALDSTEIN  
RICHARD F. DRAKE  
JACK W. HESTER  
MERLIN D. HULSE  
JOHN N. NYSTROM  
RICHARD VANDE HOEF

S-6019

- 1 Amend Senate File 2361 as follows:
- 2 1. Page 10, by inserting after line 7 the following:
- 3 "j. For installation of a telephone connection at
- 4 the desk of any senator who requests one ..... \$1,200".

ARNE WALDSTEIN  
C. JOSEPH COLEMAN

S-6020

- 1 Amend Senate File 2361 as follows:
- 2 1. Page 10, by striking lines 6 and 7.

JULIA B. GENTLEMAN

S-6021

- 1 Amend the amendment S-6017 to House File 2528,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 6, by inserting after line 7 the following:
- 5 "Sec. \_\_\_\_ . Section 97B.50, Code 1983, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. Notwithstanding the other
- 8 subsections of this section, a member who holds a
- 9 certificate issued under chapter 260 may retire from
- 10 employment governed by a contract issued under section
- 11 279.13 prior to the member's normal retirement date
- 12 without reduction in the monthly retirement allowance
- 13 to which the member would otherwise be entitled."

WALLY E. HORN

S-6022

- 1 Amend the amendent S-6017 to House File 2528 as
- 2 amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 3, line 14, by striking the word "one"
- 5 and inserting in lieu thereof the word "one-half".

WILLIAM D. PALMER

S-6023

- 1 Amend the amendment S-6017 to House File 2528,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:



4 1. Page 13, by inserting after line 41 the  
5 following:  
6 "Sec. \_\_\_\_ . During the fiscal year commencing July  
7 1, 1984, the Iowa public employees' retirement system  
8 division of the Iowa department of job service shall  
9 evaluate the present contracts it has with investment  
10 portfolio managers to determine the performance of  
11 the portfolio managers and solicit competitive bids  
12 for those services for the fiscal year commencing  
13 July 1, 1985."

WILLIAM D. PALMER

S-6024

1 Amend House File 2527 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 27, by inserting after line 19 the  
4 following:  
5 "Sec. \_\_\_\_ . 1. There is created a world trade  
6 center commission consisting of five members appointed  
7 by an appointing committee consisting of the governor,  
8 the majority leader of the senate, and the speaker  
9 of the house of representatives. Each appointee shall  
10 receive the unanimous approval of the three members  
11 of the appointing committee. The majority leader  
12 and speaker shall consult with the minority leader  
13 of their respective house before granting the approval  
14 or disapproval of a proposed member to the commission.  
15 Vacancies shall be filled in the same manner as the  
16 appointment of the original members.  
17 2. The purpose of the world trade center commission  
18 is to analyze proposals for the use of different sites  
19 throughout the state to be used for a world trade  
20 center, determine the enthusiasm of the local units  
21 of government, businesses, individuals, and groups  
22 for a world trade center, the willingness of local  
23 units of government, businesses, individuals, and  
24 groups to contribute financial assistance to the  
25 acquisition and construction of a world trade center  
26 and determine the need, if any, for financial  
27 assistance from governmental entities.  
28 3. The members of the world trade center commission  
29 shall be reimbursed for their travel and other  
30 necessary expenses actually incurred in the performance  
31 of their official duties.  
32 4. The members of the commission are authorized  
33 to travel throughout the state in order to fulfill  
34 the purposes of the commission.  
35 5. The chairperson and vice chairperson of the

36 commission shall be elected by the members. The  
 37 chairperson and vice chairperson shall direct and  
 38 coordinate the activities of the commission.  
 39 6. State officers and state departments and  
 40 agencies shall cooperate with and provide technical  
 41 assistance to the commission upon request of the  
 42 chairperson.

43 7. The world trade center commission shall transmit  
 44 copies of its final report to the governor and the  
 45 members of the general assembly no later than January  
 46 20, 1985. The final report shall include findings  
 47 of fact and its recommendations and relevant data  
 48 gathered by and for the commission."

49 2. Title page 2, line 7, by inserting after the  
 50 word "plan" the words "; and by creating a world trade

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1 center commission to consider certain aspects of a  
 2 world trade center".

RAY TAYLOR

S-6025

1 Amend House File 2523 as passed by the House as  
 2 follows:  
 3 1. Page 1, by inserting after line 31 the  
 4 following:  
 5 "5. A special district shall not provide use or  
 6 service at a discriminatory rate, except to the county  
 7 or its agencies."

HURLEY W. HALL

S-6026

1 Amend the amendment S-6017 to House File 2528 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. By striking page 1, line 26 through page 2,  
 4 line 6.  
 5 2. By striking page 2, line 17 through page 2,  
 6 line 39.  
 7 3. Page 10, by striking lines 13 through 22 and  
 8 inserting in lieu thereof the following:  
 9 "Sec. 26. Section 411.1, subsection 12, Code 1983,  
 10 is amended to read as follows:  
 11 12. "Earnable compensation" or "compensation  
 12 earnable" shall mean the regular compensation which  
 13 a member would earn during one year on the basis of

- 14 the stated compensation for the member's rank or  
15 position including compensation for longevity and  
16 ~~holidays and~~ excluding any amount received for overtime  
17 compensation or other special additional compensation,  
18 meal and travel expenses, and uniform allowances and  
19 excluding any amount received upon termination or  
20 retirement in payment for accumulated sick leave or  
21 vacation.  
22 4. Page 10, by striking lines 23 through 42.  
23 5. Page 11, by striking lines 3 through 26.

BOB CARR

S-6027

- 1 Amend House File 2509 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 3, line 26, by striking the words "that  
4 date" and inserting in lieu thereof the word and  
5 figure "February 1".  
6 2. Page 3, line 27, by striking the word "December"  
7 and inserting in lieu thereof the word "January".  
8 3. By striking page 4, line 16 through page 5,  
9 line 4, and inserting in lieu thereof the following:  
10 "Sec. 4. NEW SECTION. PAYMENT. Taxpayers shall  
11 pay a local vehicle tax to the county treasurer at  
12 the time of application for registration renewal of  
13 the vehicle under section 321.40. County treasurers  
14 shall require a person applying for registration  
15 renewal to state if the applicant's residence is  
16 within a corporation of the county or if the residence  
17 is within the unincorporated area of the county  
18 imposing the tax. The county treasurer shall not  
19 issue a state registration certificate to the owner  
20 of a vehicle on which a local vehicle tax is due until  
21 the local vehicle tax is paid.  
22 Payment of a local vehicle tax shall be evidenced  
23 by a notation on the state registration certificate.  
24 The county treasurer shall determine the type of  
25 notation required for proof of payment. A local  
26 vehicle tax shall not be refunded.  
27 Penalties for late payment are the same as penalties  
28 for late payment of state registration fees. Penalties  
29 for late payment shall be deposited in the general  
30 fund of the county. Willful violation of a local  
31 vehicle tax ordinance is a simple misdemeanor."  
32 4. Page 5, by striking lines 5 through 8 and  
33 inserting in lieu thereof the following:  
34 "Sec. \_\_\_\_ . Section 321.30, subsection 5, Code  
35 1983, is amended to read as follows:

36 5. That the required fee or local vehicle tax  
 37 has not been paid except as provided in section 321.48.  
 38 Sec. \_\_\_\_ . Section 321.30, unnumbered paragraph  
 39 2, Code 1983, is amended to read as follows:  
 40 The treasurer shall also refuse registration of  
 41 any vehicle if the applicant for registration of such  
 42 vehicle has failed to pay the required registration  
 43 fees or local vehicle tax of any vehicle owned or  
 44 previously owned when the registration fee or local  
 45 vehicle tax was required to be paid by the applicant  
 46 and for which vehicle the registration was suspended  
 47 or revoked under the provisions of section 321.101,  
 48 subsection 4, until such the fees or local vehicle  
 49 taxes are paid together with any accrued penalties.  
 50 Sec. \_\_\_\_ . Section 321.101, subsection 4, Code

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1 1983, is amended to read as follows:  
 2 4. When the department determines that the required  
 3 fee or local vehicle tax has not been paid and the  
 4 same is not paid upon reasonable notice and demand."  
 5 5. Renumber sections and correct internal  
 6 references as necessary in accordance with this  
 7 amendment.

RICHARD F. DRAKE  
 DAVID M. READINGER

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 2486

S-6028

1 Amend the amendment H-6285 to House File 2486 as  
 2 amended, passed, and reprinted by the House as follows:  
 3 1. Page 1, by striking everything after line 6  
 4 and inserting in lieu thereof the following:  
 5 "NEW SUBSECTION. 4. The department shall adopt  
 6 rules to establish civil penalties in the amount of  
 7 one hundred dollars for a first offense, two hundred  
 8 fifty dollars for a second offense, and five hundred  
 9 dollars for a third offense which the department  
 10 shall, subject to the discretion of the director,  
 11 assess against licensees or permittees for violations  
 12 of section 123.49 as an alternative to other penalties  
 13 fixed for such violations by this section. Money  
 14 collected from penalties assessed under this subsection  
 15 shall be deposited with the Iowa department of  
 16 substance abuse for use in substance abuse treatment

17 programs.

18 NEW SUBSECTION. 5. Upon the conviction of a  
 19 person acting as a vendor, as defined in section  
 20 123.24, subsection 1, for a violation of section  
 21 123.47 while in the course of the person's employment  
 22 at the state liquor store, the director shall dismiss  
 23 the person from the position as vendor if the person  
 24 has failed to follow procedures developed by the  
 25 director to prevent sales to minors.

26 Sec. 2. Section 321.1, Code Supplement 1983, is  
 27 amended by adding the following new subsections:

28 NEW SUBSECTION. "Alcohol concentration" means  
 29 the number of grams of alcohol per any of the  
 30 following:

- 31 a. One hundred milliliters of blood.
- 32 b. Two hundred ten liters of breath.
- 33 c. Sixty-seven milliliters of urine.

34 NEW SUBSECTION. "Alcoholic beverage" includes  
 35 alcohol, wine, spirits, beer, or any other beverage  
 36 which contains ethyl alcohol and is fit for human  
 37 consumption.

38 Sec. 3. Section 321.189, subsection 1, Code 1983,  
 39 is amended by inserting after unnumbered paragraph  
 40 1 the following new unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. A motor vehicle license  
 42 or a nonoperator's identification card issued to a  
 43 person under nineteen years of age shall be identical  
 44 in form to any other motor vehicle license or  
 45 nonoperator's identification card issued to any other  
 46 person, except that the photograph appearing on the  
 47 face of the license or card shall be a side profile  
 48 of the applicant. Upon attaining the age of nineteen,  
 49 and upon the payment of a one dollar fee, the person  
 50 shall be entitled to a new motor vehicle license or

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1 nonoperator's identification card for the unexpired  
 2 months of the motor vehicle license or the  
 3 nonoperator's identification card. This paragraph  
 4 is effective for licenses or cards issued after the  
 5 effective date of this Act.

6 Sec. 4. Section 321.281, subsections 1 and 2,  
 7 Code 1983, is amended to read as follows:

8 1. A person shall not operate a motor vehicle  
 9 upon the public highways of in this state in either  
 10 of the following conditions:

- 11 a. While under the influence of an alcoholic  
 12 beverage, a narcotic, hypnotic, or other drug; or

13 any a combination of such substances.

14 b. While having an alcohol concentration of  
15 thirteen hundredths or more of one percent by weight  
16 of alcohol in the blood.

17 2. A person convicted of a violation of this  
18 section, upon conviction or a plea of guilty, is  
19 guilty of:

20 a. A serious misdemeanor for the first offense  
21 and shall be imprisoned in the county jail for not  
22 less than forty-eight hours to be served as ordered  
23 by the court, less credit for any time the person  
24 was confined in a jail or detention facility following  
25 arrest and assessed a fine of not less than five  
26 hundred dollars nor more than one thousand dollars.  
27 As an alternative to the fine, the court may order  
28 the person to perform not less than fifty nor more  
29 than two hundred hours of unpaid community service.  
30 The court may accommodate the sentence to the work  
31 schedule of the defendant.

32 b. An aggravated misdemeanor for a second offense  
33 and shall be imprisoned in the county jail or  
34 community-based correctional facility not less than  
35 seven days, which minimum term cannot be suspended  
36 notwithstanding section 901.5, subsection 3 and section  
37 907.3, subsection 2 and assessed a fine of not less  
38 than seven hundred fifty dollars.

39 c. A class "D" felony for a third offense and  
40 each subsequent offense and assessed a fine of not  
41 less than seven hundred fifty dollars.

42 No conviction for, deferred judgment for, or plea  
43 of guilty to, a violation of this section which  
44 occurred more than six years prior to the date of  
45 the violation charged shall be considered in  
46 determining that the violation charged is a second,  
47 third or subsequent offense. For the purpose of  
48 determining if a violation charged is a second, third,  
49 or subsequent offense, a deferred judgment pursuant  
50 to section 907.3 for an offense under this section

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1 shall be counted as a previous violation.

2 On a conviction for a second or subsequent offense  
3 in violation of this section, the court shall order  
4 the defendant to undergo a substance abuse evaluation  
5 and the court may order the defendant to follow the  
6 recommendations proposed in the substance abuse  
7 evaluation for appropriate substance abuse treatment  
8 for the defendant. Court ordered substance abuse

9 treatment is subject to the periodic reporting  
10 requirements of section 125.86. If a defendant is  
11 committed by the court to a substance abuse treatment  
12 facility, the administrator of the facility shall  
13 report to the court when it is determined that the  
14 defendant has received the maximum benefit of treatment  
15 at the facility and the defendant shall be released  
16 from the facility. The time for which the defendant  
17 is committed for treatment shall be credited against  
18 the defendant's sentence. The court may prescribe  
19 the length of time for the evaluation and treatment  
20 or it may request that the treatment program to which  
21 the person is committed immediately report to the  
22 court when the person has received maximum benefit  
23 from the treatment program or has recovered from the  
24 person's addiction, dependency, or tendency to  
25 chronically abuse alcohol or drugs. A person committed  
26 under this section who does not possess sufficient  
27 income or estate to make payment of the costs of the  
28 treatment in whole or in part shall be considered  
29 a state patient and the costs of treatment shall be  
30 paid as provided in section 125.44. A defendant who  
31 fails to carry out the order of the court or who fails  
32 to successfully complete or attend an ordered substance  
33 abuse treatment program shall be confined in the  
34 county jail for twenty days in addition to any other  
35 imprisonment ordered by the court or may be ordered  
36 to perform unpaid community service work, and shall  
37 be placed on probation for one year with a violation  
38 of this probation punishable as contempt of court.

39 Sec. 5. Section 321.281, subsections 7 and 8,  
40 Code 1983, are amended to read as follows:

41 7. This section does not apply to a person  
42 operating a motor vehicle while under the influence  
43 of a narcotic, hypnotic, or other drug if such  
44 substances were the substance was prescribed for the  
45 person and were was taken under the prescription and  
46 in accordance with the directions of a medical  
47 practitioner as defined in section 155.3, subsection  
48 11, if there is no evidence of the consumption of  
49 alcohol and the medical practitioner had not directed  
50 the person to refrain from operating a motor vehicle.

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1 8. In any prosecution under this section, evidence  
2 of the results of analysis of a specimen of the  
3 defendant's blood, breath, ~~saliva~~, or urine is  
4 admissible upon proof of a proper foundation. In

5 an action in which a violation of by the means  
6 described in subsection 1, paragraph "a" of this  
7 section is alleged, evidence that there was, at the  
8 time, the defendant had an alcohol concentration of  
9 ten hundredths or more of one percent by weight of  
10 alcohol in the defendant's blood is presumptive  
11 evidence that the defendant was under the influence  
12 of an alcoholic beverage.

13 Sec. 6. Section 321.281, subsection 9, Code 1983,  
14 is amended by adding the following new paragraphs:  
15 NEW PARAGRAPH. d. Upon a plea or verdict of  
16 guilty of a violation of this section during the  
17 occurrence of which there was an accident causing  
18 a serious injury in which the defendant was judged  
19 to be at fault, the court in which the plea was entered  
20 or the verdict was returned shall order that the  
21 defendant's license or permit to operate motor vehicles  
22 be revoked by the department and that the defendant  
23 shall remain ineligible for a new license or permit  
24 for a period of one year in addition to any other  
25 period of suspension. Any license or permit to operate  
26 motor vehicles held by the defendant shall be  
27 surrendered to the court who shall forward it to the  
28 department with a copy of the order for revocation.  
29 A person whose license to operate a motor vehicle  
30 has been revoked pursuant to this subsection may be  
31 issued a temporary restricted driving permit by the  
32 department allowing the person to drive to and from  
33 the person's home and place of employment and in the  
34 course of the person's employment upon the completion  
35 by the defendant of a substance abuse evaluation under  
36 section 125.33 and completion of a program of treatment  
37 if recommended.

38 NEW PARAGRAPH. e. Upon a plea or verdict of  
39 guilty of a violation of this section during the  
40 occurrence of which there was an accident which caused  
41 a loss of life for which the defendant was judged  
42 to be at fault, the court in which the plea was entered  
43 or the verdict was returned shall order that the  
44 defendant's license or permit to operate motor vehicles  
45 be revoked by the department and that the defendant  
46 for a period of six years shall not be eligible for  
47 a new license or permit. Any license or permit to  
48 operate motor vehicles held by the defendant shall  
49 be surrendered to the court who shall forward it to  
50 the department with a copy of the order for revocation.

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1 Sec. 7. Section 321.281, Code 1983, is amended  
2 by adding the following new subsections:



3 NEW SUBSECTION. 10. The court shall order a  
4 defendant convicted of a violation of this section  
5 to make restitution for damages resulting directly  
6 from the violation.

7 NEW SUBSECTION. If a defendant is convicted of  
8 a first offense of this section and the defendant's  
9 license or permit to operate a motor vehicle is revoked  
10 under section 321.209 or chapter 321B for the  
11 occurrence from which the arrest arose, the period  
12 of revocation shall be the period provided for such  
13 a revocation or until the defendant reaches the age  
14 of nineteen whichever period is longer. A person  
15 whose license to operate a motor vehicle is revoked  
16 pursuant to this subsection may be issued a temporary  
17 restricted driving permit by the department allowing  
18 the person to drive to and from the person's home  
19 and place of employment and in the course of the  
20 person's employment and to attend evaluation, treatment  
21 or educational services for alcohol or drug dependency.

22 NEW SUBSECTION. A person whose motor vehicle  
23 license was revoked under this section or under chapter  
24 321B who has been ordered by the court to perform  
25 community service work as a result of a violation  
26 of this section may be issued a temporary restricted  
27 driving permit by the department to allow the person  
28 to drive to and from the person's home and the location  
29 at which the community service work will be performed.

30 Sec. 8. Section 321B.1, Code 1983, is amended  
31 to read as follows:

32 321B.1 DECLARATION OF POLICY. The general assembly  
33 declares that this chapter is necessary to aid the  
34 enforcement of laws prohibiting operation of a motor  
35 vehicle while under the influence of an alcoholic  
36 beverage, a narcotic, hypnotic, or other drug or any  
37 a combination of such substances, or while having  
38 an alcohol concentration of a certain amount of alcohol  
39 in the blood or more.

40 Sec. 9. Section 321B.2, unnumbered paragraph 2,  
41 Code 1983, is amended to read as follows:

42 As used in this chapter and sections 29B.106;  
43 ~~321.209; and 321.281, 321.404 and 690.2~~ the words  
44 "alcoholic beverage" include and alcohol; wine;  
45 spirits; beer; or any other beverage which contains  
46 ethyl alcohol and is fit for human consumption  
47 concentration means as defined in section 321.1.

48 Sec. 10. Section 321B.4, subsection 1, unnumbered  
49 paragraph 1, Code 1983, is amended to read as follows:

50 Any person who operates a motor vehicle in this

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1 state upon a public highway under circumstances which  
2 give reasonable grounds to believe that the person  
3 to have ~~has~~ been operating a motor vehicle in violation  
4 of section 321.281; is deemed to have given consent  
5 to the withdrawal of specimens of the person's blood,  
6 breath, ~~saliva~~; or urine; and to a chemical test or  
7 tests of the specimens for the purpose of determining  
8 the alcoholic content of the blood alcohol  
9 concentration or presence of drugs, subject to this  
10 section. The withdrawal of the body substances and  
11 the test or tests shall be administered at the written  
12 request of a peace officer having reasonable grounds  
13 to believe that the person ~~to have been was~~ operating  
14 a motor vehicle in violation of section 321.281, and  
15 if any of the following conditions exist:

16 Sec. 11. Section 321B.4, subsection 1, paragraph  
17 d, Code 1983, is amended to read as follows:

18 d. The preliminary breath screening test was  
19 administered and it recorded indicated an alcohol  
20 concentration of ten hundredths or more of one percent  
21 by weight of alcohol in the blood.

22 Sec. 12. Section 321B.12, Code 1983, is amended  
23 by striking the section and inserting in lieu thereof  
24 the following:

25 321B.12 STATEMENT OF OFFICER. A person who has  
26 been requested to submit to a chemical test shall  
27 be advised by a peace officer of the following:

28 1. If the person refuses to submit to the test,  
29 the person's license or operating privilege will be  
30 revoked by the department for the applicable period  
31 under section 321B.13.

32 2. If the person submits to the test and the  
33 results indicate an alcohol concentration of ten  
34 hundredths or more, the person's license or operating  
35 privilege will be revoked by the department for the  
36 applicable period under section 321B.16.

37 This section does not apply in any case involving  
38 a person described in section 321B.11.

39 Sec. 13. Section 321B.13, Code 1983, is amended  
40 to read as follows:

41 321B.13 REFUSAL TO SUBMIT. If a person refuses  
42 to submit to the chemical testing, a test shall not  
43 be given, but the department, upon the receipt of  
44 a sworn report of the peace officer that the officer  
45 had reasonable grounds to believe the person to have  
46 been operating a motor vehicle in violation of section

47 321.281, that specified conditions existed for chemical  
48 testing pursuant to section 321B.4, and that the  
49 person had refused to submit to the chemical testing,  
50 shall revoke the person's license or permit to drive

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1 and any nonresident operating privilege for a period  
2 of ~~one two hundred eighty forty~~ days if the person  
3 has no previous revocation under section 321.209,  
4 subsection 2, section 321.281, or this chapter; ~~one~~  
5 ~~year if the person has one previous revocation under~~  
6 ~~those provisions;~~ and five hundred forty days if the  
7 person has ~~two one~~ or more previous revocations under  
8 those provisions; or if the person is a resident  
9 without a license or permit to operate a motor vehicle  
10 in this state, the department shall deny to the person  
11 the issuance of a license or permit for the same  
12 period a license or permit would be revoked, subject  
13 to review as provided in this chapter. The effective  
14 date of revocation shall be twenty days after the  
15 department has mailed notice of revocation to the  
16 person by certified mail or, on behalf of the  
17 department, a peace officer offering or directing  
18 the administration of a chemical test may serve  
19 immediate notice of intention to revoke and of  
20 revocation on a person who refuses to permit chemical  
21 testing. If the peace officer serves that immediate  
22 notice, the peace officer shall take the Iowa license  
23 or permit of the driver, if any, and issue a temporary  
24 license effective for only twenty days. The peace  
25 officer shall immediately send the person's license  
26 to the department along with an affidavit indicating  
27 the person's refusal to submit to chemical testing.

28 The department may, on application, issue a  
29 temporary restricted license to a person whose license  
30 has been subject to revocation under section 321.209,  
31 subsection 2, section 321.281, or this chapter, for  
32 a second or subsequent time to allow the person to  
33 drive to and from the person's home and place of  
34 employment, in the course of the person's employment,  
35 and to attend evaluation, treatment or educational  
36 services for alcohol or drug dependency, upon  
37 expiration of the first three hundred and sixty days  
38 of the person's period of revocation.

39 Sec. 14. Section 321B.13, Code 1983, is amended  
40 by adding the following new unlettered paragraph:  
41 NEW UNLETTERED PARAGRAPH. The department may,

42 on application, issue a temporary restricted license  
43 to a person whose license has been revoked under this  
44 section and who has entered a plea of guilty to a  
45 charge under section 321.281 when the person's regular  
46 employment includes the operation of a motor vehicle  
47 or who cannot perform the person's regular occupation  
48 without the use of a motor vehicle, or when the  
49 person's use of a motor vehicle is necessary to attend  
50 evaluation, treatment or educational services for

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1 alcohol or drug dependency, or to attend court ordered  
2 community service, but the person shall not operate  
3 a vehicle for pleasure while holding a restricted  
4 license. However, this paragraph does not apply to  
5 a person whose license is suspended or revoked for  
6 another reason.

7 Sec. 15. Section 321B.15, Code 1983, is amended  
8 to read as follows:

9 321B.15 TAKING SAMPLE FOR TEST. Only a licensed  
10 physician, physician's assistant as defined in section  
11 148C.1, subsection 6, medical technologist or  
12 registered nurse, acting at the request of a peace  
13 officer, may withdraw ~~body substances a specimen of~~  
14 blood for the purpose of determining the alcoholic  
15 or drug content of the person's blood alcohol  
16 concentration or the presence of drugs. However,  
17 any peace officer, using devices and methods approved  
18 by the commissioner of public safety, may take a  
19 specimen of a person's breath or urine for the purpose  
20 of determining the ~~alcoholic or drug content of the~~  
21 person's blood alcohol concentration or the presence  
22 of drugs. Only new, originally factory wrapped,  
23 disposable syringes and needles, kept under strictly  
24 sanitary and sterile conditions shall be used for  
25 drawing blood.

26 PARAGRAPH DIVIDED. The person may have an  
27 independent chemical test or tests administered by  
28 a person of the person's own choosing and at the  
29 person's own expense in addition to any administered  
30 at the direction of a peace officer. The failure  
31 or inability of the person to obtain an independent  
32 chemical test or tests does not preclude the admission  
33 ~~in~~ of evidence of the results of the test or tests  
34 taken administered at the direction of the peace  
35 officer. Upon the request of the person who is tested,  
36 the results of the test or tests taken administered  
37 at the direction of the peace officer shall be made

38 available to the person.

39 Sec. 16. Section 321B.16, Code 1983, is amended  
40 to read as follows:

41 321B.16 TEST RESULT REVOCATION. Upon certification  
42 by the peace officer that there existed reasonable  
43 grounds to believe ~~that~~ the person to have had been  
44 operating a motor vehicle in violation of section  
45 321.281, ~~that there existed one or more of the~~  
46 necessary conditions for chemical testing described  
47 in section 321B.4, subsection 1, and that the person  
48 submitted to chemical testing and the test results  
49 indicate indicated an alcohol concentration of ten  
50 hundredths or more of one percent by weight of alcohol

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1 in the person's blood, the department shall revoke  
2 the person's license or permit to drive or nonresident  
3 operating privilege for a period of one hundred ~~twenty~~  
4 eighty days if the person has had no revocation within  
5 the previous six years under section 321.209,  
6 subsection 2, section 321.281 or this chapter, ~~two~~  
7 hundred forty days if the person has one previous  
8 revocation under those provisions, and one year if  
9 the person has two had one or more previous revocations  
10 under those provisions arising from separate  
11 occurrences.

12 The effective date of the revocation shall be  
13 twenty days after the department has mailed notice  
14 of revocation to the person by certified mail or,  
15 ~~on behalf of the department, a~~, The peace officer  
16 offering a chemical test or directing who requested  
17 or directed the administration of ~~a~~ the chemical test  
18 may, ~~on behalf of the department~~, serve immediate  
19 notice of intention to revoke and of revocation on  
20 a person when the person's whose test results indicate  
21 indicated an alcohol concentration of ten hundredths  
22 or more of one percent by weight of alcohol in the  
23 blood.

24 If the peace officer serves that immediate notice,  
25 the peace officer shall take the person's Iowa license  
26 or permit of the driver, if any, and issue a temporary  
27 license valid only for twenty days. The peace officer  
28 shall immediately send the person's driver's license  
29 to the department along with an affidavit stating  
30 the officer's certificate indicating that the test  
31 results indicate indicated an alcohol concentration  
32 of ten hundredths of one percent or more by weight  
33 of alcohol in the person's blood.

34 The department may, on application, issue a  
35 temporary restricted license to ~~a~~ the person whose  
36 license has been revoked ~~under this section~~ when the

37 person's regular employment includes the operation  
 38 of a motor vehicle or ~~who~~ the person cannot perform  
 39 his or her regular occupation without the use of a  
 40 motor vehicle, or when the person's use of a motor  
 41 vehicle is necessary to attend evaluation, treatment  
 42 or educational services for alcohol or drug dependency,  
 43 but the person shall not operate a vehicle for pleasure  
 44 while holding a restricted license. However, this  
 45 paragraph does not apply to a person whose license  
 46 is suspended or revoked for another reason.

47 Sec. 17. Section 321B.26, Code 1983, is amended  
 48 to read as follows:

49 321B.26 HEARING. Upon the written request of  
 50 a person whose privilege to drive has been revoked

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1 or denied, or who has been issued a twenty-day license  
 2 pursuant to section 321B.13 or section 321B.16, the  
 3 department shall grant the person an opportunity to  
 4 be heard within twenty days after the receipt of the  
 5 request, but the request must be made within ten days  
 6 of the effective date of revocation or denial of  
 7 driving privileges or the issuance of a temporary  
 8 permit license. The hearing shall be before the  
 9 department in the county where the alleged events  
 10 occurred, unless the director and the person agree  
 11 that the hearing may be held in some other county.  
 12 The hearing may be recorded and its scope shall cover  
 13 be limited to the issues of whether a peace officer  
 14 had reasonable grounds to believe that the person  
 15 to have been was operating a motor vehicle in violation  
 16 of section 321.281; whether and either of the  
 17 following:

18 a. Whether the person refused to submit to the  
 19 test or tests;

20 b. Whether a test was administered and the test  
 21 results if a person consented to a test and whether  
 22 the person should be issued a temporary restricted  
 23 license indicated an alcohol concentration of ten  
 24 hundredths or more.

25 PARAGRAPH DIVIDED. The department shall order  
 26 that the revocation or denial be either rescinded  
 27 or sustained.

28 Sec. 18. Section 321B.28, Code 1983, is amended  
 29 to read as follows:

30 321B.28 EVIDENCE IN ANY ACTION. Upon the trial  
 31 of any civil or criminal action or proceeding arising

32 out of acts alleged to have been committed by any  
33 a person while operating a motor vehicle in violation  
34 of section 321.281, evidence of the amount of alcohol  
35 concentration or the presence of drugs in the person's  
36 blood body substances at the time of the act alleged  
37 as shown by a chemical analysis of the person's blood,  
38 breath, saliva or urine is admissible. If it is  
39 established at trial that an analysis of a breath  
40 specimen was performed by a certified operator using  
41 a device and methods approved by the commissioner  
42 of public safety, no further foundation is necessary  
43 for introduction of the evidence.  
44 Sec. 19. NEW SECTION. 321B.30 CIVIL PENALTY-  
45 -VICTIM REPARATION FUND. When the department revokes  
46 a person's license or operating privilege under this  
47 chapter, the department shall assess the person a  
48 civil penalty of one hundred dollars. The money  
49 collected by the department under this section shall  
50 be transmitted to the treasurer of state who shall

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1 deposit the money in a separate fund dedicated to  
2 and used for the purposes of chapter 912. A temporary  
3 restricted license shall not be issued or a license  
4 or privilege to drive reinstated until the civil  
5 penalty has been paid.  
6 Sec. 20. Section 907.4, Code 1983, is amended  
7 to read as follows:  
8 907.4 DEFERRED JUDGMENT DOCKET. Any deferment  
9 of judgment under section 907.3 shall be reported  
10 promptly by the clerk of the district court to the  
11 supreme court administrator who shall maintain a  
12 permanent record thereof including the name of the  
13 defendant, the district court docket number, the  
14 nature of the offense, and the date of the deferment.  
15 Before granting deferment in any case, the court shall  
16 request of the supreme court administrator a search  
17 of the deferred judgment docket and shall consider  
18 any prior record of a deferment of judgment against  
19 the defendant. The permanent record provided for  
20 in this section shall constitute a confidential record  
21 exempted from public access under section 68A.7 and  
22 shall be available only to justices of the supreme  
23 court, judges of the court of appeals, district judges,  
24 district associate judges, and judicial magistrates,  
25 and county attorneys requesting information pursuant  
26 to this section or the designee of such justice,  
27 judge, or magistrate, or county attorney.

28 Sec. 21. Section 912.1, subsection 4, Code 1983,  
29 is amended to read as follows:

30 4. "Crime" means conduct that occurs or is  
31 attempted in this state, poses a substantial threat  
32 of personal injury or death, and is punishable as  
33 a felony, an aggravated misdemeanor, or a serious  
34 misdemeanor, or would be so punishable but for the  
35 fact that the person engaging in the conduct lacked  
36 the capacity to commit the crime under the laws of  
37 this state. "Crime" does not include conduct arising  
38 out of the ownership, maintenance, or use of a motor  
39 vehicle, motorcycle, motorized bicycle, train, boat,  
40 or aircraft except for violations of section 321.281  
41 or when the intention is to cause personal injury  
42 or death. A plea or verdict of guilty of a charge  
43 under section 321.281 or a license revocation under  
44 section 321B.13 or 321B.16 shall be considered by  
45 the department as evidence of a violation of section  
46 321.281 for the purposes of this chapter.

47 Sec. 22. Section 912.6, Code 1983, is amended  
48 to read as follows:

49 912.6 COMPUTATION OF REPARATION. The commissioner  
50 shall make reparation, as appropriate, for any of

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1 the following economic losses incurred as a direct  
2 result of an injury to or death of the victim; not  
3 to exceed two thousand dollars per victim unless  
4 otherwise specified:

5 1. Reasonable charges incurred for medical care  
6 not to exceed ten thousand dollars.

7 2. Loss of income from work the victim would have  
8 performed and for which the victim would have received  
9 compensation for if the victim had not been injured  
10 not to exceed two thousand dollars.

11 3. Reasonable replacement value of clothing that  
12 is held for evidentiary purposes, ~~but~~ not to exceed  
13 one hundred dollars.

14 4. Reasonable funeral and burial expenses not  
15 to exceed one two thousand five hundred dollars.

16 5. Loss of support for dependents resulting from  
17 death or a period of disability of the victim of sixty  
18 days or more not to exceed two thousand dollars per  
19 dependent or a total of six thousand dollars.

20 Sec. 23. Chapter 912, Code 1983, is amended by  
21 adding the following new section:

22 NEW SECTION. VICTIM REPARATION FUND. The money  
23 collected and deposited under section 321B.30 and



24 remaining in the fund at the end of any annual or  
25 biennial period shall not revert to the state general  
26 fund but shall remain available for the payment of  
27 claims under this chapter. This fund is in addition  
28 to and may be supplemented by appropriations from  
29 the general assembly for the payment of claims or  
30 operational expenses of the program.

31 Sec. 24. Section 912.13, Code 1983, is repealed.

32 Sec. 25. Section 23 of this Act, being deemed  
33 of immediate importance, takes effect from and after  
34 the Act's publication in the Onawa Democrat, a  
35 newspaper published in Onawa, Iowa and in the Diamond  
36 Trail News, a newspaper published in Sully, Iowa. •

37 Sec. 26. STUDY COMMITTEE CREATED.

38 1. There is established a committee to study the  
39 laws and penalties relating to operating motor vehicles  
40 while intoxicated composed of ten members. The members  
41 shall be appointed as follows:

42 a. The chief justice of the supreme court shall  
43 select one judge to be a member and chair the  
44 committee.

45 b. The Iowa county attorneys association shall  
46 select one member of their organization as a member.

47 c. The Iowa public defenders association shall  
48 select one member of their organization as a member.

49 d. The department of public safety shall select  
50 an employee as a member.

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1 e. The department of transportation shall select  
2 an employee of that department as a member.

3 f. The Iowa department of justice shall select  
4 an employee of that department as a member.

5 g. The Iowa department of substance abuse shall  
6 select an employee as a member.

7 h. The legislative council shall select an attorney  
8 experienced in the defense of those charged with  
9 driving while intoxicated as a member.

10 i. The legislative council shall select a person  
11 with professional experience in substance abuse  
12 treatment as a member.

13 j. The legislative council shall appoint one  
14 member of the legislature as a member.

15 All members of the study committee shall be  
16 appointed not later than thirty days from the effective  
17 date of this Act. The study committee shall hold  
18 its organizational meeting not more than thirty days  
19 following the appointment of its membership.

20 2. Public members of the study committee shall

21 receive a per diem of forty dollars and be reimbursed  
22 for their travel and other necessary expenses actually  
23 incurred in the performance of their official duties.  
24 Public employees who are members of the study committee  
25 shall be reimbursed for travel and other expenses  
26 actually incurred in the performance of their official  
27 duties.

28 3. The study committee shall conduct a  
29 comprehensive study of the laws and penalties presently  
30 in the Code relating to the operation of a motor  
31 vehicle by a person who is intoxicated and make  
32 recommendations for any changes in the law the  
33 committee deems necessary. The study committee may  
34 request assistance of any state or local government  
35 agency to obtain any data or other information which  
36 the study committee deems necessary to carry out its  
37 duties. The state and local government agencies shall  
38 provide any assistance requested by the study  
39 committee.

40 4. The study committee may request that the  
41 legislative council provide staff for the study  
42 committee from the staff of the legislative service  
43 bureau and the legislative fiscal bureau.

44 5. The study committee shall transmit copies of  
45 its final report to the general assembly on January  
46 14, 1985. The final report shall include findings  
47 of fact and its recommendations and relevant data  
48 gathered by and for the committee.

49 Sec. 27. The beer and liquor control commission  
50 shall submit to the general assembly on January 14,

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1 1985, its recommendations for a revised schedule of  
2 civil penalties to be assessed upon licensees or  
3 permittees in the alternative to other penalties for  
4 violations of section 123.49 as established in section  
5 1 of this Act. The proposed schedule of civil  
6 penalties shall be graduated on a proportional basis  
7 on both the annual dollar amount of beer and liquor  
8 sales conducted by the licensee or permittee and on  
9 the order of the violation as a first, second, or  
10 third offense."

11 2. Title page, by striking lines 1 through 5 and  
12 inserting in lieu thereof the following: "An Act  
13 relating to the offense of operating a motor vehicle  
14 while intoxicated by providing civil penalties to  
15 be assessed against licensees or permittees, by  
16 requiring the dismissal of vendors for selling alcohol

17 to a minor, by providing a definition of alcohol con-  
 18 centration, by providing a special license for persons  
 19 age nineteen and under, by providing a fine or  
 20 community service in addition to imprisonment for  
 21 a first offense and requiring a substance abuse  
 22 evaluation for a second or subsequent offense of  
 23 operating a motor vehicle while intoxicated, by  
 24 providing additional periods of revocation for drivers  
 25 convicted of operating a motor vehicle while  
 26 intoxicated who caused an accident in which there  
 27 was a serious injury or death, by providing for  
 28 restitution by offending drivers for any damage caused,  
 29 by providing a special revocation period for persons  
 30 age nineteen or under, by providing a civil penalty  
 31 to be assessed against persons convicted of operating  
 32 a motor vehicle while intoxicated to be used to finance  
 33 the victim reparation fund, by providing access to  
 34 the record of previous deferred judgments by county  
 35 attorneys, and by establishing a study committee to  
 36 conduct a study on present laws and penalties relating  
 37 to the offense of operating a motor vehicle while  
 38 intoxicated and make any recommendations for changes  
 39 in the law in a report to the general assembly."

## HOUSE AMENDMENT TO SENATE FILE 2351

S-6029

1 Amend Senate File 2351, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 33, by striking the word "seventy-  
 4 nine" and inserting in lieu thereof the word "eighty-  
 5 nine".  
 6 2. Page 2, line 3, by striking the figure  
 7 "19,674,000" and inserting in lieu thereof the figure  
 8 "19,768,000".  
 9 3. Page 4, line 6, by striking the figure  
 10 "134,476,000" and inserting in lieu thereof the figure  
 11 "134,350,000".  
 12 4. Page 4, line 27, by striking the word  
 13 "satellite" and inserting in lieu thereof the words  
 14 "existing prenatal".  
 15 5. By striking page 12, line 34 through page 13,  
 16 line 2.

S-6030

1 Amend Senate File 2361 as follows:  
 2 1. Page 8, by inserting after line 20 the following

3 new section.  
 4 "Sec. \_\_\_\_ . Notwithstanding section 321.145, there  
 5 is transferred from the road use tax fund to the  
 6 general fund of the state the sum of three hundred  
 7 thousand (300,000) dollars which funds are hereby  
 8 appropriated from the general fund of the state to  
 9 the state department of public safety for the  
 10 administration and supervision of the public highways  
 11 for the fiscal year beginning July 1, 1984 and ending  
 12 June 30, 1985, which funds shall be used for salaries,  
 13 support, maintenance, and miscellaneous purposes of  
 14 the division of highway safety and uniformed force  
 15 for the administration and supervision of the public  
 16 highways, including the state's contribution to the  
 17 peace officers' retirement, accident, and disability  
 18 system provided in chapter 97A in the amount of sixteen  
 19 percent of the salaries for which the funds are  
 20 appropriated."

JOE J. WELSH

S-6031

1 Amend House File 2527 as amended, passed and  
 2 reprinted by the House, as follows:  
 3 1. Page 16, by inserting after line 35 the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 427B.1, Code 1983, is amended  
 6 after unnumbered paragraph 1 by adding the following  
 7 new unnumbered paragraph:  
 8 **NEW UNNUMBERED PARAGRAPH.** A city council or county  
 9 board of supervisors, as authorized by section 427B.2,  
 10 may provide by ordinance for a partial exemption from  
 11 property taxation of the actual value of a building  
 12 or structure, exclusive of the land, which remained  
 13 vacant and unused for at least one year prior to its  
 14 use for industrial purposes. The ordinance shall  
 15 provide that a building or structure shall not be  
 16 eligible for or receive the tax exemption if it is  
 17 operated by a business which closes or substantially  
 18 reduces its operation in one area of the state of  
 19 Iowa and relocates the same operation within the  
 20 building or structure.  
 21 Sec. \_\_\_\_ . Section 427B.2, subsection 1 and  
 22 subsection 2, unnumbered paragraph 1, Code 1983, are  
 23 amended to read as follows:  
 24 1. The board of supervisors of a county which  
 25 has appointed a county zoning commission and provided  
 26 for county zoning under chapter 358A may provide for  
 27 a partial exemption from property taxation of the

28 actual value added to industrial real estate or the  
 29 actual value of a building or structure as provided  
 30 under section 427B.1.

31 The board of supervisors of a county which has  
 32 not appointed a zoning commission may provide for  
 33 a partial exemption from property taxation of the  
 34 actual value added to industrial real estate or the  
 35 actual value of a building or structure as provided  
 36 under section 427B.1 in the following areas:

37 Sec. \_\_\_\_ . Section 427B.3, unnumbered paragraph  
 38 1, Code 1983, is amended to read as follows:

39 The actual value added to industrial real estate  
 40 and the actual value of a building or structure for  
 41 the reasons specified in section 427B.1 is eligible  
 42 to receive a partial exemption from taxation for a  
 43 period of five years. "Actual value added" as used  
 44 in this chapter means the actual value added as of  
 45 the first year for which the exemption is received,  
 46 except that actual value added by improvements to  
 47 machinery and equipment means the actual value as  
 48 determined by the assessor as of January 1 of each  
 49 year for which the exemption is received. "Actual  
 50 value" as used in this division means the actual value

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1 as of the first year for which the exemption is  
 2 received. The amount of actual value added or of  
 3 the actual value, whichever is applicable, which is  
 4 eligible to be exempt from taxation shall be as  
 5 follows:

6 Sec. \_\_\_\_ . Section 427B.4, Code 1983, is amended  
 7 to read as follows:

8 427B.4 APPLICATION FOR EXEMPTION BY PROPERTY  
 9 OWNER. An application shall be filed for each project  
 10 resulting in actual value added or in the industrial  
 11 use of a previously vacant and unused building or  
 12 structure for which an exemption is claimed. The  
 13 application for exemption shall be filed by the owner  
 14 of the property with the local assessor by February  
 15 1 of the assessment year in which the value added  
 16 is first assessed for taxation or, in the case of  
 17 the industrial use of a previously vacant and unused  
 18 building or structure, by February 1 of the assessment  
 19 year following the year in which the industrial use  
 20 begins. Applications for exemption shall be made  
 21 on forms prescribed by the director of revenue and  
 22 shall contain information pertaining to the nature  
 23 of the improvement, its cost, its use, and other

24 information deemed necessary by the director of  
25 revenue.

26 A person may submit a proposal to the city council  
27 of the city or the board of supervisors of a county  
28 to receive prior approval for eligibility for a tax  
29 exemption on new construction or for the industrial  
30 use of a previously vacant and unused building or  
31 structure. The city council or the board of  
32 supervisors, by ordinance, may give its prior approval  
33 of a tax exemption for new construction if the new  
34 construction ~~it~~ is in conformance with the zoning  
35 plans for the city or county. The prior approval  
36 shall also be subject to the hearing requirements  
37 of section 427B.1. Prior approval does not entitle  
38 the owner to exemption from taxation until the new  
39 construction has been completed or industrial use  
40 begins and found to be qualified real estate. However,  
41 if the tax exemption for new construction is not  
42 approved, the person may submit an amended proposal  
43 to the city council or board of supervisors to approve  
44 or reject."

45 2. Title page 1, line 24, by inserting after the  
46 word "program;" the words "by providing local option  
47 tax abatement for previously vacant and unused  
48 buildings or structures that begin to be used for  
49 industrial purposes;".

C.W. BILL HUTCHINS

S-6032

1 Amend House File 2527, as amended and passed by  
2 the House, as follows:

3 1. Page 16, by inserting after line 35 the  
4 following new section:

5 "Sec. \_\_\_\_ . Section 422.4, subsection 8, is  
6 amended to read as follows:

7 8. The word "resident" applies only to  
8 individuals and includes, for the purpose of  
9 determining liability to the tax imposed by this  
10 division upon or with reference to the income  
11 of any tax year, any individual domiciled in the  
12 state, and any other individual who maintains a  
13 permanent place of abode within the state, or  
14 any entertainer with a reported gross income of  
15 forty million dollars or more in any calendar  
16 year, unless that entertainer agrees to perform  
17 three benefit concerts within the state with  
18 proceeds therefrom presented to the Iowa development  
19 commission for economic development projects  
20 within the state."

21 2. Title page 1 (as opposed to Title page 2),  
 22 line 20, by inserting after the word "businesses"  
 23 the following: ", by making Michael Jackson an  
 24 Iowa citizen for income tax purposes under certain  
 25 conditions".

CHARLES BRUNER  
 TOM SLATER

HOUSE AMENDMENT TO SENATE AMENDMENT  
 TO HOUSE FILE 2520

S-6033

1 Amend amendment H-6330 to House File 2520 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 1, line 35, by striking the figure "95,000"  
 4 and inserting in lieu thereof the figure "145,385".  
 5 2. Page 1, line 41, by striking the figure  
 6 "3,237,025" and inserting in lieu thereof the figure  
 7 "3,112,025".  
 8 3. Page 2, line 2, by striking the figure "74,358"  
 9 and inserting in lieu thereof the figure "39,358".

HOUSE AMENDMENT TO SENATE FILE 2354

S-6034

1 Amend Senate File 2354 as passed by the Senate  
 2 as follows:  
 3 1. Page 2, by inserting after line 16 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Notwithstanding that section 1 is  
 6 retroactive to January 1, 1979, any tax collected  
 7 before the effective date of this Act because  
 8 vulcanizing, recapping, and retreading services were  
 9 not sales of tangible property is not refundable."

S-6035

1 Amend House File 2473 as passed by the House as  
 2 follows:  
 3 1. By striking page 1, line 1 through page 2, line 4.

RICHARD F. DRAKE  
 FORREST V. SCHWENGELS

## HOUSE AMENDMENT TO SENATE FILE 2352

S-6036

- 1 Amend amendment H-6330 to House File 2520 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, line 35, by striking the figure "95,000"
- 4 and inserting in lieu thereof the figure "145,385".
- 5 2. Page 1, line 41, by striking the figure
- 6 "3,237,025" and inserting in lieu thereof the figure
- 7 "3,112,025".
- 8 3. Page 2, line 2, by striking the figure "74,358"
- 9 and inserting in lieu thereof the figure "39,358".

## HOUSE AMENDMENT TO SENATE FILE 2357

S-6037

- 1 Amend Senate File 2357, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 21, by striking the word "Seventy-
- 4 five" and inserting in lieu thereof the word "Fifty".
- 5 2. Page 2, line 28, by striking the word "twenty-
- 6 five" and inserting in lieu thereof the word "fifty".

S-6038

- 1 Amend House File 2523 as passed by the House as
- 2 follows:
- 3 1. Page 1, by inserting after line 31 the
- 4 following:
- 5 "5. Notwithstanding section 414.23, a city may
- 6 extend its powers under chapter 414 over all of the
- 7 special district if a part of the district is within
- 8 two miles of the city even if the county has adopted
- 9 a zoning ordinance for the area. If the special
- 10 district is within two miles of more than one city,
- 11 the city which has the greatest length of the special
- 12 district's boundary within two miles of the city shall
- 13 have the exclusive zoning jurisdiction over the
- 14 district as provided in this subsection and section
- 15 414.23."

FORREST V. SCHWENGELS  
BASS VAN GILST

S-6039

- 1 Amend the House amendment S-6036 to Senate File
- 2 2352 as amended, passed and reprinted by the Senate



3 as follows:

- 4 1. Page 1, by striking lines 3 through 8.

ARTHUR A. SMALL, JR.

S-6040

- 1 Amend House File 2527 as amended, passed and re-  
2 printed by the House as follows:

DIVISION S—6040B

- 3 1. Page 2, by striking lines 4 through 12.  
4 2. Page 2, by striking lines 19 through 30.

DIVISION S—6040A

- 5 3. Page 2, line 34, by inserting after the word  
6 "shall" the words "develop a plan to".  
7 4. Page 3, line 1, by inserting after the word  
8 "center." the words "This plan shall be presented  
9 to the general assembly in January 1985 for their  
10 review. The commission shall not begin to implement  
11 the plan or to establish the center until approval  
12 is given by the general assembly. The following is  
13 a description of the workings and purposes of the  
14 center that should be considered in developing this  
15 plan."

DIVISION S—6040B

- 16 5. By striking page 5, line 33 through page 7,  
17 line 18.  
18 6. By striking page 7, line 19 through page 10,  
19 line 21.  
20 7. By striking page 12, line 32 through page 13,  
21 line 20.

DIVISION S—6040D

- 22 8. Page 16, by striking lines 19 through 35.

DIVISION S—6040C

- 23 9. By striking page 17, line 1 through page 18,  
24 line 4.

DIVISION S—6040B

- 25 10. Page 21, by striking lines 3 through 20.  
26 11. Page 21, by striking line 21.

27 12. By striking page 21, line 22 through page  
28 25, line 8.

29 13. Page 25, by striking lines 25 through 34 and  
30 inserting in lieu thereof the words "nine public  
31 members appointed by the legislative council with  
32 not more than five of the members being of the same  
33 political party."

34 14. Title page 1, by striking lines 4 through  
35 13 and inserting in lieu thereof the words "plan for  
36 the establishment of a primary research and marketing  
37 center and satellite centers; by allowing".

38 15. By striking title page 1, line 20 through  
39 title page 2, line 4 and inserting in lieu thereof  
40 the words "export sales by small businesses and re-  
41 defining "small business" and "dominant in its field  
42 of operation" for purposes of the small business loan  
43 program; and by".

ARTHUR A. SMALL, JR.  
LOWELL L. JUNKINS

S-6041

- 1 Amend House File 2527, as amended, passed and  
2 reprinted by the House, as follows:  
3 1. Page 2, by striking lines 4 through 12.

FORREST V. SCHWENGELS

S-6042

- 1 Amend House File 2527 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 16, by inserting after line 35 the  
4 following:  
5 "Sec. 40. NEW SECTION. 422B.1 LOCAL OPTION SALES  
6 TAX. A county may impose a local sales tax, at a  
7 rate not to exceed one percent on the gross receipts  
8 taxed by the state under chapter 422, division IV.  
9 A local sales tax shall be imposed on the same basis  
10 as the state sales and services tax and may not be  
11 imposed on the sale of any property or on any service  
12 not taxed by the state. However, the tax shall only  
13 apply to the first twenty thousand dollars of the  
14 gross receipts from the sale of a particular item.  
15 The tax when imposed by a county shall apply to the  
16 incorporated and unincorporated areas within that  
17 county.  
18 A local sales tax shall be imposed on January 1,  
19 April 1, July 1, or October 1, following the

20 notification of the director of revenue. Once imposed,  
21 the tax shall remain in effect at the rate imposed  
22 for a minimum of one year. The tax shall be repealed  
23 upon resolution of the board of supervisors and shall  
24 be repealed not later than December 31, 1989. A local  
25 sales tax shall terminate only on March 31, June 30,  
26 September 30, or December 31. At least sixty days  
27 prior to the tax being effective or prior to a revision  
28 in the tax rate, or prior to the repeal of the tax,  
29 a county shall provide notice by certified mail of  
30 such action to the director of revenue.

31 A county shall impose a local sales tax or increase  
32 the tax rate, only after an election at which a  
33 majority of those voting on the question favors  
34 imposition or increase. However, a local sales tax  
35 shall not be repealed or reduced in rate if obligations  
36 are outstanding which are payable as provided in  
37 section 422B.2, unless funds sufficient to pay the  
38 outstanding obligations at and prior to the date when  
39 due and owing have been properly set aside and pledged  
40 for such purpose. The election shall be held at any  
41 time after the effective date of this chapter as  
42 directed by resolution of the board of supervisors.

43 The director of revenue shall administer the  
44 provisions of a local sales tax as nearly as possible  
45 in conjunction with the administration of the state  
46 sales tax law. The director shall provide appropriate  
47 forms, or provide on the regular state tax forms,  
48 for reporting local sales tax liability. All moneys  
49 received or refunded one hundred eighty days after  
50 the date on which a county terminates its local sales

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1 tax shall be deposited in or withdrawn from the state  
2 general fund.

3 The director, in consultation with county officials,  
4 shall collect and account for a local sales tax and  
5 shall credit all revenues to a "local sales tax fund"  
6 established by section 422B.2.

7 No tax permit other than the state tax permit  
8 required under section 422.53 may be required by local  
9 authorities.

10 The tax herein levied shall be in addition to any  
11 state sales tax imposed under section 422.43 or any  
12 local hotel and motel tax under chapter 422A. The  
13 provisions of sections 422.25, subsection 4, 422.30,  
14 422.48 to 422.52, 422.54 to 422.58, 422.67, 422.68,  
15 422.69, subsection 1, and 422.70 to 422.75, consistent

16 with the provisions of this chapter, shall apply with  
 17 respect to the taxes authorized under this chapter,  
 18 in the same manner and with the same effect as if  
 19 the local sales taxes were retail sales taxes within  
 20 the meaning of those statutes.

21 This section applies only to counties having a  
 22 population in excess of two hundred forty thousand  
 23 as determined by the most recent federal census.

24 **Sec. 41. NEW SECTION. 422B.2 LOCAL SALES TAX**  
 25 **FUND.**

26 1. There is created in the office of the treasurer  
 27 of state a local sales tax fund which shall consist  
 28 of all moneys credited to such fund under section  
 29 422B.1.

30 2. All moneys in the local sales tax fund shall  
 31 be remitted at least quarterly by the treasurer of  
 32 state, pursuant to rules of the director of revenue,  
 33 to each city in a county in which the local sales  
 34 tax is imposed in the amount collected from businesses  
 35 located in that city and to the county in the amount  
 36 collected from businesses located in the unincorporated  
 37 areas of the county.

38 3. Moneys received by the county or city from  
 39 this fund shall be credited to the general fund of  
 40 such county or city, subject to the provisions of  
 41 subsection 4.

42 4. The revenue derived from any local sales tax  
 43 authorized by this chapter shall be used as follows:

44 a. Each county or city which receives moneys from  
 45 the local sales tax fund shall spend at least fifty  
 46 percent of the revenues derived therefrom, for a  
 47 period not to exceed five years, for acquiring of  
 48 sites for, or constructing, improving, enlarging,  
 49 repairing, renovating, equipping and furnishing, and  
 50 operating, a facility or facilities located in the

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1 county for use as or in conjunction with a world trade  
 2 center facility for the promotion of export and trade,  
 3 including providing for or reimbursing the costs of  
 4 any city or county improvements appurtenant to or  
 5 supportive of the world trade center including, but  
 6 not limited to, streets, sewers, water lines,  
 7 sidewalks, parking areas and transportation facilities.  
 8 b. Twenty-five percent of the revenues may be  
 9 spent by the city or county for any city or county  
 10 operations authorized by law as a proper purpose for  
 11 the expenditure within statutory limitations of city

12 or county revenues derived from ad valorem taxes and  
13 may be spent for purposes of paragraph "a". Twenty-  
14 five percent shall be applied for the reduction of  
15 property taxes.

16 c. Any city or county which receives the local  
17 sales tax receipts pursuant to this chapter may pledge  
18 irrevocably, for a period not to exceed five years,  
19 an amount of the revenues derived from the local sales  
20 tax to the payment of the costs necessary to accomplish  
21 the purposes described in paragraph "a" of this  
22 subsection. Any revenue pledged to the payment of  
23 such capital costs may be credited to the spending  
24 requirement of paragraph "a" of this subsection.

25 d. A city, jointly with one or more other cities  
26 and the county in which a local sales tax is imposed,  
27 or a county, jointly with one or more other cities  
28 in the county, all as provided in chapter 28E, may  
29 pledge irrevocably any amount derived from the revenues  
30 of the local sales tax to the support of a project  
31 within the purposes set forth in paragraph "a" of  
32 this subsection and located within one or more of  
33 the participatory cities or counties. Revenue so  
34 pledged or applied shall be credited to the spending  
35 requirement of paragraph "a" of this subsection.

36 Sec. 42. **NEW SECTION. 422B.3 DECLARATION OF**  
37 **POLICY AND PURPOSE.** It is found and declared that  
38 there exists a need to promote, develop, maintain,  
39 and expand export and trade opportunities for  
40 agricultural, commercial, and manufactured products  
41 and services and any other products and services of  
42 the state in order to protect and advance the welfare  
43 and interests of residents of the state; that such  
44 export and trade opportunities with other nations  
45 can be promoted, developed, maintained, and expanded  
46 by an Iowa world trade center; that jobs can be  
47 maintained and created in the state as a result of  
48 increased export and trade opportunities; and that  
49 such economic results will benefit all residents of  
50 the state.

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1 It is further found and declared that the promotion,  
2 development, maintenance, and expansion of exports  
3 and trade opportunities are public purposes and uses  
4 for which public moneys may be expended, advanced,  
5 loaned, or granted, that such activities serve a  
6 public purpose in improving export and trade  
7 opportunities or otherwise benefiting the people of

8 this state, and that local governments involvement  
 9 through purchase or otherwise of a facility or  
 10 facilities as a world trade center or a part thereof  
 11 will aid in accomplishing these purposes.

12 Sec. 43. NEW SECTION. 422B.7 LOCAL VEHICLE TAX.

13 1. A county may impose a local option vehicle  
 14 tax.

15 2. A local option tax shall be imposed only after  
 16 an election at which a majority of those voting on  
 17 the question favors imposition and shall then be  
 18 imposed until repealed as provided in subsection 3.  
 19 If the tax is imposed by a county, it shall apply  
 20 to the incorporated and unincorporated areas of that  
 21 county.

22 3. If a majority of those voting on the question  
 23 of imposition of a local vehicle tax favor its  
 24 imposition, the governing body of that county shall  
 25 impose the tax at the rate specified for a minimum  
 26 of one year. The tax shall be repealed upon resolution  
 27 of the governing body and shall be repealed not later  
 28 than December 31, 1989. The local vehicle tax rate  
 29 may be increased only after an election at which a  
 30 majority of those voting on the question of rate  
 31 change favor the rate change. The election for the  
 32 imposition or for a rate change shall be called upon  
 33 resolution of the board of supervisors.

34 4. Sections 422B.7 through 422B.11 apply only  
 35 to counties having a population in excess of two  
 36 hundred forty thousand as determined by the most  
 37 recent federal census.

38 Sec. 44. NEW SECTION. 422B.8 LOCAL VEHICLE TAX.

39 An annual local vehicle tax may be imposed by a county  
 40 on every vehicle which is required to be registered  
 41 by the state and is registered with the county  
 42 treasurer to a person residing within the county where  
 43 the tax is imposed at the time of registration of  
 44 the vehicle.

45 For the purpose of the tax authorized by this  
 46 section, "person" and "registration year" mean the  
 47 same as defined in section 321.1, "vehicle" means  
 48 motor vehicle as defined in section 321.1 which is  
 49 subject to registration under section 321.18, and  
 50 which is to be registered with the county treasurer.

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1 and "axle" means the assembly of housing and axle  
 2 shafts which supports and propels either a pair of  
 3 wheels or one wheel only.

4 Sec. 45. NEW SECTION. 422B.9 ADMINISTRATION.

5 A local vehicle tax or change in the rate shall be  
6 imposed on the first day of the second calendar month  
7 immediately following a favorable election for  
8 registration years beginning on or after that date  
9 and the repeal of the tax shall be as of the  
10 anniversary date of the first imposition but not later  
11 than as provided in section 422B.7 for registration  
12 years beginning on or after that date. The county  
13 treasurer shall collect all local vehicle taxes and  
14 any penalties, crediting local vehicle tax receipts  
15 including penalties to a "local vehicle tax fund"  
16 established in section 422B.11.

17 Sec. 46. NEW SECTION. 422B.10 PAYMENT. Taxpayers  
18 shall pay a local vehicle tax to the county treasurer  
19 at the time of application for registration of the  
20 vehicle under section 321.40 for the registration  
21 year. The county treasurer shall require a person  
22 applying for registration of a vehicle to state the  
23 person's residence and shall not issue a state  
24 registration certificate to the owner of a vehicle  
25 on which a local vehicle tax is due until the local  
26 vehicle tax is paid.

27 Payment of a local vehicle tax shall be evidenced  
28 by a notation on the state registration certificate.  
29 A local vehicle tax imposed on a vehicle registered  
30 for a part of a registration year only shall be  
31 prorated on the same basis and in the same manner  
32 as state registration fees. A local vehicle tax shall  
33 not be refunded even when state registration fees  
34 are refunded.

35 Penalties for late payment which are comparable  
36 to the penalties for late payment of state regis-  
37 tration fees shall be imposed by the ordinance imposing  
38 a local vehicle tax. Willful violation of a local  
39 vehicle tax ordinance is a simple misdemeanor.

40 Sec. 47. NEW SECTION. 422B.11 LOCAL VEHICLE  
41 TAX FUND.

42 1. There is created in the office of the treasurer  
43 of state a local vehicle tax fund which shall consist  
44 of all moneys credited to such fund under section  
45 422B.9.

46 2. All moneys in the local vehicle tax fund shall  
47 be remitted at least quarterly by the county treasurer  
48 to each city in a county in which the local vehicle  
49 tax is imposed in the amount collected from vehicles  
50 registered to residents of that city and to the county

2 residents of the unincorporated areas of the county.

3 3. Moneys received by the county or city from  
4 this fund shall be credited to the general fund of  
5 such county or city, subject to the provisions of  
6 subsection 4.

7 4. The revenue derived from any local vehicle  
8 tax authorized by this chapter shall be used for the  
9 purposes, in the manner, and to the extent as provided  
10 in section 422B.2, subsection 4.

11 Sec. 48. **NEW SECTION.** 422B.12 A county may  
12 impose both a local sales tax and a local vehicle  
13 tax at the same time and may have the question of  
14 the imposition of either or both of those taxes on  
15 the same ballot.

16 Sec. 49. **NEW SECTION.** 422B.13 This chapter is  
17 repealed effective January 1, 1990.

18 Sec. 50. Section 321.30, subsection 5, Code 1983,  
19 is amended to read as follows:

20 5. That the required fee or local vehicle tax  
21 has not been paid except as provided in section 321.48.

22 Sec. 51. Section 321.30, unnumbered paragraph  
23 2, Code 1983, is amended to read as follows:

24 The treasurer shall also refuse registration of  
25 any vehicle if the applicant for registration of such  
26 vehicle has failed to pay the required registration  
27 fees or local vehicle tax of any vehicle owned or  
28 previously owned when the registration fee or local  
29 vehicle tax was required to be paid by the applicant  
30 and for which vehicle the registration was suspended  
31 or revoked under the provisions of section 321.101,  
32 subsection 4, until such the fees or local vehicle  
33 taxes are paid together with any accrued penalties.

34 Sec. 52. Section 321.101, subsection 4, Code 1983,  
35 is amended to read as follows:

36 4. When the department determines that the required  
37 fee or local vehicle tax has not been paid and the  
38 same is not paid upon reasonable notice and demand.

39 Sec. 53. Section 321.130, Code 1983, is amended  
40 to read as follows:

41 321.130 FEES IN LIEU OF TAXES. The registration  
42 fees imposed by this chapter upon private passenger  
43 motor vehicles or semitrailers ~~shall be~~ are in lieu  
44 of all state taxes, general or and local personal  
45 property taxes based upon assessed valuation, to which  
46 motor vehicles or semitrailers may be ~~are~~ subject,  
47 and if a motor vehicle or semitrailer ~~shall have~~ has  
48 been registered at any time under this chapter it  
49 shall not thereafter be subject to a personal property  
50 tax based upon assessed valuation, unless ~~such the~~



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1 motor vehicle or semitrailer ~~shall have~~ has been in  
2 storage continuously as an unregistered motor vehicle  
3 or semitrailer during the preceding registration  
4 year."

5 2. Page 27, by inserting after line 19 the  
6 following:

7 "Sec. \_\_\_\_ . Sections 40 through 53 of this Act,  
8 being deemed of immediate importance, takes effect  
9 from and after its publication in the Lee Town News,  
10 a newspaper published in Des Moines, Iowa, and in  
11 The Catholic Mirror, a newspaper published in Des  
12 Moines, Iowa."

13 3. Title page 1, line 24, by inserting after the  
14 word "program;" the words "by authorizing a county  
15 to impose a local option sales tax and vehicle tax  
16 with revenues used for a world trade center and  
17 property tax relief;".

GEORGE R. KINLEY  
LOWELL L. JUNKINS  
CALVIN O. HULTMAN  
WILLIAM D. PALMER  
DAVID M. READINGER  
JULIA B. GENTLEMAN  
TOM MANN, JR.  
ARTHUR A. SMALL, JR.  
EMIL J. HUSAK  
TOM SLATER  
NORMAN G. RODGERS

S-6043

1 Amend House File 2527, as amended, passed and  
2 reprinted by the House as follows:

3 1. Page 7, by inserting after line 18 the  
4 following:

5 "Sec. 5. **NEW SECTION. 18.170 TITLE.** Sections  
6 18.171 through 18.175 may be cited as the "Iowa small  
7 minority business procurement Act."

8 Sec. 6. **NEW SECTION. 18.171 DEFINITIONS.** When  
9 used in sections 18.170 through 18.175, unless the  
10 context otherwise requires:

11 1. "Small business" means a business organized  
12 for profit which has its principal place of business  
13 in Iowa and which is neither dominant in its field  
14 of operation nor an affiliate or subsidiary of a  
15 business dominant in its field of operation.

- 16 2. "Dominant in its field of operation" means  
 17 exercising a controlling or major influence in a  
 18 business activity in which a number of businesses  
 19 are engaged. The following businesses are dominant  
 20 in their field of operation:
- 21 a. Manufacturing businesses which employ more  
 22 than one hundred persons and whose gross receipts  
 23 for the preceding three fiscal years exceeded a total  
 24 of fifteen million dollars.
- 25 b. General construction businesses which had gross  
 26 receipts exceeding a total of six million dollars  
 27 in the preceding three fiscal years.
- 28 c. Specialty construction businesses which had  
 29 gross receipts exceeding three million dollars in  
 30 the preceding three fiscal years.
- 31 d. Nonmanufacturing businesses which employ more  
 32 than twenty-five persons and which had gross receipts  
 33 exceeding three million dollars in the preceding three  
 34 fiscal years.
- 35 3. "Affiliate or subsidiary of a business dominant  
 36 in its field of operation" means a business which  
 37 is at least twenty percent owned by a business dominant  
 38 in that field of operation, or by partners, officers,  
 39 directors, majority shareholders, or their equivalent  
 40 of a business dominant in that field of operation.
- 41 4. "Socially or economically disadvantaged person"  
 42 means a person who has been deprived of the opportunity  
 43 to develop and maintain a competitive position in  
 44 the economy because of any of the following  
 45 circumstances:
- 46 a. Cultural, social, or economic circumstances  
 47 or background.
- 48 b. Physical location if the person resides or  
 49 is employed in an area declared a labor surplus area  
 50 by the United States department of commerce.

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- 1 c. Other similar cause as defined by rules adopted  
 2 by the director pursuant to chapter 17A.
- 3 **Sec. 7. NEW SECTION. 18.172 PROCUREMENT FROM**  
 4 **SMALL MINORITY BUSINESSES.**
- 5 1. **SMALL MINORITY BUSINESS SET-ASIDES.**
- 6 Notwithstanding section 18.6, the director may  
 7 designate and set aside for awarding to small  
 8 businesses owned and operated by socially or  
 9 economically disadvantaged persons approximately five  
 10 percent of the value of anticipated total state  
 11 procurement of goods and services, including

12 construction, but not including utility services  
13 pursuant to section 18.8, each fiscal year. The  
14 director may divide the procurements so designated  
15 into contract award units of economically feasible  
16 production runs to facilitate offers or bids from  
17 these small businesses. In designating set-aside  
18 procurements, the director may vary the included  
19 procurements so that a variety of goods and services  
20 produced by different small businesses may be set  
21 aside each year.

22 2. **NEGOTIATED PRICE OR BID CONTRACT.** The director  
23 may use either a negotiated price or bid contract  
24 procedure in the awarding of a contract under this  
25 set-aside program. The amount of an award shall not  
26 exceed by more than five percent the director's  
27 estimated price for the goods or services, if they  
28 were to be purchased on the open market or under the  
29 competitive bidding procedures of section 18.6, and  
30 not under this set-aside program. Surety bonds  
31 guaranteed by the federal small business administra-  
32 tion are acceptable security for a construction award  
33 under this section.

34 3. **DETERMINATION OF ABILITY TO PERFORM.** Before  
35 announcing a set-aside award, the director shall  
36 evaluate whether the small business scheduled to  
37 receive the award is able to perform the set-aside  
38 contract. This determination shall include consider-  
39 ation of production and financial capacity and  
40 technical competence.

41 4. **PROCUREMENT PROCEDURES.** All laws and rules  
42 pertaining to solicitations, bid evaluations, contract  
43 awards, and other procurement matters apply to  
44 procurements set aside for small businesses to the  
45 extent there is no conflict. If sections 18.171  
46 through 18.175 conflict with other laws or rules,  
47 then sections 18.171 through 18.175 govern.

48 **Sec. 8. NEW SECTION. 18.173 ROLE OF DEVELOPMENT**  
49 **COMMISSION.** The director of general services may  
50 assist the director of the Iowa development commission

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1 in publicizing the set-aside program, attempting to  
2 locate small businesses able to perform set-aside  
3 awards, and encouraging program participation. When  
4 the director of general services determines that a  
5 small minority business is unable to perform under

6 a set-aside contract, the director of general services  
7 shall inform the director of the Iowa development  
8 commission who shall assist the small business in  
9 attempting to remedy the causes of the inability to  
10 perform. In assisting the small business, the director  
11 of the Iowa development commission in cooperation  
12 with the director of general services may use any  
13 management or financial assistance programs available  
14 through state or governmental agencies or private  
15 sources. Primary responsibility under this section  
16 rests with the director of the Iowa development  
17 commission.

18 **Sec. 9. NEW SECTION. 18.174 CERTIFICATION.**  
19 The director shall adopt by rule standards and  
20 procedures for certifying that small businesses owned  
21 and operated by socially or economically disadvantaged  
22 persons are eligible to participate in the set-aside  
23 program. The procedure for determination of  
24 eligibility may include self-certification by a busi-  
25 ness, provided the director retains the ability to  
26 verify a self-certification. The director of general  
27 services shall maintain a current directory of small  
28 businesses which have been certified under this  
29 section.

30 **Sec. 10. NEW SECTION. 18.175 REPORTS.**

31 **1. DIRECTOR OF GENERAL SERVICES.** The director  
32 of general services shall submit an annual report  
33 to the governor and the general assembly with a copy  
34 to the director of the Iowa development commission  
35 relating progress towards realizing the objectives  
36 and goals of sections 18.171 through 18.174 during  
37 the preceding fiscal year. The report shall include  
38 the following information:

39 a. The total dollar value and number of potential  
40 set-aside awards identified and the percentage of  
41 total state procurements this figure reflects.

42 b. The total dollar value and number of set-aside  
43 contracts awarded to small businesses owned and  
44 operated by economically or socially disadvantaged  
45 persons with appropriate designation as to the total  
46 number and value of set-aside contracts awarded to  
47 each small business, and the percentages of the total  
48 state procurements the figures of total dollar value  
49 and the number of set asides reflect.

50 c. The number of contracts which were designated

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1 and set aside pursuant to section 18.172, but which  
 2 were not awarded to a small business, the estimated  
 3 total dollar value of these awards, the lowest offer  
 4 or bid on each of these awards made by the small  
 5 business and the price at which these contracts were  
 6 awarded pursuant to the normal procurement procedures.

7 **2. DIRECTOR OF THE IOWA DEVELOPMENT COMMISSION.**

8 The director of the Iowa development commission shall  
 9 submit an annual report to the governor and the general  
 10 assembly with a copy to the director of general  
 11 services. The report shall include the following  
 12 information:

13 a. The efforts undertaken to publicize the set-  
 14 aside program during the preceding year.

15 b. The efforts undertaken to identify small  
 16 businesses owned and operated by socially or  
 17 economically disadvantaged persons, and the efforts  
 18 undertaken to encourage participation in the set-aside  
 19 program.

20 c. The efforts undertaken by the director to  
 21 remedy the inability of these small businesses to  
 22 perform on potential set-aside awards.

23 d. The director's recommendations for strengthening  
 24 the set-aside program and delivery of services to  
 25 these small businesses.

26 Sec. 11. Section 28.7, Code 1983, is amended by  
 27 adding the following new subsection:

28 **NEW SUBSECTION.** Aid in the set aside of  
 29 procurements for small businesses owned and operated  
 30 by economically or socially disadvantaged persons  
 31 pursuant to sections 18.171 to 18.175."

32 2. Title page, line 13, by inserting after the  
 33 word "program;" the following: "by providing for set-  
 34 asides in state procurement contracts for small  
 35 minority businesses, by providing penalties and  
 36 prohibitions on bidding on governmental contracts  
 37 by persons convicted of violations of the Iowa  
 38 competition law, by".

39 3. By renumbering as necessary.

TOM MANN, JR.

S-6044

1 Amend the amendment S-6042 to House File 2527 as  
 2 amended, passed and reprinted by the House as follows:  
 3 1. Page 1, line 14, by inserting after the word  
 4 "item." the words "The tax shall not be imposed on the

5 gross receipts from the sale of a taxable item to a  
 6 nonresident of the county imposing the tax. The person  
 7 shall prove nonresidency by driver's license identifica-  
 8 tion."

EDGAR H. HOLDEN

S-6045

1 Amend the Kinley et al amendment S-6042 to House  
 2 File 2527 as follows:  
 3 1. Page 1, lines 32 and 33, by striking the words  
 4 "a majority" and inserting in lieu thereof the words  
 5 "sixty percent".  
 6 2. Page 4, line 16, by striking the words "a  
 7 majority" and inserting in lieu thereof the words  
 8 "sixty percent".  
 9 3. Page 4, line 22, by striking the words "a  
 10 majority" and inserting in lieu thereof the words  
 11 "sixty percent".  
 12 4. Page 4, lines 29 and 30, by striking the words  
 13 "a majority" and inserting in lieu thereof the words  
 14 "sixty percent".

HURLEY W. HALL  
 EDGAR H. HOLDEN

S-6046

1 Amend amendment S-6042 to House File 2527 as  
 2 amended, passed and reprinted as follows:  
 3 1. Page 5, lines 42 and 43, by striking the words  
 4 "treasurer of state" and inserting in lieu thereof  
 5 the words "county treasurer".

GEORGE R. KINLEY

S-6047

1 Amend House File 2512, as amended and passed by  
 2 the House, as follows:  
 3 1. Page 1, lines 10 and 11, by striking the words  
 4 "which is not normally engaged in printing and" and  
 5 inserting in lieu thereof the following: "which is  
 6 not normally engaged in printing and".

NORMAN G. RODGERS  
 EMIL J. HUSAK  
 C.W. BILL HUTCHINS

S-6048

- 1 Amend House File 2527 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Title, page 2, line 7, by inserting after the
- 4 word "plan" the words "and providing penalties".

MILO COLTON

S-6049

- 1 Amend House File 2473 as amended and passed
- 2 by the House as follows:
- 3 1. Page 6, line 14, by inserting after the word
- 4 "duties" the words "or for professional purposes".

ARTHUR A. SMALL, JR.

HOUSE AMENDMENT TO SENATE AMENDMENT  
TO HOUSE FILE 2521

S-6050

- 1 Amend Senate amendment H-6334 to House File 2521
- 2 as amended, passed and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 7 the following:
- 5 "\_\_\_\_. Page 9, by inserting after line 28 the
- 6 following:
- 7 "Sec. \_\_\_\_ . If, on September 1, 1984, the state
- 8 comptroller projects that the receipts of state general
- 9 fund revenues for the fiscal year beginning July 1,
- 10 1985 will be less than seven and three-tenths percent
- 11 above the receipts of state general fund revenues
- 12 for the fiscal year beginning July 1, 1984, the
- 13 following shall occur:
- 14 1. Notwithstanding section 442.7, subsection 4,
- 15 for the budget year beginning July 1, 1985, the
- 16 difference between the recomputed state percent of
- 17 growth for the base year and the original computation
- 18 for the base year is one percent and that percent
- 19 shall be subtracted from the state percent of growth
- 20 for the budget year.
- 21 2. Notwithstanding section 442.3, for the school
- 22 year beginning July 1, 1985, the state foundation
- 23 base shall be seventy-nine percent of the state cost
- 24 per pupil.
- 25 3. Notwithstanding section 427A.9, the personal
- 26 property tax credit allowed for the fiscal year
- 27 beginning July 1, 1985 shall not exceed the amount

28 of the personal property tax credit allowed for taxes  
 29 payable in the fiscal year beginning July 1, 1984.  
 30 4. Notwithstanding section 427B.10, property  
 31 acquired or purchased on or after January 1, 1983  
 32 up to and including December 31, 1983 shall not receive  
 33 the benefits of sections 427B.10 through 427B.14 for  
 34 taxes levied against the January 1, 1984 assessments  
 35 and collected during the fiscal year beginning July  
 36 1, 1985.  
 37 5. Notwithstanding section 602.11101, subsections  
 38 3 and 4, Code Supplement 1983, the scheduled  
 39 assumptions of state responsibility for court  
 40 attendants and for juvenile probation officers are  
 41 delayed for a period of one year, respectively, and  
 42 the delay shall be implemented as provided in section  
 43 602.11101 and the percentage remittance to the counties  
 44 from the court revenue distribution account under  
 45 section 602.8108 for the fiscal year beginning July  
 46 1, 1984 shall not be reduced for the fiscal year  
 47 beginning July 1, 1985."  
 48 2. Page 1, by inserting after line 7 the following:  
 49 "3. Page 9, by inserting after line 28 the  
 50 following:

Page 2

1 "Sec. 10. Section 49.12, Code 1983, is amended  
 2 to read as follows:  
 3 49.12 ELECTION BOARDS. There shall be appointed  
 4 in each election precinct an election board which  
 5 shall ordinarily consist of at least five precinct  
 6 election officials. However, in precincts using only  
 7 one voting machine at any one time, and in precincts  
 8 voting by paper ballot where no more than one hundred  
 9 votes were cast in the last preceding similar election,  
 10 the board shall consist of not less than three precinct  
 11 election officials; and in precincts using more than  
 12 two voting machines one additional precinct election  
 13 official officials may be appointed for each such  
 14 additional machine. Double election boards may be  
 15 appointed for any precinct as provided by chapter  
 16 51. Not more than a simple majority of the members  
 17 of the election board in any precinct, or of the two  
 18 combined boards in any precinct for which a double  
 19 election board is appointed, shall be members of the  
 20 same political party or organization if one or more  
 21 qualified electors of another party or organization  
 22 are qualified and willing to serve on the board.  
 23 If double counting boards are not appointed for



24 precincts using paper ballots and using only three  
 25 precinct election officials a fourth precinct election  
 26 official shall be appointed from the election board  
 27 panel to serve beginning at 8:00 p.m. to assist in  
 28 counting the paper ballots.”  
 29 Sec. 11. Section 10 of this Act takes effect only  
 30 if House File 2219, as enacted by the Seventieth  
 31 General Assembly, 1984 Session, becomes law.””

## HOUSE AMENDMENT TO SENATE FILE 2332

S-6051

1 Amend Senate File 2332 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 220.1, subsection 2, Code  
 6 Supplement 1983, is amended to read as follows:  
 7 2. “Low or moderate income families” means families  
 8 who cannot afford to pay enough to cause private  
 9 enterprise in their locality to build an adequate  
 10 supply of decent, safe, and sanitary dwellings for  
 11 their use, and also includes, but is not limited to,  
 12 (1) elderly families, families in which one or more  
 13 persons are handicapped or disabled, lower income  
 14 families and very low income families, and (2) families  
 15 purchasing or renting qualified residential housing.”

16 2. Page 1, line 5, by striking the words “in the  
 17 preceding fiscal year” and inserting in lieu thereof  
 18 the words “in as computed, for the preceding fiscal  
 19 year or as the average of the three preceding fiscal  
 20 years”.

21 3. Page 1, by inserting after line 16 the  
 22 following:

23 “Sec. \_\_\_\_ . Section 220.1, subsection 32, first  
 24 unnumbered paragraph, Code Supplement 1983, is amended  
 25 to read as follows:

26 The authority shall establish by rule further  
 27 definitions applicable to this chapter, and  
 28 clarification of the definitions in this section,  
 29 as necessary to assure eligibility for funds available  
 30 under federal housing laws, or to assure complying  
 31 with federal tax laws relating to the issuance of  
 32 tax exempt mortgage subsidy bonds pursuant to section  
 33 103A of the Internal Revenue Code, as defined in  
 34 section 422.3, or relating to the issuance of tax  
 35 exempt residential rental property bonds for qualified  
 36 residential housing under section 103 of the Internal

37 Revenue Code.

38 Sec. \_\_\_\_ . Section 220.1, Code Supplement 1983,  
39 is amended by adding the following new subsection:

40 **NEW SUBSECTION.** "Qualified residential housing"

41 means any of the following:

42 a. Owner-occupied residences purchased in a manner  
43 which satisfies the requirements contained in section  
44 103A of the Internal Revenue Code in order to be  
45 financed with tax exempt mortgage subsidy bonds.

46 b. Residential property qualifying pursuant to  
47 section 103 (b) (4) of the Internal Revenue Code to  
48 be financed with tax exempt residential rental property  
49 bonds.

50 c. Housing for low or moderate income families,

Page 2

1 elderly families, and families which include one or  
2 more persons who are handicapped or disabled."

3 4. Page 2, by inserting after line 25 the  
4 following:

5 "Sec. \_\_\_\_ . Section 220.8, Code 1983, is repealed."

6 5. Title page, by striking lines 1 through 4 and  
7 inserting in lieu thereof the words "An Act relating  
8 to the Iowa housing finance authority."

S-6052

1 Amend House File 2473 as amended and passed by the  
2 House as follows:

3 1. Page 6, line 14, by inserting after the word  
4 "duties" the words "or for professional purposes".

COMMITTEE ON FINANCE  
NORMAN G. RODGERS, Chair

HOUSE AMENDMENT TO SENATE FILE 2328

S-6053

1 Amend Senate File 2328 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 33 through page 2,  
4 line 2 and inserting in lieu thereof the following:

5 "5. A member; ~~employee; or appointee of the~~  
6 ~~commission; or a family member related within the~~  
7 ~~second degree of affinity or consanguinity to a member;~~  
8 ~~employee; or appointee of the commission or a holder~~  
9 ~~of an official's license shall not knowingly."~~

10 2. Page 2, line 8, by inserting after the word

11 "pecuniary" the words "equitable, or other".

12 3. Page 2, line 9, by inserting after the word

13 "would" the words "be a conflict of interest or".

14 4. Page 2, by inserting after line 21 the

15 following:

16 "Sec. \_\_\_\_ . Section 99D.5, Code Supplement 1983,

17 is amended by adding the following new subsection:

18 NEW SUBSECTION. 6. A member, employee, or appointee

19 of the commission, spouse of a member, employee, or

20 appointee of the commission, or a family member related

21 within the second degree of affinity or consanguinity

22 to a member, employee, or appointee of the commission

23 shall not do either of the following:

24 a. Hold an occupational license except an

25 official's license.

26 b. Enter directly or indirectly into any business

27 dealing, venture, or contract with an owner or lessee

28 of a racetrack.

29 A member who knowingly approves of a violation

30 of this subsection is guilty of a serious misdemeanor."

31 5. Page 2, by inserting after line 33 the

32 following:

33 "Sec. . Section 99D.8A, subsection 5, 1984

34 Iowa Acts, House File 2439, section 4, if House File

35 2439 becomes law, is amended to read as follows:

36 5. The applicant shall consent to authorized

37 commission employees and agents of the division of

38 criminal investigation to enter upon the premises

39 within the race track enclosure, under control of

40 the licensee, without a warrant, to inspect or

41 investigate for criminal violations or violations

42 of the rules adopted by the commission. The consent

43 to search extends to the applicant's person, personal

44 property and effects, and any premises which the

45 applicant occupies or controls, or has the right to

46 occupy or control. The licensee or a holder of an

47 occupational license shall consent to agents of the

48 division of criminal investigation of the department

49 of public safety or commission employees designated

50 by the secretary of the commission to the search

Page 2

1 without a warrant of the licensee or holder's person,

2 personal property and effects, and premises which

3 are located within the racetrack enclosure or adjacent

4 facilities under control of the licensee to inspect

5 or investigate for criminal violations of this chapter

6 or violations of rules adopted by the commission."

7 6. Page 3, by striking lines 13 through 16 and  
8 inserting in lieu thereof the following: "licensee.  
9 The commission shall not approve a license application  
10 if any part of the racetrack is to be constructed  
11 on prime farmland outside the city limits of an  
12 incorporated city. As used in this subsection, "prime  
13 farmland" means as defined by the United States  
14 department of agriculture in 7 C.F.R. sec. 657.5(a).  
15 A license is not transferable or assignable. The".

16 7. Page 3, line 18, by inserting after the word  
17 "hearing," the following: "The commission shall  
18 conduct a neighborhood impact study to determine the  
19 impact of granting a license on the quality of life  
20 in neighborhoods adjacent to the proposed racetrack  
21 facility. The applicant for the license shall  
22 reimburse the commission for the costs incurred in  
23 making the study. A copy of the study shall be  
24 retained on file with the commission and shall be  
25 a public record. The study shall be completed before  
26 the commission may issue a license for the proposed  
27 facility."

28 8. Page 5, by striking lines 19 through 22.

29 9. Page 6, by striking lines 9 through 23 and  
30 inserting in lieu thereof the following:

31 "1 a. If the racetrack is located in a city, five  
32 percent of the ~~six percent gross sum wagered~~ shall  
33 be deposited in the general fund of the state. One-  
34 half of one percent of the ~~six percent gross sum~~  
35 ~~wagered~~ shall be remitted to the treasurer of the  
36 city in which the racetrack is located and shall be  
37 deposited in the general fund of the city. The  
38 remaining one-half of one percent of ~~the gross sum~~  
39 ~~wagered~~ shall be remitted to the treasurer of the  
40 county in which the racetrack is located and shall  
41 be deposited in the general fund of the county.

42 2 b. If the racetrack is located in an  
43 unincorporated part of a county, five and one-half  
44 percent of the ~~six percent gross sum wagered~~ shall  
45 be deposited in the general fund of the state. The  
46 remaining one-half of one percent of ~~the gross sum~~  
47 ~~wagered~~ shall be remitted to the treasurer of the  
48 county in which the racetrack is located and shall  
49 be deposited in the general fund of the county."

50 10. Page 6, by striking lines 24 through 32.

Page 3

1 11. Page 7, by striking lines 25 and 26 and  
2 inserting in lieu thereof the following: "department  
3 of agriculture using standards consistent with this

4 section.”

5 12. Page 8, line 4, by inserting after the word  
6 “dog.” the following: “For the purposes of this  
7 section, the breeder of a thoroughbred horse shall  
8 be considered to be the owner of the brood mare at  
9 the time the foal is dropped.”

10 13. Page 8, line 6, by striking the word  
11 “subsection” and inserting in lieu thereof the word  
12 “subsections”.

13 14. Page 8, by inserting after line 34 the  
14 following:

15 “NEW SUBSECTION. 3. To facilitate the  
16 implementation of this section, the department of  
17 agriculture shall do all of the following:

18 a. Adopt standards to qualify thoroughbred  
19 stallions for Iowa breeding. A stallion shall stand  
20 for service in the state at the time of the foal's  
21 conception and shall not stand for service at any  
22 place outside the state during the calendar year in  
23 which the foal is conceived.

24 b. Provide for the registration of Iowa-foaled  
25 horses and that a horse shall not compete in a race  
26 limited to Iowa-foaled horses unless the horse is  
27 registered with the department of agriculture. The  
28 department may prescribe such forms as necessary to  
29 determine the eligibility of a horse.

30 c. The secretary of agriculture shall appoint  
31 investigators to determine the eligibility for  
32 registration of Iowa-foaled horses.

33 d. Adopt a schedule of fees to be charged to  
34 breeders of thoroughbreds to administer this  
35 subsection.

36 NEW SUBSECTION. 4. To qualify for the Iowa horse  
37 and dog breeders fund, a dog shall have been whelped  
38 in Iowa and raised for the first six months of its  
39 life in Iowa. In addition, the owner of the dog shall  
40 have been a resident of the state for at least two  
41 years prior to the whelping.”

42 15. Renumber as necessary.

S-6054

1 Amend House File 2512, as amended and passed by  
2 the House as follows:

3 1. Page 1, line 5, by inserting after the word  
4 “separations,” the words “films, photographs,  
5 transparencies, positives, printing cylinders.”

NORMAN G. RODGERS  
EMIL J. HUSAK  
C.W. BILL HUTCHINS

S-6055

- 1 Amend House amendment S-6053 to Senate File 2328
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking line 50.
- 5 2. Page 3, by striking lines 39 through 41 and
- 6 inserting in lieu thereof the words "life in Iowa."

WILLIAM D. PALMER

S-6056

- 1 Amend House File 2473 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 5, by striking lines 13 through 25 and
- 4 inserting in lieu thereof the words "expenses incurred,
- 5 management expenses shall be charged to the investment
- 6 income of the retirement fund and such expense shall
- 7 otherwise be budgeted and appropriated in the same
- 8 manner as administrative expenses for the rest of the
- 9 system."

BOB CARR

S-6057

- 1 Amend the amendment S-6040 to House File 2527 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. By amending Division B by striking lines 34
- 4 through 43 and inserting in lieu thereof the following:
- 5 "14. Title page 1, by striking lines 5 through
- 6 12.
- 7 15. Title page 1, line 13, by striking the words
- 8 "industrial new jobs training" and inserting in lieu
- 9 thereof the words "centers; by redefining "small
- 10 business" and "dominant in its field of operation"
- 11 for purposes of the Iowa housing finance authority
- 12 small business loan".
- 13 16. Title page 1, by striking lines 19 through
- 14 23.
- 15 17. Title page 1, line 24 by striking the words
- 16 "purposes of the small".
- 17 18. By striking title page 1, line 25, through
- 18 title page 2, line 4.

LOWELL L. JUNKINS

S-6058

- 1 Amend Senate File 2361 as follows:
- 2 1. Page 8, by inserting after line 20 the

3 following:

4 "Sec. \_\_\_\_ . There is appropriated from the general  
5 fund of the state to the department of public safety  
6 for the fiscal year beginning July 1, 1984 and ending  
7 June 30, 1985 the sum of two hundred thousand (200,000)  
8 dollars, or so much thereof as may be necessary, for  
9 payment of claims filed under the victim reparation  
10 program and for the payment of operational expenses.

11 Sec. \_\_\_\_ . There is appropriated from the general  
12 fund of the state to the state bureau of labor for  
13 the fiscal year beginning July 1, 1984, and ending  
14 June 30, 1985, the following amounts, or so much  
15 thereof as is necessary, to be used for the purposes  
16 designated:

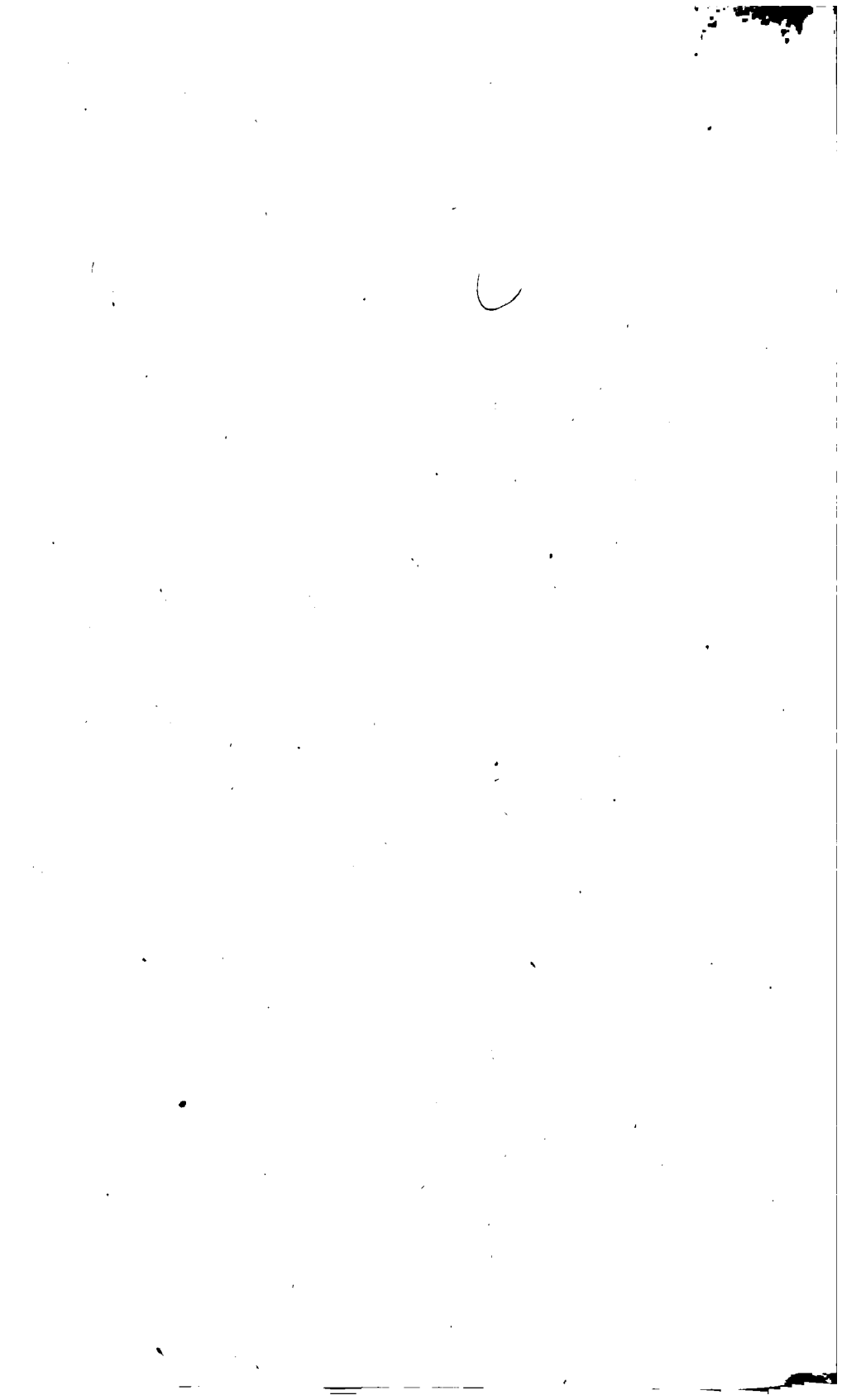
17 1984-1985  
18 Fiscal Year

19 1. For performance of  
20 responsibilities under House  
21 File 2183, enacted by the  
22 Seventieth General Assembly,  
23 1984 Session ..... \$33,000

24 2. For performance of  
25 duties specified under the  
26 hazardous chemicals risks  
27 right to know Act, Senate  
28 File 2248, enacted by the  
29 Seventieth General Assembly,  
30 1984 Session ..... \$47,000"

31 2. Renumber as necessary.

LOWELL L. JUNKINS





**REPORTS OF CONFERENCE COMMITTEES  
(Senate Files)**

**Filed During The  
SEVENTIETH GENERAL ASSEMBLY  
1984 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 513

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 513, a bill for an Act relating to the name of a state bank, respectfully make the following report:

1. The House recedes from the House amendment S-3586 to Senate File 513 as passed by the Senate.

2. Senate File 513 as passed by the Senate is amended as follows:

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

"Sec. 2. Section 524.1202, subsection 2, paragraph a, subparagraphs (1), (2), (3), and (4), Code 1983, are amended to read as follows:

~~(1) If the municipal corporation has a population of fifty thousand or less according to the most recent federal census, the state bank shall not establish more than three bank offices.~~

~~(2) If the municipal corporation or urban complex has a population of more than fifty thousand but not more than one hundred thousand or less according to the most recent federal census, the state bank shall not establish more than three bank offices.~~

~~(3) If the municipal corporation or urban complex has a population of more than one hundred thousand but not more than two hundred thousand according to the most recent federal census, the state bank shall not establish more than four bank offices.~~

~~(4) If the municipal corporation or urban complex has a population of more than two hundred thousand according to the most recent federal census, the state bank shall not establish more than five bank offices.~~

Sec. 3. Section 524.1507, Code 1983, is amended to read as follows:

**524:1507 CHANGE OF LOCATION OF PRINCIPAL PLACE OF BUSINESS.**

1. If a change in the location of the principal place of business of a state bank is proposed and involves a change other than a change within the municipal corporation, urban complex or unincorporated area in which the state bank has its principal place of business, pursuant to section 524.312 application for the required approval of the superintendent shall be made in the manner required by the superintendent and subject to ~~the provisions of this section.~~ Any A change in location of the principal place of business of a state bank subject to this section, including a change from one municipal corporation to another corporation within an urban

complex, shall require amendment to the articles of incorporation in accordance with the provisions of sections 524.1502, 524.1504 and 524.1506. A state bank seeking approval of a change of location pursuant to this subsection shall publish a notice of the proposed change of location in a newspaper of general circulation published in the municipal corporation or unincorporated area in which the state bank has its principal place of business, or if there is none, in a newspaper of general circulation published in the county, or in a county adjoining the county, in which the state bank has its principal place of business, and in the municipal corporation in which it seeks to establish its principal place of business, or if there is none, in a newspaper of general circulation published in the county, or in a county adjoining the county, in which ~~such~~ the municipal corporation is located. The notice shall be published within thirty days after making application to the superintendent for approval of the change in location. The notice shall set forth the name of the state bank, the present location of its principal place of business, the location to which it wishes to move its principal place of business and the date upon which the state bank made application to the superintendent for approval of the change.

2. Upon receipt of an application for approval of a change of location of the principal place of business of a state bank pursuant to subsection 1 of this section, the superintendent shall conduct such investigation as ~~he deems~~ deemed necessary giving due consideration to factors substantially similar to those set forth in section 524.305, ~~subsections 2 to 6~~ subsection 1, paragraphs "c" through "f". Within one hundred eighty days after receipt of the application, the superintendent shall make a determination whether to approve or disapprove the application on the basis of ~~his~~ the investigation. ~~Prior to making a determination on the pending application the superintendent shall, upon adequate notice, afford all interested persons an opportunity for a stenographically reported hearing during which such persons shall be allowed to present evidence in support of, or in opposition to, the pending application. Thereafter the superintendent shall give written notice of his~~ the decision to the state bank and, in the event of disapproval, a statement of the reasons for ~~his~~ the decision. If the superintendent shall approve the change in location ~~he~~ the ~~superintendent~~ shall deliver the articles of amendment to the secretary of state. ~~The decision of the superintendent shall be subject to judicial review in accordance with the terms of the Iowa administrative procedure Act. Before receiving the decision of the superintendent with respect to the pending application, the state bank shall upon notice reimburse the superintendent to the extent of the expenses incurred by him~~ the superintendent in connection with the application."

2. Title page, by striking line 1 and inserting in lieu thereof the following: "An Act relating to state banks by providing for the name and the location of the principal place of business and offices of a state bank."

ON THE PART OF THE SENATE:

WILLIAM D. PALMER, Chair  
 CHARLES BRUNER  
 JOHN W. JENSEN  
 GEORGE R. KINLEY  
 DALE L. TIEDEN

ON THE PART OF THE HOUSE:

NED F. CHIDO, Chair  
 MICHAEL GRONSTAL  
 EDWARD PARKER  
 LAVERNE SCHROEDER  
 BOB RENKEN

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2215**

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the House and Senate on Senate File 2215, a bill for an Act to provide for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract, respectfully make the following report:

1. That the Senate recedes from its amendment H-6390 to the House amendment to Senate File 2215, as amended, passed, and reprinted by the Senate.

2. That the House recedes from its amendment S-5940 to Senate File 2215, as amended, passed, and reprinted by the Senate.

3. That Senate File 2215, as amended, passed, and reprinted by the Senate is amended as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

**"Section 1. 279.19A NEW SECTION. EXTRACURRICULAR CONTRACTS.**

1. School districts employing individuals to coach interscholastic athletic activities shall issue a separate extracurricular contract for each of these activities. An extracurricular contract offered under this section shall be separate from the contract issued under section 279.13. Wages for employees who coach these activities shall be paid pursuant to established or negotiated supplemental pay schedules. An extracurricular contract shall be in writing, and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon. The contract shall be for a single school year and may be continued as provided in subsection 2.

2. An extracurricular contract shall be continued automatically in force and effect for equivalent periods, except as modified or terminated by mutual agreement of the board of directors and the employee, or terminated in accordance with this section. An extracurricular contract shall initially be offered by the employing board to an individual on the same date that contracts are offered to teachers under section 279.13. An extracurricular contract may be terminated at the end of a school year pursuant to sections 279.15 through 279.19. If the school district offers an extracurricular contract for an activity for the subsequent school year to an employee who is currently performing under an extracurricular contract for that activity, and the employee does not wish to accept the extracurricular contract for the subsequent year, the employee may resign from the extracurricular contract within twenty-one days after it has been received.

Section 279.13, subsection 3, applies to this section.

3. The board of directors of a school district may require an employee who has resigned from an extracurricular contract to accept, as a condition of employment under section 279.13, the extracurricular contract for the subsequent school year if all of the following conditions apply:

a. The employee has accepted a teaching contract issued by the board pursuant to section 279.13 for the subsequent school year.

b. The board of directors has made a good faith effort to fill the coaching position with a replacement.

c. The position has not been filled by June 1 of the year in which the employee resigned the extracurricular contract.

4. As a condition of employment under section 279.13, the board of directors of a school district may require an employee who has been issued a teaching contract pursuant to section 279.13 to accept an extracurricular contract for which the employee is certificated, or may require as a condition of employment that an applicant for a teaching contract under section 279.13 accept an extracurricular contract if all of the following conditions apply:

a. The individual who held the coaching position during the year has not been issued a teaching contract by the board pursuant to section 279.13 for the subsequent school year, or has been terminated from the extracurricular contract.

b. The board of directors has made a good faith effort to fill the coaching position with a replacement.

c. The position has not been filled by June 1 of the year in which the vacancy occurred for the interscholastic athletic activity.

5. By June 1 of that year, the board shall notify the employee in writing if the board intends to require the employee to accept an extracurricular contract for the subsequent school year under subsection 3 or 4. If the employee believes that the board did not make a good faith effort to fill the position the employee may appeal the decision by notifying the board in writing within seven school days after receiving the notification.

The appeal shall state why the employee believes that the board did not make a good faith effort to fill the position. If the parties are unable to informally resolve the dispute, the parties shall attempt to agree upon an alternative means of resolving the dispute.

If the dispute is not resolved by mutual agreement, either party may appeal to the district court.

6. Subsections 3, 4, and 5 do not apply if the terms of a collective bargaining agreement provide otherwise.

7. An extracurricular contract may be terminated prior to the expiration of that contract pursuant to section 279.27.

8. A termination proceeding of an extracurricular contract either by the board pursuant to subsection 2 or pursuant to section 279.27 does not affect a contract issued pursuant to section 279.13.

A termination of a contract entered into pursuant to section 279.13, or a resignation from that contract by the teacher, constitutes an automatic termination or resignation of the extracurricular contract in effect between the same teacher and the employing school board.

9. For the purposes of this section, "good faith effort" includes advertising for the position in an appropriate publication, interviewing applicants, and giving serious consideration to those certificated or authorized, and otherwise qualified, applicants who apply.

**Sec. 2. NEW SECTION. 279.19B COACHING ENDORSEMENT AND AUTHORIZATION.** The board of directors of a school district shall offer an extracurricular contract for varsity head coach of the interscholastic athletic activities of football, basketball, track, baseball, softball, volleyball, gymnastics, hockey, and wrestling only to an individual possessing a teaching certificate with a coaching endorsement issued pursuant to chapter 260.

The board of directors of a school district may employ for head coach of other interscholastic athletic activities or for assistant coach of any interscholastic athletic activity, an individual who possesses a coaching authorization issued by the department of public instruction. An individual who has been issued a coaching authorization and is employed by the board of directors of a school district serves at the pleasure of the board of directors and is not subject to sections 279.13, 279.15 through 279.19, and 279.27. Chapter 272A and section 279.19A, subsection 1, apply to coaching authorizations.

**Sec. 3. NEW SECTION. 260.31 COACHING AUTHORIZATION.**

1. The minimum requirements for the board to award a coaching authorization to an applicant are:

a. Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of the structure and function of the human body in relation to physical activity.

b. Successful completion of one semester credit hour or ten contact hours in a course relating to knowledge and understanding of human growth and development of children and youth in relation to physical activity.

c. Successful completion of two semester credit hours or twenty contact hours in a course relating to knowledge and understanding of the prevention and care of athletic injuries and medical and safety problems relating to physical activity.

d. Successful completion of one semester credit hour or ten contact hours relating to knowledge and understanding of the techniques and theory of coaching interscholastic athletics.

2. The board of educational examiners shall adopt rules under chapter 17A for coaching authorizations including, but not limited to approval of courses, validity and expiration, fees, and suspension and revocation of authorizations. The board of educational examiners shall work with institutions of higher education, private colleges and universities, merged area schools, and area education agencies to insure that the courses required under subsection 1 are offered throughout the state at convenient times and at a reasonable cost.

Sec. 4. Extracurricular contracts shall be offered pursuant to this Act on or after March 15, 1985 for the school year commencing July 1, 1985."

ON THE PART OF THE SENATE:

JOE BROWN, Chair  
MILO COLTON  
ARTHUR L. GRATIAS  
WALLY E. HORN

ON THE PART OF THE HOUSE:

BRIAN CARTER, Chair  
RICHARD GROTH  
GEORGE SWEARINGEN

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2262

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 2262, a bill for an Act relating to health insurance by requiring that coverage for educational programs for diabetes be offered, respectfully make the following report:

1. That the Senate concur in the House amendment, S-5731, to Senate File 2262, as amended, passed, and reprinted by the Senate.

ON THE PART OF THE HOUSE:

EDWARD G. PARKER, Chair  
NED F. CHIDO  
DARRELL R. HANSON  
BETTY HOFFMANN-BRIGHT  
BOB SKOW

ON THE PART OF THE SENATE:

JAMES V. GALLAGHER, Chair  
JOHN W. JENSEN  
JOHN N. NYSTROM  
BERL E. PRIEBE  
DALE L. TIEDEN

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2291

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 2291, a bill for an Act relating to the finance charges permitted in open-end credit accounts including credit cards, respectfully make the following report:

1. That the members of the Conference Committee are unable to reach agreement.

ON THE PART OF THE SENATE:

GEORGE R. KINLEY, Chair  
EDGAR H. HOLDEN  
EMIL J. HUSAK  
WILLIAM D. PALMER  
JACK RIFE

ON THE PART OF THE HOUSE:

THOMAS E. SWARTZ, Chair  
ROBERT C. ARNOULD  
NED F. CHIDO  
HUGO SCHNEKLOTH  
LAVERNE SCHROEDER



**SENATE RESOLUTIONS AND  
CONCURRENT RESOLUTIONS**

**Adopted During The  
Seventieth General Assembly  
1984 Regular Session**

## SENATE RESOLUTION 101

By: Committee on Rules and Administration

- 1 A Senate Resolution relating to the rules of  
 2 the senate  
 3 BE IT RESOLVED BY THE SENATE, That the rules of  
 4 the senate approved in Senate Resolution 1, adopted  
 5 January 11, 1983, be amended as follows:  
 6 1. That rule 30 be amended to read as follows:  
 7 Resolutions  
 8 1. A "senate resolution" is a resolution acted  
 9 upon only by the senate which expresses sentiment  
 10 or is used for the appointment of special committees  
 11 within the senate. A senate resolution requires the  
 12 affirmative vote of a majority of the senators present  
 13 and voting. ~~It~~ A senate resolution shall be filed  
 14 with the secretary of the senate and printed in the  
 15 journal. A senate resolution shall be printed in  
 16 the bound journal after its adoption and in the daily  
 17 journal upon written request to the secretary of the  
 18 senate by the sponsor of the resolution.  
 19 2. A "concurrent resolution" is a resolution to  
 20 be adopted by both houses of the general assembly  
 21 which expresses the sentiment of the general assembly  
 22 or deals with temporary legislative matters. It may  
 23 authorize the expenditure, for any legislative purpose,  
 24 of funds appropriated to the general assembly. A  
 25 concurrent resolution is not limited to, but may  
 26 provide for a joint convention of the general assembly,  
 27 adjournment or recess of the general assembly, or  
 28 requests to a state agency or to the general assembly  
 29 or a committee. A concurrent resolution requires  
 30 the affirmative vote of a majority of the senators

Page 2

- 1 present and voting and shall not be transmitted to  
 2 the governor. ~~It~~ A concurrent resolution shall be  
 3 filed with the secretary of the senate and printed  
 4 in the journal. A concurrent resolution shall be  
 5 printed in the bound journal after its adoption and  
 6 in the daily journal upon written request to the  
 7 secretary of the senate by the sponsor of the  
 8 resolution.  
 9 3. A "joint resolution" is a resolution which  
 10 requires for approval the affirmative vote of a  
 11 constitutional majority of each house of the general  
 12 assembly. A joint resolution which appropriates funds  
 13 or enacts temporary laws must contain the clause "Be

14 It Enacted by the General Assembly of the State of  
 15 Iowa.", is equivalent to a bill, and must be  
 16 transmitted to the governor for his approval. A joint  
 17 resolution which proposes amendments to the  
 18 Constitution of the State of Iowa, ratifies amendments  
 19 to the Constitution of the United States, proposes  
 20 a request to Congress or an agency of the government  
 21 of the United States of America, proposes to Congress  
 22 an amendment to the Constitution of the United States  
 23 of America, or creates a special commission or  
 24 committee must contain the clause "Be It Resolved  
 25 by the General Assembly of the State of Iowa." and  
 26 shall not be transmitted to the governor. No joint  
 27 resolution shall amend a statute in the Code of Iowa.

28 2. That rule 37 be amended to read as follows:

29 Rule 37

30 Finance Committee

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1 The finance committee may introduce bills that  
 2 have a fiscal impact on state government or its  
 3 political subdivisions and may refer a bill back to  
 4 a committee from which the bill has been reported  
 5 with a stipulation that the bill be returned to the  
 6 finance committee by a time established. The bill  
 7 shall be returned to the finance committee by the  
 8 time established or it shall automatically be returned  
 9 to the finance committee. Prior to March 15 the  
 10 finance committee shall not amend a bill until the  
 11 bill has been referred back to a committee and  
 12 returned. On or after March 15 the finance committee  
 13 may report the bill with finance committee amendments.  
 14 A bill originating in the finance committee is not  
 15 required to be referred to the appropriations  
 16 committee, the ways and means committee, or the state  
 17 government committee under rule 38. A bill referred  
 18 to the finance committee shall have a fiscal note  
 19 attached to it when reported out of the finance  
 20 committee.

21 3. That rule 39 be amended to read as follows:

22 Rule 39

23 Rules for Standing Committees

24 The following rules shall govern all standing  
 25 committees of the senate. Any committee may adopt  
 26 additional rules which are consistent with these  
 27 rules:

28 1. A majority of the members shall constitute  
 29 a quorum.

30 2. The chair of a committee shall refer each bill

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1 and resolution to a subcommittee within seven days  
2 after the bill or resolution has been referred to  
3 the committee. The chair may appoint subcommittees  
4 for study of bills and resolutions without calling  
5 a meeting of the committee, but the subcommittee must  
6 be announced at the next meeting of the committee.  
7 No bill or resolution shall be reported out of a  
8 committee until the next meeting after the subcommittee  
9 is announced, except that the chair of the  
10 appropriations committee may make the announcement  
11 of the assignment to a subcommittee by placing a  
12 notice in the journal. Any bill so assigned by the  
13 appropriations committee chair shall be eligible for  
14 consideration by the committee upon report of the  
15 subcommittee but not sooner than three legislative  
16 days following the publication of the announcement  
17 in the journal.

18 When a bill or resolution has been assigned to  
19 a subcommittee, the chair shall report to the senate  
20 the bill or resolution number and the names of the  
21 subcommittee members and such reports shall be reported  
22 in the journal of the last legislative day of each  
23 week.

24 Where standing subcommittees of any committee have  
25 been named, the names of the members and the title  
26 of the subcommittee shall be published once and  
27 thereafter publication of assignments may be made  
28 by indicating the title of the subcommittee.

29 Bills in the finance committee which have been  
30 reported out of another senate committee are not

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1 required to be assigned to a subcommittee.  
2 3. No bill or resolution shall be considered by  
3 a committee until it has been referred to a  
4 subcommittee and the subcommittee has made its report  
5 unless otherwise ordered by a majority of the members.  
6 4. The rules adopted by a committee, including  
7 subsections 2, 3, 9, 10, 11, and 12 of this rule,  
8 may be suspended by an affirmative vote of a majority  
9 of the members of the committee.  
10 5. The affirmative vote of a majority of the  
11 members of a committee is needed to sponsor a committee  
12 bill or resolution or to report a bill or resolution  
13 out for passage.

- 14 6. The vote on all bills and resolutions shall  
 15 be by roll call and a record shall be kept by the  
 16 secretary.
- 17 7. No committee, except a conference committee,  
 18 is authorized to meet when the senate is in session.
- 19 8. A subcommittee shall not report a bill to the  
 20 committee unless the bill has been typed into proper  
 21 form by the legislative service bureau.
- 22 9. A bill or resolution shall not be voted upon  
 23 the same day a public hearing is held on that bill  
 24 or resolution. The presence or participation of a  
 25 member of the legislature, official of the state,  
 26 state department head, member of the press, legislative  
 27 staff member assigned to the committee, or a person  
 28 invited by the committee is not considered a public  
 29 hearing.
- 30 10. Public hearings may be called at the discretion

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- 1 of the chair. The chair shall call a public hearing  
 2 upon the written request of one-half the membership  
 3 of the committee. The chair shall set the time and  
 4 place of the public hearing.
- 5 11. A subcommittee chair must notify the committee  
 6 chair not later than one legislative day prior to  
 7 bringing the bill or resolution before the committee.  
 8 The committee cannot vote on a bill or resolution  
 9 for at least one full day following the receipt of  
 10 the subcommittee report by the chairperson.
- 11 12. A motion proposing action on a bill or  
 12 resolution that has been defeated by a committee shall  
 13 not be voted upon again at the same session of the  
 14 committee.
- 15 13. Committee meetings shall be open.

SENATE RESOLUTION 102

By: Committee on Agriculture

- 1 A resolution asking that the entire state of Iowa  
 2 be declared an agricultural disaster area.
- 3 WHEREAS, forty-one counties of the state of Iowa  
 4 have been declared to be agricultural crop disaster  
 5 areas by United States Secretary of Agriculture John  
 6 Block due to a minimum of thirty percent crop damage  
 7 from weather conditions; and
- 8 WHEREAS, individual farmers within those counties  
 9 not declared disaster areas may have suffered thirty  
 10 percent or more crop damage even though the crop  
 11 damage for the entire county may not be the required

12 minimum of thirty percent of the crop; and  
 13 WHEREAS, it is still necessary for individual  
 14 farmers in those areas which have been declared  
 15 disaster areas to prove a crop loss in excess of  
 16 thirty percent in order to be eligible for federal  
 17 disaster aid; NOW THEREFORE,  
 18 BE IT RESOLVED BY THE SENATE, That Secretary of  
 19 Agriculture Block is urged to declare the whole state  
 20 of Iowa a crop disaster area so that all the farmers  
 21 of the state who have suffered the minimum crop loss  
 22 may be eligible for federal aid; and  
 23 BE IT FURTHER RESOLVED, That copies of this  
 24 resolution shall be sent to Governor Branstad and  
 25 the members of the Iowa Congressional Delegation and  
 26 they are urged to do all in their power to see that  
 27 the entire state is declared an agricultural crop  
 28 disaster area.

## SENATE RESOLUTION 103

By: Committee on Rules and Administration

1 A Senate Resolution relating to gubernatorial  
 2 appointments requiring senate confirmation.  
 3 WHEREAS, section 2.32, subsection 7, requires the  
 4 governor to provide the secretary of the senate with  
 5 a list of all gubernatorial appointments requiring  
 6 senate confirmation during this session by February  
 7 1; and  
 8 WHEREAS, this information has been submitted and  
 9 is on file in the office of the secretary of the  
 10 senate; and  
 11 WHEREAS, that subsection also requires that the  
 12 senate by resolution approve the list or request  
 13 corrections by February 15; NOW THEREFORE,  
 14 BE IT RESOLVED BY THE SENATE, That the following  
 15 list of appointments submitted by the governor pursuant  
 16 to section 2.32, subsection 7, and on file with the  
 17 secretary of the senate is approved:  
 18 Accountancy, Board of  
 19 2 terms commencing 5-1-84 and ending 4-30-87  
 20 Architectural Examiners, Board of  
 21 3 terms commencing 5-1-84 and ending 4-30-87  
 22 1 unexpired portion of a term ending 4-30-85  
 23 Arts Council, Director of Iowa State  
 24 1 term serving at the pleasure of the Governor  
 25 Barber Examiners, State Board of  
 26 2 terms commencing 5-1-84 and ending 4-30-87  
 27 Beer & Liquor Control Council, Iowa  
 28 1 term commencing 5-1-84 and ending 4-30-89

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- 29 Blind, Commission for the
- 30 1 term commencing 5-1-84 and ending 4-30-87

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- 1 1 unexpired portion of a term ending 4-30-85
- 2 Chiropractic Examiners, State Board of
- 3 3 terms commencing 5-1-84 and ending 4-30-87
- 4 City Development Board
- 5 1 term commencing 5-1-84 and ending 4-30-90
- 6 City Finance Committee
- 7 3 terms commencing 5-1-84 and ending 4-30-88
- 8 1 unexpired portion of a term ending 4-30-86
- 9 Civil Rights Commission, Iowa State
- 10 1 unexpired portion of a term ending 4-30-85
- 11 Comptroller, State
- 12 1 term serving at the pleasure of the Governor
- 13 Department of Corrections, Director
- 14 1 term serving at the pleasure of the Governor
- 15 Board of Corrections
- 16 2 terms ending 4-30-85
- 17 2 terms ending 4-30-86
- 18 3 terms ending 4-30-87
- 19 Cosmetology Examiners, State Board of
- 20 2 terms commencing 5-1-84 and ending 4-30-87
- 21 Credit Union Review Board
- 22 2 terms commencing 5-1-84 and ending 4-30-87
- 23 1 unexpired portion of a term ending 4-30-85
- 24 Dental Examiners, State Board of
- 25 3 terms commencing 5-1-84 and ending 4-30-87
- 26 Development Commission, Director of
- 27 1 term serving at the pleasure of the Governor
- 28 Higher Education Loan Authority, Iowa
- 29 1 term commencing 5-1-84 and ending 4-30-90
- 30 1 unexpired portion of a term ending 4-30-88

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- 1 Energy Policy Council
- 2 3 terms commencing 5-1-84 and ending 4-30-88
- 3 Engineering Examiners, State Board of
- 4 3 terms commencing 5-1-84 and ending 4-30-87
- 5 Family Farm Development Authority, Iowa
- 6 3 terms commencing 5-1-84 and ending 4-30-90
- 7 1 unexpired portion of a term ending 4-30-86
- 8 Hearing Aid Dealers, Board of Examiners for
- 9 2 terms commencing 5-1-84 and ending 4-30-87
- 10 Historical Board, State
- 11 2 terms commencing 5-1-84 and ending 4-30-87

- 12 Human Services, Council on
- 13 1 unexpired portion of a term ending 4-30-89
- 14 Job Service Appeal Board
- 15 1 unexpired portion of a term ending 4-30-84
- 16 1 term commencing 5-1-84 and ending 4-30-90
- 17 Job Service, Director of Department of
- 18 1 term serving at the pleasure of the Governor
- 19 Jobs Commission
- 20 5 terms ending 6-30-85
- 21 Landscape Architectural Examiners, Board of
- 22 3 terms commencing 5-1-84 and ending 4-30-87
- 23 2 terms deferred in 1983
- 24 Law Enforcement Academy Council, Iowa
- 25 2 terms commencing 5-1-84 and ending 4-30-88
- 26 Medical Examiners, State Board of
- 27 3 terms commencing 5-1-84 and ending 4-30-87
- 28 Mental Health & Mental Retardation Commission
- 29 5 terms commencing 5-1-84 and ending 4-30-87
- 30 2 unexpired portions of terms ending 4-30-84

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- 1 Mortuary Science Examiners, State Board of
- 2 2 terms commencing 5-1-84 and ending 4-30-87
- 3 Nursing Examiners, State Board of
- 4 3 terms commencing 5-1-84 and ending 4-30-87
- 5 1 unexpired portion of a term ending 4-30-86
- 6 Nursing Home Administrators, Board of Examiners for
- 7 2 terms commencing 5-1-84 and ending 4-30-87
- 8 1 unexpired portion of a term ending 4-30-85
- 9 2 unexpired portions of terms ending 4-30-86
- 10 Occupational Safety & Health Review Commission
- 11 1 term commencing 5-1-84 and ending 4-30-90
- 12 Optometry Examiners, State Board of
- 13 3 terms commencing 5-1-84 and ending 4-30-87
- 14 Parole, Iowa Board of
- 15 1 term commencing 5-1-84 and ending 4-30-89
- 16 1 unexpired portion of a term ending 4-30-86
- 17 Pharmacy Examiners, State Board of
- 18 3 terms commencing 5-1-84 and ending 4-30-87
- 19 Physical & Occupational Therapy Examiners, State Board of
- 20 3 terms commencing 5-1-84 and ending 4-30-87
- 21 1 unexpired portion of a term ending 4-30-84
- 22 Podiatry Examiners, State Board of
- 23 2 terms commencing 5-1-84 and ending 4-30-87
- 24 Iowa Product Development Corporation
- 25 3 terms ending 4-30-85
- 26 4 terms ending 4-30-87
- 27 Psychology Examiners, State Board of



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- 28 3 terms commencing 5-1-84 and ending 4-30-87
- 29 1 unexpired portion of a term ending 4-30-84
- 30 Public Employment Relations Board

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- 1 2 terms commencing 5-1-84 and ending 4-30-88
- 2 1 unexpired portion of a term ending 4-30-84
- 3 Public Instruction, State Board of
- 4 3 terms commencing 5-1-84 and ending 4-30-90
- 5 Railway Finance Authority, Iowa
- 6 2 terms commencing 5-1-84 and ending 4-30-90
- 7 State Racing Commission
- 8 2 terms ending 4-30-84
- 9 2 terms ending 4-30-85
- 10 1 term ending 4-30-86
- 11 Real Estate Commission, Iowa
- 12 2 terms commencing 5-1-84 and ending 4-30-87
- 13 Regents, State Board of
- 14 1 unexpired portion of a term ending 4-30-89
- 15 Rural Community Development Committee, Iowa
- 16 2 terms commencing 5-1-84 and ending 4-30-90
- 17 Small Business Advisory Council
- 18 5 terms ending 4-30-85
- 19 6 terms ending 4-30-87
- 20 Speech Pathology & Audiology Examiners, State Board of
- 21 2 terms commencing 5-1-84 and ending 4-30-87
- 22 Tax Study Committee
- 23 4 terms ending 12-31-84
- 24 Iowa High Technology Council
- 25 6 terms ending 4-30-85
- 26 7 terms ending 4-30-87
- 27 Transportation Commission, State
- 28 2 terms commencing 5-1-84 and ending 4-30-88
- 29 Veterinary Medicine Examiners, State Board of
- 30 2 terms commencing 5-1-84 and ending 4-30-87

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- 1 Waterworks & Waste Waterworks Operators, Board of Certification of
- 2 4 terms commencing 5-1-84 and ending 4-30-87

S.R. 104

For the text of this resolution, see page 393 of the Senate Journal.

## SENATE RESOLUTIONS

## SENATE RESOLUTION 106

By: Tieden

1 A Resolution requesting a change in the national standards  
 2 for the composition of milk to require a higher milkfat  
 3 and milk solids-not-fat content.  
 4 WHEREAS, Iowa is a leading producer of milk and  
 5 milk products, with 378,000 milk cows producing over  
 6 4.1 billion pounds of milk annually, and  
 7 WHEREAS, Iowa is a substantial exporter of milk  
 8 and milk products to other states, being the eighth  
 9 most productive state in terms of dairy products;  
 10 and  
 11 WHEREAS, national milk production is substantially  
 12 in excess of demand, as evidenced by the fact that  
 13 national milk production has increased 11.8% since  
 14 1978 while commercial milk sales increased only 3%  
 15 during the same period; and  
 16 WHEREAS, national standards for the composition  
 17 of milk products are set by the Federal Food and Drug  
 18 Administration, providing the uniformity in standards  
 19 so necessary for the unencumbered flow of milk and  
 20 milk products in interstate commerce; and  
 21 WHEREAS, it is widely believed that an increase  
 22 in the standards for milkfat and milk solids-not-fat  
 23 will improve milk sales by providing a more uniform  
 24 product with greater body and a richer taste; and  
 25 WHEREAS, in light of research at several state  
 26 universities that has demonstrated that milk with  
 27 a higher solids content is more acceptable to consumers  
 28 and is more nutritious, revision of federal standards  
 29 would seem to be desirable; NOW THEREFORE,  
 30 BE IT RESOLVED BY THE SENATE, That Congress is

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1 encouraged to adopt legislation or take other steps  
 2 to increase the national standards for milkfat, solids-  
 3 not-fat, or total milk solids; and  
 4 BE IT FURTHER RESOLVED, That a copy of this  
 5 Resolution shall be mailed to each member of the Iowa  
 6 Congressional Delegation.

## SENATE RESOLUTION 107

By: Committee on Agriculture

1 A Senate Resolution calling for the United States  
 2 Congress to enact into law the Agricultural  
 3 Producers Antitrust Access Act.

4 WHEREAS, the economy of Iowa is heavily dependent  
5 upon the well-being of the agricultural producers  
6 of this state; and

7 WHEREAS, the Iowa producers of cattle, hogs, sheep,  
8 grains, and soybeans are large in number but small  
9 in market power because each individual producer  
10 constitutes only a miniscule segment of the producers  
11 of the agricultural product; and

12 WHEREAS, markets into which the agricultural  
13 producers of Iowa sell are highly concentrated and  
14 are susceptible to pricing collusion because of the  
15 small numbers of purchasers with significant market  
16 shares; and

17 WHEREAS, the markets into which the agricultural  
18 producers of Iowa sell are in interstate commerce  
19 and thus subject to the jurisdiction of the United  
20 States of America; and

21 WHEREAS, agricultural producers of Iowa typically  
22 sell their commodities to middleman handlers before  
23 they reach the buyer with the highly concentrated  
24 market power; and

25 WHEREAS, the Supreme Court of the United States  
26 has interpreted Section 4 of the Clayton Act as  
27 preventing persons not dealing directly with price  
28 fixers from suing for damages resulting from the price  
29 fix, even though the middleman has no significant  
30 damage and all damage is aimed at and incurred by

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1 the indirect sellers, such as the agricultural  
2 producers of Iowa; and

3 WHEREAS, there has been introduced into the Senate  
4 of the United States a bill to amend the Clayton Act  
5 to allow certain sellers of agricultural products  
6 to bring antitrust actions to redress injuries by  
7 an action in damages; NOW THEREFORE,

8 BE IT RESOLVED BY THE SENATE, That the Congress  
9 of the United States be encouraged to enact into law  
10 the Agricultural Producers Antitrust Access Act now  
11 pending for consideration before the United States  
12 Senate in order to protect the interests of Iowa  
13 producers of cattle, hogs, sheep, grains, and soybeans  
14 from price fixing and other violations of the antitrust  
15 laws occurring in interstate commerce and now insulated  
16 from effective redress by federal court interpretations  
17 of Illinois Brick v. Illinois, 432 U.S. 720 (1977),  
18 and Hanover Shoe Co. v. United Shoe Machinery Co.,  
19 392 U.S. 481 (1968), and

## SENATE RESOLUTIONS

20 BE IT FURTHER RESOLVED, That copies of this  
 21 resolution be sent to the President of the United  
 22 States Senate and all members of the Iowa Congressional  
 23 Delegation.

SENATE RESOLUTION 109  
 By: Committee on Appropriations

1 A Resolution commending Senator Bass Van Gilst and  
 2 Representative Lester Menke for their efforts  
 3 in the field of education.  
 4 WHEREAS, Senator Bass Van Gilst and Representative  
 5 Lester Menke have spent seventeen and eight years  
 6 respectively supporting the educational system in  
 7 the state of Iowa through careful scrutiny of the  
 8 education appropriations process; and  
 9 WHEREAS, Senator Van Gilst and Representative Menke  
 10 have strived for improvements at all levels of  
 11 education; and  
 12 WHEREAS, Iowa is highly regarded across the nation  
 13 as a leader in education because of superior  
 14 legislative support by persons such as Senator Van  
 15 Gilst and Representative Menke; and  
 16 WHEREAS, improving the educational system for the  
 17 well-being of each student in the state of Iowa has  
 18 been a goal of Senator Van Gilst and Representative  
 19 Menke during their tenure in the Iowa Legislature;  
 20 and  
 21 WHEREAS, the positions left by the Honorable Senator  
 22 and Representative will be difficult to fill with  
 23 individuals as supportive to the needs of education  
 24 in Iowa; NOW THEREFORE,  
 25 BE IT RESOLVED BY THE SENATE COMMITTEE ON  
 26 APPROPRIATIONS, That Senator Bass Van Gilst and  
 27 Representative Lester Menke be commended for their  
 28 faithful, dedicated, and sincere efforts in their  
 29 drive to keep the educational system in the state  
 30 of Iowa at the forefront of the nation; and

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1 BE IT FURTHER RESOLVED, That Senator Van Gilst  
 2 and Representative Menke receive copies of this  
 3 resolution.

SENATE RESOLUTION 112  
 By: Committee on Rules and Administration

1 A Resolution relating to daily operations of the Senate.  
 2 WHEREAS, the legislative authority of this state

3 is vested in the general assembly consisting of the  
4 senate and the house of representatives; and  
5 WHEREAS, the senate necessarily incurs substantial  
6 expenses for its daily operations; and  
7 WHEREAS, the senate is authorized to expend funds  
8 from the state treasury necessary to pay for its  
9 expenses and for expenses incurred jointly by the  
10 senate and house of representatives; and  
11 WHEREAS, it is deemed advisable and proper for  
12 the senate to make expenditures in accordance with  
13 a budgetary plan; NOW THEREFORE,  
14 BE IT RESOLVED BY THE SENATE:  
15 SECTION 1. Expenditures of the senate payable  
16 pursuant to Iowa Code sections 2.10 through 2.14  
17 inclusive for the regular legislative session and  
18 the interim period during the fiscal year beginning  
19 July 1, 1984 and ending June 30, 1985, are budgeted  
20 to be as follows:  
21 A. Session expenses including members' and  
22 temporary staff compensation and other current expenses  
23 in an amount not to exceed \$1,780,227.  
24 B. Interim expenses including members' and staff  
25 compensation and other current expenses in an amount  
26 not to exceed \$173,000.  
27 C. Fixed expenses, including permanent employees'  
28 compensation and equipment in an amount not to exceed  
29 \$711,500.  
30 Sec. 2. The Secretary of the senate shall

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1 immediately provide written notice to the majority  
2 and minority leaders of the senate and to the chair  
3 and ranking member of the senate appropriations  
4 committee if actual expenditures payable pursuant  
5 to Iowa Code sections 2.10 through 2.14 inclusive  
6 exceed the maximum amount allocated to any category  
7 of the budget provided by section 1 of this resolution.  
8 The written notice shall specify the amount of and  
9 reasons for any excess expenditure.  
10 Sec. 3. The expenditures referred to in section  
11 2 of this resolution shall consist only of those sums  
12 required for payment of the various expenses of the  
13 general assembly including such items as legislative  
14 printing expenses, unpaid expenses incurred during  
15 the interim between sessions of the general assembly,  
16 expenditures incurred pursuant to resolutions, and  
17 expenses for purchases of legislative equipment and  
18 supplies necessary to carry out the functions of the  
19 general assembly. Expenses for renovation and  
20 remodeling of the senate chamber or offices approved

21 by the committee on rules and administration are not  
 22 included in the budget set forth in this resolution.  
 23 Sec. 4. If a special session of the general  
 24 assembly is held, the committee on rules and  
 25 administration shall submit for consideration of the  
 26 senate a resolution providing for a budget for the  
 27 special session.

## S.R. 115

For the text of this resolution, see pages 1764 and 1765 of the Senate Journal.

## S.R. 116

For the text of this resolution, see page 1764 of the Senate Journal.

## S.R. 117

For the text of this resolution, see page 1763 of the Senate Journal.

## S.R. 118

For the text of this resolution, see pages 1738 and 1739 of the Senate Journal.

## SENATE CONCURRENT RESOLUTION 101

By: Committee on Rules and Administration

1 A Senate Concurrent Resolution relating to the  
 2 joint rules.  
 3 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
 4 That rule 17 of the joint rules of the house and  
 5 senate approved in House Concurrent Resolution 2,  
 6 adopted January 17, 1983, be amended to read as  
 7 follows:  
 8 **Rule 17**  
 9 **Fiscal Notes**  
 10 A fiscal note shall be attached to any bill or  
 11 joint resolution which reasonably could have an annual  
 12 effect of at least one hundred thousand dollars or  
 13 a combined total effect within five years after  
 14 enactment of five hundred thousand dollars or more  
 15 on the aggregate revenues, expenditures or fiscal  
 16 liability of the state or its subdivisions. However,  
 17 notwithstanding the fiscal limitations stated in this  
 18 rule, any bill referred to a finance committee of  
 19 either house shall have a fiscal note attached to  
 20 it when reported out of the finance committee. This  
 21 rule does not apply to appropriation and ways and  
 22 means measures where the total effect is stated in

23 dollar amounts.

24 The preliminary determination of whether the bill  
25 appears to require a fiscal note shall be made by  
26 the legislative service bureau which shall send a  
27 copy of the request to the legislative fiscal bureau  
28 unless the requestor specifies the request is to be  
29 confidential. Upon completion of the bill draft,  
30 the legislative service bureau shall immediately send

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1 a copy to the legislative fiscal director for review.  
2 If the legislative fiscal bureau confirms that a  
3 fiscal note is required, the words "FISCAL NOTE  
4 REQUIRED" shall be prominently stamped on the bill  
5 jacket.

6 When a committee reports a bill to the floor, the  
7 committee shall state in the report whether a fiscal  
8 note is or is not required.

9 The fiscal note shall be printed on the bill before  
10 introduction if practicable; and the secretary of  
11 the senate or chief clerk of the house shall attach  
12 the fiscal note to the bill as soon as it is available.

13 The legislative fiscal director shall prepare the  
14 fiscal note within a reasonable time after receiving  
15 the request and necessary information. A copy of  
16 the fiscal note shall be filed by the legislative  
17 fiscal director, for distribution, with the secretary  
18 of the senate or the chief clerk of the house unless  
19 within one legislative day a request for a revised  
20 fiscal note is filed with the legislative fiscal  
21 director. The legislative fiscal director may request  
22 the cooperation of the state comptroller or any state  
23 department or agency. If a fiscal note is prepared  
24 by the comptroller or any state department or agency  
25 at the request of the fiscal director, that fact shall  
26 be stated in the note.

27 Each fiscal note shall state in dollars the  
28 estimated effect of the bill on the revenues,  
29 expenditures, and fiscal liability of the state during  
30 the first five years after enactment. The information

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1 shall specifically note the fiscal impact for the  
2 first two years following enactment and the anticipated  
3 impact for the succeeding three years. Sources of  
4 funds for expenditures under the bill shall be stated,  
5 including federal funds. If the fiscal director

6 cannot make an accurate estimate, the director shall  
7 state the best available estimate or shall state that  
8 no dollar estimate can be made and state concisely  
9 the reason.

10 The fiscal note shall be attached or printed in  
11 the bill following the explanation or shall be printed  
12 in the daily clip sheet.

13 A revised fiscal note may be requested by a  
14 committee chair or a sponsor of the bill if the fiscal  
15 effect of the bill has been changed by adoption of  
16 an amendment. However, a request for a revised fiscal  
17 note shall not delay action on a bill, unless so ordered  
18 by the presiding officer of the house in which the  
19 bill is under consideration.

20 If a date for adjournment has been set, then a  
21 constitutional majority of the house in which the  
22 bill is under consideration may waive the fiscal note  
23 requirement during the three days prior to the date  
24 set for adjournment.

#### SENATE CONCURRENT RESOLUTION 102

By: Junkins and Hultman

1 A Concurrent Resolution designating February 11, 1984,  
2 as a day to celebrate freedom from alcohol and drug  
3 dependency.

4 WHEREAS, the State of Iowa is recognized for leader-  
5 ship among the fifty states in the recognition, early  
6 intervention and treatment of alcohol and drug depen-  
7 dency; and

8 WHEREAS, on the 11th day of February, 1984, more  
9 than 10,000 recovering and concerned people from all  
10 areas of Iowa will assemble in Des Moines, Iowa, to  
11 celebrate freedom from dependency on alcohol and other  
12 drugs; and

13 WHEREAS, the Legislature of the State of Iowa finds  
14 and believes that the best interest of the State  
15 requires continued support for efforts to encourage  
16 treatment of alcohol and drug dependency by reducing  
17 the stigma attached to these diseases; NOW THEREFORE,

18 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCUR-  
19 RING, That February 11, 1984, be designated as Freedom  
20 Fest 1984 and that the citizens of Iowa be encouraged  
21 to support this positive demonstration of encourage-  
22 ment for persons suffering alcohol and drug depen-  
23 dency.



## SENATE CONCURRENT RESOLUTION 103

By: Junkins and Hultman

- 1 A concurrent resolution congratulating Governor and  
 2 Mrs. Terry Branstad on the birth of their son.  
 3 WHEREAS, at 6:05 a.m., Sunday, January 22, 1984,  
 4 Marcus Andrew Branstad was born; and  
 5 WHEREAS, Marcus Andrew Branstad is the first baby  
 6 born to an Iowa governor since Martha Electa Briggs  
 7 was born to Iowa's first governor, Ansell Briggs,  
 8 in 1847; and  
 9 WHEREAS, the third child of Governor and Mrs.  
 10 Branstad is doing well as are both the mother and  
 11 father; NOW THEREFORE,  
 12 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
 13 That Governor and Mrs. Terry Branstad are congratulated  
 14 by the Senate and House of Representatives of the  
 15 Iowa General Assembly and all members of the Senate  
 16 and House look forward to Marcus Andrew Branstad  
 17 joining the members of his family at Terrace Hill.

## SENATE CONCURRENT RESOLUTION 106

By: Committee on State Government

- 1 A Concurrent Resolution citing legislative approval  
 2 of the plan of operation for the state of Iowa  
 3 federal surplus property program of the depart-  
 4 ment of general services as drafted in accordance  
 5 with Public Law 94-519.  
 6 WHEREAS, the state of Iowa federal surplus property  
 7 program, of the department of general services, has  
 8 been operating under a temporary plan of operation;  
 9 and  
 10 WHEREAS, former Governor Robert D. Ray, approved  
 11 the temporary plan in July, 1977; and  
 12 WHEREAS, Governor Terry E. Branstad has reviewed  
 13 and approved the temporary plan of operation; and  
 14 WHEREAS, the federal general services administration  
 15 has accepted this plan of operation; NOW THEREFORE,  
 16 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
 17 That the general assembly approves the plan of  
 18 operation of the Iowa federal surplus property program  
 19 of the department of general services.

## SENATE CONCURRENT RESOLUTION 111

By: Junkins, Hultman, Hutchins, Jensen, Priebe and Van Gilst

- 1 A Senate Concurrent Resolution relating to farm conditions.  
 2 WHEREAS, the state of Iowa, one of the major

3 agricultural states in the United States, is suffering  
4 from a financial crisis in agriculture that affects  
5 not only the economic health of this state, but also  
6 the economic health of the midwestern and national  
7 economies, due to forces beyond the power of the state  
8 to control or abrogate; and

9 WHEREAS, the viability of Iowa agriculture rests  
10 upon the 115,000 farms in this state, and a percentage  
11 of these farms have been beset by circumstances beyond  
12 their control including sustained high interest rates,  
13 declining land values which have eroded farm equity,  
14 commodity prices below the cost of production, and  
15 successive years of weather-related problems; and

16 WHEREAS, a survey of farmers and financial  
17 institutions in Iowa conducted by the Iowa Department  
18 of Agriculture indicates that forty percent of the  
19 farms with land and operational loans have a debt-  
20 to-asset ratio of 41.7% when the state average is  
21 29.5%, as compared to a state average of 14.3% in  
22 1977, and that possibly ten percent of the farms in  
23 Iowa will not survive, resulting in the loss of 11,000  
24 farms and 60,000 farm residents; and

25 WHEREAS, the need for additional credit and  
26 refinancing for farmers through federally and state-  
27 chartered financial institutions has been exhausted,  
28 and the state government's budget reflects the fact  
29 that eight out of ten jobs in Iowa depend on the  
30 agricultural economy, leaving the state with

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1 insufficient resources to address this problem at  
2 a time when spring planting is only a few weeks away;  
3 and

4 WHEREAS, there are federal emergency assistance  
5 programs available, that with proper and immediate  
6 modification, will allow those farms with the greatest  
7 need to qualify for additional and necessary  
8 assistance; NOW THEREFORE,

9 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,  
10 That the Seventieth General Assembly requests the  
11 following actions be immediately taken by the federal  
12 government to assist the state in providing this  
13 emergency assistance:

14 1. Modify the Farmers Home Administration Emergency  
15 Loan Program for the 1983 drought disaster to include  
16 the following:

17 a. Allow farmers with negative cash flows but  
18 sound equity positions and reasonable prospects of

- 19 success to participate.
- 20 b. Use 1982 price levels in the calculation of  
21 the loss and valuation of equity for collateral.
- 22 c. Waive the 30% minimum loss criteria so that  
23 more farmers would have the opportunity to obtain  
24 some funding for 1984 at advantageous rates.
- 25 d. Extend the sign-up period for an additional  
26 60 to 90 days.
- 27 2. Make additional credit available through the  
28 Farmers Home Administration under the low resource  
29 category to farmers with negative cash flows but with  
30 prospects of survival, especially when the interest

Page 3

- 1 rate savings will return their operation to a  
2 profitable basis.
- 3 3. Allow deferral of the repayment for the advanced  
4 1983 deficiency payment due in 1984 for at least one  
5 year.
- 6 4. Modify the emergency feed grain program to  
7 make higher grades of corn available at lower costs,  
8 and lower the 30% loss criteria to expand the  
9 eligibility of livestock producers so that government  
10 corn can be utilized and at the same time improve  
11 1984 farm profitability.
- 12 5. Mandate the Small Business Administration to  
13 increase the number of loans accepted under disaster  
14 applications from agricultural businesses.
- 15 6. Mandate the Internal Revenue Service to allow  
16 farmers the opportunity to sell their accumulated  
17 capital losses or investment tax credits to outside  
18 investors, thus encouraging investment in agriculture  
19 at a time when it is critical that new funds be found.
- 20 7. Include grass and hay crops in the Federal  
21 Crop Insurance Program.
- 22 8. Lower Federal Crop Insurance premiums for those  
23 farms which qualify for emergency disaster assistance.
- 24 9. Pay the deficiency payments due for the 1984  
25 feed grain program in advance.
- 26 10. Allow grazing or baling of diverted acres  
27 under the 1984 Farm Program.
- 28 11. Increase funding for the study of alternative  
29 uses for corn and soybeans; and  
30 BE IT FURTHER RESOLVED, That a copy of this

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- 1 resolution be transmitted to the President of the  
2 United States, the Vice President of the United States,

3 the United States Secretary of Agriculture, and each  
4 member of the Iowa Congressional delegation.

**SENATE CONCURRENT RESOLUTION 118**

By: Committee on Appropriations

1 A Senate Concurrent Resolution relating to state  
2 mental health institutes.

3 WHEREAS, it has been suggested that there is  
4 overstaffing of management and administrative personnel  
5 at Woodward state hospital school; and

6 WHEREAS, similar staffing patterns are employed  
7 at Glenwood state hospital school and the state mental  
8 health institutes at Cherokee, Clarinda, Independence  
9 and Mount Pleasant; and

10 WHEREAS, promotion of efficiency in government  
11 is a top priority of the general assembly; NOW

12 THEREFORE,

13 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

14 That the legislative council consider authorizing  
15 the legislative fiscal bureau to conduct a program  
16 evaluation of the management of the state mental  
17 health institutes at Cherokee, Clarinda, Independence  
18 and Mount Pleasant, and the state hospital schools  
19 at Glenwood and Woodward, to determine if the  
20 management and supervisory staff can be reduced without  
21 reducing the quality or amount of treatment services  
22 being delivered; and

23 BE IT FURTHER RESOLVED, That if the scope of the  
24 authorized evaluation is reduced to include only one  
25 institution, the legislative council give priority  
26 to the evaluation of the Woodward hospital school.

**SENATE CONCURRENT RESOLUTION 125**

By: Committee on Rules and Administration

1 A Senate Concurrent Resolution relating to interim studies.

2 WHEREAS, resolutions and bills have been introduced  
3 in both the Senate and the House of Representatives  
4 calling for interim studies; and

5 WHEREAS, several legislators have indicated a  
6 desire to introduce resolutions proposing additional  
7 interim studies; and

8 WHEREAS, the time period between the 1984 Session  
9 and the 1985 Session of the General Assembly is limited  
10 and there have been proposals for studies which appear  
11 to have merit but, because of their complexity and  
12 number, cannot all be properly conducted during the  
13 next interim period; and

14 WHEREAS, it is impractical to debate the relative  
15 merits of all proposals; and

16 WHEREAS, many resolutions have been referred to  
17 the Senate Committee on Rules and Administration or  
18 remain in the possession of the House; NOW THEREFORE,

19 BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING,

20 That all resolutions calling for interim studies which  
21 have not been adopted by both houses be delivered  
22 by the Secretary of the Senate, on the part of the  
23 Senate, and the Chief Clerk of the House, on the part  
24 of the House, to the Legislative Council, which shall  
25 determine priorities and shall authorize such studies  
26 as may be feasible within the limits of the staff,  
27 time and funds available; and

28 BE IT FURTHER RESOLVED, That any legislators  
29 desiring to propose any interim study not already  
30 contained in a resolution already filed shall submit

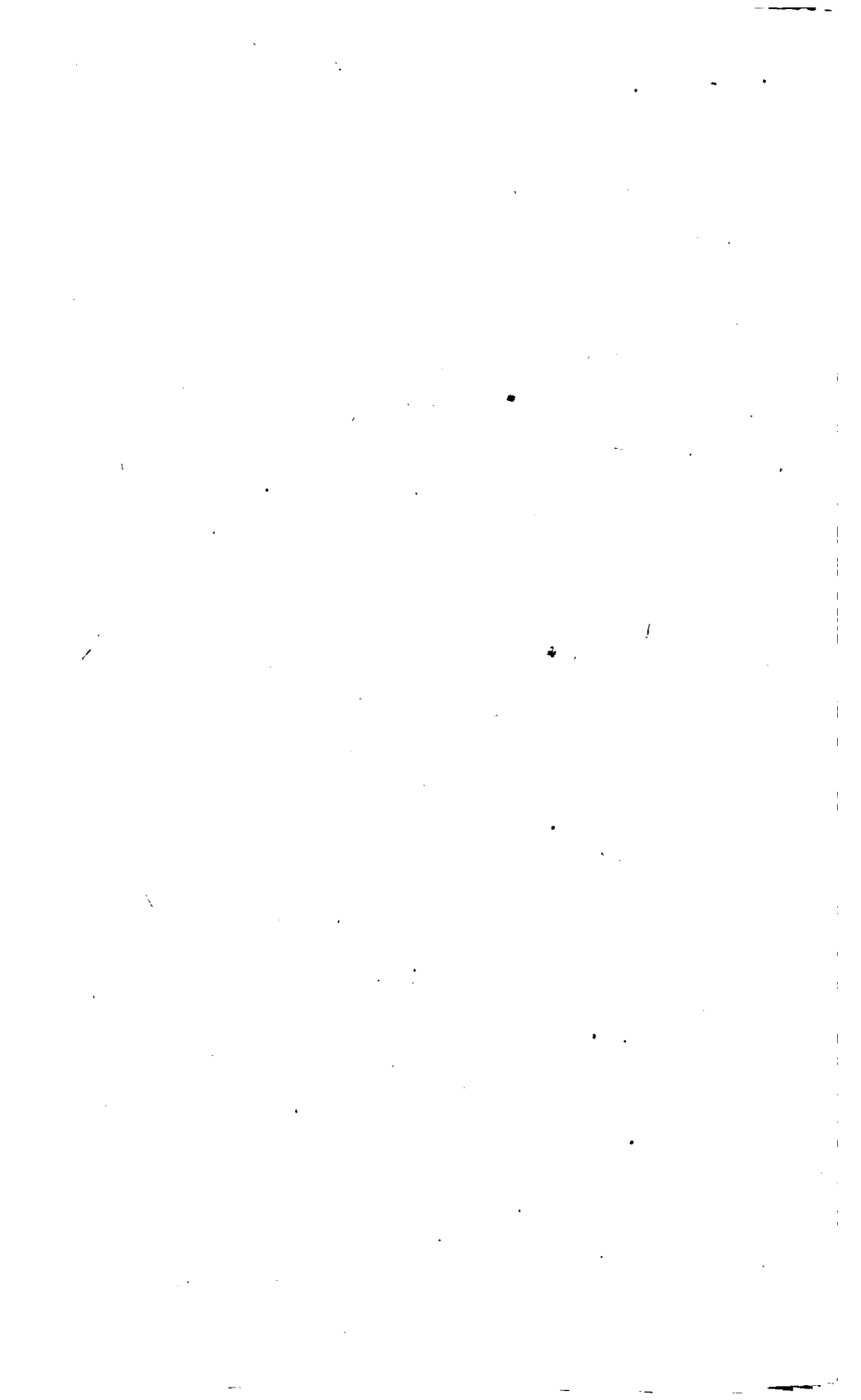
Page 2

1 a letter to the Secretary of the Senate or the Chief  
2 Clerk of the House describing the study; and

3 BE IT FURTHER RESOLVED, That the Secretary of the  
4 Senate and Chief Clerk of the House shall deliver  
5 such letters to the Legislative Council with any  
6 resolutions already filed. The Legislative Council  
7 shall give equal consideration to all studies proposed,  
8 whether by letter or resolution.

S.R. 126

For the text of this resolution, see page 1761 of the Senate Journal.



**SUPPLEMENT  
TO THE  
SENATE JOURNAL**

**Seventieth General Assembly  
1984 Regular Session**

**SENATE BILLS APPROVED, ITEM VETOED  
OR VETOED SUBSEQUENT TO ADJOURNMENT**

The following is a record of action on Senate bills by the Governor and transmitted to the Secretary of State after the close of the 1984 Regular Session:

- S.F. 24— Relating to procedures in small claims actions. Approved May 3, 1984.
- S.F. 163— Creating a possessory lien on personal property in a self-service storage facility and establishing a method for enforcing the lien. Approved April 23, 1984.
- S.F. 176— Relating to the allocation of funds to regional libraries. Approved April 30, 1984.
- S.F. 190— Relating to leaves of absence for persons who are elected to municipal, county, state, or federal offices and providing penalties. Approved May 8, 1984.
- S.F. 253— Relating to qualifications for and exemptions from juror service. Approved May 3, 1984.
- S.F. 292— Relating to qualification and compensation of court interpreters. Approved April 25, 1984.
- S.F. 347— Providing for the issuance of special registration plates to former prisoners of war which contain the letters "POW" followed by three numerals at the regular registration fee. Approved May 10, 1984.
- S.F. 400— Relating to the appointment of the Director of the Office of Planning and Programming. Approved April 25, 1984.
- S.F. 407— Relating to the eligibility for and annuities of the senior judge program. Approved May 8, 1984.
- S.F. 420— Relating to the collection of dishonored checks, drafts, or other negotiable instruments. Approved May 7, 1984.
- S.F. 449— Relating to licensing private investigative agencies and private security agencies, and providing a penalty. Approved May 8, 1984.
- S.F. 451— Relating to enforcement of license discipline by the Board of Medical Examiners. Approved April 30, 1984.



- S.F. 465— Relating to construction, repair, and improvement projects at institutions under the control of the Department of Human Services. Approved May 11, 1984.
- S.F. 480— Relating to jurisdiction of the district court in the possible reconsideration of a felon's or misdemeanor's sentence. Approved April 25, 1984.
- S.F. 505— Relating to the value of property for purposes of certain crimes and certain penalties. Approved April 30, 1984.
- S.F. 511— Relating to construction near a buried electric transmission line. Approved April 24, 1984.
- S.F. 513— Relating to state banks by providing for the name and the location of the principal place of business and offices of a state bank. Approved May 4, 1984.
- S.F. 2005— Relating to actions to enforce the terms of a dissolution, annulment, or separate maintenance decree and providing a penalty. Approved April 24, 1984.
- S.F. 2014— Providing for an independent study of campaign financing of candidates for state offices and the independent expenditures of political committees. Approved May 7, 1984.
- S.F. 2035— Relating to the requirement that the court personally address a defendant when a plea of guilty to a serious misdemeanor is entered by, or on behalf of, a defendant. Approved April 25, 1984.
- S.F. 2040— Amending Iowa's unemployment compensation law by crediting earned interest on the special employment security contingency fund to the temporary emergency surcharge fund, by limiting expenditures from the special employment security contingency fund, by annually transferring certain amounts from the special employment security contingency fund to the temporary emergency surcharge fund or to the unemployment trust fund, and by requiring an annual departmental report detailing planned expenditures from the special employment security contingency fund. Approved May 4, 1984.
- S.F. 2043— Treating the sale of vulcanizing, recapping, and retreading services under the state sales, services, and use tax as a sale of tangible personal property, and providing retroactive effect. Approved May 8, 1984.
- S.F. 2059— Relating to the authority of a standing committee of the General Assembly to call upon a state agency or political subdivision for assistance and information. Approved May 2, 1984.

- S.F. 2063— Relating to the Iowa Product Development Corporation Act. Approved May 2, 1984.
- S.F. 2069— Relating to the exemption certificate furnished by the state, its agencies, and political subdivisions of the state for the delivery of tax-exempt motor fuel. Approved April 25, 1984.
- S.F. 2084— Relating to transition legislation for the Iowa Department of Corrections. Approved May 4, 1984.
- S.F. 2091— Relating to the acquisition of legal settlement by persons hospitalized in or receiving treatment at a state mental health institute or state hospital-school and by institutionalized, emancipated, and other minors. Approved May 2, 1984.
- S.F. 2098— Relating to unpaid community service by specifying that the state assumes liability for injuries to offenders performing unpaid community service and for the torts committed by offenders performing unpaid community service. Approved May 14, 1984.
- S.F. 2101— Relating to the commitment of children beyond their eighteenth birthday to the state training school. Approved May 2, 1984.
- S.F. 2102— Relating to the Executive Director, staff and administrative expenses of the Iowa Family Farm Development Authority. Approved May 8, 1984.
- S.F. 2104— Relating to the collections of fines and penalties by a county attorney. Approved April 30, 1984.
- S.F. 2122— Relating to county libraries. Approved May 2, 1984.
- S.F. 2153— Relating to drainage district expenses and assessments. Approved May 4, 1984.
- S.F. 2156— Relating to the administration of the extraordinary property tax credit or reimbursement. Approved May 4, 1984.
- S.F. 2169— Relating to vehicles used to transport agricultural products being pulled by a tractor as implements of husbandry. Approved May 11, 1984.
- S.F. 2170— Providing temporary funding for the brucellosis and tuberculosis eradication fund. Approved May 4, 1984.
- S.F. 2182— Relating to the membership of the Iowa Development Commission. Approved May 4, 1984.

- S.F. 2183— Relating to sexual abuse committed by engaging in a sex act against the will of the other participant. Approved May 4, 1984.
- S.F. 2188— Relating to the period of time in which a motor vehicle dealer must apply for a title certificate for a foreign registered vehicle acquired for resale and allowing a county treasurer to issue, under certain circumstances, a restricted certificate of title to a person who was issued a junking certificate. Approved May 2, 1984.
- S.F. 2212— Relating to pay scale standards for members of the Iowa National Guard. Approved May 2, 1984.
- S.F. 2214— Relating to the regulation of hazardous waste and subjecting violators to a civil penalty. Approved April 30, 1984.
- S.F. 2215— Providing for the issuance of an extracurricular contract by school boards, to set criteria for receipt of the contract including the establishment of a coaching authorization, and to provide for termination of the extracurricular contract. Approved May 18, 1984.
- S.F. 2217— Establishing uniform enforcement remedies for the Department of Water, Air and Waste Management, and imposing civil penalties. Approved April 30, 1984.
- S.F. 2220— Relating to financial institutions by allowing savings and loan associations, savings banks and credit unions to accept public funds, requiring a commitment to community reinvestment to receive state public funds, providing for the giving of notice on minimum interest rates for public funds, providing for the pledging of assets, providing for the dissolution of the state sinking fund, expanding the deposit and geographic limits for bank holding companies, and providing reciprocity for credit unions. Approved May 8, 1984.
- S.F. 2223— Relating to the maximum fine assessable upon the conviction of a class "C" or class "D" felony. Approved April 24, 1984.
- S.F. 2228— Prohibiting zoning regulations or other ordinances which disallow plans and specifications of a proposed residential dwelling solely because the proposed dwelling is a manufactured home. Approved May 9, 1984.
- S.F. 2232— Relating to charges by industrial loan licensees by authorizing industrial loan licensees to collect an appraisal fee on loans secured by a mortgage and requiring industrial loan licensees to pay interest on funds held in escrow in connection with a single-family or two-family home loan. Approved May 4, 1984.

- S.F. 2233— Providing for the transfer of fiduciary accounts among affiliates and between independent banks. Approved May 2, 1984.
- S.F. 2235— Relating to the penalties for operating a motor vehicle when the operator's license has been suspended or revoked. Approved April 26, 1984.
- S.F. 2238— Making code corrections which strike or replace incorrect references, strike expired provisions, and make statutes consistent, including statutes relating to penalties. Approved May 7, 1984.
- S.F. 2247— Relating to the crimes of unauthorized access, computer damage, and computer theft and providing penalties. Approved May 10, 1984.
- S.F. 2253— Relating to the penalty for violation of the Iowa Competition Law and providing for a prohibition from bidding on governmental contracts by persons convicted of violations of the Iowa Competition Law. Approved April 26, 1984.
- S.F. 2254— Relating to the state employee suggestion system. Approved May 4, 1984.
- S.F. 2257— Relating to the ownership of joint transmission facilities. Approved May 10, 1984.
- S.F. 2262— Relating to health insurance by requiring that coverage for educational programs for diabetes be offered. Approved May 16, 1984.
- S.F. 2268— Providing for the mandatory assignment of a person's income when the person is delinquent in paying court-ordered support and providing a penalty. Approved May 9, 1984.
- S.F. 2269— Limiting the amount charged employed county prisoners for meals. Approved April 26, 1984.
- S.F. 2271— Relating to the criminal and civil liability of state employees by modifying the definition of "claim" under the state tort claims Act, modifying the requirements of representation of, indemnification for, and restitution from state employees, providing for representation of department of public safety members in criminal actions and providing for the designation of department members as department administrative hearing officers. Approved May 17, 1984.
- S.F. 2273— Ratify and enter into an interstate compact between Iowa, Kansas, Missouri, and Nebraska for the development of the Missouri River for barge traffic. Approved May 11, 1984.

- S.F. 2277— Relating to the selection process of subscriber directors of a board of a hospital service corporation, medical service corporation, dental service corporation, or pharmaceutical or optometric corporation by requiring the commissioner of insurance to adopt rules to establish criteria for the selection of nominees and to permit the nomination process by a petition, requiring the subscriber members of the board of such corporations to establish procedures to permit nomination by petition, and exempting the independent subscriber nominating committee from chapter 17A and prohibiting the members of such committee from receiving per diem and expenses and providing an effective date. Approved May 15, 1984.
- S.F. 2298— Creating foster care review boards for a four-year period, creating a foster care registry, providing for rehabilitation for a child receiving foster care and the child's family unit, amending provisions relating to a court's dispositional order, and providing a penalty. Approved May 14, 1984.
- S.F. 2294— Relating to the examination of government records by providing for the procedures for their examination, for enforcement of those procedures, for the availability of certain records, and for the duties of the lawful custodians and providing for civil damages. Approved May 4, 1984.
- S.F. 2298— Require the state department of transportation to include all federal funds in its annual or biennial budget which funds are subject to appropriation to the department. Approved May 8, 1984.
- S.F. 2301— Relating to the protection of lienholders' and certificate advancements. Approved May 10, 1984.
- S.F. 2306— Authorizing the use of computer data storage systems for the collection, storage, and retrieval of intelligence data, providing for restrictions on access to these computer data storage systems, and requiring the adoption of rules for authorization to access a computer data storage system containing intelligence data. Approved April 26, 1984.
- S.F. 2310— Relating to payments to state employees for accrued sick leave and disability. Approved April 26, 1984.
- S.F. 2311— Relating to access to records by the Legislative Fiscal Bureau. Approved May 2, 1984.
- S.F. 2317— Relating to the purchase of Iowa coal by state and local government institutions. Approved April 26, 1984.

- S.F. 2318— Relating to the computation of interest on overpayments arising from the carryback of a net operating loss or net capital loss for individual and corporate income and franchise tax purposes. Approved May 4, 1984.
- S.F. 2323— Relating to the state inheritance tax by changing the due date of the tax, providing for monthly interest, providing for a period of limitations for assessments and refunds, requiring recording to give a lien preference after a release of the lien is issued, taxing gifts made within three years of death, and making technical corrections. Approved May 9, 1984.
- S.F. 2327— Relating to what constitutes discounts on transactions occurring between January 1, 1978 and July 1, 1984 involving farm equipment and related products for purposes of the state sales, services, and use tax, relating to refunds, and providing retroactive effect. Approved May 9, 1984.
- S.F. 2328— Amend the Iowa pari-mutuel wagering Act and providing that part-time and seasonal employees of the racing commission are not under the merit employment system. Approved May 11, 1984.
- S.F. 2332— Relating to the Iowa Finance Authority. Approved May 14, 1984.
- S.F. 2333— Relating to the administration and financing of correctional, mental health, mental retardation and veterans programs and capital projects under the jurisdiction of the department of corrections, the department of human services, or the board of parole. Approved May 18, 1984.
- S.F. 2335— Relating to appropriations to the department of human services for the fiscal year beginning July 1, 1983, and ending June 30, 1984, by appropriating funds for payments to certain recipients of aid to dependent children under the unemployed parent program due to denial of a portion of benefits to them in the 1982-1983 fiscal year and for reimbursement to the United States department of health and human services for audit exceptions relating to federal funds received pursuant to Title XIX of the federal Social Security Act, by removing the prohibition on the expenditure of certain funds for job training, and by requiring that excess social services block grant funds replace state funds previously appropriated for the purchase of local services. Approved May 17, 1984.
- S.F. 2342— Relating to regional transit systems by defining the systems to include systems which receive state or federal funds, by providing motor fuel and special fuel tax exemptions for these systems, and by providing free registration plates and validation stickers for these systems. Approved May 11, 1984.

- S.F. 2346— Suspend the Iowa Dairy Industry Commission during the effective period of a national promotional order established pursuant to the 1983 Dairy Act. Approved April 30, 1984.
- S.F. 2352— Appropriating federal funds made available from federal block grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants. Approved May 14, 1984.
- S.F. 2354— Treat the sale of vulcanizing, recapping, and retreading services under the state sales, services, and use tax as a sale of tangible personal property, and providing retroactive effect. Approved May 8, 1984.
- S.F. 2356— Allow the use of special railroad facility fund moneys for purchase or upgrading railroad right of way and trackage facilities for development of railroad passenger tourism. Approved May 16, 1984.
- S.F. 2357— Creating a petroleum overcharge fund in the state treasury and appropriating money from the fund. Approved May 10, 1984.
- S.F. 2363— Relating to codified provisions affecting appropriations to the department of human services for the medical assistance program, for the state supplementary assistance program, and for the payment of certain court costs, transportation costs, attorney fees, and treatment or care expenses for children provided services under the juvenile code. Approved May 18, 1984.
- S.F. 2365— Relating to the payment of funds from the additional personal property tax credit fund. Approved May 19, 1984.
- S.F. 2366— Relating to the finance charges permitted in open-end credit accounts including credit cards and retail credit sales. Approved May 8, 1984.

COMMUNICATIONS FROM THE SECRETARY OF THE STATE  
SUBSEQUENT TO ADJOURNMENT OF THE 1984 REGULAR SESSION

May 9, 1984

Ms. K. Marie Thayer  
Secretary of the Senate  
State Capitol Building  
LOCAL

Dear Ms. Thayer:

Pursuant to the authority vested in the undersigned, Secretary of State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1983, there being no newspaper by the name of the Waterloo Courier Record, published in Waterloo, Iowa, I hereby designate the Waterloo Courier Cedar Falls Record published in Waterloo, Iowa to publish Senate File 2295 and House File 2426.

I hereby certify that Senate File 2295 was published in the Waterloo Courier Cedar Falls Record on April 17, 1984, and in the Sioux City Journal, Sioux City, Iowa, on April 16, 1984.

I further certify that House File 2426 was published in the Nevada Evening Journal, Nevada, Iowa, on May 4, 1984, and in the Waterloo Courier Cedar Falls Record, Waterloo, Iowa, on May 3, 1984.

I further certify that Senate File 2082 was published in the Daily Nonpareil, Council Bluffs, Iowa, on April 20, 1984, and in the Muscatine Journal, Muscatine, Iowa, on April 23, 1984.

I further certify that Senate File 2346 was published in the Oskaloosa Daily Herald, Oskaloosa, Iowa, on May 4, 1984, and in The Messenger, Fort Dodge, Iowa, on May 4, 1984.

ALSO:

June 7, 1984

I hereby certify that House File 2473 was published in the West Des Moines Express, Des Moines, Iowa, on May 11, 1984, and in The Altoona Herald-Mitchellville Index, Altoona, Iowa, on May 10, 1984.

I further certify that Senate File 2357 was published in The Manchester Press, Manchester, Iowa, on May 23, 1984, and in The Cascade Pioneer-Advertiser, Cascade, Iowa, on May 17, 1984.

I further certify that House File 2468 was published in the Quad City Times, Davenport, Iowa, on May 17, 1984, and in the Sigourney News-Review, Sigourney, Iowa, on May 16, 1984.



I further certify that Senate File 2354 was published in The Bayard News, Bayard, Iowa, on May 17, 1984, and in the Audubon County Journal, Exira, Iowa, on May 16, 1984.

I further certify that House File 2522 was published in the Waverly Democrat, Waverly, Iowa, on May 10, 1984, and in the Iowa City Press Citizen, Iowa City, Iowa, on May 14, 1984.

I further certify that House File 2532 was published in The Daily Nonpareil, Council Bluffs, Iowa, on May 7, 1984, and in the Jasper County Tribune, Colfax, Iowa, on May 10, 1984.

I further certify that Senate File 2356 was published in The Boone News-Republican, Boone, Iowa, on May 24, 1984, and in the Ames Daily Tribune, Ames, Iowa, on May 21, 1984.

I further certify that Senate File 2318 was published in the Union-Republican, Albia, Iowa, on May 10, 1984, and in the Pella Chronicle, Pella, Iowa, on May 9, 1984.

I further certify that Senate File 2335 was published in the Grinnell Herald-Register, Grinnell, Iowa, on May 24, 1984, and in the Ames Daily Tribune, Ames, Iowa, on May 21, 1984.

I further certify that Senate File 2337 was published in The Bancroft Register, Bancroft, Iowa, on May 30, 1984, and in the Carroll Daily Times-Herald, Carroll, Iowa, on May 24, 1984.

ALSO:

June 13, 1984

I hereby certify that Senate File 2277 was published in The Treynor Record, Treynor, Iowa, on May 24, 1984, and in the Kossuth County Advance, Algona, Iowa, on June 2, 1984.

I further certify that Senate File 2334 was published in The Guttenberg Press, Guttenberg, Iowa, on May 30, 1984, and in The Red Oak Express, Red Oak, Iowa, on May 29, 1984.

I further certify that House File 2486 was published in the Diamond Trail News, Sully, Iowa, on May 23, 1984, and in the Onawa Democrat, Onawa, Iowa, on May 24, 1984.

ALSO:

June 15, 1984

Pursuant to the authority vested in the undersigned Secretary of State of the State of Iowa, because of the inherent and imperative need for House File 2511 to be effective at the earliest possible date, I hereby designate that House File 2511 shall be published in the West Des Moines Express, a newspaper published in Des Moines, Iowa, and in The New Iowa Bystander, a newspaper published in Des Moines, Iowa.

I hereby certify that House File 2511 was published in the West Des Moines Express, Des Moines, Iowa, on April 20, 1984, and in The New Iowa Bystander, Des Moines, Iowa, on April 20, 1984.

I hereby certify that Senate File 2330 was published in The Winterset Madisonian, Winterset, Iowa, on May 30, 1984, and in the Audubon News-Advocate, Audubon, Iowa, on May 30, 1984.

I further certify that Senate File 2359 was published in the Ames Daily Tribune, Ames, Iowa, on May 24, 1984, and in the Iowa City Press-Citizen, Iowa City, Iowa, on June 1, 1984.

ALSO:

June 25, 1984

Pursuant to the authority vested in the undersigned, Secretary of State of the State of Iowa, under the provisions of Section 3.9, Code of Iowa, 1983, there being no newspaper by the name of the Waterloo Courier Record, published in Waterloo, Iowa, I hereby designate the Waterloo Courier Cedar Falls Record, published in Waterloo, Iowa to publish House File 2433.

I hereby certify that House File 2433 was published in the Waterloo Courier Cedar Falls Record, Waterloo, Iowa, on June 12, 1984, and in The Sioux City Journal, Sioux City, Iowa, on June 12, 1984.

Respectfully submitted,  
MARY JANE ODELL  
Secretary of State

#### GOVERNOR'S ITEM VETO MESSAGES

May 15, 1984

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

Dear Madam Secretary:

I hereby transmit Senate File 2353, an act relating to the funding of and to substance abuse treatment and prevention programs by making appropriations to the Department of Substance Abuse for the fiscal year beginning July 1, 1984 and ending June 30, 1985, for administration, program grants, treatment programs not licensed by the department and prevention programs, requiring the Treasurer of State to deposit certain amounts of the sales made by the state liquor stores in a special fund, requiring the Beer and Liquor Control Council to adjust the sales

margin on liquor August 1, 1984 to raise certain revenue, requiring the state to incur one hundred percent of the cost of substance abuse treatment at certain programs for the fiscal year beginning July 1, 1984 and ending June 30, 1985, crediting certain fees to the Beer and Liquor Control Fund, requiring the Department of Substance Abuse to distribute program grant funding by a certain formula, requiring an assessment of a patient before admittance to a state mental health institute for substance abuse treatment, prohibiting counties from certifying a supplemental levy for certain substance abuse treatment facilities, requiring the county auditor to recompute the levy rates to reduce the amount budgeted for certain substance abuse treatment programs in the fiscal year beginning July 1, 1984 and ending June 30, 1985, and providing an effective date.

Senate File 2353 is approved May 15, 1984, with the following exceptions which I hereby disapprove.

I am unable to approve the portion of Section 1, which reads as follows:

and in addition to the regular sales margin which is included in the sale price of liquor as established by the Iowa beer and liquor control council pursuant to section 123.21, subsection 6, and including the provisions in section 123.53, subsections 3 and 7, the council shall adjust the sales margin of liquor on August 1, 1984 in an amount sufficient to raise funds in an amount equal to the difference between the amount appropriated to the department of substance abuse from the general fund of the state for the 1983-1984 fiscal year and the amount appropriated to the department for the 1984-1985 fiscal year.

This provision of Section 1 is not a condition of the appropriation and is unnecessary in light of the fact that the Iowa Beer and Liquor Control Council has the power to raise liquor prices pursuant to Section 123.16(2) as it deems necessary.

I am unable to approve Section 5, which reads as follows:

Sec. 5. Before property taxpayers are notified of taxes due during the fiscal year beginning July 1, 1984 and ending June 30, 1985, each county auditor shall recalculate the county levy by subtracting the amount budgeted for the same fiscal year for substance abuse treatment in facilities provided under chapter 125 from the computed amount in dollars certified by the county under section 444.2. If the taxpayers have already been so notified, the county auditor shall renotify the taxpayer of the reduced property tax amount or the county treasurer shall reduce the tax by such amount or refund to the taxpayer such amount when the property tax is paid. Any penalty shall be applied only to the recalculated property tax amount.

The administrative burden created for county government as a result of this section could negate any intended benefits to the property taxpayers.

Under the local budget law, the various political subdivisions are required to certify their budgets no later than March 15 of each year. This involves the publishing of a budget, holding public hearings on the budget and certifying their tax rate, at which time the county auditor prepares a summary of each budget, showing the condition of the various funds for the fiscal year, including the adopted

budgets and forwards a copy of the certified budget to the State Appeal Board. The State Appeal Board reviews the certified budgets and upon approval, enters the various budgets and tax rates in a data base for future use by the executive and legislative branches.

This section would require county auditors to adjust a tax rate after it has been certified and published which will increase the cost of administering the law and produce unnecessary confusion.

The amount involved per individual taxpayer would not be significant. It would be much more cost efficient and less confusing to allow the tax to be collected as certified and reduce the tax levy in the subsequent year.

Finally, I am unable to approve Section 9, which reads as follows:

Sec. 9. This Act, being deemed of immediate importance, takes effect from and after its publication in the Belle Plaine Union, a newspaper published in Belle Plaine, Iowa, and in The Sioux City Journal, a newspaper published in Sioux City, Iowa.

For the 1983-1984 year, the legislature allowed the counties to retain 65 percent of the Sunday liquor license fees and all of the Sunday beer permit license fees. The state collects Sunday liquor license fees and remits the 65 percent to the counties. The counties collect Sunday beer license fees and retain all of it.

In Senate File 2353, the legislature provides that all Sunday liquor license fees and Sunday beer permit license fees shall be deposited in the state beer and liquor fund on the date of publication of the bill, which would be prior to the end of the fiscal year 1984.

The counties adopted and certified their fiscal 1984 budgets in anticipation of receiving these license fee funds through the end of fiscal year 1984 to pay for persons admitted or committed to alcoholic treatment centers. The counties presently have responsibility for funding these treatment programs and will be short funds to finance these programs through the end of fiscal year 1984 if they do not receive these license fee funds. Since the state is not assuming responsibility for funding the treatment centers until July 1, 1985, the state should not collect these funds until the beginning of the new fiscal year.

For these reasons, I respectfully disapprove of these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2353 are hereby approved as of this date.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

May 18, 1984

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

Dear Madam Secretary:

I hereby transmit Senate File 2334, an act relating to the funding of state agencies for designated service programs including health programs, civil rights, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal year beginning July 1, 1984 and ending June 30, 1985 and making a supplemental appropriation to the department of health for reallocation to the state board of regents for certain programs under the Iowa specialized child health care services for the fiscal year beginning July 1, 1983 and ending June 30, 1984, and providing an effective date.

Senate File 2334 is approved May 18, 1984, with the following exceptions which I hereby disapprove.

I am unable to approve Section 8, which reads as follows:

Sec. 8. Notwithstanding the 1983 Iowa Acts, chapter 206, section 4, subsection 6, paragraph a, unnumbered paragraph 7, the state comptroller shall transfer seventy-four thousand four hundred fifty (74,450) dollars from the office of the state comptroller to the general fund of the state for allocation to the programs identified in section 7 of this Act.

This section requires the State Comptroller to transfer the contingent appropriation that was made for the purposes provided in section 7 of this Act to the general fund of the state. This is confusing as this appropriation has not been distributed to the Board of Regents and is currently part of the general fund. It will revert on June 30, 1984, under the provisions of section 8.33, Code of Iowa. Since section 7 makes a supplemental appropriation which provides sufficient funding for the Specialized Child Health Services programs, distribution of the contingent fund is unnecessary.

For the above reasons, I respectfully disapprove of this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2334 are hereby approved as of this date.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

May 18, 1984

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

Dear Madam Secretary:

I hereby transmit Senate File 2337, an act relating to transportation by making appropriations to state agencies whose responsibilities relate to transportation, public safety and public defense.

Senate File 2337 is approved May 18, 1984, with the following exceptions which I hereby disapprove.

I am unable to approve Section 2, subsection 1, unnumbered paragraph 1, which reads as follows:

It is the intent of the general assembly that only ten percent of the funds appropriated under this paragraph shall be used for the payment of operational expenses.

In the original bill, this paragraph referred to the victim reparation program which was later deleted. It has no application in the current context of the bill and if not excised would limit the Department of Public Safety's administration appropriation. This was not intended.

I am also unable to approve Section 4, subsection 2, which reads as follows:

2. For funding for two pilot projects for area-wide ride-sharing programs authorized by law ..... \$5,000

This subsection appropriates funds from the road use tax fund for two pilot projects for area-wide ride-sharing programs. The Department of Transportation currently has a similar program in central Iowa which is funded through the operating budget. I feel it is not good policy to establish a precedent of funding such programs from the road use tax fund.

For the above reasons, I respectfully disapprove of these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2337 are hereby approved as of this date.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

May 18, 1984

The Honorable Mary Jane Odell  
Secretary of the State  
State Capitol Building  
LOCAL

Dear Madam Secretary:

I hereby transmit Senate File 2351, an act relating to the administration and financing of current programs other than mental health programs under the jurisdiction of the department of human services and to the foster care review board for the fiscal year beginning July 1, 1984, and ending June 30, 1985.

Senate File 2351 is approved May 18, 1984, with the following exception which I hereby disapprove.

I am unable to approve of the item designated as Section 3, subsection 11, unnumbered paragraph, which reads as follows:

The department shall close a living unit at the training school for juvenile delinquents at Eldora and shall periodically notify the chief judges of the judicial districts and the chairpersons and ranking members of the social services appropriations subcommittee of the number of resident inmates at the Eldora campus when that number equals or approaches one hundred eighty. Notwithstanding the entering of orders for placement at the Eldora campus of the state training school pursuant to section 232.52, subsection 2, paragraph "e", on and after the date of the closing of the living unit at the Eldora campus the department shall not admit any juvenile to the Eldora campus unless the Eldora campus has less than one hundred eighty resident inmates at the time of admission. The department shall place the names of those juveniles, who are subject to orders for placement at the Eldora campus of the state training school but cannot be admitted upon the entering of the orders, on a waiting list. The department shall establish priority admission policies for those juveniles on the waiting list and shall notify the courts ordering placement of the tentative admission dates for the juveniles.

The State Training School is currently the only secure setting for Iowa's worst juvenile offenders. Those who are sent to Eldora have usually committed several delinquent acts. Juvenile Court judges have ordered them to be taken from their home communities for a reason. To cap the population at 180 and create a waiting list could constitute a danger to the public safety of our citizens.

For the above reason, I hereby respectfully disapprove of this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2351 are hereby approved as of this date.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

May 19, 1984

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

Dear Madam Secretary:

I hereby transmit Senate File 2330, an act relating to the financing of state government by providing for a reduction in general fund appropriations through real location of general fund financial aid to merged area schools, by reducing or eliminating certain capital appropriations for the fiscal year beginning July 1, 1983 and appropriating funds for capital projects for the fiscal year beginning July 1, 1984, by updating references to the internal revenue code for individual and corporate income tax, franchise tax, and inheritance tax purposes with coordinating amendments, by restructuring the fee for operator's and chauffeur's licenses, increasing certificate of title fees, duplicate title fees, trailer and motorized bicycle fees, including allocation of those fees to the road use tax fund and county treasurers, providing for spot inspections and odometer law enforcement, funding from the road use tax fund the driver's license program of the state department of transportation and the division of the highway safety and uniformed force of the department of public safety, by providing for the creation of an Iowa economic emergency fund including its funding, by providing for the payment of one-half of the additional personal property tax credit in the fiscal year beginning July 1, 1984, by imposing the sales, service and use tax on licensed executive search agencies, beverages, electronic repair and installation and the rental of tangible personal property, and making certain provisions of the act retroactive.

Senate File 2330 is approved May 19, 1984, with the following exceptions which I hereby disapprove.

I am unable to approve Section 42, which reads as follows:

Sec. 42. It is the intent of the general assembly that the department of revenue shall conduct a study during the 1984 interim to determine a feasible method of disallowing certain interest expense deductions on tangible personal property which is manufactured or substantially assembled outside of the United States and which is purchased by a taxpayer. The department shall submit its report to the Seventy-first General Assembly not later than February 1, 1985.

This section requires the Iowa Department of Revenue to conduct a study which would consider various methods for disallowing the interest on foreign made personal property purchased by Iowans. Such a study can only lead to further discussion of legislation detrimental to both Iowa's consumers and producers.

While this legislation is directed solely at making the purchase of foreign made personal property less attractive, we must consider its implications for Iowa's exporters.



If we impose punitive policies on foreign producers, then foreign countries will surely impose retaliatory measures on Iowa producers and products. Iowa is a leading exporter, and action in this area could cost Iowans' jobs and reduce foreign markets for Iowa's agricultural commodities.

This section also requires the Department of Revenue to conduct and complete the study of a complicated issue within a short time. If the study were to be of value, it should address such matters as who would be affected, the impact on taxpayers and the state treasury, the policy question of whether we should no longer conform to the Internal Revenue Code in this area, and the administrative impact on the Department of Revenue. The department has made and will continue to make a considerable commitment of resources to the Tax Study Committee. A diversion of department resources to this matter at this time would not be wise.

Two discrepancies in this bill should be corrected by the next legislative session. First, Section 66 increases operator license fees and extends the license from four to six years for persons between ages 18 and 70. The legislature neglected to conform 321.196 of the Code to this change. That section states that an operator's license shall expire four years from the licensee's birthdate.

Secondly, Section 66 provides for a two-year and a six-year chauffeur's license. The legislature, in attempting to conform Section 321.197 to this change provided only for the expiration of the six-year license. Thus there is a question as to whether they intended to eliminate the two-year license. These conflicting sections should be corrected by the next General Assembly.

I am also unable to approve Division V, Section 75, which reads as follows:

#### DIVISION V

Sec. 75. Section 422.5, Code Supplement 1983, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** There is imposed for the first tax year beginning after December 31, 1983, an additional tax equal to two percent of taxable income in excess of twenty-five thousand dollars for a single person and forty thousand dollars for married taxpayers. Married taxpayers electing to file separate returns or filing separately on a combined return must combine their respective taxable incomes for purposes of the additional tax. If the combined income of the married taxpayers electing to file separate returns or filing separately on a combined return exceeds forty thousand dollars, that portion of the combined income in excess of forty thousand dollars shall be subject to the additional tax. The liability of each spouse shall be in the proportion that each spouse's taxable income bears to the total combined taxable income. Subsection 14 of this section is applicable to the additional tax imposed by this unnumbered paragraph. This unnumbered paragraph is applicable for the tax year beginning after December 31, 1983 only if the governor finds that the estimated budget resources during the fiscal year beginning July 1, 1984 and ending June 30, 1985 are insufficient to pay all appropriations in full and the governor's findings are concurred in by the executive

council. The governor shall make the determination not later than October 1, 1984 and the governor shall not make any reductions in allotments as allowed under section 8.31.

This section provides for an additional tax of two percent on individual's taxable income in excess of \$25,000 for a single person and \$40,000 for married taxpayers' combined taxable income for the tax year 1984. The additional tax would be imposed if I find, with concurrence of the Executive Council, that the estimated budget resources for the fiscal year ending June 30, 1985 are insufficient to pay all appropriations. The section further provides that I shall not make any reductions in allotments as allowed under section 8.31.

This new income tax would raise an estimated \$20 million. If the projection indicates that the budget resources are \$5 million short, the tax would go into effect raising the \$20 million even though only \$5 million is needed. If the shortfall were determined to be in excess of \$20 million, an income tax would be imposed and I would be prohibited from implementing any across-the-board reduction in order to balance the budget. The result could be the imposition of a state-wide property tax levy.

Two other important points should be made. First, the way Iowa's personal income tax rates compare with other states is a major factor in our economic development efforts. Iowa's individual income tax already ranks higher than the U.S. average when measured as a percent of personal income. Businesses considering whether to locate or expand here will be deterred by further increases in our personal income tax.

Second, while many Iowans have seen their income drop in our recent economic difficulties, the budget for the state has continued to grow each year. Should state revenue fall short in a given year, the problem should be addressed by reducing spending rather than raising the tax burden on our citizens.

I am unable to approve Section 78 which reads as follows:

Sec. 78. Section 422.45, subsection 12, Code Supplement 1983, is amended to read as follows:

12. Gross receipts from the sale of all foods for human consumption which are eligible for purchase with food coupons issued by the United States department of agriculture pursuant to regulations in effect on July 1, 1974, regardless of whether the retailer from which the foods are purchased is participating in the food stamp program. However, as used in this subsection, "foods" does not include meals prepared for immediate consumption on or off the premises of the retailer, ~~and does not include~~ foods sold through vending machines, ~~or beverages as defined in section 455C.1, subsection 1.~~

This section places the four percent sales tax on soft drinks sold by retailers.

This tax signals a willingness to tax consumable food items, which have been exempted from the sales tax since July 1, 1974. It represents a return to a policy rejected for good reasons. It hits hardest at low income families and their children. Further accepting this tax could encourage attempts to tax other food items in future years. Any return to such regressive taxes is not appropriate public policy.

Finally, I am unable to approve Section 80 which reads as follows:

Sec. 80. Notwithstanding section 427A.12, subsection 7, in the fiscal year beginning July 1, 1984 and ending June 30, 1985, the state comptroller shall pay from the personal property tax replacement fund to the respective county treasurers on May 15, 1985 an amount equal to one-half of the amount due and payable for the fiscal year beginning July 1, 1984 and ending June 30, 1985. The remaining one-half of the funds payable from the personal property tax replacement fund for the fiscal year beginning July 1, 1984 and ending June 30, 1985 shall be paid by the state comptroller to the respective county treasurers not later than July 1, 1985. The payment received on July 1, 1985 is an account receivable for the previous fiscal year.

This section failed to accomplish the legislator's intent and was corrected by language included in Senate File 2365. This section is no longer necessary and should be deleted.

For the above reasons, I hereby respectfully disapprove of these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2330 are hereby approved as of this date.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

May 19, 1984

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

Dear Madam Secretary:

I hereby transmit Senate File 2361, an act relating to and making appropriations of various government projects and programs and providing effective dates.

Senate File 2361 is approved May 18, with the following exceptions which I hereby disapprove.

I am unable to approve Division I, Section 8, which reads as follows:

Sec. 8. There is appropriated from the general fund of the state to the department of public instruction for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the sum of one hundred fifty thousand (150,000) dollars, or so

much thereof as is necessary, to be paid to school districts for educational excellence incentive awards pursuant to chapter 260A.

Section 8 provides an appropriation to local schools in fiscal year 1984-1985. However, the grant application process outlined in Section 2 of the bill states in part:

"The board of directors of a school district may make application by November 1 of a school year to the department of public instruction for funding for an educational improvement project to be carried out in the school district during the next following school year." (Emphasis added)

Under this timetable, the first school year for which a school district can request a grant would be the 1985-86 school year. However, the appropriation has been made for fiscal year 1984-85. This program should be funded in fiscal year 1985-86, the year in which the grants will actually be used by the school districts.

I am also unable to approve Division III, Section 10, which reads as follows:

Sec. 10. There is appropriated from the general fund of the state to the Iowa college aid commission for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the sum of one hundred fifty thousand (150,000) dollars, or so much thereof as may be necessary, to be used to supplement the appropriation made in section 261.63 for supplemental grants to students.

Section 10 is a \$150,000 appropriation to supplement the appropriation made last year for supplemental grants to students. Last year's legislation provided grants to students completing seven credit hours of mathematics and science courses in high school. That legislation authorized grants of up to \$500, and created a standing limited appropriation of \$1,500,000 to fund the grants.

It is currently estimated that close to 7,000 students graduating in 1984 will qualify for these supplemental grants for college in 1984-85. If these projections are accurate, the grants will total \$240-\$250 for each student. The effect of this additional \$150,000 appropriation would be to raise individual grant amounts by \$20 to \$25 per student.

This program was intended to be an incentive to encourage students still in high school to take more math and science courses. However, by making the appropriation effective for 1984-85, the funds will merely increase the grants given to students who have completed high school this year and will already be in college during 1984-85. If this program is to be expanded, it should be done in a manner that would provide incentives for students still in high school. This legislation would simply increase the grants to graduated students on a retroactive basis.

I am also unable to approve Division VIII, Sections 29 and 30, which read as follows:

## DIVISION VIII

**Sec. 29. AGRICULTURE, FOOD AND ENERGY DEMONSTRATION CENTER STUDY.**

1. **PURPOSE—INTENT.** The general assembly of this state desires to promote and enhance economic development within the state. The establishment of an agriculture, food, and energy demonstration center may be useful in the development of agricultural and agricultural related activities within the state. A study shall be done as provided in this section for the purpose of determining the feasibility, practicality, advantages, disadvantages, benefits, and disincentives to agriculture and agricultural related businesses, the state, and local communities of having an agriculture, food, and energy demonstration center within the state. It is the intent of the general assembly that to the extent time and resources allow the study shall encompass all aspects of the question of the merits of establishing different types of agriculture, food, and energy demonstration centers and the question of how to and what is needed to establish the different types of agriculture, food, and energy demonstration centers. The major objectives of this center are:

- a. To increase Iowa exports of agriculture and agriculture industries.
- b. To assist in training Americans and foreign nationals in the operation and utilization of American agricultural products, industries, and technologies.
- c. To effectively utilize already existent public-owned land for the purpose of demonstrating Iowa crops, products, and technology to potential purchasers from around the United States and the world.
- d. To encourage private business and industry to demonstrate the production, processing, storage, and distribution of all feasible agricultural systems. Such systems would include, but not be limited to, the following: modern systems of cattle, swine, sheep, dairy, and poultry production; processing systems; food and feed processing technologies; alternative energy technologies such as solar, wind, methane, ethanol, and bio-mass; and other systems and processes that can be demonstrated.
- e. To encourage the purchase of Iowa based commodities and technology in the export market.
- f. To create and expand business opportunities and employment opportunities within the state.
- g. To expand the research and technology base of agricultural education and nutrition research already existent in the state.
- h. To seek out the help, recommendation, and support of farm organizations and commodity groups, food and agricultural relief organizations, the exporting business community, all major state industries, manufacturers, and businesses, local and state government officials, and the citizens of Iowa in the establishment of an agriculture, food and energy demonstration center.

2. **AGRICULTURE, FOOD, AND ENERGY DEMONSTRATION CENTER STUDY COMMITTEE.** There is created an agriculture, food, and energy demonstration center study committee consisting of fifteen members. Four of the members, with not more than two of the same party, shall be appointed by and serve at the pleasure of the governor. Four of the members shall be members of the

general assembly. The speaker of the house of representatives shall appoint two members, one from each political party. The present of the senate shall appoint two members, one from each political party. One member shall be appointed by the Des Moines city council. One member shall be appointed by the Ankeny city council. One member shall be appointed by the president of Iowa state university. Four members shall be associated with the private sector nonprofit corporation formed to provide matching funds for this study.

### 3. ORGANIZATION AND PARTICIPATION.

a. The chairperson and vice chairperson of and elected by the committee shall direct and coordinate the activities of the committee.

b. State officers and state departments and agencies shall cooperate by providing technical assistance to the committee upon request of the chairperson.

c. The nonlegislative members of the committee shall be reimbursed for their travel and other necessary expenses actually incurred in the performance of their official duties from the state general fund from funds not otherwise appropriated. The legislative members shall receive, when the general assembly is not in session, a per diem of forty dollars and their travel and other necessary expenses actually incurred in the performance of their official duties from funds appropriated by section 2.12.

d. The chairperson shall develop and provide to the governor or the governor's designee interim reports of the activities of the committee and shall complete and transmit copies of its final report to the governor and the members of the general assembly who request them by January 1, 1985. The final report shall contain a brief summary of its activities, listing of its findings, and its recommendations, including additions or changes to existing law.

e. The agriculture, food, and energy demonstration center study committee shall cease to exist on March 1, 1985.

4. SCOPE OF THE STUDY. The committee shall consider and its recommendations shall address, but are not limited to, the following:

a. Examination of existing infrastructure in the central Iowa region including:

(1) Transportation systems such as highways; railroads; and air, including international airport status.

(2) Communication systems such as computer technologies and telecommunications of all types; satellite communications, including television; and developing communication links with all of the major world centers of commerce and trade.

(3) Impact study for all communities in central Iowa.

(4) Determination of the best location for the center.

(5) Water source; waste, air and water management and disposal; electricity and gas.

(6) Environmental impact statement.

(7) Food, housing and local transportation for American and foreign visitors.

b. Determine what cooperation will be needed from local, state and federal agencies.

c. Determine what cooperation will be needed from higher education institutions.

d. Determination of the extent of participation and investment in an agriculture center by foreign governments and foreign private enterprise.

e. Determination of the extent of investment possible by federal government agencies, such as the foreign agricultural service of the United States department of agriculture and the agency for international development in the United States department of commerce.

5. STAFF SUPPORT. Staff for the agriculture, food, and energy demonstration center study committee may be provided by the legislative service bureau and the legislative fiscal bureau upon approval of the legislative council.

Sec. 30. There is appropriated from the general fund of the state to the marketing division of the Iowa development commission for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the sum of sixty thousand (60,000) dollars, or so much thereof as may be necessary, to be deposited in a special account together with such other funds as may be obtained from other public or private sources for the use of the agriculture, food, and energy demonstration center study committee. The funds appropriated by this section may be expended only to the extent that they are matched with funds from other public or private sources.

Division VIII, Sections 29 and 30 provide a study of the feasibility of establishing an agriculture, food, energy demonstration center and for its funding. The study committee would consist of fifteen members. Section 29 provides for a standing unlimited appropriation to reimburse non-legislative members.

The study effort established by this legislation has a worthy purpose, but is too narrowly defined. A good lesson learned during this past session is that all corners of Iowa and all elements of our economy must work together if we are to be successful in reaching statewide economic goals. The study provided for in Senate File 2361 centers on Des Moines, Ames, and the surrounding area. While it makes sense that a special, agriculturally oriented research or trading center would be located in central Iowa, we must be careful to address this issue and others in the context of how all Iowa would benefit.

I have publicly stated my intention to appoint a Blue Ribbon Strategic Development Council to fully explore ideas for Iowa's economic future. This effort will be large in scope, not limited to a particular geographic area or one or two segments of our economy.

The work of the Strategic Development Council will complement the interim legislative study of the proposed Iowa World Trade Center and other export initiatives. And, a federal government review of this same issue is also underway. To have yet another study created by law is unnecessary. Thus, I have chosen to delete this provision from Senate File 2361.

Finally, I am unable to approve Division 10, Section 38, which reads as follows:

Sec. 38. This Act, being deemed of immediate importance, shall take effect as provided in this section from and after its publication in the Oskaloosa Daily Herald, a newspaper published in Oskaloosa, Iowa, and in the Diamond Trail News, a newspaper published in Sully, Iowa. Section 32, subsection 2, paragraph "a", of this Act appropriating funds to the department of general services for payment of state house renovation costs shall take effect upon publication and become available for expenditure upon that date notwithstanding any contrary provision of that section. All other provisions of this Act shall take effect July 1 following enactment.

The publication clause provides that the appropriation to the Department of General Services for the payment of statehouse renovation costs would be effective upon publication of the Act. This will occur in the fiscal year 1984. This would be an obligation against the 1984 fiscal year balance even though the funds would not be spent until fiscal year 1985 or thereafter. This could put the 1984 state fiscal year general fund projected balance into a deficit position. Therefore, I am deleting this section to prevent the possibility of a deficit balance.

For the above reasons, I respectfully disapprove of these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2361 are hereby approved as of this date.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

May 20, 1984

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

Dear Madam Secretary:

I hereby transmit Senate File 2359, an act establishing comparable worth salary adjustments for state employees based on a comparable worth pay grade system, establishing a comparable worth review committee, and making supplemental appropriations for salary adjustments and implementation.

Senate File 2359 is approved May 20, 1984 with the following exceptions which I hereby disapprove.

I am unable to approve the items designated in the Act as Section 2 which reads as follows:

**Sec. 2. EMPLOYEE PARTICIPATING IN FACTOR SCORE REVIEW AND FINAL RATIFICATION OF FACTOR DETERMINED SCORES.**



1. Any employee subject to the Iowa merit system may request review of the factor scores or the factor determined score that employee's job title received. Requests for review by more than one employee within a job title shall be considered together, and a request for review by one or more employees within a job title shall be considered as a request on behalf of all employees in that job title.

2. The Iowa merit employment department on its own initiative may request review of factor scores on any job titles under the merit system. These requests for review shall be delineated by the Iowa merit employment department and shall be available to merit employees no later than June 1, 1984 and prior to the notice in subsection 3. The delineation shall include a description of the reasons the factor scores should be reviewed and the Iowa merit employment department's recommendations for changing the factor scores.

3. Employees shall be notified of their right to request review of their factor determined scores with one or more biweekly pay checks. The Iowa merit employment department shall devise "request for review" forms based upon the recommendations of the study commissioned under 1983 Iowa Acts, chapter 170, section 2. The department shall make "requests for review" forms available to all departments and agencies with employees subject to the merit system and shall make the forms available to individual employees upon request. Employees shall be provided access to complete information regarding the study and the methods for determining factor scores in the system.

4. Employees shall have not less than four weeks from the time the first notice of the right to request review is distributed in which to file a request for review. The department shall notify employees who file incomplete or incorrect requests for review, and shall assist them to complete and file the forms correctly.

5. Review teams shall be constituted to represent all types of employees in the merit system, and shall include representation from contractual as well as noncontractual employees. Teams shall be trained in the job evaluation system and, in reviewing job titles, shall review employee and department "request for review" forms as well as all materials used in initially setting the factor scores.

6. Each job title for which requests for review are filed under subsections 1 through 4 shall be reviewed by a review team. If the review team disagrees with the initial factor score, a second review team shall examine the factor score as determined initially and by the first review team and shall make a final decision as to that factor score.

7. Subsection 5 shall be conducted with the review and comment of the comparable worth review committee established in section 6 of this Act and subsections 5 and 6 shall be conducted under the supervision and approval of the Iowa civil rights commission. All reviews shall be completed by November 1, 1984.

Senate File 2359 is an attempt to provide pay equity to all employees in the Merit System of the state government. That is why I have signed the bill. Unfortunately, the study which preceded this legislation and the bill itself were both done hastily.

Numerous flaws in the implementation method laid out in Section 1 have been identified. For example, Jerry Miller is the man who, almost singlehandedly, has stood atop scaffolding for grueling endless hours in our State Capitol to restore the building to the ambience intended by our forefathers. He has been recognized for his stenciling talents by many groups and was even the subject of a feature in the Des Moines Register. Some believe that few, if any other persons in Iowa, have the comparable talent and perservance he has given to this state. Yet in this year in which we celebrated our Capitol's centennial, this bill would reduce Mr. Miller's pay scale four grades.

For this and many other reasons, the plan in Section 1 cannot be engraved in stone. Many individual state employees, personnel officials and Iowa citizens have communicated the need for a thorough reexamination of this section. Any statistically developed comparable worth plan should be tempered with common sense and compassion for taxpayers as well as state employees.

It is, therefore, important that we have the most credible, effective review process possible. For it is through this process that the state and its employees will have an opportunity to rectify mistakes made by legislators in drafting the Section 1 implementation mechanism.

I am not confident that the review process established in Section 2 will be an effective method for hearing appeals. Instead of this method, a comparable worth review should be handled by professionals in personnel matters. Furthermore, responsibility for the review process should not be placed on the shoulders of an already overworked agency. The Civil Rights Commission has an important mission of its own.

I am unable to approve the item designated in the Act as Section 6 which reads as follows:

**Sec. 6. COMPARABLE WORTH REVIEW COMMITTEE AND FINAL IMPLEMENTATION.** There is established a comparable worth review committee to oversee the review process as provided in section 2 of this act and to make recommendations regarding the completion of the implementation of comparable worth adjustments in accordance with 1983 Iowa Acts, chapter 170. The committee shall be composed of seven members, one to be appointed by the governor, and six to be appointed by the legislative council. Appointments shall be made not later than June 1, 1984 and shall include persons skilled in social science research and in comparable worth policy.

Legislative members of the committee are entitled to per diem and expenses as provided for interim study committee members in section 2.44. Public members who are not public employees are entitled to a per diem of forty dollars for attending committee meetings. Public members and public employee members are entitled to reimbursement for travel and other necessary expenses actually incurred in the performance of their duties on the committee. Payment for authorized per diem and expenses shall be made as provided in section 2.12.

The committee shall make recommendations to the governor, the legislative council, and the general assembly by January 1, 1985, regarding final

implementation of the comparable worth adjustments, which recommendations shall include the following:

1. Incorporation of comparable worth policy into state agencies exempt or partially exempt from the state merit system, except the state board of regents, and the judicial department with an emphasis upon treating the job titles and positions in those agencies which are substantially equivalent to job titles or positions in the merit system in a comparable manner with respect to pay.

2. Establishment of a single pay plan for state merit employees consistent with the recommendations for salary schedules associated with the comparable worth pay grades used in section 1 of this Act and recommended modifications or adjustments made under subsection 3 of this section and the effect such a pay plan would have in eliminating sex bias or bias in comparability of pay for jobs of comparable worth.

3. Implementation of comparable worth adjustments to bring all job titles below their comparable worth pay grade up to that pay grade, incorporating any modifications or adjustments to the methods of determining the comparable worth pay grade that may be necessary to reflect adjustments determined to more fully reflect the policy of the state as established in section 79.18, including consideration of alternative methods for establishing the relationship between factor determined scores and pay grades.

4. Implementation of any other adjustments to the pay grade positions of job titles that may be recommended by the Iowa merit employment department to avoid compaction in job series or otherwise correct internal discrepancies within job series and the comparable worth pay grade system.

5. Implementation of a system which addresses job titles with current pay grades above their comparable worth pay grades.

6. Implementation of recommendations to combine certain job titles which were recommended for combination because of their comparable worth scores and the similarity of their job descriptions.

7. Implementation of a procedure for maintaining the comparable worth factor determination system for job evaluation, including the assigning of factor scores for new job titles in the state merit system.

I am unable to approve the items designated in the Act as Section 7, subsections 7 and 9 which read as follows:

7. There is appropriated from the general fund of the state to the comparable worth review committee established in section 6 of this Act the sum of fifty thousand (50,000) dollars or so much thereof as may be necessary. Subject to the conditions of section 2, subsection 7 of this Act, the committee shall contract with outside personnel or with state agencies for completion of the review process, including the training of review teams and review team oversight, and may hire staff to provide ongoing assistance to the committee.

9. There is appropriated from the general fund of the state to the Iowa merit employment department, in addition to other funds appropriated by the general assembly, for the fiscal year beginning July 1, 1984 and ending June 30, 1985, the sum of fifty thousand (50,000) dollars, or so much thereof as may be necessary, to fulfill its responsibilities under section 6, subsections 4 through 7 of this Act and to assist the review committee in performing its functions.

The oversight committee set up in Section 6 will be controlled by the legislative branch of state government. This represents serious legislative encroachment into an executive branch function. I will draw on management and labor specialists in establishing a new review committee that will continue to monitor our progress on comparable worth.

Section 7(7) and (9) provided funding for the review committee and review process. This appropriation is no longer needed.

Through a credible review process and oversight committee, employees and individual departments will have recourse for adjusting the proposed implementation scheme.

For the above reasons, I respectfully disapprove of these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2359 are hereby approved as of this date.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

#### GOVERNOR'S VETO MESSAGES

May 18, 1984

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

Dear Madam Secretary:

Senate File 2132, "An Act relating to intestate succession with respect to the share of the surviving spouse and limitations on inheritance by remote heirs of others than the surviving spouse," is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2132 amends Section 633.211 by raising the amount that a surviving spouse with children can inherit from a deceased spouse who had no will from one-third of the estate after debts to one-half of the estate after debts. This bill also amends Section 633.212 by increasing the share a surviving spouse with no children inherits from a deceased spouse with no will from one-half of the net estate to the entire estate.

In passing this will, the legislature recognized the modern trend that a marriage is an equal partnership and that a primary responsibility of married persons is to assure that adequate provisions are made for their surviving spouses. I have supported and continue to support increasing the amounts that surviving spouses inherit as provided in this bill. Unfortunately, an amendment was made to this bill

which will jeopardize estate planning and risk an increase in the amount of federal estate tax that members of the family of a deceased spouse will pay. Because of the severe flaws in this amendment, I am reluctantly disapproving this bill in its entirety.

The problematic amendment to the bill, which was added to Sections 633.211(1) and 633.211(3) reads as follows:

However, the spouse may petition the court to receive less than one-half, but not less than one-third of the value of the estates identified in this subsection.

Specifically, there are two problems with this amendment. The first problem is that this amendment may prohibit surviving spouses from minimizing federal estate tax by restricting the use of the disclaimer law. Both the federal and Iowa law permit any person to disclaim or refuse to take all or part of an inheritance. This has proven to be an effective tool for families to use in minimizing federal estate and Iowa inheritance tax. For example, in certain circumstances a family could save federal estate tax if the surviving spouse was permitted to disclaim property and pass it to the children, thereby reducing the value of the surviving spouse's estate. Disclaiming reduces the size of the estate of the surviving spouse because under federal state disclaimer laws, if property is disclaimed, it is never part of the surviving spouse's estate.

The bill as amended states that the surviving spouse who falls within Section 633.211 could not disclaim one-third of the estate. Such a concept of not allowing an individual to disclaim the entire estate inherited has never appeared in the Iowa law and, to the best of the knowledge of the chair of the Probate, Property and Trust Law Committee of the Iowa State Bar Association, is not present in the law of any state.

Under present law, a surviving spouse pays no federal estate tax on the amount inherited from the deceased spouse. However, the one-third passing to the surviving spouse and which the surviving spouse could not disclaim according to this bill, would become part of the surviving spouse's estate thereby making the surviving spouse's estate larger. The result would be that the tax rate would be greater when the surviving spouse eventually dies and passes this second estate on to children. Therefore, in many situations, it would be advisable for the surviving spouse to pass on the one-third of the estate directly to children which is a measure this bill precludes.

The second problem presented by this amendment could actually be of even graver financial consequence to a family from paying federal estate tax. The amendment in the bill allows a spouse to petition to receive less than one-half but no less than one-third of the estate. There is no time limit specified in which a spouse must petition the court to reduce the estate. To be eligible for the federal marital deduction, the share the surviving spouse receives must be determined within six months after the deceased spouse's death (Section 2056 (b)(3) of the Internal Revenue Code).

If the marital deduction of the surviving spouse cannot be determined within six months of the death of the deceased spouse, the IRS may rule that the marital

deduction will be limited to one-third of the estate rather than one-half of the estate. Therefore, families who had hoped to reduce federal estate tax by this bill based upon fifty percent of the estate passing to the surviving spouse rather than one-third of the estate passing to the surviving spouse would not receive the anticipated benefit. In addition, it may also be possible that due to the uncertainty of the amount that the surviving spouse takes, the Internal Revenue Service could disallow the entire marital deduction thereby greatly increasing the amount of federal estate tax the family would have to pay. Only property which passes to the surviving spouse is exempt from estate tax. Therefore, if a marital deduction is disallowed, the amount subject to tax is greatly increased.

The Internal Revenue Service will not release a position on a tax question unless their answer is needed to address a particular case. Therefore, there is no way of knowing the position of the Internal Revenue Service regarding these questions.

The potential loss for a particular estate if the entire marital deduction were not allowed could be a serious financial blow. In weighing the potential loss of an entire marital deduction against the seventeen and two-thirds percent gain in marital deduction (the difference between one-third and one-half of an estate) which would be achieved by this bill, the prudent course is to eliminate the greater loss by disapproving this bill. If this bill were signed, it would be one year before a corrective bill by the next legislative session could become law. It would be callous to impose a year of uncertainty, tax problems and fear of even greater financial losses upon some Iowans who lose their spouses during the 1985 fiscal year. I cannot in good conscience sign such a defective bill, even though I strongly favor increasing surviving spouses' intestate shares.

I am requesting that the Iowa State Bar Association and the Iowa Department of Revenue assist my office in drafting legislation which will increase the surviving spouses' estates from one-third to the one-half under Section 633.211 and from one-half to all of the estate under Section 633.212 in such a manner that will eliminate the tax problems of the present bill.

Both the Iowa State Bar Association and the Iowa Department of Revenue have assured me that they will support such a bill and will assist me in strongly urging its passage next year.

For the reasons mentioned above, I hereby respectfully disapprove of Senate File 2132.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

May 18, 1984

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

Dear Madam Secretary:

Senate File 2237, an act relating to the appointment, terms, retention and qualifications of magistrates, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Section 1 of this bill modified a section of the Code pertaining to appointment of magistrates and provides a change in the commencement and expiration of magistrate terms.

Section 2 replaces existing law on the qualification of magistrates with a section which provides for terms, qualifications, and retention of magistrates. The new section eliminates the existing biannual selection process and causes magistrates once selected to stand for retention every two years.

With regard to the matter of having magistrates stand for retention, the bill may be technically flawed in that it does not include in the definition of a vacancy the failure of a magistrate to be retained in office of the judicial election. For example, section 602.6201, subparagraph 4, in the defining a vacancy in the district court, includes "the failure of a district judge to be retained in office at the judicial election."

With regard to the qualification matter, present law provides that to be eligible for appointment a person must be a resident of the county and of an age that would allow completion of the initial term of office plus a two-year term prior to reaching age seventy-two. A lawyer is not required, however a lawyer is preferred over a non-lawyer in the selection process.

My principal concern with this bill is that it eliminates a provision of present law which provides that a lawyer is preferred in the process of selecting a magistrate. This preference for a legally trained magistrate was implemented following the elimination of the old Justice of the Peace system, with other changes designed to assure a more unified and fairer court system.

Most people are introduced to our judicial system by appearing in magistrate court, for some minor infraction of the law, arraignment, or in the process of collecting or defending against a small claim. If we are to maintain respect for our court system, we must do all that we can to assure that a person appearing there is treated wisely and fairly. We need to select as magistrates those persons who are best qualified. A person with a legal education is more likely to be better prepared for making important legal decisions on the magistrates bench than someone without formal legal training.

Under our present system many magistrates are not lawyers and yet they are very dedicated and perform their responsibilities well. However, when legislative adjustments are made to our legal system, we should carefully consider the direction in which it takes us. By eliminating the preference for legally trained magistrates we would actually be taking a step backwards in our efforts to provide the best possible legal system for the people of this state.

For the reasons mentioned above, I hereby respectfully disapprove of Senate File 2237.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

May 19, 1984

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

Dear Madam Secretary:

Senate File 244, an act allowing employees to choose the care given under workers' compensation medical benefits, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 244 amends Section 85.27, unnumbered paragraph 4 of the Code to provide that an employee, rather than employer, may choose a physician under our state's workers' compensation statutes. This legislation reverses a policy that has stood for over 70 years, since the time the General Assembly originally enacted the Workers' Compensation Act in 1913.

Code of Iowa, Section 85.27 currently states that the employer has the duty to provide prompt medical care reasonably suited to treat an employee's injury without undue inconvenience to the employee. This statute also provides a safeguard so that an employee dissatisfied with his or her care may bring that concern to the attention of the employer so that alternate care may be discussed. This same section further prescribes that an employee who remains dissatisfied may apply to the state's Industrial Commissioner for the ordering of alternate care.

It should be noted that another paragraph of Section 85.27, a paragraph unaffected by this bill, directs that employers must furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, hospital services and supplies, and shall allow reasonably necessary transportation expenses.

While Senate File 244 amends only the fourth unnumbered paragraph of Section 85.27, it is a change with dramatic repercussions on other sections of our workers' compensation system. For example, the employer now has the responsibility for care and the right to make the selection. There have been few disputes regarding the cost of care. Senate File 244 would clearly increase the likelihood of such disputes since the party paying the costs of care would no longer be choosing the provider.



At a time when we are asking business and industry to accept greater responsibility for an employee's health and the costs associated with it, it would only seem fair that the employer have the primary responsibility for selecting the physician. This argument has special merit when one considers that, under our state's O.S.H.A. regulations, some employers are required to provide pre-employment physicals, provide regular health monitoring, annual physical reviews, and many other important health services prescribed by state and federal law.

All of these requirements, and indeed the many unrequired health services that many businesses and industries supply, carry with them a great exposure to legal liability. If government is going to mandate and encourage medical care and concern in the workplace—then government should provide mechanisms to contain health care costs and reduce liability exposure.

Over 250 Iowa companies have contacted me personally to request that I veto Senate File 244. Also, numerous chambers of commerce, business associations, and local units of government have expressed disapproval of this bill.

Iowa must maintain a positive business climate if our state is going to successfully compete for jobs. A recent study by Alexander Grant and Company gives our state's workers' compensation system a mixed review. While a weighted average of actual compensation levels ranks Iowa 5th in the nation, our maximum weekly disability payments are the highest of the 48 contiguous states, thereby giving Iowa a bad rating. "Medical control" is a very important factor in the evaluation of state worker compensation laws. I am extremely concerned that the enactment of this legislation would lead to markedly increased employer costs and a damaging appraisal of our state's workers' compensation system by companies considering adding jobs here.

It should come as little surprise that this legislation does not meet with my approval. I have made jobs for Iowans my Number One priority. It is the assessment of many who have joined in the effort to promote economic development that this bill would be a serious setback to these efforts, and I concur with their judgement.

In short, Senate File 244 would not improve the quality of medical care provided to most injured Iowa workers, but would increase the cost of doing business in Iowa. This change would adversely affect our job creation efforts.

For the reasons mentioned above, I hereby respectfully disapprove Senate File 244.

Very truly yours,  
TERRY E. BRANSTAD  
Governor

## COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate:

**SENATE RESOLUTION 106**

Acknowledgment from United States Congressman Neal Smith, that he had received an enrolled copy of Senate Resolution 106, adopted by the Senate during the 1984 Session.

**SENATE RESOLUTION 107**

Acknowledgment from United States Congressman Neal Smith, that he had received an enrolled copy of Senate Resolution 107, adopted by the Senate during the 1984 Session.

Acknowledgment from United States Senator Charles E. Grassley, that he had received an enrolled copy of Senate Resolution 107, adopted by the Iowa Senate during the 1984 Session.

**SENATE CONCURRENT RESOLUTION 111**

Acknowledgment from Acting Deputy Administrator, Ray F. Voelkel, Programming Planning and Development of the United States Department of Agriculture, that they had received an enrolled copy of Senate Concurrent Resolution 111, adopted by the Iowa Senate April 6, 1984.

**SENATE CONCURRENT RESOLUTION 114**

Acknowledgment from Chairman on Judiciary, Peter W. Rodino, Jr., of the United States House of Representatives, that they had received an enrolled copy of Senate Concurrent Resolution 114 adopted by the Iowa Senate during the 1984 Session.

Acknowledgment from the Assistant to the President for Intergovernmental Affairs, Lee L. Verstandig, that they had received an enrolled copy of Senate Concurrent Resolution 114 adopted by the Iowa Senate during the 1984 Session.

**JOB SERVICE OF IOWA**

A copy of the Actuarial Report of the Iowa Job Insurance System as of December 31, 1983, prepared by the Actuarial Research Section, Audit & Analysis Department of the Department of Job Service, pursuant to Chapter 54, Section 9, of the 1977 Acts of the Sixty-seventh General Assembly.

**DEPARTMENT OF HUMAN SERVICES**

A copy of the Proposed Human Services Block Grant Plan Pre-Expenditure Report for the period July 1, 1984 through June 30, 1985, submitted to the Department of Human Services, Division of Social Services.

## IOWA DEPARTMENT OF TRANSPORTATION

On May 23, 1984, received the annual report on Iowa's transit programs, submitted by the Department of Transportation, pursuant to Section 601J.4, subsection 2, of the Code of Iowa.

Additional copies available to members of the Senate upon request.

## OFFICE FOR PLANNING AND PROGRAMMING

On May 21, 1984, received the second quarterly report of the Office for Planning and Programming for the period October 1, 1983 to March 31, 1984, pursuant to Chapter 207, Section 79, 1983 Iowa Acts.

## IN MEMORIAM

## JOHN R. HATTERY

**MR. PRESIDENT:** Your committee appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable John R. Hattery, begs leave to submit the following memorial:

John R. Hattery was born on a farm near Collins in Story County, Iowa, to John and Margaret Hattery. Mr. Hattery passed away March 13, 1984, in Nevada, Iowa.

Mr. Hattery graduated from Collins High School with the class of 1914. He was Second Lieutenant serving in the Infantry during World War I from 1917-1918. On June 24, 1940, he was married at the Little Brown Church in Nashua to Gladys L. Hansen of Nevada.

Mr. Hattery was a practicing lawyer from 1939 to present and a life-long resident of Story County, except for the five year period he spent in Des Moines when he helped organize and was the first chief of the Iowa Highway Patrol.

He served as Story County sheriff from 1930-1935; 1949-1953 he was a member of the Iowa State Highway Commission; 1951-1955 member of the advisory board of the Iowa State Bar Foundation; 1960-1961 member of the Story County, Iowa State and the American Bar Association; 1947-1948 member of the American Judicature Society; and was the director of the General Telephone Company in Nevada for several years.

Mr. Hattery was active in many community affairs including the Rotary, the Masonic Lodge, the American Legion, the Shriner's Hospital for Crippled Children, 4-H and he was a member of the United Methodist Church of Collins.

Senator Hattery served as a member of the Iowa Senate in the 49th and 50th General Assemblies (1941-1944), and the 53rd and 54th General Assemblies (1949-1952), from the 31st Senatorial District representing Boone and Story Counties.

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

BE IT FURTHER RESOLVED: That a copy of this resolution be entered into the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to Mr. Hattery's wife, Gladys, and son, John Robert Hattery.

CHARLES BRUNER, Chair  
C. JOSEPH COLEMAN  
JOHN N. NYSTROM

Committee

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- Acknowledgment from Acting Deputy Administrator, Ray F. Voelkel, Planning and Development of U.S. Dept. of Agriculture, receipt of SR 111—2690
- Acknowledgment from Chairman on Judiciary, Peter W. Rodino, Jr., U.S. House of Representatives, receipt of SCR 114—2690
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**GENTLEMAN, JULIA B.—Senator Forty-first District**

- Bills introduced—14, 56, 57, 238, 283, 284, 335, 367, 431, 445, 516
- Amendments filed—256, 267, 434, 512, 699, 704, 772, 783, 822, 830, 874, 1049, 1096, 1109, 1111, 1119, 1129, 1133, 1141, 1175, 1254, 1255, 1290, 1329, 1358, 1439, 1517, 1553, 1606, 1667, 1669, 1672, 1690, 1719
- Amendments offered—256, 434, 512, 545, 772, 830, 838, 862, 874, 876, 1049, 1088, 1109, 1111, 1129, 1133, 1277, 1294, 1333, 1358, 1517, 1553, 1669, 1690
- Amendments withdrawn—1269, 1553, 1669
- Committee appointments—432, 1455
- Presided at sessions of the Senate—768
- Reports—1495
- Resolutions offered—348-349, 1441, 1462, 1654
- Rulings—768, 769
- Subcommittee assignments—92, 94, 95, 179, 180, 181, 241, 242, 243, 307, 308, 309, 312, 382, 383, 384, 488, 489, 490, 537, 632, 633, 634, 759, 883, 884, 885, 886, 990, 992, 1208, 1525
- Subcommittee assignments, governor's appointments—919

**GETTINGS, DONALD E.—Senator Thirty-third District**

- Bills introduced—270
- Amendments filed—663, 784, 809, 1140, 1211, 1324, 1329, 1331, 1332
- Amendments offered—1015, 1152
- Amendments withdrawn—663
- Committee appointments—845
- Presided at sessions of the Senate—284, 418
- Resolutions offered—795, 1441, 1492, 1572-1573
- Subcommittee assignments—93, 94, 95, 179, 181, 241, 243, 306, 307, 308, 310, 311, 383, 481, 488, 536, 633, 882, 885, 989, 992, 1208
- Subcommittee assignments, governor's appointments—102, 919, 920

**GIFTS—**

(See Presentation of Gifts)

**GOODWIN, NORMAN J.—Senator Nineteenth District**

- Bills introduced—321
- Amendments filed—217, 983, 1067, 1690
- Amendments offered—595, 1167
- Committee appointments—168
- Resolutions offered—348-349, 795, 1654
- Subcommittee assignments—93, 178, 242, 306, 307, 308, 309, 311, 382, 488, 489, 490, 535, 635, 881, 882, 883, 884, 885, 989, 990, 992, 1208, 1525
- Subcommittee assignments, governor's appointments—102

**GOVERNOR BRANSTAD, TERRY E.—**

- Addressed joint convention—32-40, 140-142
- Bills signed by—385, 497-498, 538, 781, 887, 1065, 1287, 1409, 1435, 1464, 1493, 1574, 1608, 1768-1769, 2656-2663
- Condition of the State and Budget Message—32-40
- Committees to notify and/or report—7, 13, 1780, 1781

Committees to notify and/or escort—31, 40  
 Communications from—49-55, 298, 320, 770, 855-859, 895-897, 898, 1142, 1204,  
 1404-1405, 1507, 1782-1784  
 Item veto messages—2666-2684  
 Veto messages—1563-1565, 2684-2689  
 Resolution relating to Condition of the State and Budget Message, HCR 101—  
 18, 19 adopted  
 Resolution congratulating Governor and Mrs. Terry Branstad on the birth of  
 their son, Marcus Andrew Branstad, SCR 103—198 adopted  
 Closing message—1782-1784

**GRATIAS, ARTHUR L.—Senator Fifteenth District**

Bills introduced—321, 534  
 Amendments filed—67, 252, 331, 375, 674, 692, 749, 750, 813, 971, 1095, 1174,  
 1175, 1314, 1535, 1578, 1601, 1602, 1642, 1690  
 Amendments offered—67, 375, 474, 688, 971, 1280, 1314, 1420, 1589, 1618  
 Amendments withdrawn—375, 376, 707, 1619  
 Appointed to College Aid Commission—27  
 Call of the Senate—1624  
 Committee appointments—150, 1674  
 Petitions presented—1577  
 Presided at sessions of the Senate—927  
 Reports—21, 1703  
 Resolutions offered—348-349, 1572-1573, 1614  
 Subcommittee assignments—92, 93, 94, 95, 240, 241, 242, 306, 308, 310, 311,  
 312, 382, 383, 487, 489, 490, 491, 538, 631, 632, 633, 634, 759, 760, 882, 886,  
 990, 991, 992, 1525  
 Subcommittee assignments, governor's appointments—102, 103, 104, 105, 106,  
 994

**HALL, HURLEY W.—Senator Twenty-fourth District**

Bills introduced—132, 156, 220  
 Amendments filed—661, 704, 762, 809, 853, 1067, 1072, 1084, 1157, 1174, 1255,  
 1499, 1555, 1559, 1582, 1613, 1623, 1713, 1720  
 Amendments offered—963, 1072, 1084, 1195, 1201, 1555, 1559, 1582, 1623,  
 1697, 1713, 1720  
 Amendments withdrawn—1677  
 Committee appointments—845  
 Presided at sessions of the Senate—494, 508, 629, 946, 1606  
 Reports—947  
 Resolutions offered—795, 1441, 1462, 1572-1573  
 Subcommittee assignments—92, 95, 178, 181, 240, 241, 306, 308, 381, 382, 384,  
 488, 491, 535, 536, 537, 631, 881, 882, 883, 884, 885, 886, 989, 990, 1767  
 Subcommittee assignments, governor's appointments—920

**HEALTH DATA COMMISSION—**

Senators appointed to—26

**HEARINGS—**

Bailey, Jack C., Director, Iowa Development Commission—186  
 Notice of change:  
 Bailey, Jack C., Director, Iowa Development Commission—201

**HESTER, JACK W.—Senator Forty-ninth District**

Bills introduced—192

Amendments filed—217, 662, 757, 769, 974, 1095, 1290, 1569, 1690

Amendments offered—757, 769, 974, 1569

Petitions presented—557

Reports—21

Resolutions offered—348-349, 795, 1572-1573

Subcommittee assignments—93, 179, 181, 240, 306, 307, 308, 311, 381, 383, 384,  
487, 490, 491, 536, 633, 634, 635, 759, 881, 882, 989, 990, 992, 1525, 1526**HOLDEN, EDGAR H.—Senator Twentieth District**

Bills introduced—16, 29, 173, 258, 321, 508

Amendments filed—64, 267, 332, 372, 377, 498, 542, 574, 591, 615, 674, 675, 699,  
722, 723, 733, 742, 749, 750, 762, 809, 822, 828, 853, 906, 922, 942, 943, 960,  
966, 969, 971, 983, 984, 1006, 1058, 1074, 1086, 1095, 1096, 1154, 1174, 1175,  
1211, 1239, 1243, 1307, 1324, 1329, 1331, 1332, 1335, 1365, 1383, 1398, 1403,  
1426, 1438, 1451, 1517, 1518, 1535, 1578, 1613, 1719, 1720Amendments offered—377, 578, 662, 703, 742, 758, 787, 828, 861, 862, 877, 907,  
962, 963, 966, 969, 971, 1042, 1058, 1074, 1086, 1109, 1112, 1113, 1159, 1181,  
1239, 1267, 1307, 1333, 1334, 1398, 1426, 1451, 1518, 1594, 1677, 1719

Amendments withdrawn—377, 732, 877, 965, 971, 1112

Appointed to Health Data Commission—26

Committee appointments—1483, 1515, 1693, 1780

Reports—6, 1692

Resolutions offered—348-349, 393, 1614

Subcommittee assignments—178, 243, 306, 307, 308, 310, 311, 382, 384, 490,  
491, 633, 634, 759, 881, 885, 990, 1208, 1380, 1525, 1526**HOLT, LEE—Senator Sixth District**

Bills introduced—56, 321, 398

Amendments filed—233, 281, 332, 558, 784, 809, 1095, 1133, 1211, 1324, 1520,  
1521, 1558, 1652, 1690

Amendments offered—233, 1133, 1313, 1558

Committee appointments—432, 1455, 1643

Presided at sessions of the Senate—600, 651

Reports—1495, 1648, 1736

Resolutions offered—348-349, 795, 1492, 1654

Subcommittees appointed to—95

Subcommittee assignments—92, 93, 94, 95, 179, 180, 181, 240, 241, 243, 307,  
309, 311, 382, 383, 384, 487, 489, 490, 491, 537, 632, 634, 759, 881, 882, 883,  
884, 885, 992, 1208, 1525, 1526

Subcommittee assignments, governor's appointments—102

**HORN, WALLY E.—Senator Twenty-fifth District**

Bills introduced—15, 17, 29, 48, 156, 206, 218, 283, 333, 334, 367

Amendments filed—205, 319, 922, 984, 1067, 1083, 1095, 1139, 1175, 1351, 1352,  
1520, 1638, 1689, 1701

Amendments offered—208, 677, 1151, 1362, 1420, 1517, 1689, 1701

Amendments withdrawn—1517, 1520

Call of the Senate—1624  
Committee appointments—1660, 1674  
Petitions presented—130  
Presented Gabriela Castillo, foreign exchange student from Merida Yucatan,  
Mexico—1289  
Reports—1703, 1736  
Resolutions offered—1441, 1462, 1492, 1572-1573, 1637  
Subcommittees appointed to—95  
Subcommittee assignments—92, 93, 94, 95, 180, 181, 241, 242, 243, 306, 307,  
308, 311, 312, 382, 383, 487, 488, 490, 491, 537, 538, 633, 634, 759, 882, 883,  
884, 886, 990, 992, 1208, 1525  
Subcommittee assignments, governor's appointments—102, 151, 244, 919

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Senate File 163, S-5584—1140  
Senate File 176, S-5695—1212  
Senate File 190, S-5111—430  
Senate File 244, S-5907—1578  
Senate File 253, S-5729—1255  
Senate File 292, S-5585—1140  
Senate File 309, S-5728—1255  
Senate File 345, S-5090—331  
Senate File 347, S-5647—1174  
Senate File 400, S-5756—1323  
Senate File 407, S-5879—1535  
Senate File 414, S-5586—1140  
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Senate File 442, S-5152—526  
Senate File 449, S-5648—1174  
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Senate File 2159, S-5699—1212  
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Senate File 2183, S-5725—1255  
Senate File 2188, S-5776—1350  
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Senate File 2220, S-5701—1212  
Senate File 2228, S-5702—1212  
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Senate File 2247, S-5723—1255  
Senate File 2248, S-5703—1212  
Senate File 2254, S-5952—1613  
Senate File 2257, S-5730—1255  
Senate File 2261, S-5704—1212  
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Senate File 2323, S-5843—1438  
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House File 2389, S-5815—1383  
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House File 2436, S-5852—1439  
House File 2439, S-5816—1383  
House File 2440, S-5817—1383  
House File 2471, S-5818—1383  
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House File 2487, S-5939—1612  
House File 2518, S-5998—1731  
House File 2519, S-5997—1731  
House File 2520, S-6033—1733  
House File 2521, S-6050—1734

**HULSE, MERLIN D.—Senator Twenty-second District**

Bills introduced—321  
Amendments filed—1024, 1255, 1690  
Committee appointments—7, 1780  
Reports—6  
Resolutions offered—348-349, 795, 1572-1573, 1654  
Subcommittee assignments—178, 179, 311, 312, 383, 488, 535, 536, 537, 632,  
760, 885, 989, 990, 1208  
Subcommittee assignments, governor's appointments—103, 104, 105, 106, 920

**HULTMAN, CALVIN O.—Senator Forty-seventh District, Minority Floor Leader**

Bills introduced—29, 41, 199, 321, 367, 445, 748, 926, 1205, 1407, 1592, 1760  
Amendments filed—47, 65, 66, 67, 117, 118, 119, 120, 217, 228, 332, 443, 458,  
459, 472, 493, 525, 591, 615, 674, 684, 688, 690, 960, 966, 967, 1034, 1095,  
1096, 1140, 1147, 1161, 1324, 1351, 1352, 1422, 1518, 1689, 1690, 1719  
Amendments offered—65, 66, 67, 68, 69, 70, 71, 73, 117, 118, 119, 120, 121, 339,  
451, 458, 459, 479, 529, 682, 684, 691, 967, 970, 972, 1034, 1113, 1147, 1161,  
1181, 1299, 1689, 1756  
Announcements—23  
Appointment made to Joint Legislative Intern Committee—23  
Call of the Senate—1624  
Committee appointments—134  
Presided at sessions of the Senate—517, 1573  
Resolutions offered—74, 210, 795, 1342, 1572-1573, 1738, 1763, 1764, 1764-1765

Subcommittee assignments—93, 178, 179, 240, 312, 487, 535, 536, 633, 881, 990, 991, 1380, 1526, 1767

Subcommittee assignments, governor's appointments—1287

#### HUMAN RESOURCES, COMMITTEE ON—

Appointment to—26

Bills introduced—335, 399, 400, 561, 592, 628, 630

Amendments filed—574, 822

Amendments offered—1189

Subcommittee assignments—92, 93, 95, 179, 306, 308, 309, 312, 382, 413, 488, 489, 491, 535, 537, 538, 634, 882, 884, 885, 990, 991, 1525

#### HUSAK, EMIL J.—Senator Thirty-eighth District

Bills introduced—13, 125, 157, 238

Amendments filed—301, 363, 434, 574, 646, 762, 784, 822, 826, 833, 959, 984, 1175, 1211, 1269, 1351, 1535, 1578, 1596, 1601, 1684, 1719, 1734, 1771

Amendments offered—619, 826, 840, 968, 1269, 1357, 1367, 1368, 1558, 1684

Appointed to Commission on the Aging—26

Committee appointments—1523, 1693

Investigating committee reports—183, 184, 185, 212, 213, 278, 279, 313, 994

Presided at sessions of the Senate—944, 945, 1049, 1375, 1659, 1718

Reports—6, 1692

Resolutions offered—349, 393, 795, 1441

Rulings—1661, 1662

Subcommittee assignments—179, 240, 307, 308, 311, 381, 383, 384, 487, 490, 535, 634, 635, 759, 760, 883, 990, 991, 992, 1525, 1526

#### HUTCHINS, C.W. (Bill)—Senator Forty-eighth District, Assistant Majority Floor Leader

Bills introduced—15, 29, 48, 285, 367, 418

Amendments filed—72, 107, 205, 208, 217, 374, 434, 442, 699, 762, 784, 808, 822, 853, 922, 984, 1067, 1095, 1112, 1114, 1351, 1400, 1455, 1535, 1689, 1723, 1734, 1771

Amendments offered—208, 374, 790, 1114, 1455, 1617, 1723

Amendments withdrawn—210

Called up appointees listed on En Bloc Confirmation Calendar—476

Committee appointments—12, 168, 1780

Hearing notices—186, 201

Petitions presented—1065, 1066, 1577

Presided at sessions of the Senate—1417, 1647

Reports—97

Resolutions offered—795, 1342, 1441, 1462, 1572-1573, 1614

Subcommittee assignments—92, 179, 240, 241, 310, 311, 312, 381, 383, 488, 535, 536, 537, 631, 633, 634, 635, 881, 884, 989, 990, 992, 1380, 1526, 1767

Subcommittee assignments, governor's appointments—102, 103, 104, 105, 106, 920, 1287

#### IMMEDIATE MESSAGE LIFTED—

Senate File 244—1590

**INDIVIDUAL CONFIRMATION CALENDAR, Senate Rule 60—**  
 (See also En Bloc Confirmation Calendar)

**INDIVIDUAL CONFIRMATION CALENDAR, Senate Rule 60—**

Placement on by Senators:

Harmison, Norma J. by Senator Rodgers—1435  
 Leibhart, Martha by Senator Charles Miller—1043  
 Mydland, Lavonne by Senator Dieleman—385  
 Pike, L.C. by Senator Dieleman—385  
 Prickett, Dr. Sally Brown by Senator Dieleman—385  
 Scalise, Lawrence F. By Senator Dieleman—385  
 Schlein, D.C., Milton by Senator Charles Miller—1043  
 Schmett, Kim D. by Senator Waldstein—979  
 Scott, Molly A. by Senator Junkins—1389  
 Sovern, Steve by Senator Dieleman—385  
 Zenti, Cecilia by Senator Slater—947

Placement on by standing committees:

Bailey, Jack C. by Small Business and Economic Development—313  
 Farrier, Harold by State Government—214  
 Confirmation—283-284, 482-486, 1544-1546, 1548  
 Refused Confirmation—1546-1548-1549-1549

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 Senators appointed to—27

**INTERIM COMMITTEES AND PROCEDURES—**  
 (See Legislative Council and/or Study Committees)

**INTRODUCTIONS—**  
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**INVESTIGATING COMMITTEES—Governor's Appointments—**  
 Committees to—102-106, 151, 243-244, 919-921, 994, 1287, 1434-1435  
 Reports—151-152, 183-185, 202, 212-214, 245-247, 278-279, 290, 313, 327, 343,  
 948, 978, 994-995, 1094, 1252, 1344-1345, 1381, 1528  
 Reports called up—174-175, 235-237, 283, 286-287, 404-405, 476, 482-485, 652-  
 653, 1043-1049, 1459-1461, 1549-1550, 1544-1549

**IOWA JOBS COMMISSION—**  
 Senators appointed to—27

**IPERS ADVISORY INVESTMENT BOARD—**  
 Senators appointed to—27

**JENSEN, JOHN W.—Senator Eleventh District**  
 Bills introduced—13, 156, 269, 321, 335, 516  
 Amendments filed—69, 117, 118, 120, 675, 699, 762, 874, 893, 1073, 1118, 1140,  
 1141, 1153, 1175, 1219, 1333, 1351, 1536, 1562, 1563, 1587, 1690

Amendments offered—69, 118, 512, 1073, 1153, 1179, 1219, 1333, 1562, 1587  
 Amendments withdrawn—117, 874, 963, 1161, 1333, 1543, 1563  
 Committee appointments—7, 1455, 1509  
 Presided at sessions of the Senate—150, 334, 816, 900  
 Received consent that amendment S-5779 to div. S-5738F to HF 2487,  
 previously withdrawn, be eligible for consideration—1336  
 Reports—1686, 1736  
 Resolutions offered—348-349, 795, 1342, 1572-1573  
 Rulings—900-901  
 Subcommittee assignments—178, 240, 241, 242, 243, 306, 308, 309, 310, 312,  
 381, 382, 383, 384, 487, 488, 491, 535, 536, 537, 632, 633, 634, 635, 882, 883,  
 884, 885, 989, 991  
 Subcommittee assignments, governor's appointments—919, 920

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(See also Capitol Centennial Commemoration)

Condition of the State and Budget Message of Governor Terry E. Branstad—32-40  
 Resolution relating to: HCR 101—18, 19 adopted  
 Condition of the Judicial Department Message of Chief Justice W.W. Reynolds—168-173  
 Resolution relating to: HCR 103—19, 30 adopted  
 Centennial Dedication of present Iowa State Capitol—133-150  
 Resolution relating to: HCR 102—18, 30 adopted  
 Address by former Governor and U.S. Senator Harold E. Hughes, Capitol Centennial Dedication—136-139  
 Address by Governor Terry E. Branstad, Capitol Centennial Dedication—140-142  
 Address by former Governor Robert D. Ray, Capitol Centennial Dedication—144-149  
 Former Governors Fulton, Erbe and Blue individually addressed the joint convention, Capitol Centennial Dedication—149  
 Pioneer Lawmakers and current legislators reminisced and reviewed issues debated by General Assemblies during last 100 years, Capitol Centennial Dedication, Extraordinary Resolution presented—150

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Appointments to—23

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Resolutions relating to:

Senate Concurrent Resolution 101, amend—19, 23, 57-58 adopted  
 Senate Concurrent Resolution 116, amend Rule 21—1462, 1500, 1767

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Bills introduced—238, 283, 285, 299, 322, 323, 419, 547, 561, 562, 582, 593, 601, 616, 617, 628-629, 630, 657, 658  
 Amendments filed—251, 525, 558, 574, 615, 959, 1006, 1066, 1067, 1255

Amendments offered—254, 545, 651, 677, 835, 876, 1081, 1126, 1132, 1133, 1184, 1194, 1328  
 Appointees investigation of—96, 916  
 Investigating committee reports—151-152, 948, 978  
 Resolutions offered—926, 1226  
 Subcommittee assignments—92, 94, 178, 179, 180, 181, 241, 242, 243, 307, 308, 309, 311, 312, 382, 383, 384, 488, 489, 490, 535, 537, 632, 633, 634, 759, 882, 883, 884, 885, 886, 990, 991, 992, 1208, 1525  
 Subcommittee assignments, governor's appointments—102, 919

#### JUDICIARY, COMMITTEE ON-SUBCOMMITTEES—

Comparative Negligence:  
 Appointments to—95  
 Sentencing:  
 Appointments to—95

#### JUNKINS, LOWELL L.—Senator Thirty-first District, Majority Floor Leader

Addressed the Senate, opening remarks—2-4  
 Bills introduced—14, 41, 74, 198, 220, 748, 926, 1205, 1407, 1592, 1760  
 Amendments filed—159, 161, 228, 623, 1352, 1652, 1689, 1719, 1721, 1754, 1756  
 Amendments offered—271, 1754  
 Announcements—23  
 Appointment made to Joint Legislative Intern Committee—23  
 Call of the Senate—1624  
 Called up appointees listed on En Bloc Confirmation Calendar—174-175, 235-237, 286-287, 404-405, 652-653, 1043-1049, 1459-1461, 1549-1550  
 Called up appointees listed on Individual Confirmation Calendar—1544-1549  
 Committee appointments—134, 1693  
 Petitions presented—783, 1411  
 Presided at sessions of the Senate—1524  
 Received consent that William Krahl and Arthur Claus be permitted in Senate Chamber to present analysis of governor's budget—55  
 Received consent that Steve Sovern and Lavonne Mydland be excused from introduction—962  
 Received consent to suspend Senate Rule 24, reconsideration of SF 2215—1641  
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Bills introduced—17, 41, 108, 219, 239

Amendments filed—1175, 1517

Appointed to Education Commission of the States—27

Resolutions offered—348-349, 795, 1441

Subcommittee assignments—240, 241, 242, 309, 311, 384, 491, 535, 634, 883

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Bills introduced—393, 419, 548, 562, 581, 582, 601, 602, 683

Amendments filed—319, 430, 526, 893, 942, 1006

Amendments offered—369, 461, 1022, 1114, 1193

Subcommittee assignments—93, 178, 179, 242, 243, 306, 307, 310, 381, 382, 490, 535, 536, 537, 538, 631, 632, 633, 635, 881, 882, 883, 884, 989, 990, 991, 1208, 1525

**MAJORITY FLOOR LEADER, Lowell L. Junkins**—Senator Thirty-first District  
 (See Junkins, Lowell L., Senator Thirty-first District, Majority Floor Leader)

**MANN, JR., THOMAS**—Senator Forty-third District

Bills introduced—13, 14, 16, 108, 445, 455

Amendments filed—71, 267, 347, 558, 574, 651, 674, 675, 722, 750, 762, 772, 788, 792, 793, 809, 853, 876, 893, 1006, 1051, 1057, 1083, 1084, 1096, 1119, 1133,

1134, 1140, 1198, 1211, 1212, 1289, 1333, 1335, 1337, 1339, 1340, 1358, 1369,

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Amendments offered—288, 352, 651, 747, 766, 772, 776, 777, 788, 792, 793, 871, 872, 876, 912, 986, 1051, 1057, 1083, 1084, 1088, 1119, 1126, 1132, 1133,

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1638, 1640, 1662, 1666, 1723

Amendments withdrawn—871, 876, 1605, 1617, 1666

Committee appointments—168, 432, 1455, 1643

Petitions presented—673

Presided at sessions of the Senate—268, 786, 835, 860, 988

Reports—1495, 1648, 1736

Resolutions offered—1441, 1462, 1572-1573, 1614, 1654

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Subcommittee assignments, governor's appointments—102, 103, 104, 105, 106,  
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Senators appointed to—27

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Supplemental reports—1345

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Reports—21

Supplemental reports—9

## MILLER, ALVIN V.—Senator Tenth District

Bills introduced—238, 334

Amendments filed—434, 687, 750, 922, 984, 1067, 1087, 1122, 1133, 1156, 1175,  
1211, 1324, 1411, 1596, 1731

Amendments offered—434, 687, 1087, 1105, 1156

Amendments withdrawn—687, 1297

Announced that Senate Page, Candi Cline, 18, of Mason City, was chosen to  
represent Iowa in the America's Home Coming Queen Pageant—1386

Committee appointments—12

Presided at sessions of the Senate—946

Reports—97

Resolutions offered—795, 1441, 1462, 1492, 1572-1573

Subcommittee assignments—242, 308, 309, 381, 383, 384, 488, 490, 535, 538,  
633, 634, 635, 760, 881, 882, 883, 885, 989, 992, 1525

Subcommittee assignments, governor's appointments—104, 105, 920

**MILLER, CHARLES P.—Senator Thirtieth District, President pro tempore**

Bills introduced—17, 41, 174, 192, 238, 285, 500, 507; 508

Amendments filed—430, 675, 750, 784, 809, 822, 943, 984, 1095, 1096, 1098,  
1112, 1140, 1289, 1324, 1411, 1596

Amendments offered—111, 448, 461, 862, 866, 869, 1014, 1098, 1112, 1155, 1165,  
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Appointed to State Functional Classification Review Board—27

Committee appointments—134, 1660

Committees appointed by in joint convention—134

Petitions presented—106, 1065

Presided at joint conventions—133, 134

Presided at sessions of the Senate—41, 56, 110, 132, 156, 192, 534, 1777

Reports—1736

Request, individual confirmation calendar—1043

Resolutions offered—393, 1441, 1492

Subcommittee assignments—92, 93, 178, 179, 241, 242, 306, 307, 308, 309, 312,  
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**MINORITY FLOOR LEADER, Calvin O. Hultman, Senator Forty-seventh District**

(See Hultman, Calvin O., Senator Forty-seventh District, Minority Floor  
Leader)

**MOTION TO OVERRIDE GOVERNOR'S VETO—**

Filed:

Senate File 2270—1565

Lost:

Senate File 2270—1565

**MOTIONS TO RECONSIDER AND RULINGS—**

Motions to reconsider—

Filed:

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Senate File 2220, S-5719 to S-5701—1306  
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Senate File 2236—781  
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Senate File 2243—736  
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Senate File 2271, S-5239—768  
Senate File 2271, S-5239—781  
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Senate File 2309—916  
Senate File 2317—905  
Senate File 2317—916  
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Senate File 2333—1878  
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Bills introduced—13, 16, 17, 156, 206, 367, 499  
 Amendments filed—161, 281, 301, 417, 459, 472, 498, 506, 591, 674, 750, 784,  
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 1536, 1595, 1700, 1719, 1723  
 Amendments offered—161, 300, 301, 448, 459, 512, 623, 684, 846, 866, 900, 1037,  
 1049, 1108, 1135, 1274, 1454, 1515, 1595  
 Amendments withdrawn—545, 623, 690, 1723  
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 Committee appointments—7, 31  
 Investigating committee reports—213-214, 343, 995  
 Petitions presented—673  
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 Resolutions offered—795, 1441, 1462, 1572-1573, 1614  
 Subcommittee assignments—92, 93, 94, 95, 178, 179, 181, 241, 242, 243, 307,  
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## SMALL, JR., ARTHUR A.—Senator Twenty-third District

Bills introduced—418  
 Amendments filed—64, 72, 107, 117, 297, 331, 339, 513, 533, 542, 558, 574, 582,  
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 Amendments offered—72, 117, 337, 338, 339, 513, 533, 576, 733, 772, 789, 844,  
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 Amendments withdrawn—72, 338, 576, 733, 734, 1338, 1689, 1722  
 Committee appointments—454, 1780  
 Investigating committee reports—327  
 Petitions presented—498, 783  
 Resolutions offered—393, 1441, 1462  
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 Subcommittee assignments—92, 93, 94, 179, 180, 181, 240, 241, 242, 243, 311,  
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Bills introduced—335, 419, 547, 562, 601, 602, 629

Amendments filed—319

Amendments offered—377

Appointees, investigation of—96, 97, 916

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**SOORHOLTZ, JOHN E.—Senator Thirty-Sixth District**

Bills introduced—190, 321

Amendments filed—234, 443, 784, 1175, 1439, 1690

Amendments offered—460

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Petitions presented—558

Presided at sessions of the Senate—495, 818, 1025

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Resolutions offered—348, 795, 1441, 1492, 1572-1573

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Bills introduced—199, 210, 336, 368, 500, 518, 547, 563, 575, 600, 627, 628, 630, 682-683, 693

Amendments filed—442, 472, 506, 559, 893, 960, 1006, 1095

Amendments offered—512, 593, 600, 846, 905, 1049, 1125

Appointees, investigation of—97, 916

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Subcommittee assignments—92, 93, 94, 95, 178, 179, 181, 241, 242, 243, 306, 307, 310, 312, 381, 383, 487, 488, 491, 536, 537, 631, 632, 633, 634, 635, 760, 881, 882, 883, 885, 886, 989, 991, 1208

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 Amendments filed—64, 372, 430, 434, 443, 615, 674, 692, 984, 1093, 1098, 1114, 1140, 1141, 1174, 1211, 1300, 1412, 1535, 1578, 1596, 1601, 1605, 1690, 1723  
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 Subcommittee assignments—92, 179, 240, 308, 310, 311, 381, 382, 383, 488, 491, 535, 538, 634, 760, 884, 990, 991, 992  
 Subcommittee assignments, governor's appointments—103, 104, 105, 106

#### TIEDEN, DALE L.—Senator Sixteenth District

- Bills introduced—126, 156, 173, 321, 323, 433  
 Amendments filed—47, 332, 442, 615, 784, 813, 853, 1140, 1157, 1275, 1276, 1518, 1535, 1578, 1596, 1667, 1690  
 Amendments offered—57, 448, 692, 1276  
 Amendments withdrawn—1293  
 Appointed to Administrative Rules Review Committee—26  
 Appointed to Medical Assistance Advisory Council—27

Call of the Senate—1624  
 Committee appointments—454, 845, 1455, 1483, 1509  
 Presented Bernard Wegmueller, exchange student from Bern, Switzerland—  
 1173  
 Presided at sessions of the Senate—1646  
 Reports—947, 1345, 1686, 1786  
 Resolution relating to, SCR 115—1764-1765 adopted  
 Resolutions offered—348-349, 393, 455, 795, 1462, 1572-1573, 1614  
 Subcommittee assignments—93, 178, 240, 242, 381, 382, 488, 535, 537, 632, 634,  
 635, 759, 881, 882, 884, 885, 886, 989, 990, 1208, 1380, 1767  
 Subcommittee assignments, governor's appointments—151

#### TRANSPORTATION, COMMITTEE ON—

Bills introduced—219, 285, 366, 432, 499, 592, 617, 656  
 Amendments filed—297, 442, 591, 943  
 Amendments offered—325, 474, 1030, 1040  
 Appointees, investigation of—916  
 Investigating committee reports—995, 1344, 1345  
 Subcommittee assignments—240, 241, 242, 306, 308, 309, 381, 382, 384, 487,  
 491, 535, 536, 537, 631, 632, 684, 635, 760, 882, 883, 884, 885, 989, 990  
 Subcommittee assignments, governor's appointments—920-921

#### UNANIMOUS CONSENT, REQUESTS—

(See Requests for Unanimous Consent)

#### VANDE HOEF, RICHARD—Senator Fourth District

Bills introduced—166, 192, 197, 219, 239, 253, 321, 1358  
 Amendments filed—347, 443, 481, 662, 773, 1096, 1098, 1173, 1255 1365, 1474,  
 1559, 1578, 1690  
 Amendments offered—449, 481, 662, 773, 1123, 1296, 1474  
 Committee appointments—12, 845  
 Investigating committee reports—1528  
 Petitions presented—1577  
 Presided at sessions of the Senate—173, 1291  
 Reports—97  
 Resolutions offered—348-349, 795, 1441, 1492, 1572-1573  
 Subcommittee assignments—307, 308, 310, 381, 490, 536, 631, 635, 882, 883,  
 884, 989, 990, 992, 1208  
 Subcommittee assignments, governor's appointments—102, 919

#### VAN GILST, BASS—Senator Thirty-fourth District

Bills introduced—125, 321, 399  
 Amendments filed—208, 217, 297, 430, 942, 1067, 1140, 1174, 1315, 1613, 1689,  
 1690, 1733  
 Amendments offered—300, 661, 1488  
 Amendments withdrawn—1315  
 Call of the Senate—1624  
 Committee appointments—7  
 Petitions presented—267  
 Presented Joey Wagner, 10, Ottumwa, Iowa, 1984 Easter Seal Ambassador—  
 394

Presided at sessions of the Senate—677, 814, 1580  
 Reports—947, 1345  
 Resolution relating to, SCR 115—1764-1765 adopted  
 Resolution relating to, SCR 117—1763 adopted  
 Resolutions offered—795, 1342, 1441, 1462, 1572-1573  
 Subcommittee assignments—178, 240, 241, 306, 308, 311, 381, 383, 490, 535,  
 536, 631, 633, 634, 760, 881, 884, 989, 991, 992, 1525, 1526

**WALDSTEIN, ARNE**—Senator Fifth District

Bills introduced—15, 16, 220, 473, 534, 560  
 Amendments filed—207, 270, 347, 615, 663, 675, 722, 746, 750, 809, 813, 942,  
 984, 1122, 1140, 1163, 1175, 1400, 1520, 1595, 1596, 1600, 1601, 1605, 1644,  
 1689, 1690  
 Amendments offered—270, 448, 663, 685, 745, 746, 1009, 1122, 1193, 1202, 1400,  
 1520, 1595, 1600, 1644, 1690  
 Amendments withdrawn—270, 1122, 1163, 1601, 1689  
 Committee appointments—12, 1643  
 Petitions presented—673, 674  
 Presided at sessions of the Senate—66  
 Reports—97, 1736  
 Request, individual confirmation calendar—979  
 Resolutions offered—348-349, 795, 1492, 1572-1573  
 Subcommittee assignments—93, 179, 243, 307, 308, 381, 535, 536, 631,  
 632, 633, 635, 881, 882, 883, 884, 886, 990, 991, 1525

**WAYS AND MEANS, COMMITTEE ON**—

Appointment to—26  
 Bills introduced—693, 694, 795-796, 879, 880, 927, 1462, 1463, 1492, 1506, 1538  
 Amendments filed—1488, 1645  
 Amendments offered—1488, 1645  
 Appointees, investigation of—97  
 Investigating committee reports—290  
 Subcommittee assignments—93, 240, 241, 306, 307, 311, 487, 490, 491, 631, 633,  
 759, 760, 881, 989, 992, 1525, 1526  
 Subcommittee assignments, governor's appointments—106

**WELLS, JAMES D.**—Senator Twenty-sixth District

Bills introduced—48, 156, 197, 270, 321  
 Amendments filed—207, 417, 430, 615, 675, 699, 704, 762, 1022, 1024, 1098,  
 1122, 1141, 1324, 1536, 1561  
 Amendments offered—207, 460, 812, 1024, 1038, 1114, 1182, 1543, 1561  
 Appointed to Iowa Advisory Commission on Intergovernmental Relations—27  
 Committee appointments—7  
 Petitions presented—205  
 Presided at sessions of the Senate—1301  
 Reports—21  
 Resolutions offered—393, 795, 1441, 1492, 1572-1573, 1614, 1646  
 Subcommittee assignments—94, 178, 241, 242, 243, 307, 308, 310, 312, 381, 382,  
 490, 536, 537, 538, 631, 632, 633, 634, 635, 881, 882, 989, 990, 1208, 1380,  
 1525  
 Subcommittee assignments, governor's appointments—102, 919

**WELSH, JOE J.—Senator Seventeenth District**

Bills introduced—198, 199, 206, 268, 445, 500

Amendments filed—297, 301, 338, 558, 591, 615, 674, 675, 687, 700, 784, 792,  
808, 809, 840, 960, 1067, 1083, 1140, 1146, 1202, 1384, 1397, 1411, 1439,  
1468, 1471, 1472, 1520, 1652, 1707

Amendments offered—301, 579, 594, 709, 768, 840, 910, 911, 1081, 1083, 1146,  
1152, 1471, 1472, 1521, 1707

Amendments withdrawn—209, 792, 912, 1397

Committee appointments—432

Presided at sessions of the Senate—1491, 1636, 1655

Reports—1495

Resolutions offered—349, 795, 1441, 1462, 1492, 1614

Rulings—1638, 1640

Subcommittees appointed to—95

Subcommittee assignments—92, 93, 94, 95, 178, 179, 180, 241, 242, 243, 307,  
309, 310, 381, 383, 384, 487, 488, 489, 491, 535, 536, 537, 631, 632, 633, 634,  
635, 759, 760, 881, 882, 884, 885, 989, 991, 992

Subcommittee assignments, governor's appointments—920